

LCB File No. R103-02

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this regulation.

Sec. 2. *“Operating permit to construct” is an operating permit allowing the construction and an initial period of operation of a proposed new Class I stationary source or modification to an existing Class I stationary source, provided that the owner or operator submit a complete application for a Class I operating permit within 12 months of the date of the initial startup of the new Class I stationary source or modification to an existing Class I source. The permit is signed and issued by the director approving, with conditions, the construction and operation of a source of any air contaminant.*

Sec. 3. *“Permit to Construct” means a document issued and signed by the director before November 1, 1995, certifying that:*

- 1. Adequate empirical data for a stationary source has been received and constitutes approval of location; or*
- 2. All portions of NAC 445B.300 to 445B.313, inclusive, and any other provisions of NAC 445B.001 to 445B.395, inclusive, have been complied with and constitutes approval of location and for construction.*

Sec. 4. *1. An owner or operator of a proposed new Class I stationary source or modification to an existing Class I stationary source may elect one of the following options for requesting the construction, startup and operation of the new stationary source or modification to the stationary source:*

(a) Apply for and obtain a new or revised operating permit to construct pursuant to NAC 445B.... to NAC 445B....

(b) Apply for and obtain a new or revised Class I Operating Permit pursuant to NAC 445B.... to NAC 445B....

2. If the owner or operator obtains a permit to construct, the owner or operator shall not be required to obtain an operating permit or revised operating permit prior to construction, startup and operation of the proposed stationary source or modification to the stationary source.

3. The owner or operator may continue to operate the new stationary source or modification to an existing stationary source provided that the owner or operator submits a complete application for a Class I operating permit within 12 months of the date of the initial startup of the new stationary source or modification to an existing stationary source.

Sec. 5. *1. In addition to the information required pursuant to NAC 445B.295, an application for an operating permit to construct must include:*

(a) Descriptions of all emissions of any regulated pollutants for which the source is defined as a major source

(b) Description of all emissions of regulated air pollutants from all emission units.

(c) An identification and a description of all points of emissions and all activities which may generate emissions of the regulated air pollutants described in paragraph (a) in sufficient detail to establish the basis for the applicability of standards and fees.

(d) The emission rates of all regulated air pollutants that are subject to an emissions limitation pursuant to an applicable requirement. The emission rates must be described in tons per year and in such terms as are necessary to establish compliance using the applicable standard reference test method.

(e) Any other information required by any applicable requirement.

(f) The calculations on which the information in subsection 1 and this subsection are based.

(g) A citation of and a description of all applicable requirements.

(h) A reference to any applicable test method used for determining compliance with each applicable requirement.

2. In addition to the information required pursuant to NAC 445B295 (general provisions) and NAC 445B295 (new), an operating permit to construct application must contain:

(a) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, as adopted pursuant to NAC 445B.221:

(1) All information required by 40 C.F.R. § 52.21; and

(2) Any other information that the director determines is necessary to process the application.

(b) For a proposed new major source or a proposed significant modification to an existing stationary source which is not subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality:

(1) All information required by NAC 445B.308 to 445B.313, inclusive;

(2) Any other information that the director determines is necessary to process the application; and

(3) For stationary sources subject to the provisions regarding new source review set forth in 42 U.S.C. §§ 7501-7515, inclusive, all information required by 42 U.S.C. § 7503.

In addition to the information required pursuant to subsections 1 and 2, an operating permit to construct application must include an environmental evaluation pursuant to NAC 445B.308, NAC 445B.310 and NAC 445B.311.

Sec. 6. 1. The director shall cite the legal authority for each condition contained in an operating permit to construct.

2. An operating permit to construct must contain the following conditions:

(a) The expiration date of the operating permit to construct must be defined as described in Section 5.

(b) The holder of the operating permit to construct shall retain records of all required monitoring data and supporting information for 5 years after the date of the sample collection, measurement, report or analysis. Supporting information includes all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.

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(c) Each of the conditions and requirements of the operating permit to construct is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.

(d) The holder of the operating permit to construct shall comply with all conditions of the operating permit to construct. Any noncompliance constitutes a violation and is a ground for:

(1) An action for noncompliance;

(2) Revoking, reissuing or termination of the operating permit to construct by the director; or

(3) Reopening or revising the operating permit to construct by the holder of the operating permit to construct as directed by the director.

(e) The need to halt or reduce activity to maintain compliance with the conditions of the operating permit to construct is not a defense to noncompliance with any condition of the operating permit to construct.

(f) The director may revise, revoke and reissue, reopen and revise, or terminate the operating permit to construct for cause.

(g) The operating permit to construct does not convey any property rights or any exclusive privilege.

(h) The holder of the operating permit to construct shall provide the director, within a reasonable time, with any information that the director requests in writing to determine whether cause exists for revoking or terminating the operating permit to construct, or to determine compliance with the conditions of the operating permit to construct.

(i) The holder of the operating permit to construct shall allow the director or any authorized representative, upon presentation of credentials, to:

(1) Enter upon the premises of the holder of the operating permit to construct where:

(I) The stationary source is located;

(II) Activity related to emissions is conducted; or

(III) Records are kept pursuant to the conditions of the operating permit to construct;

(2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the operating permit to construct;

(3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the operating permit to construct; and

(4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the operating permit to construct or applicable requirements.

(j) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the operating permit to construct are true, accurate, and complete.

(k) The operating permit to construct shall contain:

(1) All applicable requirements, emission limits and standards;

(2) Monitoring methods adequate to show compliance;

(3) Adequate recordkeeping and reporting requirements as deemed by the Director;

(4) Any other requirements deemed necessary by the Director.

Sec. 7. 1. Except for sources that are subject to 40 C.F.R. Part 52.21, within 45 days after the date of receipt of an application for an operating permit to construct, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 45 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or 46 days after the date of receipt, whichever is earlier. Within 90 days after the official date of submittal, the director shall issue or deny an operating permit to construct.

2. For Sources subject to 40 C.F.R. Part 52.21, within 30 days after the date of receipt of an application for an operating permit to construct, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 30 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or 31 days after the date of receipt, whichever is earlier. Within 180 days after the official date of submittal, the director shall issue or deny a permit to construct.

3. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.395, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director pursuant to subsection 1 or 2.

4. The director's review and preliminary intent to issue or deny a Class I operating permit to construct and the proposed conditions for the operating permit to construct must be made public and maintained on file with the director during normal business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality region where the source is located for 30 days to enable public and EPA participation and comment.

5. The director shall:

(a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the stationary source is located or in a state publication designed to give general public notice;

(b) Provide written notice to persons on a mailing list developed by the director, including those persons who request in writing to be included on the list;

(c) Provide notice by other means if necessary to ensure that adequate notice is given to the public;

(d) Provide a copy of the director's preliminary intent to issue or deny the operating permit to construct and the proposed operating permit to construct to the administrator; and

(e) Establish a 30-day period for public and EPA comments.

Sec. 8. 1. *If construction will occur in one phase, an operating permit to construct or the revision of an operating permit to construct for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the date on which the construction may be commenced upon a showing that the extension is justified.*

2. *If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the director. An operating permit to construct or the revision of an operating permit to construct for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the director. The director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified.*

Sec. 9. 1. *The following information is not required if the owner or operator applied for an operating permit to construct and no changes have been made to the facility. The information provided in the operating permit to construct application must be resubmitted as part of the Class I operating permit application.*

2. *In addition to the information required pursuant to NAC 445B.295 (general provisions), an application for a Class I operating permit must include:*

(a) *Descriptions of all emissions of any pollutants for which the source is major and all emissions of regulated air pollutants from all emission units.*

(b) *An identification and a description of all points of emissions and all activities which may generate emissions of the regulated air pollutants described in paragraph (a) in sufficient detail to establish the basis for the applicability of standards and fees.*

(c) *The emission rates of all regulated air pollutants that are subject to an emissions limitation pursuant to an applicable requirement. The emission rates must be described in tons per year and in such terms as are necessary to establish compliance using the applicable standard reference test method.*

(d) *Any other information required by any applicable requirement.*

(e) *The calculations on which the information in this subsection and subsection 1 are based.*

(f) *A citation of and a description of all applicable requirements.*

(g) *A reference to any applicable test method used for determining compliance with each applicable requirement.*

(h) *A compliance plan that contains the following:*

(1) *A description of the compliance status of the stationary source with respect to all applicable requirements.*

(2) *A description that includes the following:*

(I) *For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements.*

(II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis.

