

STATE OF NEVADA

Department of Conservation & Natural Resources

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

DIVISION OF ENVIRONMENTAL PROTECTION

Colleen Cripps, Ph.D., Administrator

October 12, 2011

Jared Blumenfeld
Regional Administrator
ORA-1, USEPA Region 9
75 Hawthorne Street
San Francisco CA 94105

RE: Nevada's Clean Air Act § 110(a)(1) and (2) State Implementation Plan for the 2008 Lead NAAQS

Dear Mr. Blumenfeld:

On behalf of Governor Sandoval, as his appointed designee, this letter transmits to you one hard copy and one exact duplicate of the hard copy in electronic form of the *Nevada State Implementation Plan (SIP) to Meet the Clean Air Act (CAA) §110(a)(2) Requirements for the 2008 Lead National Ambient Air Quality Standards (NAAQS)*. This SIP is submitted pursuant to CAA sections 110 (a)(1) and (2) and addresses the infrastructure elements in the Nevada applicable SIP for the 2008 Lead NAAQS. We request approval of the enclosed Lead infrastructure SIP into the applicable Nevada state implementation plan.

The enclosed Lead infrastructure SIP is organized into two volumes:

- *Volume I: The Nevada Division of Environmental Protection Portion of the Nevada Plan to Meet the Infrastructure SIP Requirements of the Clean Air Act for the 2008 Lead NAAQS, and*
- *Volume II: The Washoe County Portion of the Nevada State Implementation Plan to Meet the Lead Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)*

In the absence of final guidance, Nevada followed EPA's draft June 17, 2011 guidance (US EPA, Memorandum to Regional Air Division Directors, 6/17/11 draft. *Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)*). S. Mathias, OAQPS). We certify that the existing Nevada applicable SIP contains provisions addressing all requirements of the section 110(a)(2) infrastructure elements as applicable for the 2008 Lead NAAQS. Nevada's Lead infrastructure SIP was properly noticed; evidence of public participation is included with each volume. For the NDEP portion of the SIP, the Administrator of NDEP has the authority to adopt and submit state implementation plans to EPA (see Appendix D). The Washoe County portion of the submittal was adopted at a public hearing of the Washoe County District Board of Health on August 25, 2011.

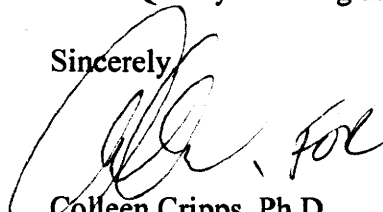
The NDEP notes that many of Nevada's applicable SIP regulatory provisions are seriously outdated and do not correspond to current state regulations, creating what EPA has referred to as the "SIP gap" (72 FR 71097). In February 2005, the NDEP submitted a major SIP update with a revision in January 2006 and several supplemental submissions thereafter in response to EPA comments. On April 16, 2008, EPA acted to disapprove the majority of Nevada's permitting program update (73 FR 20536). The NDEP challenged EPA's action, and subsequently EPA and the NDEP met in court supervised mediation to resolve the outstanding issues. Pursuant to the mediation, the NDEP submitted a revised package of permitting provisions on January 24, 2011, which EPA has not acted on, yet. The NDEP requests that, when EPA acts on that package, EPA replace those Lead infrastructure SIP provisions that correspond to any of the provisions in the January 24, 2011 submittal with the replacement provisions approved in EPA's action on the January 24, 2011 submittal. The NDEP further requests that generally as provisions in Nevada's applicable SIP are replaced or removed through subsequent approvals by EPA of SIP revisions submitted by the NDEP, EPA also replace or remove those provisions in this Lead infrastructure SIP.

In response to the CAA section 110 requirement and EPA's direction to demonstrate the state's ability to implement, maintain and enforce the 2008 Lead NAAQS specifically, Nevada's Lead infrastructure SIP selects those regulatory and statutory provisions from the Nevada applicable SIP that address Lead specifically. This should not be interpreted as an intent to exclude other more general provisions from the applicable SIP from applying to lead sources in Nevada.

Finally, the NDEP recognizes that Nevada Administrative Code (NAC) 445B.22097, "Standards of quality for ambient air," which is part of this submittal, should be updated with the current federal standards. The NDEP plans to update the standards table in 2012 and will submit the revision to EPA.

If you should have any questions about this submittal or require additional clarification, you may contact Rob Bamford, Chief, Bureau of Air Quality Planning at (775) 687-9330.

Sincerely,



Colleen Cripps, Ph.D.
Administrator

Enclosures

cc w/o enclosures:

Dale Erquiaga, Senior Advisor, Office of the Governor
Lisa Hanf, Chief, Planning Office, USEPA Region IX (AIR-2)
Rory Mays, Planning Office, Air Division, EPA Region IX
Kevin Dick, Director, Air Quality Management Division, Washoe County Health District
Lewis Wallenmeyer, Director, Department of Air Quality & Environmental Management, Clark County

cc w/o enclosures

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Leo Drozdoff, Director, Nevada Department of Conservation and Natural Resources
Michael Elges, Deputy Administrator, NDEP
Rob Bamford, Chief, Bureau of Air Quality Planning, NDEP

Certified Mail No. 7010 3090 0002 0571 7116

**The Nevada Division of Environmental
Protection Portion of the Nevada Plan
to Meet the Infrastructure SIP Requirements
of the Clean Air Act
for the 2008 Lead NAAQS**

October 11, 2011

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Acronyms and Abbreviations

ASIP	Applicable State Implementation Plan
CAA	Clean Air Act
CFR	Code of Federal Regulations
FR	Federal Register
NAAQS	National Ambient Air Quality Standard
NDEP	Nevada Division of Environmental Protection
NRS	Nevada Revised Statute
NSR	New Source Review
Pb	Lead
PM _{2.5}	Particulate Matter less than or equal to a nominal 2.5 microns in aerodynamic diameter
PM ₁₀	Particulate Matter less than or equal to a nominal 10 microns in aerodynamic diameter
PSD	Prevention of Significant Deterioration
SIP	State Implementation Plan
US EPA	U.S. Environmental Protection Agency

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Introduction and Background

Sections 110(a)(1) and 110(a)(2), which are generally called the “infrastructure” state implementation plan (SIP) requirements, of the Clean Air Act (CAA) require states to submit a plan to the U.S. Environmental Protection Agency (US EPA) demonstrating their ability and authority to implement, maintain, and enforce each newly promulgated or revised National Ambient Air Quality Standard (NAAQS). Section 110(a)(1) addresses the timing requirement for the submission of infrastructure SIPs. States are required to submit a statewide infrastructure SIP to the US EPA not later than 3 years after promulgation of a new or revised NAAQS.

Section 110(a)(2) lists the elements, (A) through (M), that must be addressed in an infrastructure SIP. Many of the section 110(a)(2) elements relate to the general information and authorities that constitute the infrastructure of a state’s air quality management program. The required elements include: enforceable emission limitations, an ambient air monitoring program, an enforcement program, air quality modeling capabilities, and confirmation of adequate personnel, resources and legal authority.

The federally enforceable applicable SIP for Nevada is compiled in 40 CFR Part 52 Subpart DD. This submittal addresses the Nevada Division of Environmental Protection’s (NDEP) authority to implement, maintain and enforce the 2008 lead (Pb) NAAQS for the NDEP’s jurisdiction. Many of the requirements of CAA section 110(a)(2) relevant to the 2008 Pb NAAQS are addressed by provisions already in the existing applicable SIP; other authorities cited in this submittal, which are not in the applicable SIP, are provided in Appendix F. The following table summarizes where in the existing applicable SIP the required elements are addressed. Per US EPA Region IX direction, Nevada has developed the following table in accordance with US EPA’s June 17, 2011 draft guidance (US EPA, Memorandum to Regional Air Division Directors, Draft as of 6/17/11. *Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)*. S. Mathias). The description of each required element is taken from the draft guidance. The statutory and regulatory provisions of the applicable SIP referenced in the table may be viewed in Appendices A and B, respectively.

The following support documents are appended:

APPENDIX A:	State of Nevada Applicable SIP: Statutory Elements
APPENDIX B:	State of Nevada Applicable SIP: Regulatory Elements
APPENDIX C:	Ambient Air Monitoring Network Plan 2011
APPENDIX D:	May 30, 2007 letter to the US EPA Region 9 Administrator
APPENDIX E:	Nevada ASIP Update: Permitting Provisions, January 24, 2011 Submittal
APPENDIX F:	Non-SIP provisions cited in Elements J and M
APPENDIX G:	Evidence of Public Participation

Nevada Applicable State Implementation Plan Provisions Meeting the CAA 110(a)(2)(A)-(M) Requirements for the 2008 Lead NAAQS: Nevada Division of Environmental Protection Jurisdiction

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
(A)	<p><u>Emission limits and other control measures:</u> Each such plan shall [. . .] include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter.</p> <p><i>As noted in US EPA's June 17, 2011 draft guidance (US EPA, Memorandum to Regional Air Division Directors, Draft as of 6/17/11. Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS), page 15. S. Mathias), Pb comprises a small fraction of coarse and fine particles. Hence, the Nevada Division of Environmental Protection (NDEP) has included provisions regulating particulate matter including those related to opacity in this submittal. The Nevada applicable SIP includes enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters in Nevada Administrative Code (NAC):</i></p> <ul style="list-style-type: none"> • <i>445B.22017 Visible Emissions: Maximum opacity; determination and monitoring of opacity.</i> • <i>445B.2202 Visible Emissions: Exceptions for stationary sources.</i> • <i>445B.22027 Emissions of particulate matter: Maximum allowable throughput for calculating emission rates.</i> • <i>445B.2203 Emissions of particulate matter: Fuel-burning equipment.</i> • <i>445B.22033 Emissions of particulate matter: Sources not otherwise limited.</i> • <i>445B.22037 Emissions of particulate matter: Fugitive dust.</i> • <i>445B.22067 Open burning.</i>

¹ The Nevada Division of Environmental Protection (NDEP) recognizes that many of the current regulatory provisions in Nevada's applicable SIP are seriously outdated and do not correspond to current state regulations. In February 2005, NDEP submitted a major SIP update with a revision in January 2006 and several supplemental submissions thereafter in response to US EPA comments. The US EPA disapproved the bulk of Nevada's permitting program regulations update (73 FR 20536, April 17, 2007), and the NDEP filed a petition for judicial review. Court directed mediation ensued. On January 24, 2011, the NDEP resubmitted a package of its permitting regulations revised according to the mediation agreement. US EPA committed to act on the resubmittal in the coming months after receiving it. The NDEP contends that although the current Nevada applicable SIP satisfies all of the basic/infrastructure requirements of CAA 110(a)(2), Nevada's Pb infrastructure SIP would better address the CAA requirements if NDEP's permitting program update were approved. The NDEP requests that as provisions in Nevada's current applicable SIP are replaced or removed through subsequent approvals by US EPA of updated provisions submitted by the NDEP, US EPA also replace or remove those provisions in this Pb infrastructure SIP.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<ul style="list-style-type: none"> • 445B.2207 Incinerator burning. • 445.808 Particulate matter from barite operations. • 445.816 Particulate matter from precious metals operations. • 445B.22097 Standards of quality for ambient air. <p><i>Article 13 of the applicable SIP, General Provisions for the Review of New Sources, also supports this element. The following NAC provisions have been submitted to US EPA as a SIP revision², but are pending action by US EPA (see Appendix E). If approved, they would replace Article 13:</i></p> <ul style="list-style-type: none"> • 445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan. • 445B.310 Environmental evaluation: Applicable sources and other subjects; exemption. • 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.
(B)	<p><u>Ambient air quality monitoring/data system:</u> Each such plan shall [. . .] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.</p>
	<p><i>The NDEP operates an air quality monitoring network that collects ambient air quality data that are compiled, analyzed, and reported to US EPA in accordance with 40 CFR 58. The network is comprised of federally-approved monitors that measure ozone, carbon monoxide, PM₁₀, and PM_{2.5}. US EPA has indicated (in a letter received by the NDEP on November 4, 2010) that the details of NDEP's monitoring network as presented in "Ambient Air Monitoring Network Plan 2010" meet the requirements set forth under 40 CFR Part 58.10. The NDEP submitted the 2011 Annual Monitoring Network Plan (Appendix C) to US EPA July 1, 2011. US EPA's new monitoring requirements for Pb (75 FR 81126, December 27, 2010) under 40 CFR 58 do not require monitoring for Pb within the NDEP's jurisdiction, as no sources emit more than 0.5 tons of Pb per year.</i></p>
(C)	<p><u>Programs for enforcement, PSD, and NSR:</u> Each such plan shall [. . .] include a program to provide for the enforcement of the measures described in subparagraph [element] (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as</p>

² See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	required in parts C and D of this subchapter.
	<p><i>The Nevada applicable SIP contains compliance and enforcement measures in NAC:</i></p> <ul style="list-style-type: none"> • 445B.225 Prohibited conduct: Concealment of emissions. • 445B.227 Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure. • 445B.229 Hazardous emissions: Order for reduction of emissions. • 445B.667 Excess emissions: Scheduled maintenance; testing; malfunctions. • 445B.250 Notification of planned construction or reconstruction. • 445B.252 Testing and sampling. • 445.694 Emission discharge information. • 445B.275 Violations: Acts constituting; notice. • 445B.277 Stop orders. <p><i>Additionally, the NDEP has full delegation of the federal Prevention of Significant Deterioration (PSD) program at 40 CFR 52.21 from the US EPA (September 15, 2011), including the provisions effective August 2, 2010 that increase the PSD permitting threshold for greenhouse gases. 40 CFR 52.1485(b) incorporates the provisions of § 52.21 into the Nevada applicable SIP.</i></p> <p><i>New Source Review (NSR) provisions are found in Article 13, General Provisions for the Review of New Sources, of the applicable SIP. The following NAC provisions have been submitted to US EPA as a SIP revision³, but are pending action by US EPA (see Appendix E). If approved, they would replace Article 13:</i></p> <ul style="list-style-type: none"> • 445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan. • 445B.310 Environmental evaluation: Applicable sources and other subjects; exemption. • 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.
(D)(i)	<p><u>Interstate transport provisions:</u> Each such plan shall [...] contain adequate provisions: (i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will, (I)</p>

³ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility.
	<p><i>The NDEP has evaluated all sources of Pb emissions within its jurisdiction and has concluded that no Pb sources that emit greater than 0.5 tons per year are located within 2 miles of Nevada’s border. This satisfies the requirements of subsection (2)(D)(i)(I). New major sources and major modifications in Nevada are subject to PSD, meeting the requirements of 110(a)(2)(D)(i)(II). The NDEP has full delegation of the federal PSD program (September 15, 2011), including NSR reform provisions. 40 CFR 52.1485(b) incorporates the federal PSD provisions (§ 52.21) into Nevada’s applicable SIP. The NDEP does not address the visibility requirements of subsection (2)(D)(i)(II) in this SIP, since Nevada is subject to the federal regional haze program which addresses visibility-impairing pollutants. US EPA proposed full approval of the “Nevada Regional Haze State Implementation Plan” on June 22, 2011 (76 FR 36450).</i></p>
(D)(ii)	<p><u>Interstate and international transport provisions:</u> Each such plan shall [. . .] contain adequate provisions insuring compliance with the applicable requirements of sections 115 or 126 that involve Pb emissions (relating to interstate and international pollution abatement). ➤ EPA notes it has no reason to approve or disapprove any existing state rules with regard to these provisions.</p>
	<p><i>The NDEP has full delegation of the federal PSD program (September 15, 2011), including NSR reforms through August 2, 2010. The federal PSD program is incorporated into Nevada’s applicable SIP at 40 CFR 52.1485. In addition, Article 13 of the Nevada applicable SIP, General Provisions for the Review of New Sources, requires an environmental evaluation before a registration certificate may be issued. The following NAC provisions have been submitted to US EPA as a SIP revision⁴, but are pending action by US EPA (see Appendix E). If approved, they would replace Article 13:</i></p> <ul style="list-style-type: none"> • <i>445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.</i> • <i>445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.</i> • <i>445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.</i>

