

PROPOSED REGULATION OF THE STATE
ENVIRONMENTAL COMMISSION

LCB File No. R085-04

May 21, 2004

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

AUTHORITY: §1, NRS 445B.210 and 445B.300; §2, NRS 445B.210.

A REGULATION relating to the control of air pollution; revising certain provisions concerning the public notice required for minor revisions to certain permits; and providing other matters properly relating thereto.

Section 1. NAC 445B.3425 is hereby amended to read as follows:

445B.3425 1. A minor revision may be made to a Class I operating permit if the revision:

- (a) Does not violate any applicable requirement;
- (b) Does not involve significant changes to the existing requirements for monitoring,

reporting or recordkeeping;

(c) Does not require or change:

- (1) A determination of an emission limitation or other standard on a case-by-case basis;
- (2) A determination of the ambient impact for any temporary source; or
- (3) A visibility or increment analysis;

(d) Does not establish or change a condition of the operating permit for which there is no corresponding underlying applicable requirement and which was requested in order to avoid an applicable requirement, including:

- (1) A federally enforceable emissions cap; or
- (2) An alternative emission limitation pursuant to 42 U.S.C. § 7412(i)(5);

(e) Is not a modification pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive;
and

(f) Does not result in an increase in allowable emissions that exceeds any of the following specified thresholds:

- (1) Carbon monoxide, 100 tons per year.
- (2) Nitrogen oxides, 40 tons per year.
- (3) Sulfur dioxide, 40 tons per year.
- (4) PM₁₀, 15 tons per year.
- (5) Ozone, 40 tons per year of volatile organic compounds.
- (6) Sulfuric acid mist, 7 tons per year.
- (7) Hydrogen sulfide (H₂S), 10 tons per year.

2. An owner or operator must request a minor revision on an application form provided by the Director. The application must include:

- (a) A description of the modification;
- (b) A description of the emissions resulting from the modification;
- (c) An identification of any new applicable requirements that will apply because of the modification;
- (d) Suggested conditions of the operating permit;
- (e) Certification by a responsible official of the stationary source that the proposed modification complies with the criteria for a minor revision set forth in subsection 1; and
- (f) Any relevant information concerning the proposed change which is required by NAC 445B.295 and 445B.3368.

3. The Director shall:

(a) Determine, in accordance with subsection 5 of NAC 445B.3395, whether the application for a minor revision is complete.

(b) Transmit the application to the Administrator within 10 working days after the official date of submittal of the application.

(c) Provide notice to any affected state within 10 working days after the official date of submittal of the application for a minor revision.

(d) Unless the application is for a minor revision described in subsection 8 of NAC 445B.3395, enable public participation and comment and provide notice to the public concerning the application for a minor revision in the manner set forth in subsections 6 and 7 of NAC 445B.3395.

(e) Provide a 30-day period for comment by any affected state and the public, if applicable, concerning the application.

(f) Within 45 days after the official date of submittal of the application:

(1) Determine whether the proposed minor revision meets the criteria for a minor revision set forth in this section;

(2) Determine whether the proposed conditions of the operating permit are adequate; and

(3) If the Director determines that the proposed modification does not meet the criteria for a minor revision, deny the proposed revision and notify the applicant and the Administrator.

(g) If the Director determines that the applicant's proposed conditions of the operating permit are not adequate, draft appropriate conditions for the operating permit. Proposed conditions drafted by the Director must be submitted to the Administrator for review.

(h) ~~Unless the application is for a minor revision described in subsection 8 of NAC 445B.3395, enable public participation and comment and provide notice to the public concerning~~

~~any proposed conditions drafted pursuant to paragraph (g) in the manner set forth in subsections 6 and 7 of NAC 445B.3395.~~

~~(i)~~ Notify the Administrator of any recommendations from an affected state which the Director does not accept.

4. The Director may issue the minor revision upon notification by the Administrator that the Administrator does not object to the minor revision. If the Administrator does not notify the Director within 45 days after the date on which the Administrator received the notification pursuant to this section or within 45 days after the date on which the Administrator receives the Director's proposed conditions, whichever is later, the Administrator shall be deemed to have not objected to the minor revision.

5. If the Administrator objects to the minor revision, the Director shall:

(a) Deny the application for the minor revision;

(b) Determine whether the minor revision should be reviewed under the procedures for a significant revision; or

(c) Revise the proposed revision of the operating permit and forward it to the Administrator for review. ~~If the Director revises the proposed revision of the operating permit, the Director shall, unless the application is for a minor revision described in subsection 8 of NAC 445B.3395, enable public participation and comment and provide notice to the public concerning the Director's revision of the operating permit in the manner set forth in subsections 6 and 7 of NAC 445B.3395.~~

6. The Director shall take action pursuant to subsection 4 or 5 within 90 days after the official date of submittal of an application for a minor revision or within 15 days after the Administrator's 45-day review period ends, whichever is later.

Sec. 2. NAC 445B.032, 445B.139, 445B.140 and 445B.195 are hereby repealed.

TEXT OF REPEALED SECTIONS

445B.032 “Calcine” defined. “Calcine” means the solid materials produced by a roaster.

445B.139 “Precious metal” defined. “Precious metal” means a metal of the gold, silver or platinum metal group.

445B.140 “Precious metal processing plant” defined. “Precious metal processing plant” means a facility which is primarily engaged in crushing, screening, grinding, handling, loading, transferring or storing any precious metal or precious metal ore.

445B.195 “Thermit process” defined. “Thermit process” means an exothermic reaction produced by heating finely divided aluminum on a metal oxide causing reduction of the oxide.