(III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a narrative description of how the stationary source will achieve compliance with each such requirement.

(3) Schedules of compliance as follows:

(I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements.

(II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis, unless the applicable requirement expressly requires a more detailed schedule for compliance.

(III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a schedule of compliance for each applicable requirement. Such a schedule must include a schedule of remedial measures, including, without limitation, an enforceable sequence of actions with milestones, leading to compliance with the applicable requirements with which the stationary source is not in compliance. If the stationary source is subject to a judicial consent decree or an administrative order regarding its noncompliance, the schedule must resemble and be at least as stringent as any schedule contained in the decree or order. Such a schedule of compliance must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based.

(4) A schedule for the submission of certified progress reports at least once every 6 months for a schedule of compliance to remedy a violation. Such progress reports must contain the following:

(I) Dates for performing activities or achieving milestones or compliance required in the schedule of compliance, and the dates when the activities, milestones or compliance occurred or were achieved; and

(II) An explanation as to why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

The content requirements of the compliance plan specified in this paragraph apply and must be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations adopted pursuant to Title IV of the Act with regard to the schedule and methods the source will use to achieve compliance with the emissions limitations relating to acid rain.

(i) Requirements for compliance certification, including:

(1) A certification of compliance with all applicable requirements by a responsible official, consistent with this section and 42 U.S.C. § 7414(a)(3);

(2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and methods of testing;

(3) A schedule for submission of certifications of compliance during the term of the permit to be submitted not less frequently than annually, or more frequently if so specified by the underlying applicable requirement or the permitting authority; and

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(4) A statement indicating the status of compliance by the stationary source with any applicable enhanced monitoring and compliance certification requirements of the Act.

3. In addition to the information required pursuant to subsections 1 and 2, a Class I-B application for a Class I operating permit must contain:

(a) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, as adopted pursuant to NAC 445B.221:

(1) All information required by 40 C.F.R. § 52.21; and

(2) Any other information that the director determines is necessary to process the application.

(b) For a proposed new major source or a proposed significant modification to an existing stationary source which is not subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality:

(1) All information required by NAC 445B.308 to 445B.313, inclusive;

(2) Any other information that the director determines is necessary to process the application; and

(3) For stationary sources subject to the provisions regarding new source review set forth in 42 U.S.C. §§ 7501-7515, inclusive, all information required by 42 U.S.C. § 7503.

(c) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the requirements of 42 U.S.C. § 7412 regarding hazardous air pollutants:

(1) All information required by NAC 445B.308 to 445B.313, inclusive; and

(2) Any other information that the director determines is necessary to process the application.

Sec. 10. *For the purposes of determining the effects of Class I sources on the quality of ambient air and determining the applicability of a federally enforceable standard or requirement to an emission unit, the heat input will be determined by using the appropriate method of the American Society for Testing and Materials (ASTM) contained in 40 C.F.R. Parts 51, 52, 60 and 61.*

Sec. 11. *Except as otherwise provided in this subsection and NAC 445B.303, within 60 days after the date on which an application for a Class I operating permit or for the significant revision of such an operating permit is received, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine that the application is complete. Unless the director determines that the application is incomplete within 60 days after the date of receipt, the official date of submittal shall be deemed to be the date on which the director determines that the application is complete or 61 days after the date of receipt, whichever is earlier.*

1. Except as otherwise provided in this subsection and NAC 445B.303, within 180 days after the official date of submittal of an application for a Class I operating permit or for the revision of a Class I operating permit, the director shall make a preliminary determination to issue or deny the operating permit or the revision of the operating permit. The director shall

give preliminary notice of his intent to issue or deny the operating permit or the revision of the operating permit within 180 days after the official date of submittal.

2. Within 10 working days after the receipt of an application for a minor revision of a Class I operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine the application to be incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date on which the director receives the application, the official date of submittal is the date on which the director determines that the application is complete, or 11 working days after the date of receipt, whichever is earlier.

3. The director's review and preliminary intent to issue or deny a Class I operating permit and the proposed conditions for the operating permit must be made public and maintained on file with the director during normal business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality region where the source is located for 30 days to enable public participation and comment and a review by any affected states.

4. The director shall:

(a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the stationary source is located or in a state publication designed to give general public notice;

(b) Provide written notice to:

(1) Persons on a mailing list developed by the director, including those persons who request in writing to be included on the list; and

(2) Any affected state;

(c) Provide notice by other means if necessary to ensure that adequate notice is given to the public and affected states;

(d) Provide a copy of the director's review of the application, the director's preliminary intent to issue or deny the operating permit and the proposed operating permit to the administrator; and

(e) Establish a 30-day period for public comment.

5. Except as otherwise provided in NAC 445B.321, the provisions of subsections 4 and 5 do not apply to an administrative amendment to a permit made pursuant to NAC 445B.319, a change without revision to a permit made pursuant to NAC 445B.320 or a minor revision of a Class I operating permit made pursuant to NAC 445B.321.

6. The notice required pursuant to subsection 5 must identify:

(a) The affected facility and the name and address of the applicant;

(b) The name and address of the authority processing the operating permit;

(c) The activity or activities involved in the operating permit and the emissions change involved in any revision of the operating permit;

(d) The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the proposed conditions for the operating permit, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the operating permit and which are relevant to the determination of the issuance of the operating permit; and

(e) A brief description of the procedures for public comment and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing.

7. All comments on the director's review and preliminary intent for issuance or denial must be submitted in writing to the director within 30 days after the public announcement. The director shall give notice of any public hearing at least 30 days before the date of the hearing. The director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation.

8. Except as otherwise provided in subsection 10 and NAC 445B.319, 445B.320 and 445B.321, within 12 months after the official date of submittal of a Class I-B application, the director shall issue or deny the application for an operating permit or for a revision of the operating permit. The director shall make his decision by taking into account written comments from the public, affected states, and the administrator and the comments made during public hearings on the director's review and preliminary intent for issuance or denial, information submitted by proponents of the project and the effect of such a facility on the maintenance of the state, and national ambient air quality standards contained in NAC 445B.391 and the control strategy contained in the air quality plan. The director shall send a copy of the final permit to the administrator.

9. For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, adopted pursuant to NAC 445B.221, the director shall issue or deny an application for an operating permit, or for the revision or renewal of such an operating permit, within 12 months after receiving a complete application.

10. The director shall not issue an operating permit, or a revision of or a renewal of an operating permit, if the administrator objects to its issuance in writing within 45 days after the administrator's receipt of the proposed conditions for the operating permit and the necessary supporting information.

11. Any person may petition the administrator to request that he object to an operating permit as provided in 40 C.F.R. § 70.8(d).

12. If the administrator objects to the issuance of an operating permit of his own accord or in response to a public petition, the director shall submit revised proposed conditions for the operating permit in response to the objection within 90 days after the date on which he is notified of the objection.

13. If construction will occur in one phase, an operating permit or the revision of an operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the date on which the construction may be commenced upon a showing that the extension is justified.

If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the director. An operating permit or the revision of an operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the director. The director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified.

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- Sec. 12.** *1. All operating permits must be renewed 5 years after the date of issuance.*
- 2. A complete application for renewal of an operating permit must be submitted to the director on the form provided by the director with the appropriate fee*
- (a) At least 180 days, but no earlier than 18 months, before the expiration date of the current permit for Class I stationary sources.*
- 3. Applications for renewal must comply with all requirements for the issuance of an initial operating permit as specified in NAC 445B.300.*
- 4. If an application for renewal is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing operating permit until the permit is renewed or the application for renewal is denied. If an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the operating permit expires, and may not recommence the operation until the operating permit is renewed.*
- 5. The fee for the renewal of an operating permit is as specified in NAC 445B.327.*

- Sec. 13.** *1. The director may issue a general permit covering numerous similar stationary sources.*
- 2. A general permit must set forth the criteria by which stationary sources may qualify for the general permit.*
- 3. A general permit which covers stationary sources that would otherwise be required to be covered by a Class I operating permit must:*
- (a) Ensure compliance with all applicable requirements; and*
- (b) Not be granted until the requirements for public participation and comment and a review by any affected states and the administrator pursuant to NAC 445B.300 have been completed.*
- 4. If the administrator does not object within 45 days after receiving a proposed general permit which covers stationary sources that would otherwise be required to apply for a Class I operating permit, the general permit becomes effective at the end of the 45-day period. If the administrator objects to the general permit, the general permit becomes effective when the objection is resolved.*
- 5. After the effective date of a general permit, the owner or operator of any stationary source that meets the criteria set forth in the general permit may request authority to operate under the general permit. The request must be in writing and must include all the information required by the general permit.*
- 6. The director shall grant or deny authority to operate under a general permit within 30 days after his receipt of a request for such authority. The director's decision to grant or deny an application for authority to operate under the terms of a general permit is not subject to the requirements of NAC 445B.300.*
- 7. A person may challenge the provisions of a general permit only at the time the general permit is issued. The director's grant or denial of authority to operate under a general permit to a stationary source or stationary sources does not provide an opportunity for an administrative review or a judicial review of the general permit.*
- 8. The director shall not grant authority to operate under a general permit to an affected source.*
- 9. The term of a general permit is 5 years.*

10. The authority to operate under a general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a general permit shall apply to renew his authority to operate under the general permit at least 30 days before his authorization expires.