⁴ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<p><i>The following NAC provisions have been submitted to US EPA as a SIP revision⁵, but are pending action by US EPA (see Appendix E). These provisions address the CAA §126 requirement to notify neighboring states of impacts from a source [see also elements (J) and (M)]:</i></p> <ul style="list-style-type: none"> • <i>445B.325 Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.</i> • <i>445B.3364 Operating permit to construct: Action by Director on application; notice; public comment and hearing.</i> • <i>445B.3395 Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.</i> • <i>445B.3425 Minor revision of permit.</i> • <i>445B.344 Significant revision of permit.</i> • <i>445B.3441 Administrative revision of permit to incorporate conditions of certain permits to construct.</i> • <i>445B.3457 Action by Director on application; notice; public comment and hearing; expiration of permit.</i> • <i>445B.3477 Class II general permit.</i>
(E)	<p><u>Adequate personnel, funding and authority:</u> Each such plan shall [. . .] provide:</p> <p>(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof),</p> <p>(ii) requirements that the state comply with the requirements respecting state boards under section 128, (See section 40 CFR 52.1182, http://edocket.access.gpo.gov/cfr_2004/julqtr/pdf/40cfr52.1180.pdf)</p> <p>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision.</p>
	<p><i>Nevada Revised Statutes (NRS) 445B.205, “Department designated as State Air Pollution Control Agency,” designates the Department of Conservation and Natural Resources as the air pollution control agency for the State of Nevada for the purposes of</i></p>

⁵ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<p><i>the CAA insofar as it pertains to state programs. Within the Department, pursuant to NAC 445B.053 (“Director” defined), the Director has assigned the NDEP responsibility to manage air quality planning and air pollution control programs for the State and to act on his behalf for the purposes of adoption, revision and submittal of state plans (see Appendix D).</i></p> <p><i>The specific statutes in the Nevada applicable SIP that deal with personnel, funding, authority to support SIP requirements and CAA section 128 requirements include NRS:</i></p> <ul style="list-style-type: none"> • <i>445B.200 Creation and composition; Chairman; quorum; compensation of members and employees; disqualification; technical support.</i> • <i>445B.210 Powers of Commission.</i> • <i>445B.220 Additional powers of Commission.</i> • <i>445B.230 Powers and duties of Department.</i> • <i>445B.235 Additional powers of Department.</i> • <i>445B.300 Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of Commission or Department to act.</i> • <i>445B.500 Establishment and administration of program; contents of program; designation of air pollution control agency of county for purposes of federal act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited.</i> • <i>445B.510 Commission may require program for designated area.</i> • <i>445B.520 Commission may establish or supersede county program.</i> • <i>445B.530 Commission may assume jurisdiction over specific classes of air contaminants.</i> • <i>445B.540 Restoration of superseded local program; continuation of existing local program.</i> <p><i>The Nevada Legislature approves the NDEP air programs’ funding and personnel resources requests every two years. The air programs receive funding from fees paid by regulated businesses, motor vehicle registration fees, and federal grants. The NDEP’s State Fiscal Year 2011 budget is in excess of \$6 million with 54 approved full-time equivalent staff positions in the air programs.</i></p>
(F)	<p><u>Stationary source monitoring and reporting:</u> Each such plan shall [. . .] require, as may be prescribed by the Administrator: (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by</p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP¹
	owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection.
	<p><i>Nevada's applicable SIP provides a system for monitoring emissions from stationary sources and the submittal of periodic emission reports in NAC:</i></p> <ul style="list-style-type: none"> • <i>445B.256 Monitoring systems: Calibration, operation, and maintenance of equipment.</i> • <i>445B.257 Monitoring systems: Location.</i> • <i>445B.258 Monitoring systems: Verification of operational status.</i> • <i>445B.259 Monitoring systems: Performance evaluations.</i> • <i>445B.260 Monitoring systems: Components contracted for before September 11, 1974.</i> • <i>445B.261 Monitoring systems: Adjustments.</i> • <i>445B.262 Monitoring systems: Measurement of opacity.</i> • <i>445B.263 Monitoring systems: Frequency of operation.</i> • <i>445B.264 Monitoring systems: Recordation of data.</i> • <i>445B.265 Monitoring systems: Records; reports.</i> • <i>445B.267 Alternative monitoring procedures or requirements.</i> • <i>445B.275 Violations: Acts constituting; notice.</i> • <i>Article 13.1.4 of the General Provisions for the Review of New Sources.</i> <p><i>Ambient air quality monitoring data and trends are reported annually in the Nevada Air Quality Trend Report. This report indirectly correlates stationary source emissions with the NAAQS. It is available for public inspection on the NDEP's web site at http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf. Additionally, the state submits stationary source emissions data to US EPA for publication in the annual National Emission Inventory, which is also available for public inspection.</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<p>NAC445B.308, “Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan,” has been submitted to US EPA as a SIP revision⁶, but is pending action by US EPA (see Appendix E). If approved, NAC 445B.308(7)(a) would replace Article 13.1.4.</p>
(G)	<p><u>Emergency episodes:</u> Each such plan shall provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority.</p>
	<p><i>Emergency powers are provided in Nevada’s current SIP in:</i></p> <ul style="list-style-type: none"> • NRS 445B.560 Plan or procedure for emergency. • NAC 445B.230 Plan for reduction of emissions. <p><i>While there are currently no significant sources of Pb in the NDEP’s jurisdiction, the provisions cited above are adequate to constrain any sources of Pb emissions, as necessary, in an emergency situation. Additionally, the NDEP’s jurisdiction is classified as a Priority III area for sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide and ozone. Priority III areas are not required to prepare emergency episode plans. It is reasonable to assume that an emergency episode plan would not be required for Pb, either.</i></p>
(H)	<p><u>Future SIP revisions:</u> Each such plan shall [. . .] provide for revision of such plan—</p> <p>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</p> <p>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter (CAA).</p>
	<p>NRS 445B.205, “Department designated as State Air Pollution Control Agency,” designates the Department of Conservation and Natural Resources as the air pollution control agency for the State of Nevada for the purposes of the CAA insofar as it pertains to state programs. Within the Department, pursuant to NAC 445B.053 (“Director” defined), the Director has assigned the NDEP responsibility to manage air quality planning and air pollution control programs for the State and to act on his behalf for the purposes of adoption, revision and submittal of state plans (see Appendix D). The NDEP commits to submit appropriate SIP revisions in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to a US</p>

⁶ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<i>EPA finding that the SIP is substantially inadequate.</i>
(I)	<u>Nonattainment area plan or plan revision under Part D:</u> Each such plan shall [. . .] in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas).
	<i>US EPA does not expect infrastructure SIP submissions to address this element (US EPA, Memorandum to Regional Air Division Directors, Draft as of 6/17/11. Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS). S. Mathias).</i>
(J)	<u>Consultation with government officials, public notification, PSD and visibility protection:</u> Each such plan shall [. . .] meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection).
	<p><u>Section 121</u> <i>The following SIP provisions provide a process of consultation with general purpose local governments, designated organizations of elected officials of local governments, and any federal land manager having authority over federal land to which the plan applies. NRS Chapter 445B, Air Pollution:</i></p> <ul style="list-style-type: none"> • <i>445B.220 Additional powers of Commission.</i> • <i>445B.235 Additional powers of Department.</i> • <i>445B.500 Establishment and administration of program; contents of program; designation of air pollution control agency of county for purposes of federal act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cities and small counties; regulation of certain electric plants provided.</i> • <i>445B.510 Commission may require program for designated areas.</i> <p><i>Additionally, NAC 445.707(Registration certificates: Prerequisite; application; fee; issuance, denial; expiration.) requires public participation in the state program before a registration certificate may be issued.</i></p> <p><i>The following NAC provisions have been submitted to US EPA as a SIP revision⁷, but are pending action by US EPA (see Appendix E). These provisions further support this element requirement:</i></p>

⁷ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<ul style="list-style-type: none"> • 445B.325 <i>Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.</i> • 445B.3364 <i>Operating permit to construct: Action by Director on application; notice; public comment and hearing.</i> • 445B.3395 <i>Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.</i> • 445B.3425 <i>Minor revision of permit.</i> • 445B.344 <i>Significant revision of permit.</i> • 445B.3441 <i>Administrative revision of permit to incorporate conditions of certain permits to construct.</i> • 445B.3457 <i>Action by Director on application; notice; public comment and hearing; expiration of permit.</i> • 445B.3447 <i>Class I general permit.</i> <p><i>The following provisions have not been submitted as part of Nevada’s SIP, but are in state law or regulation and further support this element requirement (see Appendix F).</i></p> <p><i>NRS Chapter 445B, Air Pollution:</i></p> <ul style="list-style-type: none"> • 445B.100 <i>Declaration of public policy.</i> • 445B.503 <i>Local air pollution control board in county whose population is 400,000 or more: Cooperation with regional planning coalition and regional transportation commission; prerequisites to adoption or amendment of plan, policy or program.</i> <p><i>NRS Chapter 233B, Nevada Administrative Procedure Act, requires notification and provision of comment opportunities to all parties affected by proposed regulations:</i></p> <ul style="list-style-type: none"> • 233B.060 <i>Notice of adoption, amendment or repeal of permanent or temporary regulation; adoption of permanent regulation after adoption of temporary regulation.</i> • 233B.0603 <i>Contents and form of notice of intent to adopt, amend or repeal permanent or temporary regulation; solicitation of comments from public or affected businesses.</i> • 233B.061 <i>Proposed permanent or temporary regulation: Public comment; workshop; public hearing; applicability of Open Meeting Law.</i> <p><i>Additionally, NAC 445B.221, “Adoption by reference and applicability of certain provisions of federal law and regulations,” adopts the federal PSD requirements by reference and thereby includes requirements to consult with affected land managers on PSD-related actions.</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<p><i>The NDEP commits to maintaining a process of consultation with parties designated under CAA section 121.</i></p> <p><u>Section 127</u> <i>The only nonattainment areas in the state lie within Washoe and Clark Counties; the rest of the state (NDEP’s jurisdiction) is attainment or unclassifiable for the NAAQS. The NDEP maintains a web site, http://ndep.nv.gov/, which describes the state’s air quality planning and air pollution control programs and includes public information pages with public notices and news releases. Air quality monitoring data and trends are reported on the web site, including real-time monitoring for particulate matter (PM₁₀) in Pahrump, Nevada. The Nevada Air Quality Trend Report (http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf) is published annually and includes a discussion of air quality trends with respect to the NAAQS.</i></p> <p><u>Part C</u> <i>The NDEP has full delegation of the federal PSD program from US EPA (September 15, 2011), including the provisions effective August 2, 2010 that increase the PSD permitting threshold for greenhouse gases. 40 CFR 52.1485(b) incorporates the federal PSD provisions (§ 52.21) into Nevada’s applicable SIP. With respect to visibility protection, US EPA does not expect to treat this provision as applicable for purposes of the infrastructure SIP approval process (US EPA Memorandum 6/17/11, Draft Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS). S. Mathias). For informational purposes, the NDEP submitted a regional haze SIP to US EPA on November 18, 2009. US EPA proposed full approval of the Nevada regional haze SIP on June 22, 2011 (76 FR 36450).</i></p>
(K)	<p><u>Air quality modeling/data:</u> Each such plan shall [. . .] provide for—</p> <ul style="list-style-type: none"> (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.
	<p><i>This requirement is addressed by the environmental evaluation provisions in Article 13, General Provisions for the Review of New Sources, of the Nevada applicable SIP. The following NAC provisions have been submitted to US EPA as a SIP revision⁸, but are pending action by US EPA (see Appendix E). If approved, they would replace Article 13:</i></p> <ul style="list-style-type: none"> • 445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state

⁸ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<p><i>implementation plan.</i></p> <ul style="list-style-type: none"> • 445B.310 <i>Environmental evaluation: Applicable sources and other subjects; exemption.</i> • 445B.311 <i>Environmental evaluation: Contents; consideration of good engineering practice stack height.</i>
(L)	<p><u>Permitting fees:</u> Each such plan shall require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—</p> <p>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</p> <p>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator’s approval of a fee program under subchapter (title) V of this chapter.</p>
	<p><i>The provisions of the Nevada applicable SIP that apply to funding to support SIP requirements include the following NRS:</i></p> <ul style="list-style-type: none"> • 445B.230 <i>Powers and duties of Department.</i> • 445B.235 <i>Additional powers of Department.</i> • 445B.300 <i>Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of Commission or Department to act.</i> <p><i>The provisions of the Nevada applicable SIP that apply to permitting fees include the following NAC:</i></p> <ul style="list-style-type: none"> • 445.704 <i>Registration certificates and operating permits required.</i> • 445.706 <i>Application data; payment of fees.</i> • 445.707 <i>Registration certificates: Prerequisite; application; fee; issuance, denial; expiration.</i> • 445.712 <i>Operating permits: Prerequisite; application; fee; issuance, denial; posting.</i> • 445.716 <i>Operating permits: Change of location.</i> <p><i>The following NAC provisions have been submitted to US EPA as a SIP revision⁹, but are pending action by US EPA (see Appendix E). They further support this element requirement:</i></p> <ul style="list-style-type: none"> • 445B.319 <i>Operating permits: Administrative amendment.</i>

⁹ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<ul style="list-style-type: none"> • 445B.331 Request for change of location of emission unit. • 445B.344 Significant revision of permit. • 445B.3441 Administrative revision of permit to incorporate conditions of certain permits to construct. • 445B.3443 Renewal of permit. • 445B.3457 Action by Director on application; notice; public comment and hearing; expiration of permit. • 445B.3473 Renewal of permit. • 445B.3485 Application: General requirements. • 445B.3497 Renewal of permit.
(M)	<p><u>Consultation/participation by affected local entities:</u> Each such plan shall [. . .] provide for consultation and participation by local political subdivisions affected by the plan.</p>
	<p><i>There are no organizations beyond the NDEP that will participate in developing, implementing, and enforcing the NDEP portion of this infrastructure SIP. As provided for in NRS 445B.500 (below), the Clark County Department of Air Quality and Environmental Management is responsible for developing, implementing, and enforcing air pollution control programs in Clark County, and the Washoe County Division of Air Quality Management is responsible in Washoe County. The NDEP will coordinate SIP submittals from these counties on behalf of the Governor. Provisions to supersede a county program, if such program is found inadequate by the State Environmental Commission, are provided in NRS 445B.520 (Commission may establish or supersede county program).</i></p> <p><i>The following applicable SIP provisions provide a process for public participation in the development of SIPs or SIP revisions.</i></p> <p><i>NRS Chapter 445B, Air Pollution:</i></p> <ul style="list-style-type: none"> • 445B.220 Additional powers of Commission. • 445B.235 Additional powers of Department; deposit of money collected from sale of emission credits or allocations; Department to develop regulations concerning public participation in determination of amount of emission credits or allocations available for sale. • 445B.320 Approval of plans and specifications required before construction or alteration of structure. • 445B.500 Establishment and administration of program; contents of program; designation of air pollution control agency of county for purposes of federal act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited. • 445B.510 Commission may require program for designated area.

