

LCB File No. T041-03

ADOPTED TEMPORARY REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION

Filed with the Secretary of State on June 24, 2003

Petition 2003-04

Explanation: Matter in *bold italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

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AUTHORITY: NRS 445B.210.

Section 1. NAC 445B.2202 is hereby amended to read as follows:

NAC 445B.22017 and 445B.22023 do not apply to:

1. Smoke from the open burning described in NAC 445B.22067;
2. Smoke discharged in the course of training air pollution control inspectors to observe visible emissions, if the facility has written approval of the commission;
3. Emissions from an incinerator as set forth in NAC 445B.2207;
- ~~[4.—Emission from a thermit batch process when charging which does not exceed 60 minutes and for no more than one charging in any 24 consecutive hours;]~~
- ~~[5.]~~ 4. Emissions of stationary diesel-powered engines during warmup for not longer than 15 minutes to achieve operating temperatures; or
- ~~[6.]~~ 5. Emission from a steam generating unit fired by fossil fuel or wood for boiler lancing or soot blowing, not to exceed 180 minutes in any 24 consecutive hours.

Sec. 2. NAC 445B.22057 is hereby amended to read as follows:

The allowable emission of sulfur from fossil fuel-fired power generating units Number 1, 2 and 3 of Nevada Power Company's Reid Gardner Station, located in Air Quality Control Region 13, Basin 218, California Wash, must not be greater than .275 pounds per million Btu's (.504 kilograms per million kg-cal) ~~[per hour]~~.

Sec. 3. NAC 445B.232 is hereby amended to read as follows:

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive, must be approved by the director and performed during a time designated by the director as being favorable for atmospheric ventilation.
2. The director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive.
3. The director must be notified in writing or by telephone of the time and expected duration at least 24 hours in advance of any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive.
4. The director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during start-up or shutdown of such equipment. The telephone number for the notification is ~~[(775) 687-4670]~~ **(775) 687-9350**.

5. The owner or operator of an affected facility shall provide the director, within 15 days after any malfunction, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to enable the director to determine the seriousness of the excess emissions. The information must include at least the following:

(a) The identity of the stack or other point of emission, or both, where the excess emissions occurred.

(b) The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.

(c) The time and duration of the excess emissions.

(d) The identity of the equipment causing the excess emissions.

(e) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.

(f) The steps taken to limit the excess emissions.

(g) Documentation that the equipment for controlling air pollution, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

Sec. 4 . NAC 445B.252 is hereby amended to read as follows:

1. To determine compliance with NAC 445B.001 to 445B.3497, inclusive, before the approval or the continuance of an operating permit or similar class of permits, the director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial start-up of the facility and at such other times as may be required by the director.

2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the director:

(a) Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology;

(b) Approves the use of an equivalent method;

(c) Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific stationary source is in compliance; or

(d) Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the director's satisfaction that the affected facility is in compliance with the standard.

3. Tests of performance must be conducted under such conditions as the director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.

4. The owner or operator of an affected facility shall give notice to the director 30 days before the test of performance to allow the director to have an observer present. A written testing procedure for the test of performance must be submitted to the director at least 30 days before the test of performance to allow the director to review the proposed testing procedures.

5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the director's approval.

6. All testing and sampling will be performed in accordance with recognized methods and as specified by the director.

7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the director must be provided and paid for by the owner of the stationary source.

8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the director no later than 60 days after the testing or sampling, or both.

The provisions of this section shall not be construed to preclude any federal testing and sampling requirements for emission units that are subject to a federal emission limitation or standard contained in 40 CFR Part 60, 61, or 63 or that are affected sources as defined in NAC 445B.006.

Sec. 5. NAC 445B.262 is hereby amended to read as follows:

For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases must be cleaned prior to performing the zero or span drift adjustments, except that for systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. Unless otherwise approved by the director, the following procedures, as applicable, must be followed:

1. For extractive continuous monitoring systems measuring gases, minimum procedures must include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Bureau of Standards reference gases must be used whenever these reference gases are available. The span and zero gas mixtures must be the same composition as specified in Appendix B of 40 C.F.R. § 60. Every 6 months from the date of manufacture, span and zero gases must be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO₂, 7 for NO, and 3 for O₂ and CO₂, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

2. For nonextractive continuous monitoring systems measuring gases, minimum procedures include upscale checks using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

3. For continuous monitoring systems measuring opacity of emissions, minimum procedures include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. These procedures must provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

The provisions of this section shall not be construed to preclude any federal testing and sampling requirements for emission units that are subject to a federal emission limitation or standard contained in 40 CFR Part 60, 61, or 63 or that are affected sources as defined in NAC 445B.006.

Sec. 6. NAC 445B.267 is hereby amended to read as follows:

Upon written application by an owner or operator, the director may approve alternatives to any monitoring procedures or requirements of NAC 445B.256 to 445B.267, inclusive, including, but not limited to, the following:

1. Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by those sections would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.
2. Alternative monitoring requirements when the affected facility is infrequently operated.
3. Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
4. Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
5. Alternative methods of converting regulated air pollutant concentration measurements to units of the standards.
6. Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
7. Alternatives to the A.S.T.M. test methods or sampling procedures specified by any provision of NAC 445B.256 to 445B.267, inclusive.
8. Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 C.F.R. § 60, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The director may require that such demonstration be performed for each affected facility.
9. Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

The provisions of this section shall not be construed to preclude any federal testing and sampling requirements for emission units that are subject to a federal emission limitation or standard contained in 40 CFR Part 60, 61, or 63 or that are affected sources as defined in NAC 445B.006.

Sec. 7. NAC 445B.22053 is hereby repealed.

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TEXT OF REPEALED LANGUAGE

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NAC 445B.22053 Allowable emissions of sulfur from specific sources: Gabbs plant of Basic Refractories. The allowable emission of sulfur from the #1 Kiln of the Gabbs plant of Basic Refractories, located in Air Quality Region 148, Basin 122, Gabbs Valley, must not be greater than 0.26 pound per million Btu's (0.47 kilogram per million kilogram-calories).

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T041-03**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This regulation makes amendments to the general provisions of the air quality regulations in order to update, clarify and make technical corrections, including removal of a section that is no longer applicable.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2003-04 (Temporary), was noticed on May 21, 2003, May 27, 2003 and June 2, 2003 as a temporary regulation in the Las Vegas Review Journal and the Reno-Gazette-Journal newspapers. Regulatory workshops were conducted by the Bureau of Air Pollution Control on June 5 and June 10, 2003. The regulation was adopted by the State Environmental Commission as a temporary regulation on June 19, 2003. There were no public oral and no written comments received by the Commission during adoption. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-9310, or writing to the Commission at 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

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|---|----|
| (a) Attended each hearing; | 20 |
| (b) Testified at each hearing; | 2 |
| (c) Submitted to the agency written comments: | 0 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No written or oral comment was received from affected businesses. See above statement for dates of the public notices and public workshops. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-9309 or writing to the Commission at 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted by the State Environmental Commission on June 19, 2003 with a minor amendment to Section 1. The NAC referenced was amended from NAC 445B.2204 to [NAC 445B.2202](#).

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed amendments will have no economic impacts, either immediate or long term, on the regulated industry.

(b) Estimated economic effect on the public;

The proposed amendments will have no economic effects on the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The regulation is not expected to result in additional cost by the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The amended regulations do not overlap or duplicate any regulations of other state or governmental agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation is no more restrictive or stringent than federal requirements.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulations do not provide a new fee nor increase an existing fee.