11. A stationary source which obtains authorization to operate under a general permit but is later determined not to qualify under the conditions of the general permit may be subject to an action enforcing the prohibition against operating without a permit.

Sec. 14. An owner or operator of any stationary source that is not subject to the requirements of NAC 445B.289 or 445B.290 must submit an application for and obtain a Class II operating permit pursuant to this section, if applicable, a Class III operating permit pursuant to NAC 445B.292 of this regulation. For a proposed stationary source or a proposed modification to a stationary source that is not subject to the requirements of NAC 445B.289 or 445B.290, an owner or operator must file an application and obtain a Class II operating permit or a revision to an existing Class II operating permit, pursuant to this section, if applicable, a Class III operating permit pursuant to this section or, if applicable, a Class III operating permit pursuant to NAC 445B.292 before commencing construction of the proposed stationary source of the proposed modification.

Sec. 15. For the purposes of determining the effects of a Class II sources on the quality of ambient air pursuant to NAC 445B.308 to 445B.313, inclusive, the heat input is the aggregate heat content of all combusted fuels, or the guaranteed maximum input of the manufacturer or designer of the equipment, whichever is greater. The total heat input of all fuel-burning units in a plant or on the premises must be used to determine the maximum amount of a regulated air pollutant which may be emitted.

Sec. 16. 1. Except as otherwise provided in NAC 445B.319 and 445B.320, within 10 working days after the date of receipt of an application for a Class II operating permit or for the revision of a Class II operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. The director shall issue or deny an operating permit or the revision of an operating permit:

(a) For a Class II operating permit, within 60 days after the official submittal of the application

2. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.395, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director

- Sec. 17.** *1. All operating permits must be renewed 5 years after the date of issuance.*
- 2. A complete application for renewal of an operating permit must be submitted to the director on the form provided by the director with the appropriate fee*
- a. At least 30 days before the expiration date of the current permit for Class II sources.*
- 3. Applications for renewal must comply with all requirements for the issuance of an initial operating permit as specified in NAC 445B.300.*
- 4. If an application for renewal is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing operating permit until the permit is renewed or the application for renewal is denied. If an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the operating permit expires, and may not recommence the operation until the operating permit is renewed.*
- 5. The fee for the renewal of an operating permit is as specified in NAC 445B.327.*

- Sec. 18.** *1. The director may issue a general permit covering numerous similar stationary sources.*
- 2. A general permit must set forth the criteria by which stationary sources may qualify for the general permit.*
- 3. After the effective date of a general permit, the owner or operator of any stationary source that meets the criteria set forth in the general permit may request authority to operate under the general permit. The request must be in writing and must include all the information required by the general permit.*
- 4. The director shall grant or deny authority to operate under a general permit within 30 days after his receipt of a request for such authority. The director's decision to grant or deny an application for authority to operate under the terms of a general permit is not subject to the requirements of NAC 445B.300.*
- 5. A person may challenge the provisions of a general permit only at the time the general permit is issued. The director's grant or denial of authority to operate under a general permit to a stationary source or stationary sources does not provide an opportunity for an administrative review or a judicial review of the general permit.*
- 6. The director shall not grant authority to operate under a general permit to an affected source.*
- 7. The term of a general permit is 5 years.*
- 8. The authority to operate under a general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a general permit shall apply to renew his authority to operate under the general permit at least 30 days before his authorization expires.*
- 9. A stationary source which obtains authorization to operate under a general permit but is later determined not to qualify under the conditions of the general permit may be subject to an action enforcing the prohibition against operating without a permit.*

Sec. 19. *An owner or operator of any stationary source that is not subject to the requirements of NAC 445B.289 or 445B.290 must submit an application for and obtain a Class III operating permit pursuant to NAC 445B.292. For a proposed stationary source or a proposed modification to a stationary source that is not subject to the requirements of NAC*

445B.289 or 445B.290, an owner or operator must file an application and obtain a Class III operating permit before commencing construction of the proposed stationary source of the proposed modification.

Sec. 20. *For the purposes of determining the effects of a Class III sources on the quality of ambient air pursuant to NAC 445B.308 to 445B.313, inclusive, the heat input is the aggregate heat content of all combusted fuels, or the guaranteed maximum input of the manufacturer or designer of the equipment, whichever is greater. The total heat input of all fuel-burning units in a plant or on the premises must be used to determine the maximum amount of a regulated air pollutant which may be emitted.*

Sec. 21. *In addition to the conditions set forth in NAC 445B.315, Class III operating permits must contain, as applicable:*

1. Emission limitations and standards, including those operational requirements and limitations that ensure compliance with the conditions of the operating permit.

2. All requirements for monitoring, testing and reporting that apply to the stationary source.

3. A requirement that the owner or operator of the stationary source promptly report any deviations from any requirements of the operating permit.

4. The terms and conditions for any reasonably anticipated alternative operating scenarios identified by the owner or operator of the stationary source in his application and approved by the director. Such terms and conditions must require the owner or operator to keep a contemporaneous log of changes from one alternative operating scenario to another.

5. A schedule of compliance for stationary sources that are not in compliance with any applicable requirement or NAC 445B.001 to 445B.395, inclusive, at the time the operating permit is issued, including:

(a) Semiannual progress reports and a schedule of dates for achieving milestones;

(b) Prior notice of and explanations for missed deadlines; and

(c) Any preventive or corrective measures taken.

6. Requirements for compliance certification which reflect the terms and conditions of the operating permit. A compliance certification must include:

(a) An identification of each term or condition of the operating permit that is the basis of the certification;

(b) The status of the stationary source's compliance with any applicable requirement;

(c) A statement of whether compliance was continuous or intermittent;

(d) The method used for determining compliance; and

(e) Any other facts that the director deems necessary to determine compliance.

Sec. 22. *1. Except as otherwise provided in NAC 445B.319 and 445B.320, within 10 working days after the date of receipt of an application for a Class III operating permit or for the revision of a Class III operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date of receipt of the application, the official date of submittal of the application*

shall be deemed to be the date on which the director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. The director shall issue or deny an operating permit or the revision of an operating permit:

a. For a Class III operating permit, within 30 days of the submittal of the application.

2. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.395, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director.

Sec. 23. *1. All operating permits must be renewed 5 years after the date of issuance.*

2. A complete application for renewal of an operating permit must be submitted to the director on the form provided by the director with the appropriate fee

a. At least 30 days before the expiration date of the current permit for Class III sources.

3. Applications for renewal must comply with all requirements for the issuance of an initial operating permit as specified in NAC 445B.300.

4. If an application for renewal is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing operating permit until the permit is renewed or the application for renewal is denied. If an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the operating permit expires, and may not recommence the operation until the operating permit is renewed.

5. The fee for the renewal of an operating permit is as specified in NAC 445B.327.

Sec. 24. NAC 445B.123 is hereby amended to read as follows:

445B.123 “Operating permit” has the meaning ascribed to it in NRS 445B.145. Unless otherwise specifically stated, the term includes a Class I, a Class II and a Class III operating permit ~~and~~ *and an operating permit to construct.*

Sec. 25. NAC 445B.22097 is hereby amended to read as follows:

445B.22097 1. The table contained in this section lists the minimum standards of quality for ambient air.