**SECTION
110(a)(2)
ELEMENT**

CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP¹

Additionally, NAC 445.707, "Registration certificates: Prerequisite; application; fee; issuance, denial; expiration," requires public participation in the state program before a registration certificate may be issued.

The following NAC provisions have been submitted to US EPA as a SIP revision¹⁰, but are pending action by US EPA (see Appendix E). These provisions further support this element requirement, including the requirement to notify:

- *445B.325 Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.*
- *445B.3364 Operating permit to construct: Action by Director on application; notice; public comment and hearing.*
- *445B.3395 Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.*
- *445B.3425 Minor revision of permit.*
- *445B.344 Significant revision of permit.*
- *445B.3441 Administrative revision of permit to incorporate conditions of certain permits to construct.*
- *445B.3457 Action by Director on application; notice; public comment and hearing; expiration of permit.*
- *445B.3447 Class I general permit.*

The following provisions have not been submitted as part of Nevada's SIP, but are in state law or regulation and further support this element requirement (see Appendix F):

NRS Chapter 445B, Air Pollution,

- *445B.100 Declaration of public policy.*
- *445B.503 Local air pollution control board in county whose population is 400,000 or more: Cooperation with regional planning coalition and regional transportation commission; prerequisites to adoption or amendment of plan, policy or program.*

NRS Chapter 233B, Nevada Administrative Procedure Act, requires notification and provision of comment opportunities to all parties affected by proposed regulations,

- *233B.060 Notice of adoption, amendment or repeal of permanent or temporary regulation; adoption of permanent regulation after adoption of temporary regulation.*
- *233B.0603 Contents and form of notice of intent to adopt, amend or repeal permanent or temporary regulation; solicitation*

¹⁰ See footnote 1.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA ASIP ¹
	<p><i>of comments from public or affected businesses.</i></p> <ul style="list-style-type: none"> • <i>233B.061 Proposed permanent or temporary regulation: Public comment; workshop; public hearing; applicability of Open Meeting Law.</i> <p><i>Additionally, NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations," adopts the federal PSD requirements by reference and thereby includes requirements to consult with affected land managers.</i></p>

APPENDIX A

**State of Nevada Applicable State Implementation Plan
STATUTORY ELEMENTS: Air Pollution**

State of Nevada Applicable State Implementation Plan¹

STATUTORY ELEMENTS: Air Pollution

(2004 Codification)
as of August 19, 2011

EXPLANATION: Numbers in brackets after NRS number refer to the superseded statute in the ASIP, where applicable.

TITLE 0 - PRELIMINARY CHAPTER

GENERAL PROVISIONS

NRS 0.039 [new] “Person” defined.

TITLE 40 CHAPTER 445B - AIR POLLUTION

GENERAL PROVISIONS

NRS 445B.105 [445.406] Definitions.
NRS 445B.110 [445.411] “Air contaminant” defined.
NRS 445B.115 [445.416] “Air pollution” defined.
NRS 445B.120 [445.421] “Commission” defined.
NRS 445B.125 [445.424] “Department” defined.
NRS 445B.130 [445.427] “Director” defined.
NRS 445B.135 [445.431] “Federal Act” defined.
NRS 445B.140 [new] “Hazardous air pollutant” defined.
NRS 445B.145 [new] “Operating permit” defined.
NRS 445B.150 [445.441] “Person” defined.
NRS 445B.155 [445.446] “Source” and “indirect source” defined.

STATE ENVIRONMENTAL COMMISSION

NRS 445B.200 [445.451] Creation and composition; Chairman; quorum; compensation of members and employees; disqualification; technical support.
NRS 445B.205 [445.456] Department designated as State Air Pollution Control Agency.
NRS 445B.210 [445.461] Powers of Commission.
NRS 445B.220 [445.471] Additional powers of Commission.
NRS 445B.225 [445.472] Power of Commission to require testing of sources.
NRS 445B.230 [445.473] Powers and duties of Department.
NRS 445B.235 [445.474] Additional powers of Department.
NRS 445B.240 [445.476] Power of representatives of Department to enter and inspect premises.
NRS 445B.245 [445.477] Power of Department to perform or require test of emissions from stacks.

LOCAL HEARING BOARD

¹ This is the ASIP to the best of NDEP’s knowledge; it may vary somewhat from the U.S. EPA version. A proposed updated/replacement ASIP was submitted to EPA on February 16, 2005 with revisions on January 12, 2006, December 8, 2006, June 26, 2007 and August 20, 2007. This “Current” ASIP incorporates all of EPA’s final actions on NDEP’s submittals through April 16, 2008: the 3/27/06, 12/11/06, 4/20/07, 5/8/07, 4/9/08 and 4/16/08 FR actions and the 1/3, 5/8, 6/13, 11/2/07 and 4/16/08 rescissions.

NRS 445B.275 [445.481] Creation; members; terms.
NRS 445B.280 [445.486] Attendance of witnesses at hearing; contempt; compensation.

PROVISIONS FOR ENFORCEMENT

NRS 445B.300 [445.491] Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of Commission or Department to act.
NRS 445B.310 [445.493] Limitations on enforcement of federal and state regulations concerning indirect sources.
NRS 445B.320 [445.496] Approval of plans and specifications required before construction or alteration of structure.
NRS 445B.340 [445.498] Appeals to Commission: Notice of appeal.
NRS 445B.350 [445.499] Appeals to Commission: Hearings.
NRS 445B.360 [445.501] Appeals to Commission: Appealable matters; action by Commission; regulations.

VIOLATIONS

NRS 445B.450 [445.526] Notice and order by Director; hearing; alternative procedures.
NRS 445B.460 [445.529] Injunctive relief.

PROGRAM FOR CONTROL OF AIR POLLUTION

NRS 445B.500 [445.546] Establishment and administration of program; contents of program; designation of air pollution control agency of county for purposes of federal act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited.
NRS 445B.510 [445.551] Commission may require program for designated area.
NRS 445B.520 [445.556] Commission may establish or supersede county program.
NRS 445B.530 [445.561] Commission may assume jurisdiction over specific classes of air contaminants.
NRS 445B.540 [445.566] Restoration of superseded local program; continuation of existing local program.

MISCELLANEOUS PROVISIONS

NRS 445B.560 [445.571] Plan or procedure for emergency.
NRS 445B.570 [445.576] Confidentiality and use of information obtained by Department; penalty.
NRS 445B.580 [445.581] Officer of Department may inspect or search premises; search warrant.
NRS 445B.595 [445.586] Governmental sources of air contaminants to comply with state and local provisions regarding air pollution; permit to set fire for training purposes; planning and zoning agencies to consider effects on quality of air.
NRS 445B.600 [445.596] Private rights and remedies not affected.
NRS 445B.610 [445.598] Provisions for transition in administration.

PENALTIES

NRS 445B.640 [445.601] Levy and disposition of administrative fines; additional remedies available; penalty.

TITLE 0 - PRELIMINARY CHAPTER

GENERAL PROVISIONS

NRS 0.039 “Person” defined. Except as otherwise expressly provided in a particular statute or required by the context, “person” means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

(Added to NRS by 1985, 499)

TITLE 40 - CHAPTER 445B - AIR POLLUTION

GENERAL PROVISIONS

NRS 445B.105 [445.406] Definitions. As used in NRS 445B.100 to 445B.640, inclusive, unless the context otherwise requires, the words and terms defined in NRS 445B.110 to 445B.155, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1971, 1192; A 1973, 1811; 1993, 2852)—(Substituted in revision for NRS 445.406)

NRS 445B.110 [445.411] “Air contaminant” defined. “Air contaminant” means any substance discharged into the atmosphere except water vapor and water droplets.

(Added to NRS by 1971, 1192)—(Substituted in revision for NRS 445.411)

NRS 445B.115 [445.416] “Air pollution” defined. “Air pollution” means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in such quantity and duration as may tend to:

1. Injure human health or welfare, animal or plant life or property.
2. Limit visibility or interfere with scenic, esthetic and historic values of the State.
3. Interfere with the enjoyment of life or property.

(Added to NRS by 1971, 1192)—(Substituted in revision for NRS 445.416)

NRS 445B.120 [445.421] “Commission” defined. “Commission” means the State Environmental Commission.

(Added to NRS by 1971, 1192; A 1973, 1811)—(Substituted in revision for NRS 445.421)

NRS 445B.125 [445.424] “Department” defined. “Department” means the State Department of Conservation and Natural Resources.

(Added to NRS by 1973, 1808; A 1973, 1406; 1977, 1142)—(Substituted in revision for NRS 445.424)

NRS 445B.130 [445.427] “Director” defined. “Director” means the Director of the Department or his designee or person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations.

(Added to NRS by 1973, 1808)—(Substituted in revision for NRS 445.427)

NRS 445B.135 [445.431] “Federal Act” defined. “Federal Act” means the Clean Air Act (42 U.S.C. §§ 7401 et seq.), which includes the Clean Air Act of 1963 (P.L. 88-206) and amendments made by the Motor Vehicle Air Pollution Control Act (P.L. 89-272, October 20, 1965), the Clean Air Act Amendments of 1966 (P.L. 89-675, October 15, 1966), the Air Quality Act of 1967 (P.L. 90-148, November 21, 1967), the Clean Air Amendments of 1970 (December 31, 1970) and any amendments thereto made after July 1, 1971.

(Added to NRS by 1971, 1192; A 1993, 2852)—(Substituted in revision for NRS 445.431)

NRS 445B.140 “Hazardous air pollutant” defined. “Hazardous air pollutant” means a substance designated as such by the Commission pursuant to NRS 445B.210.

(Added to NRS by 1993, 2849)—(Substituted in revision for NRS 445.433)

NRS 445B.145 “Operating permit” defined. “Operating permit” means a permit signed and issued by the Director approving, with conditions, the construction and operation of a source of any air contaminant.

(Added to NRS by 1993, 2849)—(Substituted in revision for NRS 445.438)

NRS 445B.150 [445.441] “Person” defined. “Person” includes the State of Nevada, political subdivisions, administrative agencies and public or quasi-public corporations.

(Added to NRS by 1971, 1192; A 1985, 517)—(Substituted in revision for NRS 445.441)

NRS 445B.155 [445.446] “Source” and “indirect source” defined.

1. “Source” means any property, real or personal, which directly emits or may emit any air contaminant.

2. “Indirect source” means any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Indirect sources include, but are not limited to:

(a) Highways and roads;

(b) Parking facilities;

(c) Retail, commercial and industrial facilities;

(d) Recreation, amusement, sports and entertainment facilities;

(e) Airports;

(f) Office and government buildings;

(g) Apartment and condominium buildings;

(h) Educational facilities; and

(i) Other such property or facilities which will result in increased air contaminant emissions from motor vehicles or other stationary sources.

(Added to NRS by 1971, 1192; A 1973, 1811; 1975, 1781; 1977, 1558)—(Substituted in revision for NRS 445.446)

STATE ENVIRONMENTAL COMMISSION

NRS 445B.200 [445.451] Creation and composition; Chairman; quorum; compensation of members and employees; disqualification; technical support.

1. The State Environmental Commission is hereby created within the State Department of Conservation and Natural Resources. The Commission consists of:

(a) The Director of the Department of Wildlife;

(b) The State Forester Firewarden;

(c) The State Engineer;

(d) The Director of the State Department of Agriculture;

(e) The Administrator of the Division of Minerals of the Commission on Mineral Resources;

(f) A member of the State Board of Health to be designated by that Board; and

(g) Five members appointed by the Governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The Governor shall appoint the Chairman of the Commission from among the members of the Commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day’s attendance at a meeting of the Commission.

5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the Commission. The provisions of this subsection do not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of state government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The State Department of Conservation and Natural Resources shall provide technical advice, support and assistance to the Commission. All state officers, departments, commissions and agencies, including the Department of Transportation, the Department of Human Resources, the University and Community College System of Nevada, the State Public Works Board, the Department of Motor Vehicles, the Department of Public Safety, the Public Utilities Commission of Nevada, the Transportation Services Authority and the State Department of Agriculture may also provide technical advice, support and assistance to the Commission.

(Added to NRS by 1971, 1192; A 1973, 908, 1406, 1720; 1975, 1404; 1977, 1142, 1220, 1484, 1561; 1979, 910, 1800; 1981, 1983; 1983, 2089; 1985, 424, 1991; 1989, 1288, 1715; 1989, 1288, 1715; 1993, 404, 1623; 1995, 579; 1997, 1998; 1999, 3623; 2001, 2616; 2003, 1564)

NRS 445B.205 [445.456] Department designated as State Air Pollution Control Agency. The Department is:

1. Designated as the Air Pollution Control Agency of the State for the purposes of the Federal Act insofar as it pertains to state programs.
2. Authorized to take all action necessary or appropriate to secure to this state the benefits of the Federal Act.
(Added to NRS by 1971, 1139; A 1973, 1813)—(Substituted in revision for NRS 445.456)

NRS 445B.210 [445.461] Powers of Commission. The Commission may:

1. Subject to the provisions of NRS 445B.215, adopt regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, to prevent, abate and control air pollution.
2. Establish standards for air quality.
3. Require access to records relating to emissions which cause or contribute to air pollution.
4. Cooperate with other governmental agencies, including other states and the Federal Government.
5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.
6. By regulation:
 - (a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b); and
 - (b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b),
↳based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.
7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, except as otherwise provided in those sections.
8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.
9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.
(Added to NRS by 1971, 1193; A 1973, 1813; 1993, 2852; 1997, 3230)

NRS 445B.220 [445.471] Additional powers of Commission. In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, the Commission, in addition to any other action which may be necessary or appropriate to carry out such purposes, may:

1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.
2. Recommend measures for control of air pollution originating in this state.
(Added to NRS by 1971, 1194; A 1973, 1814)—(Substituted in revision for NRS 445.471)

NRS 445B.225 [445.472] Power of Commission to require testing of sources. The Commission may require the monitoring or source tests of existing or new stationary sources which can emit an air contaminant.
(Added to NRS by 1973, 1810)—(Substituted in revision for NRS 445.472)

NRS 445B.230 [445.473] Powers and duties of Department. The Department shall:

1. Make such determinations and issue such orders as may be necessary to implement the purposes of NRS 445B.100 to 445B.640, inclusive.
2. Apply for and receive grants or other funds or gifts from public or private agencies.
3. Cooperate and contract with other governmental agencies, including other states and the Federal Government.
4. Conduct investigations, research and technical studies consistent with the general purposes of NRS 445B.100 to 445B.640, inclusive.
5. Prohibit as specifically provided in NRS 445B.300 and 445B.320 and as generally provided in NRS 445B.100 to 445B.640, inclusive, the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.

6. Require the submission of such preliminary plans and specifications and other information as it deems necessary to process permits.

7. Enter into and inspect at any reasonable time any premises containing an air contaminant source or a source under construction for purposes of ascertaining compliance with NRS 445B.100 to 445B.640, inclusive.

8. Specify the manner in which incinerators may be constructed and operated.

9. Institute proceedings to prevent continued violation of any order issued by the Director and to enforce the provisions of NRS 445B.100 to 445B.640, inclusive.

10. Require access to records relating to emissions which cause or contribute to air pollution.

11. Take such action in accordance with the rules, regulations and orders promulgated by the Commission as may be necessary to prevent, abate and control air pollution.

(Added to NRS by 1973, 1808)—(Substituted in revision for NRS 445.473)

NRS 445B.235 [445.474] Additional powers of Department. In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, the Department may, if it considers it necessary or appropriate:

1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

2. On behalf of this state, apply for and receive funds made available to the State for programs from any private source or from any agency of the Federal Government under the Federal Act. All moneys received from any federal agency or private source as provided in this section shall be paid into the State Treasury and shall be expended, under the direction of the Department, solely for the purpose or purposes for which the grant or grants have been made.

3. Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air pollution, or will be in conformity with the state program and requirements for control of air pollution if such facility is constructed and operated in accordance with the application for certification.

4. Develop measures for control of air pollution originating in the State.

(Added to NRS by 1973, 1809)—(Substituted in revision for NRS 445.474)

NRS 445B.240 [445.476] Power of representatives of Department to enter and inspect premises.

1. Any duly authorized officer, employee or representative of the Department may enter and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with NRS 445B.100 to 445B.640, inclusive, and rules and regulations in force pursuant thereto.

2. No person shall:

(a) Refuse entry or access to any authorized representative of the Department who requests entry for purposes of inspection, as provided in this section, and who presents appropriate credentials.

(b) Obstruct, hamper or interfere with any such inspection.

3. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

(Added to NRS by 1971, 1194; A 1973, 1815)—(Substituted in revision for NRS 445.476)

NRS 445B.245 [445.477] Power of Department to perform or require test of emissions from stacks. The Department may perform a stack source emission test or require the source owner or operator to have such test made prior to approval or prior to the continuance of an operating permit or similar class of permits.

(Added to NRS by 1973, 1810; A 1975, 1405)—(Substituted in revision for NRS 445.477)

LOCAL HEARING BOARD

NRS 445B.275 [445.481] Creation; members; terms.

1. The governing body of any district, county or city authorized to operate an air pollution control program pursuant to NRS 445B.100 to 445B.640, inclusive, may appoint an air pollution control hearing board.

2. The air pollution control hearing board appointed by a county, city or health district must consist of seven members who are not employees of the State or any political subdivision of the State. One member of the hearing board must be an attorney admitted to practice law in Nevada, one member must be a professional engineer licensed in Nevada and one member must be licensed in Nevada as a general engineering contractor or a general building contractor as defined by NRS 624.215. Three must be appointed for a term of 1 year, three must be appointed for a

term of 2 years and one must be appointed for a term of 3 years. Each succeeding term must be for a period of 3 years.

(Added to NRS by 1971, 1195; A 1973, 1815; 1975, 1782; 1997, 1068)

NRS 445B.280 [445.486] Attendance of witnesses at hearing; contempt; compensation.

1. The district court in and for the county in which any hearing is being conducted may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the chairman of the hearing.

2. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena the chairman may report to the district court in and for the county in which the hearing is held, by petition setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in NRS 445B.100 to 445B.640, inclusive; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers in the hearing.

3. The court, upon petition of the chairman, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers in the hearing. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the chairman, the court shall thereupon enter an order that the witness appear in the hearing at the time and place fixed in the order and testify or produce the required books or papers, and upon a failure to obey the order the witness shall be dealt with as for contempt of court.

4. Witnesses may be compensated in the amounts provided in NRS 50.225.

(Added to NRS by 1971, 1195; A 1973, 1816)—(Substituted in revision for NRS 445.486)

PROVISIONS FOR ENFORCEMENT

NRS 445B.300 [445.491] Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of Commission or Department to act.

1. The Commission shall by regulation:

(a) Require the person operating or responsible for the existence of each source of air contaminant, generally or within a specified class or classes, to apply for and obtain an operating permit for the source.

(b) Require that written notice be given to the Director before the construction, installation, alteration or establishment of any source of air contaminant or of any specified class or classes of such sources, or the alteration of any device intended primarily to prevent or reduce air pollution. If within the time prescribed by regulation the Director determines that:

(1) The proposed construction, installation, alteration or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted under NRS 445B.100 to 445B.640, inclusive, or applicable regulations; or

(2) The design material or the construction itself is of such a nature that it patently cannot bring such source into compliance with NRS 445B.100 to 445B.640, inclusive, or applicable regulations,

the Director shall issue an order prohibiting the construction, installation, alteration or establishment of the source or sources of air contaminant.

2. The Commission shall by regulation provide for:

(a) The issuance, renewal, modification, revocation and suspension of operating permits, and charge appropriate fees for their issuance in an amount sufficient to pay the expenses of administering NRS 445B.100 to 445B.640, inclusive, and any regulations adopted pursuant to those sections.

(b) The issuance of authorizations for the issuance of building permits pursuant to paragraph (a) of subsection 2 of NRS 445B.320.

3. Any failure of the Commission or the Department to issue a regulation or order to prohibit any act does not relieve the person so operating from any legal responsibility for the construction, operation or existence of the source of air contaminant.

4. All administrative fees collected by the Commission pursuant to subsection 2 must be accounted for separately and deposited in the State General Fund for credit to the Account for the Management of Air Quality. This subsection does not apply to any fees collected by political subdivisions or their agencies.

(Added to NRS by 1971, 1196; A 1973, 1816; 1993, 2853)—(Substituted in revision for NRS 445.491)

NRS 445B.310 [445.493] Limitations on enforcement of federal and state regulations concerning indirect sources.

1. If any federal regulations relating to indirect sources become effective after January 17, 1977, the authority of a state agency to review new indirect sources may be exercised only:

- (a) In the enforcement of those federal regulations; and
- (b) To the extent enforcement by the state agency is required by the Federal Act.

2. The local air pollution control agency may enforce within its jurisdiction against existing indirect sources any federal or state regulations relating to indirect sources or any regulations it adopts relating to indirect sources, to the extent that:

- (a) Local enforcement is not inconsistent with the requirements of any federal law or regulation; and
- (b) Enforcement is necessary to comply with the federal standards for ambient air quality.

(Added to NRS by 1975, 1781; A 1977, 1559; 1981, 1539; 1985, 290; 1991, 1380)—(Substituted in revision for NRS 445.493)

NRS 445B.320 [445.496] Approval of plans and specifications required before construction or alteration of structure.

1. The Commission shall require, with respect to all sources of air contaminant, including indirect sources, that plans, specifications and such other information as the Commission may direct be submitted to the Director not later than a specified interval before the construction or alteration of a building or other structure if such construction or alteration includes the establishment or alteration of a source or indirect source of air contaminant.

2. The local government authority, if any, responsible for issuing any required building permit shall not issue such building permit:

- (a) Until the Department has given its authorization therefor, pursuant to regulation of the Commission.
- (b) If a stop order prohibiting such construction or alteration has been issued.

(Added to NRS by 1971, 1197; A 1973, 1817; 1977, 1559; 1993, 2854)—(Substituted in revision for NRS 445.496)

NRS 445B.340 [445.498] Appeals to Commission: Notice of appeal. A party aggrieved may file notice of appeal with the Commission within 10 days after the date of notice of action of the Department, except as otherwise provided by law.

(Added to NRS by 1973, 1809)—(Substituted in revision for NRS 445.498)

NRS 445B.350 [445.499] Appeals to Commission: Hearings.

1. Within 20 days after receipt of the notice of appeal provided for in NRS 445B.340, the Commission shall hold a hearing.

2. Notice of the hearing shall be given to all affected parties no less than 5 days prior to the date set for the hearing.

3. The Commission may sit en banc or in panels of three or more to conduct hearings.

4. The attendance of witnesses and the production of documents may be subpoenaed by the Commission at the request of any party. Witnesses shall receive the fees and mileage allowed witnesses in civil cases. Costs of subpoenas shall be taxed against the requesting party.

5. All testimony shall be given under oath, and recorded verbatim by human or electronic means.

6. For the purpose of judicial review under NRS 445B.560, the parties may agree upon a statement of facts in lieu of a transcript of testimony.

7. Costs of transcribing proceedings of the Commission shall be taxed against the requesting party.

(Added to NRS by 1973, 1809)—(Substituted in revision for NRS 445.499)

NRS 445B.360 [445.501] Appeals to Commission: Appealable matters; action by Commission; regulations.

1. Any person aggrieved by:

- (a) The issuance, denial, renewal, modification, suspension or revocation of an operating permit; or
- (b) The issuance, modification or rescission of any other order,

↳by the Director may appeal to the Commission.

2. The Commission shall affirm, modify or reverse any action taken by the Director which is the subject of the appeal.

3. The Commission shall provide by regulation for the time and manner in which appeals are to be taken to the Commission.

(Added to NRS by 1971, 1197; A 1973, 1818; 1977, 69; 1993, 2854)—(Substituted in revision for NRS 445.501)

VIOLATIONS

NRS 445B.450 [445.526] Notice and order by Director; hearing; alternative procedures.

1. Whenever the Director believes that a statute or regulation for the prevention, abatement or control of air pollution has been violated, he shall cause written notice to be served upon the person or persons responsible for the alleged violation.

2. The notice shall specify:

- (a) The statute or regulation alleged to be violated; and
- (b) The facts alleged to constitute the violation.

3. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless, within 10 days after service of the notice, a person named in the order requests a hearing before the Commission.

4. With or without the issuance of an order pursuant to subsection 3, or if corrective action is not taken within the time specified:

(a) The Director may notify the person or persons responsible for the alleged violation to appear before the Commission at a specified time and place; or

(b) The Commission may initiate proceedings for recovery of the appropriate penalty.

5. Nothing in this section prevents the Commission or the Director from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

(Added to NRS by 1971, 1198; A 1973, 1818; 1975, 1405)—(Substituted in revision for NRS 445.526)

NRS 445B.460 [445.529] Injunctive relief.

1. If, in the judgment of the Director, any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445B.100 to 445B.640, inclusive, or any rule, regulation, order or operating permit issued pursuant to NRS 445B.100 to 445B.640, inclusive, the Director may request that the Attorney General apply to the district court for an order enjoining the act or practice, or for an order directing compliance with any provision of NRS 445B.100 to 445B.640, inclusive, or any rule, regulation, order or operating permit issued pursuant to NRS 445B.100 to 445B.640, inclusive.

2. If, in the judgment of the control officer of a local air pollution control board, any person is engaged in or is about to engage in such an act or practice, the control officer may request that the district attorney of the county in which the act or practice is being engaged in or is about to be engaged in apply to the district court for such an order.

3. Upon a showing by the Director or the control officer that a person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order may be granted by the court.

(Added to NRS by 1973, 1809; A 1993, 2854; 2001, 1295)

PROGRAM FOR CONTROL OF AIR POLLUTION

NRS 445B.500 [445.546] Establishment and administration of program; contents of program; designation of air pollution control agency of county for purposes of federal act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited.

1. Except as otherwise provided in this section and in NRS 445B.310:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 400,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the Federal

Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of \$17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. For the purposes of this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.

(Added to NRS by 1971, 1199; A 1973, 1819; 1975, 1126, 1782; 1977, 1559; 1979, 546; 1985, 291; 1991, 2161; 1993, 175; 1997, 1999; 1999, 1976; 2001, 1296, 1515; 2003, 44)

NRS 445B.510 [445.551] Commission may require program for designated area.

1. If the Commission finds that:

- (a) The location, character or extent of particular concentrations of population or sources of air contaminant;
- (b) Geographic, topographic or meteorological considerations; or
- (c) Any combination of these factors,

↳ makes impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, it shall after a public hearing define the area so affected.

2. If an areawide air pollution control program is not established by cooperative or interlocal agreement within a time specified by the Commission, the Commission shall establish such a program, which shall be a charge on the counties, and may supersede any local program within the area.

(Added to NRS by 1971, 1200)—(Substituted in revision for NRS 445.551)

NRS 445B.520 [445.556] Commission may establish or supersede county program.

1. If a county required to establish or participate in an air pollution control program fails to do so, or if the Commission believes that a program previously approved is inadequate, it shall hold a public hearing. If it finds that an adequate program has not been adopted or that a program has become inadequate, it shall fix a time within which necessary corrective measures are to be taken.

2. If the prescribed measures are not so taken, the Commission shall direct the Department to administer an adequate air pollution control program within the county, which shall be a charge on the county, and may supersede any existing county air pollution control program.

(Added to NRS by 1971, 1200; A 1973, 1820)—(Substituted in revision for NRS 445.556)

NRS 445B.530 [445.561] Commission may assume jurisdiction over specific classes of air contaminants.

1. If the Commission finds that the control of a particular class of sources of air contaminant because of its complexity or magnitude is beyond the reasonable capability of one or more local air pollution control authorities, it may assume and retain jurisdiction over that class in the county or counties so affected.

2. Sources may be classified for the purpose of this section on the basis of their nature or their size relative to the county in which they are located.

(Added to NRS by 1971, 1200)—(Substituted in revision for NRS 445.561)

NRS 445B.540 [445.566] Restoration of superseded local program; continuation of existing local program.

1. A county or area whose local jurisdiction over air pollution control has been superseded may establish or restore a local air pollution control program if such program is approved as adequate by the Commission.

2. A district, county or city which has an air pollution control program in operation on July 1, 1971, may continue its program if within 1 year after July 1, 1971, the program is approved as adequate by the Commission. Such approval shall be deemed granted unless the Commission specifically disapproves the program after a public hearing. Nothing in NRS 445B.100 to 445B.640, inclusive, is to be construed as invalidating any rule, regulation, enforcement action, variance, permit, cease and desist order, compliance schedule, or any other legal action taken by any existing air pollution control authority pursuant to former NRS 445.400 to 445.595, inclusive, on or before July 1, 1971, unless it is specifically repealed, superseded or disapproved, pursuant to NRS 445B.215.

(Added to NRS by 1971, 1200)—(Substituted in revision for NRS 445.566)

MISCELLANEOUS PROVISIONS

NRS 445B.560 [455.571] Plan or procedure for emergency.

1. The Commission may provide by rules and regulations for alert, warning, and emergency standards and abatement procedures relative to air pollution episodes or emergencies constituting, or likely to constitute, an imminent and substantial danger to the health of persons.

2. Any person responsible for the operation of a source of air contaminants which is designated by the Director shall prepare and submit emergency plans for reducing or eliminating the emissions of air contaminants during such periods of air stagnation or air pollution episodes or emergencies as may be declared by the Director. The emergency plans shall be subject to review and approval by the Director. If, in the opinion of the Director, an emergency plan does not effectively carry out the objective of reducing or eliminating the emissions of air contaminants during periods of air stagnation or air pollution episodes or emergencies, the Director shall disapprove it, state the reason for disapproval, and order the preparation and submission of an amended emergency plan within the time period specified in the order. If an approvable emergency plan is not prepared and submitted within the time period specified in the order, the Director shall issue an emergency plan applicable to that person. Persons subject to the emergency plan shall obey the plan during periods of air stagnation or air pollution episodes or emergencies declared by the Director. The provisions of NRS 445B.360 with respect to appeals do not apply to this subsection.

3. Any other provisions of law to the contrary notwithstanding, if the Director finds that a generalized condition of air pollution exists or that emissions from one or more air contaminant sources occur and that the condition or sources create, or are likely to create, an imminent and substantial danger to health requiring immediate action to protect human health and safety, the Director shall order persons causing or contributing to the air pollution or responsible for the operation of the source to reduce or discontinue immediately the emission of air contaminants. Any person subject to the order may appeal directly to the district court or request a hearing before the Commission.

4. This section does not limit any power of any other state officer to declare an emergency and to act on the basis of such declaration.

(Added to NRS by 1971, 1201; A 1973, 1820)—(Substituted in revision for NRS 445.571)

NRS 445B.570 [445.576] Confidentiality and use of information obtained by Department; penalty.