NEVADA STANDARDS A			NATIONAL STANDARDS B			
POLLUTANT	AVERAGING TIME	CONCENTRATION	METHOD	PRIMARY C, E	SECONDARY C, F	METHOD
Ozone	1 Hour	235 µg/m ³ (0.12 ppm)	Chemiluminescent	235 µg/m ³ (0.12 ppm)	Same as Primary	Chemiluminescent
Ozone-Lake Tahoe Basin, #90	1 Hour	195 µg/m ³ (0.10 ppm)				
Carbon Monoxide less than 5,000' above Mean-Sea Level	8 Hours	10,000 µg/m ³ (9.0 ppm)	Nondispersive-Infrared	10 mg/m ³	Same as Primary	Nondispersive-Infrared
At or greater than 5,000' above Mean Sea Level		6,670 µg/m ³ (6.0 ppm)		(9.0 ppm)		
Carbon Monoxide at any elevation	1 Hour	40,000 µg/m ³ (35 ppm)		40 mg/m ³ (35 ppm)		
Nitrogen Dioxide	Annual Arithmetic Mean	100 µg/m ³ (0.05 ppm)	Chemiluminescent	100 µg/m ³ (0.05 ppm)	Same as Primary	Chemiluminescent
Sulfur Dioxide	Annual Arithmetic Mean	80 µg/m ³ (0.03 ppm)	Ultraviolet Fluorescence	80 µg/m ³ (0.03 ppm)	Same as Primary	Pararosaniline Method
	24 Hours	365 µg/m ³ (0.14 ppm)		365 µg/m ³ (0.14 ppm)		
	3 Hours	1,300 µg/m ³ (0.5 ppm)		None	1,300 µg/m ³ (0.5 ppm)	
Particulate Matter as PM10	Annual Arithmetic Mean	50 µg/m ³	High Volume PM10 Sampling	50 µg/m ³	Same as Primary	High Volume PM10 Sampling
	24 Hours	150 µg/m ³		150 µg/m ³		
Lead (Pb)	Quarterly Arithmetic Mean	1.5 µg/m ³	High Volume Sampling, Acid Extraction and Atomic Absorption Spectrometry	1.5 µg/m ³	Same as Primary	High Volume Sampling, Acid Extraction and Atomic Absorption Spectrometry
Visibility	Observation	In sufficient amount to reduce the prevailing visibility to less than 30 miles when humidity is less than 70%	Observer or camera	—	—	—
Hydrogen Sulfide	1 Hour	112 µg/m ³ (0.08 ppm)	Cadmium Hydroxide Stracatan Method	—	—	—

POLLUTANT	AVERAGING TIME	NEVADA STANDARDS A		NATIONAL STANDARDS B		
		CONCENTRATION	METHOD	PRIMARY, E	SECONDARY, F	METHOD
Ozone	1 hour	0.12 ppm (235 g/m ³)	Chemiluminescence	0.12 ppm (235 g/m ³)	Same as primary	Chemiluminescence
	8 hours	--	--	0.08 ppm		
Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 g/m ³)	Chemiluminescence	--	--	--
Carbon monoxide less than 5,000' above mean sea level	8 hours	9 ppm (10 mg/m ³)	Nondispersive infrared photometry	9 ppm (10 mg/m ³)	None	Nondispersive infrared photometry
At or greater than 5,000' above mean sea level		6 ppm (6.7 mg/m ³)				
Carbon monoxide at any elevation		1 hour				
Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 g/m ³)	Gas phase chemiluminescence	0.053 ppm (100 g/m ³)	Same as primary	Gas phase chemiluminescence
	Annual arithmetic mean	0.03 ppm		0.03 ppm		

Sulfur dioxide	24 hours	0.14 ppm	Ultraviolet fluorescence	0.14 ppm	None	Pararosaniline method
	3 hours	0.5 ppm		None	0.5 ppm	
Particulate matter as PM10C	Annual arithmetic mean	50 g/m3	High volume PM10 sampling	50 g/m3	Same as primary	High volume PM10 sampling
	24 hours	150 g/m3		150 g/m3		
Particulate matter as PM2.5	Annual arithmetic mean			15.0 g/m3	Same as primary	Low volume PM2.5 sampling
	24 hours	--	--	65 g/m3		
Lead (Pb)	Quarterly arithmetic mean	1.5 g/m3	High volume sampling, acid extraction and atomic absorption spectrometry	1.5 g/m3	Same as primary	High volume sampling, acid extraction and atomic absorption spectrometry
Visibility	Observation	In sufficient amount to reduce the prevailing visibility to less than 30 miles when humidity is less than 70%	Observer or camera	--	--	--
Hydrogen sulfide	1 hour	0.08 ppm (112 g/m3)H	Cadmium hydroxide stractan method	--	--	--

Notes:

Note A: These standards must not be exceeded in areas where the general public has access.

Note B: These standards, other than for ozone, *particulate matter*, and those based on annual averages, must not be exceeded more than once per year. The *one-hour* ozone standard is attained when the expected number of days per calendar year with a maximum hourly average concentration above the standard is equal to or less than one. *The eight-hour ozone standard is attained when a three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentrations is not greater than the standard. The PM10 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above the standard is equal to or less than one. The expected number of days per calendar year is generally based on an average of the number of exceedances per year for the last three years.*

Note C: ~~[Concentration]~~ *Where applicable, concentration* is expressed first in units in which it was adopted ~~[and is based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury.]~~ All measurements of air quality *that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for PM2.5* must be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of Hg (1,013.2 millibars); ppm in this table refers to ppm by volume, or micromoles of regulated air pollutant per mole of gas.

Note D: Any reference method specified in accordance with 40 C.F.R. Part 50 or any reference method or equivalent method designated in accordance with 40 C.F.R. Part 53 may be substituted.

Note E: National primary standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.

Note F: National secondary standards are the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a regulated air pollutant.

Note G: For the purposes of this section, prevailing visibility means the greatest visibility which is attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors.

Note H: The ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations.

2. All values are corrected to reference conditions.
3. As used in this section:

(a) “µg/m³” means micrograms per cubic meter.

(b) “ppm” means part per million by volume.

4. These standards of quality for ambient air are minimum goals and it is the intent of the state environmental commission in this section to protect the existing quality of Nevada’s air to the extent that it is economically and technically feasible.

Sec. 26. NAC 445B.221 is hereby amended to read as follows:

445B.221 1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165 and 52.21, and Appendix S and Appendix W of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, ~~1998.~~ 2000.

2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 1998:

(a) Subpart A, General Provisions.

(b) *Subpart C, Emission Guidelines and Compliance Times.*

(c) *Subpart Cb, Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or before September 20, 1994.*

(d) *Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.*

(e) *Subpart Cd, Emission Guidelines and Compliance Times for Sulfuric Acid Production Units.*

(f) *Subpart Ce, Emission Guidelines for Hospital/Medical/Infectious Waste Incinerator.*

(g) Subpart D, Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

~~(e)~~ (h) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

~~(d)~~ (i) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

~~(e)~~ (j) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

~~(f)~~ (k) Subpart E, Standards of Performance for Incinerators.

~~(g)~~ (l) Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994.

(m) *Subpart Eb, Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.*

(n) *Subpart Ec, standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.*

~~(h)~~ (o) Subpart F, Standards of Performance for Portland Cement Plants.

~~(i)~~ (p) Subpart G, Standards of Performance for Nitric Acid Plants.

~~(j)~~ (q) Subpart H, Standards of Performance for Sulfuric Acid Plants.

~~(k)~~ (r) Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

~~(l)~~ (s) Subpart J, Standards of Performance for Petroleum Refineries.

~~(m)~~ (t) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

~~[(n)]~~ (u) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.

~~[(o)]~~ (v) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

~~[(p)]~~ (w) Subpart L, Standards of Performance for Secondary Lead Smelters.

~~[(q)]~~ (x) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.

~~[(r)]~~ (y) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

~~[(s)]~~ (z) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.

~~[(t)]~~ (aa) Subpart O, Standards of Performance for Sewage Treatment Plants.

~~[(u)]~~ (bb) Subpart P, Standards of Performance for Primary Copper Smelters.

~~[(v)]~~ (cc) Subpart Q, Standards of Performance for Primary Zinc Smelters.

~~[(w)]~~ (dd) Subpart R, Standards of Performance for Primary Lead Smelters.

~~[(x)]~~ (ee) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.

~~[(y)]~~ (ff) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

~~[(z)]~~ (gg) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

~~[(aa)]~~ (hh) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

~~[(bb)]~~ (ii) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

~~[(cc)]~~ (jj) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

~~[(dd)]~~ (kk) Subpart Y, Standards of Performance for Coal Preparation Plants.