1. Any information which the Department obtains in the course of the performance of its duties pursuant to the provisions of this chapter is public information unless otherwise designated as confidential information pursuant to the provisions of this section.

2. The emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by regulation of the Commission cannot be certified as being confidential.

3. Any confidential information received by the Commission, the Director or any local control authority which is certified in writing to the recipient as confidential by the owner or operator disclosing the information and verified and approved in writing as confidential by the recipient must, unless the owner expressly agrees to its publication or availability to the public, be used only:

- (a) In the administration or formulation of air pollution controls;
 - (b) In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any owner or operator or reveal any confidential information; or
 - (c) In complying with federal statutes, rules and regulations.
4. This section does not prohibit the use of confidential information in a prosecution for the violation of any statute, ordinance or regulation for the control of air pollution.
5. A person who discloses or knowingly uses confidential information in violation of this section is guilty of a misdemeanor, and is liable in tort for any damages which may result from such disclosure or use.
6. As used in this section, "confidential information" means information or records which:
- (a) Relate to dollar amounts of production or sales;
 - (b) Relate to processes or production unique to the owner or operator; or
 - (c) If disclosed, would tend to affect adversely the competitive position of the owner or operator.
- (Added to NRS by 1971, 1201; A 1973, 1821; 1975, 1405; 1993, 2855)—(Substituted in revision for NRS 445.576)

NRS 445B.580 [445.581] Officer of Department may inspect or search premises; search warrant.

1. It is a condition of the issuance of any operating permit required by the Commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by any authorized officer of the Department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit.
2. If a source of air contaminant exists or is constructed or operated without an operating permit, such an officer may inspect it at any reasonable time, and may enter any premises to search for such a source. If entry is refused, or before attempting to enter, such an officer may apply to any magistrate for a search warrant. The magistrate shall issue the warrant if he believes from the supporting affidavit or affidavits that there is probable cause to believe that a source of air contaminant exists or is being constructed or operated on the premises to be searched.
- (Added to NRS by 1971, 1202; A 1973, 1822; 1993, 2855)—(Substituted in revision for NRS 445.581)

NRS 445B.595 [445.586] Governmental sources of air contaminants to comply with state and local provisions regarding air pollution; permit to set fire for training purposes; planning and zoning agencies to consider effects on quality of air.

1. Except as otherwise provided by subsection 2, all governmental sources of air contaminants shall comply with all local and state air pollution laws, regulations and ordinances.
2. A fire department, county fire protection district, fire protection training academy or training center may, after obtaining a permit for a specific site, set a fire at that site for training purposes so long as the site is not within an area in which an air pollution episode or emergency constituting, or likely to constitute, an imminent and substantial danger to the health of persons exists. The permit must be obtained from:
- (a) The county air pollution control agency, if one has been designated pursuant to NRS 445B.500; or
 - (b) The Director, if an agency has not been so designated.
3. All planning commissions, zoning boards of adjustment, and governing bodies of unincorporated towns, incorporated cities and counties shall in the performance of their duties imposed by chapter 278 of NRS or other statutes relating to planning and zoning consider the effects of possible air pollution and shall submit to the Department for evaluation a concise statement of the effects on air quality by complex sources.
- (Added to NRS by 1971, 1202; A 1973, 1822; 1975, 1406; 1989, 584)—(Substituted in revision for NRS 445.586)

NRS 445B.600 [445.596] Private rights and remedies not affected. NRS 445B.100 to 445B.595, inclusive, does not abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor in the courts of this state or the courts of the United States on a tort claim against the United States or a federal agency as authorized by federal statutes.

(Added to NRS by 1971, 1202; A 1985, 292)—(Substituted in revision for NRS 445.596)

NRS 445B.610 [445.598] Provisions for transition in administration.

1. All rules, regulations and standards promulgated by the State Commission of Environmental Protection pertaining to air pollution control in force on July 1, 1973, shall remain in effect until such time as revised by the State Environmental Commission pursuant to NRS 445B.100 to 445B.640, inclusive.

2. Any and all action taken by the State Commission of Environmental Protection, including but not limited to existing orders, notices of violation, variances, permits, cease and desist orders and compliance schedules, shall remain in full force and effect and binding upon the State Environmental Commission, the Director, the Department and all persons to whom such action may apply on or after July 1, 1973.

3. In the event that a local air pollution control program described in NRS 445B.500 is transferred in whole or in part from an existing air pollution control agency to another agency, all rules and regulations adopted by the existing agency may be readopted as amended to reflect the transfer of authorities by the new agency immediately upon such transfer, and the provisions of NRS 445B.215 shall not apply to such readoption.

4. If a transfer of local authority as described in subsection 3 occurs, all orders, notices of violation, variances, cease and desist orders, compliance schedules and other legal action taken by the existing air pollution control board, control officer, or hearing board shall remain in full force and effect, and shall not be invalidated by reason of such transfer.

(Added to NRS by 1973, 1810)—(Substituted in revision for NRS 445.598)

PENALTIES

NRS 445B.640 [445.601] Levy and disposition of administrative fines; additional remedies available; penalty.

1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto, other than NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than \$10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding \$500 for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

(Added to NRS by 1971, 1202; A 1973, 1822; 1975, 1406; 1977, 70; 1989, 736; 1993, 2856; 1997, 1080)

APPENDIX B

State of Nevada Applicable State Implementation Plan REGULATORY ELEMENTS: Air Pollution

State of Nevada Applicable State Implementation Plan¹

REGULATORY ELEMENTS: Air Pollution

Through and including 4/16/08 final FR actions
January 28, 1972 - April 16, 2008
Last revised 8/19/2011

EXPLANATION:

Gray = Provision proposed for rescission by EPA 12/18/06 (71FR75690 re excess emissions), but not finalized.

Definitions

445B.001	Definitions.
445.431	Acid Mist Defined.
445B.002	Act Defined.
445B.004	Administrator Defined.
445B.005	Affected Facility Defined.
445B.006	Affected Source Defined.
445B.009	Air-Conditioning Equipment Defined.
445.436	Air Contaminant Defined.
445B.011	Air Pollution Defined.
445B.015	Alternative Method Defined.
445B.018	Ambient Air Defined.
445B.022	Atmosphere Defined.
445.445	Barite Defined.
445.447	Barite Grinding Mill Defined.
445B.030	British Thermal Units Defined.
445.458	Calcine Defined.
445.464	Coal Defined.
445.470	Colemanite Defined.
445.471	Colemanite Processing Plant Defined.
445B.042	Combustible Refuse Defined
Art. 1.36	Commenced. With respect to the definition of “new source” in section 112(a)(2) of the act...
445B.0425	Commission Defined.
Art. 1.42	Construction. Fabrication, erection, or installation of an affected facility.
Art. 1.43	Contiguous property.
445B.047	Continuous Monitoring System Defined.
445.482	Converter Defined.
445B.051	Day Defined.
445B.053	Director Defined.
445.492	Dryer Defined.
Art. 1.60	Effective date.
445B.055	Effective Date of the Program Defined.
445B.056	Emergency Defined.
445B.058	Emission Defined.
445B.059	Emission Unit Defined.
445B.060	Enforceable Defined.
445B.061	EPA Defined.

¹ This is the ASIP to the best of NDEP's knowledge; it may vary somewhat from the U.S. EPA version. A proposed updated/replacement ASIP was submitted to EPA on February 16, 2005 with revisions on January 12, 2006, December 8, 2006, June 26, 2007, August 20, 2007 and January 24, 2011. This “Current” ASIP incorporates all of EPA's final actions on NDEP's submittals through April 16, 2008: the 3/27/06, 12/11/06, 4/20/07, 5/8/07, 4/9/08 and 4/16/08 FR actions and the 1/3, 5/8, 6/13, 11/2/07 and 4/16/08 rescissions.

445B.062 **Equivalent Method Defined.**
445B.063 **Excess Emissions Defined.**
Art. 1.72 **Existing Facility.**
Art. 1.73 **Existing Source.**
445.512 **Floating Roof Defined.**
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445.713	Operating permits: Renewal.
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Art. 13.1	General Provisions for the Review of New Sources
Art. 13.1.1	Prior to the issuance of any registration certificates in accordance with . . .
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Art. 13.1.4	The Director may impose any reasonable conditions on his approval, including . . .
Art. 13.1.5	Where a proposed source located on contiguous property is constructed or modified . . .
Art. 13.1.6	Approval and issuance of a registration certificate to any source construction or . . .
Art. 13.1.7	Any source or proposed facility shall, upon written application to the Director, receive . . .
Art. 13.2	The following new single sources or modifications to an existing single source . . .
Art. 13.2.1	Any single source which can cause, allow or permit the emission of an air . . .
Art. 13.2.2	Any combination of single sources located at a single premise which can cause, . . .
Art. 13.2.3	Any single source, upon written notice from the Director.
Art. 13.3	Environmental Evaluation:

- Art. 13.3.1** **The environmental evaluation required for new or modified single as determined . . .**
- Art. 13.3.1.1** **An environmental evaluation shall be a careful and detailed assessment of the . . .**
- Art. 13.3.1.2** **An environmental evaluation shall contain adequate environmental safeguards . . .**

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Definitions			
	445B.001 (Supersedes 445.430)	Definitions. As used in <u>NAC 445B.001</u> to <u>445B.3791</u> , inclusive, unless the context otherwise requires, the words and terms defined in <u>NAC 445B.002</u> to <u>445B.211</u> , inclusive, have the meanings ascribed to them in those sections. (Supplied in codification; A by Environmental Comm'n, 12-5-84; 10-15-85; 8-22-86; 9-25-87; 10-22-87; 12-15-88; 12-8-89; 9-13-91; 12-26-91; 9-4-92; 10-29-93; 12-13-93; 3-29-94, eff. 11-15-94; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R096-05, 10-31-2005; R189-05, 5-4-2006; R162-06, 9-18-2006; R154-06, 11-13-2006, eff. 1-1-2007)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445.431	"Acid mist" defined. "Acid mist" means sulfuric acid mist, as measured by Method 8 of 40 C.F.R. S 60, Appendix A, or an equivalent or alternative method. [Environmental Comm'n, Air Quality Reg. 1.1, eff. 12-4-76; A 8-28-79]	(c)(25)(i)(A)
	445B.002 (Supersedes 445.432)	"Act" defined. "Act" means the Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended. [Environmental Comm'n, Air Quality Reg. § 1.2, eff. 12-4-76; A 8-28-79]—(Substituted in revision for NAC 445.432)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.004 (Supersedes 445.433)	"Administrator" defined. "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's representative or delegate. [Environmental Comm'n, Air Quality Reg. § 1.2.5, eff. 10-16-80]—(NAC A 10-14-82)—(Substituted in revision for NAC 445.433)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.005 (Supersedes 445.434)	"Affected facility" defined. "Affected facility" means, with reference to a stationary or temporary source, any apparatus to which a standard is applicable. [Environmental Comm'n, Air Quality Reg. § 1.3, eff. 12-4-76; A 8-28-79]—(NAC A 10-22-87; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.006	"Affected source" defined. "Affected source" means a stationary source subject to the requirements relating to acid rain set forth in 42 U.S.C. §§ 7651 to 7651o, inclusive. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95; R040-01, 10-25-2001)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.009 (Supersedes 445B.435)	"Air-conditioning equipment" defined. "Air-conditioning equipment" means equipment utilized to heat or cool the interior of a building or structure. [Environmental Comm'n, Air Quality Reg. § 1.1, eff. 11-7-75; renumbered as § 1.4, 12-4-76; A 8-28-79]— (Substituted in revision for NAC 445.435)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.436	"Air contaminant" defined. "Air contaminant" means any substance discharged into the atmosphere except water vapor and water droplets. [Environmental Comm'n, Air Quality Reg. 1.2, eff. 11-7-75; renumbered as 1.5, 12-4-76; A 8-28-79]	(c)(25)(i)(A)
	445B.011 (Supersedes 445.437)	"Air pollution" defined. "Air pollution" has the meaning ascribed to it in NRS 445B.115. [Environmental Comm'n, Air Quality Reg. §§ 1.3-1.3.3, eff. 11-7-75; renumbered as § 1.6, 12-4-76; A 8-28-79]— (NAC A by R105-97, 3-5-98)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.015	"Alternative method" defined. "Alternative method" means any method of sampling and analyzing for a regulated air	(c)(56)(i)(A)

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	(Supersedes 445.439)	pollutant which is not a reference or equivalent method, but which has been demonstrated to the satisfaction of the director that, in specific cases, it produces results adequate to determine compliance. [Environmental Comm'n, Air Quality Reg. § 1.7, eff. 12-4-76; A 8-28-79]—(NAC A 10-30-95)	71FR71486 12/11/2006
	445B.018 (Supersedes 445.441)	"Ambient air" defined. "Ambient air" means that portion of the atmosphere which is external to buildings, structures, facilities or installations to which the public has access. [Environmental Comm'n, Air Quality Reg. § 1.4, eff. 11-7-75; renumbered as § 1.9, 12-4-76; A 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.441)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.022 (Supersedes 445.444)	"Atmosphere" defined. "Atmosphere" means all the air surrounding the earth and external to buildings and structures. [Environmental Comm'n, Air Quality Reg. § 1.7, eff. 11-7-75; renumbered as § 1.14, 12-4-76; A and renumbered as § 1.13, 8-28-79]—(Substituted in revision for NAC 445.444)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.445	"Barite" defined. "Barite" means a naturally occurring sulfate of barium, BaSO ₄ , which is transparent to opaque and is whitish in color. [Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 1-25-79; renumbered as 1.14, 8-28-79]	(c)(25)(i)(A)
	445.447	"Barite grinding mill" defined. "Barite grinding mill" means any single source designed to reduce crude barite to a finished product. [Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff. 1-25-79]	(c)(25)(i)(A)
	445B.030 (Supersedes 445.457)	"British thermal units" defined. "British thermal units (Btu)" means that quantity of heat required to raise the temperature of one pound of water from 60 degrees Fahrenheit to 61 degrees Fahrenheit at a constant, absolute pressure of 14.7 pounds per square inch (29.92 inches of mercury). [Environmental Comm'n, Air Quality Reg. § 1.9, eff. 11-7-75; A and renumbered as § 1.21, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.457)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.458	"Calcine" defined. "Calcine" means the solid materials produced by a roaster. [Environmental Comm'n, Air Quality Reg. 1.22, eff. 12-4-76]	(c)(25)(i)(A)
	445.464	"Coal" defined. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous or lignite as defined by Designation D-388-66 of the American Society for Testing and Materials. [Environmental Comm'n, Air Quality Reg. § 1.29, eff. 12-4-76]	(c)(25)(i)(A)
	445.470	"Colemanite" defined. "Colemanite" means naturally occurring hydrated calcium borate with a molecular formula of Ca ₂ B ₆ O ₁₁ ·5H ₂ O, and which is normally white or colorless. [Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff. 11-17-78]	(c)(25)(i)(A)
	445.471	"Colemanite processing plant" defined. "Colemanite processing plant" means a facility which has the capability of treating colemanite ore for the production of calcined or uncalcined concentrate. Treating may consist of crushing, screening, grinding, transferring, storing,	(c)(25)(i)(A)