~~[(ee)]~~ (ll) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.

~~[(ff)]~~ (mm) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.

~~[(gg)]~~ (nn) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.

~~[(hh)]~~ (oo) Subpart BB, Standards of Performance for Kraft Pulp Mills.

~~[(ii)]~~ (pp) Subpart CC, Standards of Performance for Glass Manufacturing Plants.

~~[(jj)]~~ (qq) Subpart DD, Standards of Performance for Grain Elevators.

~~[(kk)]~~ (rr) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.

~~[(ll)]~~ (ss) Subpart GG, Standards of Performance for Stationary Gas Turbines.

~~[(mm)]~~ (tt) Subpart HH, Standards of Performance for Lime Manufacturing Plants.

~~[(nn)]~~ (uu) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.

~~[(oo)]~~ (vv) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.

~~[(pp)]~~ (ww) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.

~~[(qq)]~~ (xx) Subpart NN, Standards of Performance for Phosphate Rock Plants.

~~[(rr)]~~ (yy) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.

~~[(ss)]~~ (zz) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

~~[(tt)]~~ (aaa) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

~~[(uu)]~~ (bbb) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.

~~[(vv)]~~ (ccc) Subpart TT, Standards of Performance for Metal Coil Surface Coating.

~~[(ww)]~~ (ddd) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

~~[(xx)]~~ (eee) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

~~[(yy)]~~ (fff) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.

~~[(zz)]~~ (ggg) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.

(hhh) Subpart AAA, Standards of Performance for New Residential Wood Heaters.

(iii) Subpart BBB, Standards of Performance for Rubber Tire Manufacturing Industry.

~~[(aaa)]~~ (jjj) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

~~[(bbb)]~~ (kkk) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

~~[(eee)]~~ (lll) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

~~[(ddd)]~~ (mmm) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.

~~[(eee)]~~ (nnn) Subpart III, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

~~[(fff)]~~ (ooo) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.

~~[(ggg)]~~ (ppp) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

~~[(hhh)]~~ (qqq) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.

~~[(iii)]~~ (rrr) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

~~[(jjj)]~~ (sss) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

~~[(kkk)]~~ (ttt) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

(uuu) Subpart QQQ, Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.

(vvv) Subpart RRR, Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

(www) Subpart SSS, Standards of Performance for Magnetic Tape Coating Facilities.

(xxx) Subpart TTT, Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

~~{(HH)}~~ *(yyy) Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries.*

(zzz) Subpart VVV, Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.

~~{(mmm)}~~ *(aaaa) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.*

~~{3. Title 40 C.F.R. Part 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is hereby adopted by reference as it existed on September 15, 1997. A copy of Subpart Ec may be obtained free of charge from the Nevada Bureau of Air Quality, 333 West Nye Lane, Carson City, Nevada 89706-0851.~~

~~—4.]~~ **3.** The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, ~~{1998:}~~ **2000:**

(a) Subpart A, General Provisions.

(b) Subpart B, National Emission Standards for Radon Emissions From Underground Uranium Mines.

~~{(b)}~~ *(c) Subpart C, National Emission Standard for Beryllium.*

~~{(e)}~~ *(d) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.*

~~{(d)}~~ *(e) Subpart E, National Emission Standard for Mercury.*

~~{(e)}~~ *(f) Subpart F, National Emission Standard for Vinyl Chloride.*

(g) Subpart H, National Emission Standards for Emissions of Radionuclides other Than Radon From Department of Energy Facilities.

(h) Subpart I, National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.

(i) Subpart J, National Emission Standards for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(j) Subpart K, National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants.

(k) Subpart L, National Emission Standards for Benzene Emissions form Coke By-Product Recovery Plants.

(l) Subpart M, National Emission Standards for Asbestos.

(m) Subpart N, National Emission Standards for Inorganic Arsenic Emissions From Glass Manufacturing Plants.

(n) Subpart O, National Emission Standards for Inorganic Arsenic Emissions From Primary Copper Smelters.

(o) Subpart P, National Emission Standards for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.

(p) Subpart Q, National Emission Standards for Radon Emissions From Department of Energy Facilities.

(q) Subpart R, National Emission Standards for Radon Emissions From Phosphogypsum Stacks.

(r) Subpart T, National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings.

- (s) *Subpart V, National Emission Standards for Equipment Leaks (Fugitive Emission Sources).*
- (t) *Subpart W, National Emission Standards for Radon Emissions from Operating Mill Tailings.*
- (u) *Subpart X, National Emission Standards for Benzene storage Vessels.*
- ~~(v)~~ (v) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
- ~~(w)~~ (w) Subpart FF, National Emission Standard for Benzene Waste Operations.
- ~~4.~~ 4. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, ~~1998:~~ 2000:
- (a) Subpart A, General Provisions.
- (b) Subpart B, Requirements for Control Technology Determinations, sections 63.40 to 63.44, inclusive.
- (c) *Subpart F, National Emission Standards for Organic Hazardous Air pollutants from the Synthetic Organic Chemical Manufacturing Industry.*
- (d) *Subpart G, National Emission Standards for Organic Hazardous Air pollutants from the Synthetic Organic Chemical Manufacturing for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.*
- (e) *Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.*
- (f) *Subpart I, National Emission Standards for Organic hazardous air pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.*
- (g) *Subpart L, National Emission Standards for Coke Oven Batteries.*
- ~~(h)~~ (h) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- ~~(i)~~ (i) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- (j) *Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities.*
- ~~(k)~~ (k) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- (l) *Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).*
- (m) *Subpart S, National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.*
- ~~(n)~~ (n) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.
- (o) *Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.*
- (p) *Subpart W, National Emission Standards for Hazardous Air pollutants for Epoxy Resin Production and Non-Nylon Polyamides production.*
- (q) *Subpart X, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.*
- (r) *Subpart Y, National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations.*
- (s) *Subpart AA, National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid manufacturing Plants.*

- (t) Subpart BB, National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.*
- (u) Subpart CC, National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries.*
- (v) Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.*
- (w) Subpart EE, National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations.*
- (x) Subpart GG, National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing and Rework Facilities.*
- (y) Subpart HH, National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.*
- (z) Subpart II, National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating).*
- ~~(g)~~ *(aa) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.*
- ~~(h)~~ *(bb) Subpart KK, National Emission Standards for the Printing and Publishing Industry.*
- (cc) Subpart LL, National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.*
- ~~(i)~~ *(dd) Subpart OO, National Emission Standards for Tanks - Level 1.*
- ~~(j)~~ *(ee) Subpart PP, National Emission Standards for Containers.*
- ~~(k)~~ *(ff) Subpart QQ, National Emission Standards for Surface Impoundments.*
- ~~(l)~~ *(gg) Subpart RR, National Emission Standards for Individual Drain Systems.*
- (hh) Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.*
- (ii) Subpart TT, National Emission Standards for Equipment Leaks – Control Level 1.*
- (jj) Subpart UU, National Emission Standards for Equipment Leaks – Control Level Standards.*
- (kk) Subpart WW, National Emission Standards for Storage Vessels (Tanks) –Control Level 2.*
- (ll) Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.*
- (mm) Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.*
- (nn) Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.*
- (oo) Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.*
- (pp) Subpart GGG, National Emission Standards for Pharmaceuticals Production.*
- (qq) Subpart HHH, National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.*
- (rr) Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.*
- (ss) Subpart JJJ, National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins.*

(tt) Subpart LLL, National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.

(uu) Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(vv) Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(ww) Subpart OOO, National Emission Standards for Hazardous Air Pollutants Emissions: Manufacture of Amino/Phenolic Resins.

~~[(m)]~~ *(xx) Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.*

~~[6.]~~ **5.** Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, ~~[1998.]~~ **2000.** If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.3485, inclusive, the provisions of 40 C.F.R. Part 72 apply.

~~[7.]~~ **6.** Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, ~~[1998.]~~ **2000.** If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.3485, inclusive, the provisions of 40 C.F.R. Part 76 apply.

~~[8.]~~ **7.** Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and the amendments to section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted by reference as they existed on July 1, ~~[1998.]~~ **2000.**

~~[9.]~~ **8.** The Standard Industrial Classification Manual, 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366, for the price of \$30.