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		calcining as required and loading. [Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 11-17-78]	
	445B.042 (Supersedes 445.472)	“Combustible refuse” defined. “Combustible refuse” means any waste material which can be consumed by combustion. [Environmental Comm’n, Air Quality Reg. § 1.11, eff. 11-7-75; renumbered as § 1.35, 12-4-76]—(Substituted in revision for NAC 445.472)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.36		Commenced. With respect to the definition of “new source” in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.	(c)(12)
	445B.0425 (Supersedes Article 1.38)	“Commission” defined. “Commission” has the meaning ascribed to it in NRS 445B.120. (Added to NAC by Environmental Comm’n, eff. 10-30-95; A by R105-97, 3-5-98)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.42		Construction. Fabrication, erection, or installation of an affected facility.	(c)(12)
1.43		Contiguous property. Any property under single or joint ownership or operatorship which is in physical contact, touching, near, or adjoining. Public property or public right-of-way shall not be deemed as a break in any contiguous property.	(c)(14)(viii)
	445B.047 (Supersedes 445.480)	“Continuous monitoring system” defined. “Continuous monitoring system” means the equipment required for monitoring emissions which is used to sample and, if applicable, condition, to analyze, and to provide a permanent record of emissions or process parameters. [Environmental Comm’n, Air Quality Reg. § 1.44, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.480)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.482	"Converter" defined. "Converter" means any vessel in which lead concentrate or bullion is charged and refined. [Environmental Comm'n, Air Quality Reg. 1.46, eff. 12-4-76]	(c)(25)(i)(A)
	445B.051 (Supersedes 445.486)	“Day” defined. “Day” means a 24-hour period which begins at midnight. [Environmental Comm’n, Air Quality Reg. § 1.51, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.486)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.053 (Supersedes 445.488)	“Director” defined. “Director” means the Director of the State Department of Conservation and Natural Resources or his designee or a person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations. [Environmental Comm’n, Air Quality Reg. § 1.19, eff. 11-7-75; renumbered as § 1.53, 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.488)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.492	"Dryer" defined. "Dryer" means any facility in which a charge of a copper sulfide ore concentrate is heated in the presence of air to	(c)(25)(i)(A)

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		eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility. [Environmental Comm'n, Air Quality Reg. 1.57, eff. 12-4-76]	
1.60		Effective date. Upon the filing of the regulations with the Secretary of State, or as specified in the exceptions contained in NRS 233B.070.	(c)(14)(vii)
	445B.055	“Effective date of the program” defined. “Effective date of the program” means the date on which the Administrator approves the program. (Added to NAC by Environmental Comm’n, eff. 12-13-93)—(Substituted in revision for NAC 445.4915)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.056	“Emergency” defined. “Emergency” means any situation arising from a sudden and reasonably unforeseeable event beyond the control of the owner or operator, including an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed an emission limitation contained in the operating permit which is based on a specific type of technology. The term does not include the failure to comply with emission limitations because of the improper design of the source, the lack of preventative maintenance, the careless or improper operation of the source, or any error by the operator. (Added to NAC by Environmental Comm’n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4955)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.058 (Supersedes 445.499)	“Emission” defined. 1. “Emission” means the act of passing into the atmosphere a regulated air pollutant or a gas stream which contains, or may contain, a regulated air pollutant. 2. The term includes the material passed to the atmosphere. [Environmental Comm’n, Air Quality Reg. § 1.22, eff. 11-7-75; renumbered as § 1.65, 12-4-76]—(NAC A by R105-97, 3-5-98)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.059 (Supersedes 445.500)	“Emission unit” defined. “Emission unit” means a part of a stationary source which emits or has the potential to emit any regulated air pollutant. [Environmental Comm’n, Air Quality Reg. § 1.57.5, eff. 10-16-80]—(NAC A 10-22-87; 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.060	“Enforceable” defined. “Enforceable” means enforceable under federal, state or local law. (Added to NAC by Environmental Comm’n, eff. 10-14-82)—(Substituted in revision for NAC 445.5005)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.061	“EPA” defined. “EPA” means the United States Environmental Protection Agency. (Added to NAC by Environmental Comm’n, eff. 12-13-93)—(Substituted in revision for NAC 445.5008)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.062 (Supersedes 445.501)	“Equivalent method” defined. “Equivalent method” means any method of sampling and analyzing for a regulated air pollutant which has been demonstrated to the director’s satisfaction to have a consistent and quantitatively known relationship to the reference method under specified conditions. [Environmental Comm’n, Air Quality Reg. § 1.67, eff. 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR71486 12/11/2006

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	445B.063 (Supersedes 445.504)	<p>“Excess emissions” defined. “Excess emissions” means any emission which exceeds any applicable emission limitation prescribed by <u>NAC 445B.001 to 445B.3791</u>, inclusive, or that is contained in an operating permit. The averaging time and test procedures for determining excess emissions must be as specified in the relevant condition or conditions of the operating permit, except that this does not preclude the use, including the exclusive use, of any credible evidence or information relevant to the determination of whether a source would have been in compliance with the applicable requirements if the appropriate performance or compliance test or procedure had been performed to determine excess emissions.</p> <p>[Environmental Comm’n, Air Quality Reg. Art. 1 § 1, eff. 8-29-79]—(NAC A 10-22-87; 12-13-93; R096-05, 10-31-2005)</p>	(c)(66)(i)(A)(3) 73FR19144 04/09/2008
1.72		Existing facility. With reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.	(c)(12)
1.73		Existing source. Equipment, machines, devices, articles, contrivances, or facilities which are constructed, purchased, or in operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a “new source”.	(c)(12)
	445.512	<p>"Floating roof" defined.</p> <p>"Floating roof" means a cover of a storage vessel consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained and is equipped with a seal or seals to close the space between the edge of the roof and wall of the tank.</p> <p>[Environmental Comm'n, Air Quality Reg. 1.78, eff. 12-4-76]</p>	(c)(25)(i)(A)
	445.513	<p>"Fossil fuel" defined.</p> <p>"Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating useful heat.</p> <p>[Environmental Comm'n, Air Quality Reg. 1.79, eff. 12-4-76]</p>	(c)(25)(i)(A)
	445B.072 (Supersedes 445.516)	<p>“Fuel” defined. “Fuel” means any form of combustible matter, solid, liquid, vapor or gas which is used to generate energy.</p> <p>[Environmental Comm’n, Air Quality Reg. § 1.28, eff. 11-7-75; renumbered as § 1.82, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.516)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.073 (Supersedes 445.517)	<p>“Fuel-burning equipment” defined. “Fuel-burning equipment” means:</p> <ol style="list-style-type: none"> 1. Indirect heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion indirectly for the production of useful heat or power. 2. Direct heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion directly for the production of useful heat or power. <p>[Environmental Comm’n, Air Quality Reg. §§ 1.29-1.29.2, eff. 11-7-75; renumbered as § 1.85, 12-4-76]—(NAC A</p>	(c)(56)(i)(A) 71FR15040 3/27/2006

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		9-19-90)—(Substituted in revision for NAC 445.517)	
	445B.075 (Supersedes Article 1.86)	“Fugitive dust” defined. “Fugitive dust” means emissions of solid, airborne particulate matter which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening. [Environmental Comm’n, Air Quality Reg. § 1.30, eff. 11-7-75; renumbered as § 1.86, 12-4-76; A and renumbered as § 1.75, 10-16-80]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.520)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.077	“Fugitive emissions” defined. “Fugitive emissions” means emissions of any regulated air pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening. [Environmental Comm’n, Air Quality Reg. § 1.75.5, eff. 10-16-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.080 (Supersedes 445.525)	“Garbage” defined. “Garbage” means putrescible animal or vegetable refuse. [Environmental Comm’n, Air Quality Reg. § 1.31, eff. 11-7-75; renumbered as § 1.89, 12-4-76]—(Substituted in revision for NAC 445.525)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.084	“Hazardous air pollutant” defined. “Hazardous air pollutant” has the meaning ascribed to it in NRS 445B.140. (Added to NAC by Environmental Comm’n, eff. 12-13-93)—(Substituted in revision for NAC 445.5305)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.086 (Superseded 445.533)	“Incinerator” defined. “Incinerator” means an engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semisolid, liquid or gaseous waste at specified rates and from which the residues contain little or no combustible material. [Environmental Comm’n, Air Quality Reg. § 1.33, eff. 11-7-75; renumbered as § 1.98, 12-4-76]—(Substituted in revision for NAC 445.533)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.536	"Lead" defined. "Lead" means elemental lead or alloys in which the predominant component is lead. [Environmental Comm'n, Air Quality Reg. 1.101, eff. 12-4-76; A and renumbered as 1.98, 8-28-79]	(c)(25)(i)(A)
	445B.091 (Superseded 445.537)	“Local air pollution control agency” defined. “Local air pollution control agency” means any city, county or district air pollution control agency approved by the Commission. [Environmental Comm’n, Air Quality Reg. § 1.36, eff. 11-7-75; renumbered as § 1.103, 12-4-76; A and renumbered as § 1.99, 8-28-79]—(Substituted in revision for NAC 445.537)	(c)(56)(i)(A) 71FR15040 3/27/2006
1- Definitions: No. 2- LAER		“Lowest achievable emission rate” means the emission rate for any source for which an environmental evaluation must be prepared which reflects: a. The most stringent emission rate in the approved implementation plan of any state for any class or category or source, unless the owner or operator of the source demonstrates that such an emission limitation is not achievable; or b. The most stringent emission limitation which is achieved in practice by such class or category or source, whichever is more stringent so long as it is not less stringent than the emission rate allowed by any applicable emission standard established in these regulations.	(c)(16)(i)
1.104		Major stationary source. Any building, structure, facility, or installation which emits or may emit any air contaminant	(c)(12)

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		and which contains one or a combination of the following: <ul style="list-style-type: none"> 1. affected facilities; 2. existing facilities; 3. facilities of the type for which no new source performance standards have been promulgated Article 16. 	
	445B.095 (Superseded 445.542)	“Malfunction” defined. “Malfunction” means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown are not considered malfunctions. [Environmental Comm’n, Air Quality Reg. § 1.105, eff. 12-4-76; A and renumbered as § 1.101, 8-28-79]— (Substituted in revision for NAC 445.542)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.097	“Maximum allowable throughput” defined. “Maximum allowable throughput” means: <ul style="list-style-type: none"> 1. The maximum process weight allowed through a continuous or long-run steady-rate operation, per hour; or 2. For cyclical or batch unit operations or unit processes, the total process weight for a 1-hour period. ↪ If any process, operation or the design of any equipment permits more than one interpretation of this section, the interpretation which results in the lesser value of allowable emissions applies. (Added to NAC by Environmental Comm’n, eff. 10-22-87)—(Substituted in revision for NAC 445.5435)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.109		Modification. Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.	(c)(12)
	445B.103 (Superseded 445.548)	“Monitoring device” defined. “Monitoring device” means the total equipment used to measure and record emissions and process parameters which is required pursuant to 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.601, inclusive, or as a condition of an operating permit. [Environmental Comm’n, Air Quality Reg. § 1.110, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.548)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.111		Motor vehicle. Every self-propelled vehicle in, upon, or by which any person or property is, or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails.	(c)(12)
	445B.106 (Superseded 445.549)	“Multiple-chamber incinerator” defined. “Multiple-chamber incinerator” means any article, machine, equipment contrivance, structure or part of a structure used to dispose of combustible refuse by burning, which consists of three or more refractory lined combustion furnaces in series, physically separated by refractory walls and interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. [Environmental Comm’n, Air Quality Reg. § 1.39, eff. 11-7-75; renumbered as § 1.113, 12-4-76]—(Substituted in revision for NAC 445.549)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.114		New source. Equipment, machines, devices, articles, contrivances, or facilities built or installed on or after the	(c)(12)

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		effective date of these regulations.											
	4454B.109 (Superseded 445.552)	“Nitrogen oxides” defined. “Nitrogen oxides” means all oxides of nitrogen except nitrous oxide, as measured by test methods approved by the EPA. [Environmental Comm’n, Air Quality Reg. § 1.116, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.552)	(c)(56)(i)(A) 71FR15040 3/27/2006										
	445B.112	“Nonattainment area” defined. “Nonattainment area” means, for any regulated air pollutant, an area: 1. Which is shown by monitored data or is calculated by air quality modeling or any other method determined by the Administrator to be reliable, to exceed any national standard of ambient air quality for the regulated air pollutant; 2. Which is designated as a nonattainment area by the Governor; and 3. Which is promulgated as a nonattainment area by the Administrator. [Environmental Comm’n, Air Quality Reg. § 1.103, eff. 5-7-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006										
	445B.113	“Nonroad engine” defined. “Nonroad engine” has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997. (Added to NAC by Environmental Comm’n by R117-00, eff. 6-1-2001)	(c)(56)(i)(A) 71FR15040 3/27/2006										
	445B.1135	“Nonroad vehicle” defined. “Nonroad vehicle” has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997. (Added to NAC by Environmental Comm’n by R117-00, eff. 6-1-2001)	(c)(56)(i)(A) 71FR15040 3/27/2006										
	445B.116 (Superseded 445.555)	“Odor” defined. “Odor” means a characteristic of a regulated air pollutant which makes it perceptible to the sense of smell. [Environmental Comm’n, Air Quality Reg. § 1.43, eff. 11-7-75; renumbered as § 1.118, 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006										
	445B.119 (Superseded 445.556)	“One-hour period” defined. “One-hour period” means any 60-minute period. [Environmental Comm’n, Air Quality Reg. § 1.119, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.556)	(c)(56)(i)(A) 71FR15040 3/27/2006										
	445B.121 (Superseded 445.557)	“Opacity” defined. “Opacity” means the property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray. <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Opacity (Percent)</th> <th style="text-align: center;">Ringelmann Number</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">20.....</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">40.....</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">60.....</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">80.....</td> <td style="text-align: center;">4</td> </tr> </tbody> </table>	Opacity (Percent)	Ringelmann Number	20.....	1	40.....	2	60.....	3	80.....	4	(c)(56)(i)(A) 71FR15040 3/27/2006
Opacity (Percent)	Ringelmann Number												
20.....	1												
40.....	2												
60.....	3												
80.....	4												

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		100..... 5 [Environmental Comm'n, Air Quality Reg. § 1.44, eff. 11-7-75; renumbered as § 1.120, 12-4-76]—(Substituted in revision for NAC 445.557)	
	445B.122 (Superseded 445.558)	“Open burning” defined. “Open burning” means any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney. [Environmental Comm’n, Air Quality Reg. § 1.45, eff. 11-7-75; renumbered as § 1.21, 12-4-76]—(Substituted in revision for NAC 445.558)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.559	"Operating permit" defined. "Operating permit" means a document issued and signed by the director approving, with or without restrictions, the operation of a new or existing single source of air contaminants. [Environmental Comm'n, Air Quality Reg. 1.46, eff. 11-7-75; renumbered as 1.122, 12-4-76]	(c)(25)(i)(A)
	445B.125 (Superseded 445.560)	“Ore” defined. “Ore” means a natural combination of minerals from which a metal can be extracted. [Environmental Comm’n, Air Quality Reg. Art. 1 § 3, eff. 11-17-78]—(Substituted in revision for NAC 445.560)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.127 (Superseded 445.561)	“Owner or operator” defined. “Owner or operator” means any person who owns, leases, operates, controls or supervises an affected facility or a stationary source of which an affected facility is a part. [Environmental Comm’n, Air Quality Reg. § 1.123, eff. 12-4-76]—(Substituted in revision for NAC 445.561)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.129 (Superseded 445B.562)	“Particulate matter” defined. “Particulate matter” means any material except uncombined water that exists in a finely divided form as a liquid or solid at reference conditions. [Environmental Comm’n, Air Quality Reg. § 1.47, eff. 11-7-75; renumbered as § 1.124, 12-4-76]—(Substituted in revision for NAC 445.562)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.130 (Superseded 445.563)	“Pathological wastes” defined. “Pathological wastes” means human and animal remains consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar stationary sources. [Environmental Comm’n, Air Quality Reg. § 1.48, eff. 11-7-75; renumbered as § 1.125, 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.134 (Superseded 445.564)	“Person” defined. “Person” has the meaning ascribed to it in NRS 0.039 and includes the State of Nevada, political subdivisions, administrative agencies and public or quasi-public corporations. [Environmental Comm’n, Air Quality Reg. § 1.49, eff. 11-7-75; renumbered as § 1.126, 12-4-76]—(NAC A by R151-06, 9-18-2006)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445.565	"Petroleum" defined. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale and coal. [Environmental Comm'n, Air Quality Reg. 1.127, eff. 12-4-76]	(c)(25)(i)(A)
	445B.135	“PM₁₀” defined. “PM ₁₀ ” means any particulate matter in the atmosphere with an aerodynamic diameter less than or	(c)(56)(i)(A)