~~[10.]~~ **9.** Except as otherwise provided in subsections 3 and 9, a copy of the publications which contain these provisions may be obtained from the:

(a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366. The price is:

- (1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165 and Appendices S and W of Part 51.....~~[\$24]~~ **\$38**
- (2) For § 52.21.....~~[33]~~ **50**
- (3) For Part 60 *(00.1 - end)*53
- (4) For Part 60 (apps).....51**
- ~~[(4)]~~ **(5) For Part 61 - 62.....[18] 35**
- ~~[(5)]~~ **(6) For Part 63 (63.1 - 63.599).....[57] 53**
- (7) For Part 63 (63.600 - end).....44**
- ~~[(6)]~~ **(8) For the volume containing Parts 72 and 76.....[36] 55**

(b) Division of state library and archives of the department of cultural affairs for 15 cents per page.

~~[11.]~~ **10.** For the purposes of the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

~~[12.]~~ **11.** Except as otherwise provided in subsections 6 and 7, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.3485, inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

~~13.1~~ **12.** For the purposes of this section, “administrator” as used in the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means the director.

Sec. 27. NAC 445B.281 is hereby amended to read as follows:

445B.281 1. Except as otherwise provided in NAC 445B.001 to 445B.3485, inclusive, any violation of the provisions of those sections is classified as a major violation, and a fine up to \$10,000 per day per violation may be levied.

2. For Class II and Class III sources, violations of subsections 3 and 4 of NAC 445B.232, subsection 8 of NAC 445B.252, subsection 2 of NAC 445B.265, paragraph (d) of subsection 1 of NAC 445B.275, and NAC 445B.22037, 445B.22067, 445B.2207, 445B.22087 and 445B.331 are classified as minor or lesser violations, unless there are four or more violations of any one of those sections by a person, occurring within a period of 60 consecutive months.

3. The schedule of fines for minor violations is as follows:

	First Offense	Second Offense	Third Offense
NAC 445B.22037, fugitive dust	\$125	\$250	\$500
NAC 445B.22067, open burning	50	100	200
NAC 445B.2207, incinerator burning, equal to or less than 25 lbs per hour.....	50	100	200
greater than 25 lbs per hour.....	50	100	200
NAC 445B.22087, odors.....	100	200	400
Subsection 3 or 4 of NAC 445B.232, reporting of excess emissions	125	250	500
Subsection 8 of NAC 445B.252, testing and sampling reporting	100	200	400
Subsection 2 of NAC 445B.265, reporting of monitoring systems	100	200	400
Paragraph (d) (e) of subsection 1 of NAC 445B.275, recordkeeping, monitoring, reporting or compliance certification.....	50	100	200
NAC 445B.331, change of location.....	100	200	400

4. All minor violations become major violations upon the occurrence of the fourth violation of the same section within a period of 60 consecutive months.

Sec. 28. NAC 445B.287 is hereby amended to read as follows:

445B.287 1. Except as otherwise provided in subsection 2 and in NAC 445B.288, an operating permit or permit to construct is required for each stationary source and:

(a) If a stationary source is a Class I source, a revision of the operating permit or of the permit to construct is required pursuant to the requirements of NAC 445B.3425 and 445B.344 before the stationary source may be modified. *The provisions of this subsection do not apply if a Class I operating permit to construct is obtained for the modification as provided in NAC 445B.(operating permit to construct)*

(b) If a stationary source is a Class II source, a revision of the operating permit or of the permit to construct is required pursuant to the requirements of NAC 445B.3465 before the stationary source may be modified.

(c) If a stationary source is a Class III source, a revision of the operating permit is required pursuant to the requirements of NAC 445B.348 before the stationary source may be modified.

2. A Class I source is not subject to the provisions of paragraph (a) of subsection 1 if the source is not a major source, an affected source or a solid waste incineration unit required to obtain a permit pursuant to 42 U.S.C. § 7429(e). For a Class I source which is not a major source and which subsequently becomes subject to a standard or other requirement under 42 U.S.C. § 7411 or 7412, the Administrator will determine whether to exempt the source from the requirement to obtain a Class I operating permit at the time that the new standard is adopted.

3. An operating permit or permit to construct may not be transferred from one owner or piece of equipment to another. An owner or operator may apply for an administrative amendment reflecting a change of ownership or the name of the stationary source for the effective time remaining on the original operating permit pursuant to NAC 445B.319.

4. For the purposes of this section, "permit to construct" means a document issued and signed by the director before November 1, 1995, certifying that:

(a) Adequate empirical data for a stationary source has been received and constitutes approval of location; or

(b) All portions of NAC 445B.300 to 445B.313, inclusive, and any other provisions of NAC 445B.001 to 445B.3485, inclusive, have been complied with and constitutes approval of location and for construction.

Sec. 29. NAC 445B.295 is hereby amended to read as follows:

445B.295 ~~[(1)]~~ An application for an operating permit must include:

~~[(a)]~~ 1. Information to identify the applicant, including the name and address of the company or the name and address of the plant if different from that of the company, the name of the owner of the company and his agent, and the name and telephone number of the manager of the plant or another appropriate person to contact;

~~[(b)]~~ 2. A description of the stationary source's processes and products by Standard Industrial Classification Code, including any processes and products associated with an alternative operating scenario identified by the owner or operator;

~~[(c)]~~ 3. A description of the fuels, fuel use and raw materials to be used and the rates of production and operating schedules for each emission unit which is a part of the stationary source;

~~[(d)]~~ 4. An identification and a description of any equipment for the control of air pollution and any devices or activities for monitoring compliance with emission limitations;

~~[(e)]~~ 5. Limitations on the operation of the stationary source or any standards for work practices which affect emissions for all regulated air pollutants at the stationary source;

~~[(f)]~~ 6. An explanation of any proposed exemption from any applicable requirement;

~~[(g)]~~ 7. The location of any records that the applicant must keep pursuant to the requirements of the operating permit, if the records are kept at a location other than the emitting facility; and

~~[(h)]~~ 8. Other specific information that the director determines is necessary to carry out, enforce and determine the applicability of all legal requirements.

~~[2.— In addition to the information required pursuant to subsection 1, an application for a Class I operating permit must include:~~

~~—(a) Descriptions of all emissions of any pollutants for which the source is major and all emissions of regulated air pollutants from all emission units.~~

~~—(b) An identification and a description of all points of emissions and all activities which may generate emissions of the regulated air pollutants described in paragraph (a) in sufficient detail to establish the basis for the applicability of standards and fees.~~

~~—(c) The emission rates of all regulated air pollutants that are subject to an emissions limitation pursuant to an applicable requirement. The emission rates must be described in tons per year and in such terms as are necessary to establish compliance using the applicable standard reference test method.~~

~~—(d) Any other information required by any applicable requirement.~~

~~—(e) The calculations on which the information in this subsection and subsection 1 are based.~~

~~—(f) A citation of and a description of all applicable requirements.~~

~~—(g) A reference to any applicable test method used for determining compliance with each applicable requirement.~~

~~—(h) A compliance plan that contains the following:~~

~~——(1) A description of the compliance status of the stationary source with respect to all applicable requirements.~~

~~——(2) A description that includes the following:~~

~~———(I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements.~~

~~———(II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis.~~

~~———(III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a narrative description of how the stationary source will achieve compliance with each such requirement.~~

~~——(3) Schedules of compliance as follows:~~

~~———(I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements.~~

~~———(II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis, unless the applicable requirement expressly requires a more detailed schedule for compliance.~~

~~———(III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a schedule of compliance for each applicable requirement. Such a schedule must include a schedule of remedial measures, including, without limitation, an enforceable sequence of actions with milestones, leading to compliance with the applicable requirements with which the stationary source is not in compliance. If the stationary source is subject to a judicial consent decree or an administrative order regarding its noncompliance, the schedule must resemble and be at least as stringent as any schedule contained in the decree or order. Such a schedule of compliance must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based.~~

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~~— (4) A schedule for the submission of certified progress reports at least once every 6 months for a schedule of compliance to remedy a violation. Such progress reports must contain the following:~~

~~— (I) Dates for performing activities or achieving milestones or compliance required in the schedule of compliance, and the dates when the activities, milestones or compliance occurred or were achieved; and~~

~~— (II) An explanation as to why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.~~

~~The content requirements of the compliance plan specified in this paragraph apply and must be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations adopted pursuant to Title IV of the Act with regard to the schedule and methods the source will use to achieve compliance with the emissions limitations relating to acid rain.~~

~~— (i) Requirements for compliance certification, including:~~

~~— (1) A certification of compliance with all applicable requirements by a responsible official, consistent with this section and 42 U.S.C. § 7414(a)(3);~~