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		equal to a nominal 10 micrometers as measured by an approved reference method or equivalent method based on 40 C.F.R. Part 50, Appendix J and designated in accordance with 40 C.F.R. Part 53. (Added to NAC by Environmental Comm'n, eff. 12-26-91)—(Substituted in revision for NAC 445.5655)	71FR15040 3/27/2006
1.131		Point source. Any stationary source causing emission in excess of 23 metric tons (25 tons) per year of any pollutant for which there is ambient air standard, or without regard to amount of emission, stationary sources such as those listed in 40 CFR 51, Appendix C.	(c)(12)
	445.570 (proposed)	"Portland cement plant" defined. "Portland cement plant" means any facility manufacturing portland cement by either the wet or dry process. [Environmental Comm'n, Air Quality Reg. 1.132, eff. 12-4-76]	(c)(25)(i)(A)
	445.574	"Precious metal" defined. "Precious metal" means a metal of the gold, silver or platinum metal group. [Environmental Comm'n, Air Quality Reg. Art. 1, § 1, eff. 1-25-79; A 8-28-79]	(c)(25)(i)(A)
	445.575	"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. [Environmental Comm'n, Air Quality Reg. Art. 1, § 2, eff. 1-25-79; A 8-28-79]	(c)(25)(i)(A)
	445B.144 (Superseded 445.581)	"Process equipment" defined. "Process equipment" means any equipment used for storing, handling, transporting, processing or changing any material, excluding that equipment specifically defined in NAC 445B.001 to 445B.601, inclusive, as fuel-burning equipment or incinerators. [Environmental Comm'n, Air Quality Reg. § 1.52, eff. 11-7-75; renumbered as § 1.140, 12-4-76]—(Substituted in revision for NAC 445.581)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.145 (Superseded 445.584)	"Process weight" defined. "Process weight" means the total weight of all materials introduced into an emission unit including solid fuels, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion of the fuel. [Environmental Comm'n, Air Quality Reg. § 1.50, eff. 11-7-75; renumbered as § 1.143, 12-4-76; A and renumbered as § 1.140, 8-28-79]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.585	"Process weight rate" defined. "Process weight rate" means a rate established as follows: 1. For continuous or long-run steady-rate operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of the period or portions thereof. 2. For cyclical or batch unit operations or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period. 3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this section, the interpretation that results in the minimum value of allowable emission applies.	(c)(25)(i)(A)

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		[Environmental Comm'n, Air Quality Reg. 1.51-1.51.3, eff. 11-7-75; renumbered as 1.144, 12-4-76; A and renumbered as 1.141, 8-28-79]	
	445B.151 (Superseded 445.589)	“Reference conditions” defined. “Reference conditions” means that all measurements of ambient air quality are corrected to a reference temperature of 77°F (25°C) and to a reference pressure of 29.92 inches (760 millimeters, 1,013.2 millibars) of mercury. [Environmental Comm’n, Air Quality Reg. § 1.53, eff. 11-7-75; A and renumbered as § 1.147, 12-4-76; A and renumbered as § 1.144, 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.589)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.152 (Superseded 445.590)	“Reference method” defined. “Reference method” means any method of sampling and analyzing for a regulated air pollutant as described in Appendix A of 40 C.F.R. § 60. [Environmental Comm’n, Air Quality Reg. § 1.148, eff. 12-4-76; A and renumbered as § 1.145, 8-28-79]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.592	"Registration certificate" defined. "Registration certificate" means a document issued and signed by the director certifying that: 1. Adequate empirical data for a single source has been received and constitutes approval of location; or 2. An environmental evaluation has been submitted for a point source and that all portions of NAC 445.707 to 445.711, inclusive, and any other provisions of NAC 445.430 to 445.945, inclusive, have been complied with and constitutes approval of location and for construction. [Environmental Comm'n, Air Quality Reg. 1.55, eff. 11-7-75; renumbered as 1.151, 12-4-76; A and renumbered as 1.147, 8-28-79]	(c)(25)(i)(A)
	445B.153	“Regulated air pollutant” defined. “Regulated air pollutant” means: 1. Nitrogen oxides or any volatile organic compounds; 2. Any pollutant subject to: (a) A national ambient air quality standard and any constituents or precursors for such pollutants identified by the Administrator; (b) A standard or requirement adopted pursuant to 42 U.S.C. § 7411; or (c) A standard established pursuant to <u>NAC 445B.22097</u> ; 3. Any Class I or Class II substance subject to a standard adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive; or 4. Any pollutant that otherwise is subject to regulation under the Act, except that any hazardous air pollutant regulated under 42 U.S.C. § 7412 is not a regulated air pollutant unless the hazardous air pollutant is also regulated as a constituent or precursor of an air pollutant listed pursuant to 42 U.S.C. § 7408. (Added to NAC by Environmental Comm’n, 12-13-93, eff. 11-15-94; A 10-30-95; R096-05, 10-31-2005)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445.597	"Roaster" defined. "Roaster" means: 1. Any facility in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate 10 percent or more of the sulfur contained in the charge; or 2. Any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate 5 percent	(c)(25)(i)(A)

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		or more of the sulfur contained in the charge. [Environmental Comm'n, Air Quality Reg. 1.156-1.157, eff. 12-4-76]	
	445B.161 (Superseded 445.599)	“Run” defined. “Run” means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice. [Environmental Comm’n, Air Quality Reg. § 1.159, eff. 12-4-76]—(Substituted in revision for NAC 445.599)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.163 (Superseded 445.601)	“Salvage operation” defined. “Salvage operation” means any operation conducted in whole or in part for the salvaging or reclaiming of any product or material. [Environmental Comm’n, Air Quality Reg. § 1.157, eff. 11-7-75; renumbered as § 1.161, 12-4-76]—(Substituted in revision for NAC 445.601)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.167 (Superseded Article 1.166)	“Shutdown” defined. “Shutdown” means the cessation of operation of an affected facility for any purpose. [Environmental Comm’n, Air Quality Reg. § 1.166, eff. 12-4-76]—(Substituted in revision for NAC 445.606)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.168 (Superseded 445.612)	“Single-chamber incinerator” defined. “Single-chamber incinerator” means an incinerator with one chamber that serves for ignition, combustion and ash removal of a design approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources. [Environmental Comm’n, Air Quality Reg. § 1.98.1, eff. 3-31-77; A 12-27-77; A and renumbered as § 1.94.1, 8-28-79]—(Substituted in revision for NAC 445.612)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.171		Single source. All similar process operations located at a single premise which can technically and economically be replaced by a single process that performs the same function. Two or more pieces of equipment or processes that handle different materials or produce dissimilar products will be treated separately.	(c)(12)
	445B.172 (Superseded 445.617)	“Six-minute period” defined. “Six-minute period” means any one of the 10 equal parts of a 1-hour period. [Environmental Comm’n, Air Quality Reg. § 1.175, eff. 12-4-76]—(Substituted in revision for NAC 445.617)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445.618	"Slag" defined. "Slag" means the more or less completely fused and vitrified matter separated during the reduction of a metal from its ore. [Environmental Comm'n, Air Quality Reg. 1.176, eff. 12-4-76]	(c)(25)(i)(A)
	445B.174 (Superseded 445.621)	“Smoke” defined. “Smoke” means small particles consisting predominantly, but not exclusively, of carbon, ash or other combustible material, resulting from incomplete combustion. [Environmental Comm’n, Air Quality Reg. § 1.59, eff. 11-7-75; renumbered as § 1.179, 12-4-76]—(Substituted in revision for NAC 445.621)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.176 (Superseded 445.622)	“Solid waste” defined. “Solid waste” means refuse, more than 50 percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles and noncombustible materials such as glass and rock. [Environmental Comm’n, Air Quality Reg. § 1.176, eff. 12-4-76]—(Substituted in revision for NAC 445.622)	(c)(56)(i)(A) 71FR15040 3/27/2006

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	445B.177 (Superseded Article 1.181)	“Source” defined. “Source” has the meaning ascribed to it in NRS 445B.155. [Environmental Comm’n, Air Quality Reg. § 1.60, eff. 11-7-75; renumbered as § 1.177, 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.182		Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a paved roadway.	(c)(12)
	45B.180 (Superseded 445.624)	“Stack” and “chimney” defined. “Stack” or “chimney” means any flue, conduit or duct which conducts a regulated air pollutant to the atmosphere. [Environmental Comm’n, Air Quality Reg. § 1.62, eff. 11-7-75; renumbered as § 1.178, 12-4-76]—(NAC A 10-14-82; 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.182 (Superseded Article 1.185)	“Standard” defined. “Standard” means a standard of performance that is proposed or promulgated by the Administrator or the Director pursuant to NAC 445B.001 to 445B.735, inclusive. [Environmental Comm’n, Air Quality Reg. § 1.180, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94; 7-5-94)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.185 (Superseded 445.627)	“Start-up” defined. “Start-up” means the setting in operation of an affected facility for any purpose. [Environmental Comm’n, Air Quality Reg. § 1.179, eff. 12-4-76]—(Substituted in revision for NAC 445.627)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.187		Stationary source. Any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following; 1. affected facilities; 2. existing facilities; 3. facilities of the type for which no standards have been promulgated.	(c)(12)
	445B.190 (Superseded 445.630)	“Stop order” defined. “Stop order” means a written notice by the Director served on a person or persons requiring such persons to cease the activity that the Director, pursuant to <u>NAC 445B.277</u> , has determined is in violation of any provision of <u>NAC 445B.001</u> to <u>445B.3791</u> , inclusive, an applicable requirement or any condition of an operating permit. [Environmental Comm’n, Air Quality Reg. § 1.63, eff. 11-7-75; renumbered as § 1.184, 12-4-76]—(NAC A 12-13-93)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445.633	"Submerged fill pipe" defined. "Submerged fill pipe" means: 1. Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches (15 cm) above the bottom of the tank; or 2. When applied to a tank which is loaded from the side, any fill pipe, the discharge of which is entirely submerged when the liquid level is two times the diameter of the fill pipe above the bottom of the tank. [Environmental Comm'n, Air Quality Reg. 1.64, eff. 11-7-75; renumbered as 1.191, 12-4-76]	(c)(25)(i)(A)
	445B.198 (Superseded)	“Uncombined water” defined. “Uncombined water” means visible mist or condensed water vapor. [Environmental Comm’n, Air Quality Reg. § 1.65, eff. 11-7-75; renumbered as § 1.205, 12-4-76; A and renumbered	(c)(56)(i)(A) 71FR15040

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	445.647)	as § 1.200, 8-28-79]—(Substituted in revision for NAC 445.647)	3/27/2006
	445.649	"Violation" defined. "Violation" means any incident of excess emissions, regardless of the circumstances of the occurrence. [Environmental Comm'n, Air Quality Reg. 1.203, eff. 8-28-79]	(c)(25)(i)(A)
	445B.202 (Superseded 445.650)	"Volatile organic compounds" defined. "Volatile organic compounds" has the meaning ascribed to it in 40 C.F.R. § 51.100(s), as incorporated by reference in NAC 445B.221. [Environmental Comm'n, Air Quality Reg. § 1.67, eff. 11-7-75; renumbered as § 1.208, 12-4-76; A and renumbered as § 1.204, 8-28-79]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.650)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.205 (Superseded 445.651)	"Waste" defined. "Waste" means useless, unneeded, or superfluous matter or discarded or excess material. [Environmental Comm'n, Air Quality Reg. § 1.68, eff. 11-7-75; renumbered as § 1.209, 12-4-76; A and renumbered as § 1.205, 8-28-79]—(Substituted in revision for NAC 445.651)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.207 (Superseded 445.653)	"Wet garbage" defined. "Wet garbage" means a combination of waste and garbage which contains more than 50 percent moisture. [Environmental Comm'n, Air Quality Reg. § 1.69, eff. 11-7-75; renumbered as § 1.211, 12-4-76; A and renumbered as § 1.207, 8-28-79]—(Substituted in revision for NAC 445.653)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.209	"Year" defined. "Year" means any consecutive 365-day period. (Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.6535)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.211 (Partially supersedes 445.655; revisions to this section will be finalized when EPA has completed all action on NDEP's ASIP update submittal)	Abbreviations. The abbreviations used in NAC 445B.001 to 445B.3497, inclusive, have the following meanings: BACT..... best available control technology Btu..... British thermal unit C.F.R..... Code of Federal Regulations CO ₂ carbon dioxide °F..... degree Fahrenheit Hg..... mercury H ₂ S..... hydrogen sulfide lb..... pound NO..... nitric oxide NO _x nitrogen oxides O ₂ oxygen ppm..... parts per million SO ₂ sulfur dioxide VOC..... volatile organic compound [Environmental Comm'n, Air Quality Reg. § 1.213, eff. 12-4-76; A and renumbered as § 1.209, 8-28-79]—(NAC A	(c)(56)(i)(A) 71FR15040 3/27/2006

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		10-15-85; R105-97, 3-5-98; R040-01, 10-25-2001; R125-04, 9-24-2004)	
General Provisions			
	445B.220 (Superseded 445.660)	Severability. If any of the provisions of NAC 445B.001 to 445B.3791 , inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application. [Environmental Comm'n, Air Quality Reg. § 2.1.1, eff. 11-7-75]—(NAC A by R105-97, 3-5-98; R189-05, 5-4-2006; R154-06, 11-13-2006, eff. 1-1-2007)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445B.22017 (Superseded 445.721)	Visible emissions: Maximum opacity; determination and monitoring of opacity. 1. Except as otherwise provided in this section and NAC 445B.2202 , no owner or operator may cause or permit the discharge into the atmosphere from any emission unit which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods: (a) If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60. (b) If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. § 60.13(h). 2. The provisions of this section and NAC 445B.2202 do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption. 3. If the provisions of 40 C.F.R. Part 60, Subpart D or Da apply to an emission unit, the emission unit must be allowed one 6-minute period per hour of not more than 27 percent opacity as set forth in 40 C.F.R. § 60.42(a)(2) and 40 C.F.R. § 60.42a(b). 4. The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator specified in the permit for the facility in accordance with NAC 445B.256 to 445B.267 , inclusive. [Environmental Comm'n, Air Quality Reg. §§ 4.1 & 4.2, eff. 11-7-75; § 4.5.1.1, eff. 8-28-79]—(NAC A 9-19-90; 10-30-95; R118-00, 9-25-2000; R036-05, 10-31-2005, eff. 4-1-2006)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	NAC 445B.2202 (Superseded Articles 4.3, 4.3.1-4.3.3, 4.3.5)	Visible emissions: Exceptions for stationary sources. The provisions of NAC 445B.22017 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 ; or 4. Emissions of stationary diesel-powered engines during warm-up for not longer than 15 minutes to achieve operating temperatures. [Environmental Comm'n, Air Quality Reg. §§ 4.3.1-4.3.3, eff. 11-7-75; § 4.3.6, eff. 12-4-76; A and renumbered as § 4.3.4, 12-15-77; § 4.3.5, eff. 11-7-75; § 4.3.6, eff. 12-15-77; A 4-18-80]—(NAC A by R065-03, 10-30-2003; R198-03, 4-26-2004, eff. 3-1-2006; R036-05, 10-31-2005, eff. 4-1-2006)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008