~~— (2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and methods of testing;~~

~~— (3) A schedule for submission of certifications of compliance during the term of the permit to be submitted not less frequently than annually, or more frequently if so specified by the underlying applicable requirement or the permitting authority; and~~

~~— (4) A statement indicating the status of compliance by the stationary source with any applicable enhanced monitoring and compliance certification requirements of the Act.~~

~~— 3. In addition to the information required pursuant to subsections 1 and 2, a Class I-B application for a Class I operating permit must contain:~~

~~— (a) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, as adopted pursuant to NAC 445B.221:~~

~~— (1) All information required by 40 C.F.R. § 52.21; and~~

~~— (2) Any other information that the director determines is necessary to process the application.~~

~~— (b) For a proposed new major source or a proposed significant modification to an existing stationary source which is not subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality:~~

~~— (1) All information required by NAC 445B.308 to 445B.313, inclusive;~~

~~— (2) Any other information that the director determines is necessary to process the application; and~~

~~— (3) For stationary sources subject to the provisions regarding new source review set forth in 42 U.S.C. §§ 7501-7515, inclusive, all information required by 42 U.S.C. § 7503.~~

~~— (c) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the requirements of 42 U.S.C. § 7412 regarding hazardous air pollutants:~~

~~— (1) All information required by NAC 445B.308 to 445B.313, inclusive; and~~

~~— (2) Any other information that the director determines is necessary to process the application.]~~

Sec. 30. NAC 445B.308 is hereby amended to read as follows:

445B.308 1. Before an operating permit or a revision of an operating permit may be issued for a new or modified stationary source, in accordance with NAC 445B.308 to 445B.313, inclusive, the applicant must submit to the director an environmental evaluation and any other information the director deems necessary to make an independent air quality impact assessment.

~~[The environmental evaluation must have approval for any street or highway changes or improvements from the county, regional or state highway agency having jurisdiction over the streets and highways affected by the stationary source before submittal to the director.]~~

2. The director shall not issue an operating permit or a revision of an operating permit for any stationary source if the environmental evaluation submitted by the applicant shows, or if the director determines, in accordance with the provisions of this section, that the stationary source:

(a) Will prevent the attainment and maintenance of the state or national ambient air quality standards ~~[.]~~. *For purposes of this provision, only those national ambient air quality standards that have been incorporated into the state implementation plan need to be considered in the environmental evaluation;*

(b) Will cause a violation of the applicable control strategy contained in the approved air quality plan;

(c) Will cause a violation of any applicable requirement; or

(d) Will not comply with subsection 3.

3. To be issued an operating permit or a revision of an operating permit, the owner or operator of a major stationary source or major modification, as those terms are defined in 40 C.F.R. § 51.165, who proposes to construct in an area designated nonattainment for the regulated air pollutant or pollutants for which the stationary source or modification is major must:

(a) Comply with the provisions of 40 C.F.R. § 51.165, as incorporated by reference in NAC 445B.221.

(b) Adopt as an emission limitation for the stationary source the lowest achievable emission rate for each nonattainment regulated air pollutant from the stationary source.

(c) Demonstrate that all other stationary sources within this state which are owned, operated or controlled by the applicant are in compliance or on a schedule of compliance with NAC 445B.001 to 445B.3485, inclusive, and all other applicable requirements and conditions of the permit.

(d) Conduct an analysis of any anticipated impact on visibility in any federal Class I area which may be caused by emissions from the stationary source.

(e) Conduct an analysis of alternative sites, sizes, processes of production and techniques for environmental control for the proposed stationary source. Except as otherwise provided in this paragraph, the analysis must demonstrate that the benefits of the proposed stationary source significantly outweigh the detrimental environmental and social effects that will result from its location, construction or modification. If the major stationary source or major modification proposes to locate in an area designated as marginal nonattainment for ozone, the analysis must demonstrate an offset ratio of 1.2 to 1 for volatile organic compounds and nitrogen oxides. For the purposes of this paragraph, a stationary source which is major for volatile organic compounds or nitrogen oxides shall be deemed major for ozone if it proposes to locate in an area designated as nonattainment for ozone.

(f) Comply with one of the following:

(1) Sufficient offsets in emissions must be obtained by the time the proposed stationary source begins operation to ensure that the total allowable emissions of each nonattainment

regulated air pollutant from the existing stationary sources in the area, those stationary sources in the area which have received their respective permits and the proposed stationary source will be sufficiently less than the total emissions from the existing stationary sources and those stationary sources in the area which have received their respective permits before the proposed stationary source applies for its operating permit or a revision of an operating permit, in order to achieve reasonable further progress; or

(2) If the major stationary source or major modification is located in a zone identified by the Administrator as one to be targeted for economic development, demonstrate that the emission from the stationary source will not cause or contribute to emissions levels which exceed the allowance permitted for a regulated air pollutant for the nonattainment area.

FLUSH For the purposes of this paragraph, offsets must comply with the provisions of Appendix S of 40 C.F.R. Part 51, as incorporated by reference in NAC 445B.221, and be coordinated with the appropriate local agency for the control of air pollution.

4. To be issued an operating permit or a revision of an operating permit, the owner or operator of a major stationary source or major modification, as those terms are defined in 40 C.F.R. § 52.21, who proposes to construct in any area designated as attainment or unclassifiable under 42 U.S.C. § 7407(d), must comply with the provisions of 40 C.F.R. § 52.21, as incorporated by reference in NAC 445B.221.

5. The director may impose any reasonable conditions on his approval, including conditions requiring the owner or operator of the stationary source to:

(a) Conduct monitoring of the quality of the ambient air at the facility site for a reasonable period before the commencement of construction or modification and for any specified period after operation has begun at the stationary source; and

(b) Meet standards for emissions that are more stringent than those found in NAC 445B.001 to 445B.3485, inclusive.

6. Where a proposed stationary source located on contiguous property is constructed or modified in phases which individually are not subject to review as provided in NAC 445B.308 to 445B.313, inclusive, all phases occurring since November 7, 1975, must be added together for determining the applicability of those sections.

7. Approval and issuance of an operating permit or a revision of an operating permit for any stationary source does not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy.

8. An owner or operator of a Class II source may request an exemption from the requirement to submit an environmental evaluation. Within 30 days after receipt of a written request for an exemption, the director shall grant or deny the request and notify the owner or operator in writing of his determination.

9. As used in this section:

(a) "Lowest achievable emission rate" has the meaning ascribed to it in 40 C.F.R. § 51.165, as incorporated by reference in NAC 445B.221.

(b) "Offset ratio" means the percentage by which a reduction in an emission must exceed the corresponding increase in that emission.

(c) "Reasonable further progress" means the annual incremental reductions in emissions of the relevant regulated air pollutant that are required by 42 U.S.C. §§ 7501 to 7515, inclusive, or are required by the Administrator to ensure attainment of the applicable standard for national ambient air quality by the applicable date.

Sec. 31. NAC 445B.315 is hereby amended to read as follows:

445B.315 1. The director shall cite the legal authority for each condition contained in an operating permit.

2. An operating permit must contain the following conditions:

(a) The term of the operating permit is 5 years ~~[]~~, *except for an operating permit to construct. The term of an operating permit to construct shall be defined in section ...*

(b) The holder of the operating permit shall retain records of all required monitoring data and supporting information for 5 years after the date of the sample collection, measurement, report or analysis. Supporting information includes all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.

(c) Each of the conditions and requirements of the operating permit is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.

(d) The holder of the operating permit shall comply with all conditions of the operating permit. Any noncompliance constitutes a violation and is a ground for:

(1) An action for noncompliance;

(2) Revising, revoking, reopening and revising, or terminating the operating permit by the director; or

(3) Denial of an application for a renewal of the operating permit by the director.

(e) The need to halt or reduce activity to maintain compliance with the conditions of the operating permit is not a defense to noncompliance with any condition of the operating permit.

(f) The director may revise, revoke and reissue, reopen and revise, or terminate the operating permit for cause.

(g) The operating permit does not convey any property rights or any exclusive privilege.

(h) The holder of the operating permit shall provide the director, within a reasonable time, with any information that the director requests in writing to determine whether cause exists for revising, revoking and reissuing, reopening and revising, or terminating the operating permit, or to determine compliance with the conditions of the operating permit.

(i) The holder of the operating permit shall pay fees to the director in accordance with the provisions set forth in NAC 445B.327 and 445B.331.

(j) The holder of the operating permit shall allow the director or any authorized representative, upon presentation of credentials, to:

(1) Enter upon the premises of the holder of the operating permit where:

(I) The stationary source is located;

(II) Activity related to emissions is conducted; or

(III) Records are kept pursuant to the conditions of the operating permit;

(2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the operating permit;

(3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the operating permit; and

(4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the operating permit or applicable requirements.

(k) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the operating permit are true, accurate and complete.

Sec. 32. NAC 445B.327 is hereby amended to read as follows:

445B.327 1. ~~Except as otherwise provided in subsection 2, the~~ The fees for ~~an~~ a non-PSD operating permit are as follows:

(a) <i>Operating permit to construct for new Class I source</i>	\$20,000
(b) <i>Conversion of an operating permit to construct into Class I operating permit</i>	10,000
(c) <i>Conversion of subsequent phases into Class I operating permit (per phase)</i>	5,000
(d) <i>Modification to an operating permit to construct</i>	5,000
(a) (e) Class I operating permit.....	[\$30,000] 20,000
(b) (f) Significant revision of a Class I operating permit	20,000
(e) (g) Minor revision of a Class I operating permit	5,000
(d) (h) Renewal of a Class I operating permit.....	5,000
(e) (i) Class II operating permit.....	3,000
(f) (j) Revision of a Class II operating permit	2,000
(g) (k) Renewal of a Class II operating permit.....	2,000
(h) (l) Class II general permit	400
(i) (m) Class III operating permit	300
(j) (n) Revision of a Class III operating permit.....	200
(k) (o) Renewal of a Class III operating permit	250
(p) <i>Surface Area Disturbance permit</i>	400
(q) <i>Revision of Surface Area Disturbance permit</i>	200
(l) (r) Administrative amendment of an operating permit.....	200
(s) <i>Replacement of a lost or damaged operating permit or permit to construct</i>	200
(t) <i>Request for change of location of an emission unit</i>	100

An applicant must pay the entire fee when he submits an application to the director.

2. The fee to revise an operating permit so that the operating permit is consistent with any guidelines established by the division of environmental protection of the state department of conservation and natural resources pursuant to NAC 445B.255 is \$1,000. An applicant must pay the entire fee when he submits an application to the director.

3. If a stationary source is subject to participation in the program for the prevention of significant deterioration of air quality (PSD) pursuant to 40 C.F.R. § 52.21, as incorporated by reference by NAC 445B.221, the owner or operator of that stationary source must obtain an operating permit. The fees for such an operating permit are as follows:

(a) Operating permit for a stationary source subject to the program for the prevention of significant deterioration of air quality	\$50,000
(b) Revision of an operating permit for a stationary source subject to the program for the prevention of significant deterioration of air quality to authorize a major modification of the stationary source	\$50,000]
(a) <i>Operating permit for a stationary source subject to PSD</i>	\$50,000
(b) <i>Revision of an operating permit for a stationary source subject to PSD to authorize a major modification of the stationary source</i>	50,000
(c) <i>Operating permit to construct for new Class I (PSD) source</i>	50,000
(d) <i>Conversion of a new PSD (first or only phase) operating permit to construct into Class I operating permit</i>	10,000
(e) <i>Conversion of subsequent phases into Class I operating permit (per phase)</i>	5,000
(f) <i>Operating permit to construct for PSD revision</i>	5,000

- (g) *PSD major modification to the operating permit to construct*.....50,000
- (h) *PSD minor modification to the operating permit to construct*10,000
- (i) *Administrative amendment of an operating permit or operating permit to construct*.....200
- (j) *Replacement of a lost or damaged operating permit or permit to construct*.....200
- (k) *Request for change of location of an emission unit*.....100

An applicant must pay the entire fee when he submits an application to the director.

4. *If no changes need to be made to convert operating permits to construct into a Class I operating permit, no fee will be assessed.*

~~[4:]~~ **5.** Except as otherwise provided in this subsection, the annual fee based on emissions for a stationary source is \$5.60 per ton times the total tons of each regulated pollutant emitted during the preceding calendar year. The annual fee based on emissions does not apply to:

- (a) Emissions of carbon monoxide; or
- (b) Class III stationary sources.

~~[5:]~~ **6.** To determine the fee set forth in subsection ~~[4:]~~ **5:**

(a) Emissions must be calculated using:

(1) The emission unit’s actual operating hours, rates of production and in-place control equipment;

(2) The types of materials processed, stored or combusted; and

(3) Data from:

- (I) A test for emission compliance;
- (II) A continuous emission monitor;
- (III) The most recently published issue of Compilation of Air Pollutant Emission Factors, EPA Publication No. AP-42; or
- (IV) Other emission factors or methods which the director has validated; or

(b) If paragraph (a) does not apply to a stationary source that was in operation during the preceding calendar year, emissions must be calculated using the permitted allowable emissions for that stationary source.

~~[6:]~~ **7.** The annual fee for maintenance of a stationary source is:

- (a) For a Class I source..... \$12,500
- (b) For a Class II source that has the potential to emit 50 tons or more per year of any one regulated air pollutant except carbon monoxide \$3,000
- (c) For a Class II source that has the potential to emit 25 tons or more per year but less than 50 tons per year of any one regulated air pollutant except carbon monoxide \$1,000
- (d) For a Class II source that has the potential to emit less than 25 tons per year of any one regulated air pollutant except carbon monoxide \$250
- (e) For a Class III source \$250
- (f) For a surface area disturbance \$250

~~[7:]~~ **8.** The state department of conservation and natural resources shall collect all fees required pursuant to subsections ~~[4:]~~ **5** and ~~[6:]~~ **7** not later than July 1 of each year.

~~[8:]~~ **9.** The fees required pursuant to subsections ~~[4:]~~ **5** and ~~[6:]~~ **7** are due and payable to the “Nevada State Treasurer, Environmental Protection” within 45 days after the date of the invoice.

10. *Annual fees are due and payable and shall be deemed delinquent if not paid within thirty (30) day of the date defined in subsection 8.*

11. Any source which does not pay their annual fee installments within thirty (30) days of the due date, shall be assessed a late penalty in the amount of 25% of their fees. This late penalty shall be in addition to the annual fees. This late fee assessment shall not apply to sources that are negotiating their annual fees with the Director.

Sec. 33. NAC 445B.331 is hereby amended to read as follows:

445B.331 ~~1.—The fee for the replacement of a lost or damaged operating permit is \$200.—2.—The fee for a request for a change of the location of an emission unit is \$100.]~~ Such a request must be made in writing to the director and submitted with the fee for each operating permit as follows:

~~[(a)]~~ 1. For a Class I source, at least 10 days in advance of each change of location.

~~[(b)]~~ 2. For a Class II source, at least 10 days before the commencement of the operation of the emission unit at the new location. An owner or operator must not operate the emission unit at the new location until the director approves the location.

Sec. 34. NAC 445B.338 is hereby amended to read as follows:

445B.338 1. ~~[Except as otherwise provided in subsection 2, an]~~ An owner or operator subject to the provisions of NAC 445B.337 shall file a Class I-A application in accordance with the schedule established by the director pursuant to NAC 445B.3385.

~~[2.—For affected sources, an owner or operator must file an application for a Class I operating permit within 12 months after the effective date of the program, or on or before January 1, 1996, whichever is earlier.]~~

~~[3.]~~ 2. All permits to construct and operating permits issued to existing sources which are in effect before the effective date of the program remain in effect until the director issues or denies the applicant's Class I operating permit as provided in NAC 445B.001 to 445B.3485, inclusive.

~~[4.]~~ 3. Except as otherwise provided in this subsection, if the owner or operator subject to the provisions of NAC 445B.337 submits a completed Class I-A application for an operating permit or a renewal of a permit in a timely manner, he shall not be deemed to be in violation of the requirement for an operating permit during the time the director considers the application. The owner or operator shall be deemed to violate the requirement for an operating permit if the director requests additional information in writing following a determination that the application is complete and the owner or operator fails to submit the requested information within a reasonable time as specified in the director's request.

Sec. 35. NAC 445B.291, 445B.300, 445B.303, 445B.313, 445B.323 and 445B.338 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

445B.291 Class II and Class III operating permits: Filing requirements.
445B.300 Operating permits: Action on applications; expiration.
445B.303 Operating permits: Initial periods for action on applications.
445B.313 Method for determining heat input.
445B.323 Operating permits: Renewal.
445B.335 General permits.