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16.3.3		Standard for Opacity	(c)(14)(viii)
16.3.3.2		No person shall cause, suffer, allow, or permit the discharge from any clinker cooler which exhibit greater than 10 percent opacity.	(c)(14)(viii)
16.3.3.3		On or after the date on which the performance test required by Article 2.6 is completed, no owner or operator subject to the provision of Article 16.3 shall cause to be discharged into the atmosphere from any affect facility other than the kiln and clinker cooler any gases which exhibit 10% opacity or greater.	(c)(14)(viii)
	445.729	Process weight rate for calculating emission rates. For purposes of NAC 445.729 to 445.737, inclusive, the process weight rate to be used to calculate allowable emission rates must be the weight rates for single sources. [Environmental Comm'n, Air Quality Reg. 7.2.4, eff. 11-7-75; A 12-4-76]	(c)(25)(i)(A)
	445.730	Colemanite flotation processing plants. 1. The maximum amount of particulate matter which may be emitted in an hour by any colemanite flotation processing plant and the formulas by which the amount will be determined are: (a) For a crushing, screening or grinding plant, a maximum of 2.5 pounds (1.13 kilograms) per hour as calculated by: $E = 0.02 \times 10^{-3} P (0.04P)$. (b) For a storage bin for ore or an ore product, a maximum of 0.55 pounds (0.25 kilogram) per hour as calculated by: $E = 0.01 \times 10^{-3} P (0.02P)$. (c) For a dryer and calciner, a maximum of 10.50 pounds (4.75 kilograms) per hour as calculated by: $E = 0.31 \times 10^{-3} P (0.62P)$. 2. For the purposes of subsection 1: (a) "E" means the maximum emission rate allowed in pounds (kilograms) per hour. (b) "P" means the process weight rate in tons (kilograms) per hour. [Environmental Comm'n, Air Quality Reg. 7.2.8.1-7.2.8.3, eff. 11-17-78]	(c)(25)(i)(A)
	445B.22027	Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates. For purposes of NAC 445B.22027 to 445B.22037, inclusive, the maximum allowable throughput to be used to calculate allowable emission rates must be the maximum process weight for an emission unit. [Environmental Comm'n, Air Quality Reg. § 7.2.4, eff. 11-7-75; A 12-4-76]—(NAC A 10-22-87; 12-26-91; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.360)	(c)(56)(i)(A)(3) 72FR25972 5/8/2007
	445B.2203 (Superseded 445.731)	Emissions of particulate matter: Fuel-burning equipment. 1. No person may cause or permit the emission of PM ₁₀ resulting from the combustion of fuel in fuel-burning equipment in excess of the quantity set forth in the following formulas: (a) For maximum input of heat equal to or greater than 4 million Btu's per hour, but less than or equal to 10 million Btu's per hour, the allowable emission is 0.6 of a pound per million Btu's of input of heat. (b) For maximum input of heat greater than 10 million Btu's per hour, but less than 4,000 million Btu's per hour, the allowable emissions must be calculated using the following equation:	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

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		$Y = 1.02X^{-0.231}$ <p>(c) For maximum input of heat equal to or greater than 4,000 million Btu's per hour, the emission must be calculated using the following equation:</p> $Y = 17.0X^{-0.568}$ <p>2. For the purposes of paragraphs (b) and (c) of subsection 1:</p> <p>(a) "X" means the maximum operating rate in million Btu's per hour.</p> <p>(b) "Y" means the allowable rate of emission in pounds per million Btu's.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 7.1.1-7.1.1.2, eff. 11-7-75; § 7.1.3, eff. 11-7-75; renumbered as § 7.1.2, 12-15-77]—(NAC A 10-15-85; 9-19-90; 12-26-91; 10-30-95; R022-99, 9-27-99)—(Substituted in revision for NAC 445B.362)</p>	
	445B.22033 (Superseded 445.732)	<p>Emissions of particulate matter: Sources not otherwise limited.</p> <p>1. Owners or operators of stationary sources not otherwise included in NAC 445B.22027 to 445B.22037, inclusive, shall not cause or permit PM₁₀ to be discharged from any emission unit into the atmosphere in excess of the allowable emission determined by the use of the formula contained in subsection 2 or 3.</p> <p>2. When the maximum allowable throughput is less than 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:</p> $E = 4.10P^{0.67}$ <p>3. When the maximum allowable throughput equals or exceeds 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:</p> $E = 55P^{0.11} - 40$ <p>4. For the purposes of subsections 2 and 3:</p> <p>(a) "E" means the maximum rate of emission in pounds per hour.</p> <p>(b) "P" means the maximum allowable throughput in tons per hour.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 7.2.1-7.2.3, eff. 11-7-75]—(NAC A 10-19-83; 10-15-85; 10-22-87; 9-19-90; 12-26-91; 10-30-95; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.363)</p>	(c)(56)(i)(A)(3) 72FR25972 5/8/2007
	445B.22037 (Superseded)	<p>Emissions of particulate matter: Fugitive dust.</p> <p>1. No person may cause or permit the handling, transporting or storing of any material in a manner which allows</p>	(c)(56)(i)(A)(3) 72FR25972

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	445.734)	<p>or may allow controllable particulate matter to become airborne.</p> <p>2. Except as otherwise provided in subsection 4, no person may cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, “best practical methods” includes, but is not limited to, paving, chemical stabilization, watering, phased construction and revegetation.</p> <p>3. Except as otherwise provided in subsection 4, no person may disturb or cover 5 acres or more of land or its topsoil until he has obtained an operating permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.</p> <p>4. The provisions of subsections 2 and 3 do not apply to:</p> <p>(a) Agricultural activities occurring on agricultural land; or</p> <p>(b) Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.</p> <p>[Environmental Comm’n, Air Quality Reg. §§ 7.3.1 & 7.3.2, eff. 11-7-75; § 7.3.3, eff. 11-7-75; A 12-15-77]— (NAC A 9-19-90; 12-26-91; 12-13-93; 10-30-95)—(Substituted in revision for NAC 445B.365)</p>	5/8/2007
7.2.5.1		<p>The maximum allowable weight of particulates which may be discharged per hour from the first barite grinding mill of Milchem Incorporated near Battle Mountain is the weight prescribed in paragraph (a) or the weight determined by the use of the equation in paragraph (b), whichever is less:</p> <p>(a) Emissions of 5.6 kilograms (12.4 pounds) per hour.</p> <p>(b) Emissions determined by the equation $E = 0.0084 P^{0.67}$ ($E = 1.79 P^{0.67}$), where</p> <p>P = Process weight rate in kilograms (tons) per hour.</p> <p>E = Emission allowed in kilograms (pounds) per hour.</p>	(c)(22)(ii)
	445.808	<p>1. This section applies to those systems of the facilities described in subsection 2 which are used for crushing, screening, grinding, handling, transferring, concentrating, refining and storing crude barite.</p> <p>2. No owner or operator may cause or permit the emission of particulate matter in excess of the following:</p> <p>(a) IMCO Services’ barite grinding mill in Battle Mountain in Air Quality Region 147, Humboldt River Basin, Basin 59, Lower Reese River Valley, for grinding barite ore, 0.06 pounds per short ton (0.03 kilograms per metric ton) of crude barite processed.</p> <p>(b) Dresser Industries barite grinding mill south of Battle Mountain in Air Quality Control Region 147, Humboldt River Basin, Basin 55, Carico Lake Valley:</p> <p>(1) For primary crushing of barite ore, 0.015 pounds per short ton (0.0075 kilograms per metric ton) of barite ore processed.</p> <p>(2) For secondary crushing or screening of barite ore, 0.035 pounds per short ton (0.0175 kilograms per metric ton) of barite ore processed.</p> <p>(c) Dresser Industries’ barite grinding mill in Battle Mountain in Air Quality Control Region 147, Humboldt River Basin, Basin 59, Lower Reese River Valley:</p> <p>(1) For grinding barite ore, 0.06 pounds per short ton (0.03 kilograms per metric ton) of crude barite processed.</p>	(c)(26)(i)(A)

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		<p>(2) For bulk-loading barite ore, 0.18 pounds per short ton (0.09 kilograms per metric ton) of barite dispensed.</p> <p>3. No owner or operator may cause or permit a discharge with an opacity of greater than 20 percent from a barite grinding mill.</p> <p>4. The owner or operator of any barite grinding mill, as indicated on the permit, shall record the production rates and hours of operation of the mill and shall comply with all requirements for notification and recordkeeping in NAC 445.660 to 445.700 inclusive.</p> <p>5. All test methods and procedures in NAC 445.660 to 445.700, inclusive, and Appendix A, Reference Methods of 40 C.F.R. Part 60, apply to barite grinding mills. [Environmental Comm'n, Air Quality Reg. 16.27, eff. 1-25-79; A 8-28-79; 12-3-80; 8-17-81; 16.27.2, eff. 1-25-79; A 8-28-79; 8-17=81; 16.27.1.1-16.27.4 eff. 8-17-81; 16.27.4, eff. 1-25-79; NAC A 10-19-83]</p>									
	445.816	<p>1. This section applies to those systems of the facilities described in subsection 2 which are used for crushing, screening, grinding, handling, transferring, concentrating, refining and storing any precious metals or precious metal ore.</p> <p>2. No operator may permit the emission of particulate matter in excess of the following: (d) Freeport Gold Company's processing plant for precious metal in Air Quality Control Region 147, Basin 44, North Fork area: (1) For crushing, screening, grinding, handling and transferring any precious metal or precious metal ore, 0.04 lb/short ton (0.02 kg/metric ton) of precious metal ore processed. (2) For loading, transferring and storing any precious metal or precious metal ore, 0.02 lb/short ton (0.01 kg/metric ton).</p> <p>3. No owner or operator may permit the discharge of particulate matter of greater than 20 percent opacity from a single source of a processing plant for precious metal.</p> <p>4. The owner and the operator of any processing plant for precious metal shall record the yearly production rate and hours of operation for each source of particulate matter to which an emission standard applies.</p> <p>5. All tests must be performed in accordance with Appendix A of 40 C.F.R. Part 60. [Environmental Comm'n, Air Quality Reg. 16.26, eff. 1-25-79; A 8-28-79; 11-21-79; 12-20-79; 4-18-80; 16.26.1., eff. 1-25-79; 16.26.1.1, eff. 1-25-79; 8-28-79; 4-18-80; 16.26.1.2, eff. 1-25-79; A 4-18-80; 16.26.1.3-16.26.1.6, eff. 4-18-80; 16.26.1.7, eff. 4-18-80; A 8-17-81; 16.26.1.8; eff. 16.32.2, eff. 12-20-79; renumbered as 16.26.1.3, 4-18-80; NAC A 7-29-82; 10-19-83]</p>	(c)(26)(i)(A)								
8.2.1		<p>No person shall cause, suffer, allow or permit the emission of sulfur compounds caused by the combustion of fuel in excess of the quantity set forth in the following table:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Heat input, millions of British thermal units per hour</th> <th style="text-align: center;">Maximum sulfur emission, pounds per hour</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">10.....</td> <td style="text-align: center;">7.</td> </tr> <tr> <td style="text-align: center;">100.....</td> <td style="text-align: center;">70.</td> </tr> <tr> <td style="text-align: center;">1,000.....</td> <td style="text-align: center;">105.</td> </tr> </tbody> </table>	Heat input, millions of British thermal units per hour	Maximum sulfur emission, pounds per hour	10.....	7.	100.....	70.	1,000.....	105.	(c)(14)(vii)
Heat input, millions of British thermal units per hour	Maximum sulfur emission, pounds per hour										
10.....	7.										
100.....	70.										
1,000.....	105.										

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		10,000.....1050. 100,000.....10500.	
8.2.2		For purposes of Article 8, “sulfur emission” means the sulfur portion of the sulfur compounds emitted.	(c)(14)(vii)
	445B.2204 (Superseded 445.742)	<p>“Sulfur emission” defined. For purposes of NAC 445B.2204 to 445B.22063, inclusive, “sulfur emission” means the sulfur portion of the sulfur compounds emitted.</p> <p>[Environmental Comm’n, Air Quality Reg. § 8.2.2.4, eff. 11-7-75; renumbered as § 8.2.4, 12-4-76; A and renumbered as § 8.2.2, 12-15-77]—(Substituted in revision for NAC 445B.370)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.22043 (Superseded 445.743)	<p>Sulfur emissions: Calculation of total feed sulfur. For the purposes of <u>NAC 445B.2204</u> to <u>445B.2205</u>, inclusive, total feed sulfur must be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere. When furnaces, sinter machines, sinter boxes, roasters, converters, or other similar devices are used for converting ores, concentrates, residues, or slag to the metal or the oxide of the metal either wholly or in part, the combined sulfur input of all units must be used to determine the allowable emission.</p> <p>[Environmental Comm’n, Air Quality Reg. § 8.1.5, eff. 11-7-75]—(NAC A by R125-04, 9-24-2004)</p>	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445B.22047 (Superseded Article 8.2, 8.2.1.1 and 8.2.1.2)	<p>Sulfur emissions: Fuel-burning equipment.</p> <p>1. No person may cause or permit the emission of compounds of sulfur caused by the combustion of fuel in fuel-burning equipment in excess of the quantity calculated by the use of the formula in subsection 2 or 3.</p> <p>2. Where an emission unit has a maximum input of heat of less than 250 million Btu’s per hour, the allowable emission must be calculated by the use of the following equation:</p> $Y = 0.7X$ <p>For the purposes of this subsection:</p> <p>(a) “X” means the maximum operating input of heat in millions of Btu’s per hour.</p> <p>(b) “Y” means the allowable rate of emission of sulfur in pounds per hour.</p> <p>3. Where an emission unit has a maximum input of heat equal to or greater than 250 million Btu’s per hour, the allowable emission of sulfur must be calculated by the use of the following equations:</p> <p style="text-align: center;">Liquid fuel Y = 0.4X Solid fuel Y = 0.6X</p> <p style="text-align: center;">Combination Fuel Y = $\frac{L(0.4X) + S(0.6X)}{L + S}$</p> <p>For the purposes of this subsection:</p>	(c)(56)(i)(A) 71FR15040 3/27/2006

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		<p>(a) "X" means the maximum input of the operation in millions of Btu's per hour.</p> <p>(b) "Y" means the allowable rate of emissions of sulfur in pounds per hour.</p> <p>(c) "L" means the percentage of total input of heat derived from liquid fuel.</p> <p>(d) "S" means the percentage of total input of heat derived from solid fuel.</p> <p>[Environmental Comm'n, Air Quality Reg. § 8.2.1, eff. 11-7-75; § 8.2.2.1, eff. 11-7-75; A and renumbered as § 8.2.2, 12-4-76; renumbered as § 8.2.1.1, 12-15-77; § 8.2.2.2, eff. 11-7-75; A and renumbered as § 8.2.3, 12-4-76; renumbered as § 8.2.1.2, 12-15-77; § 8.2.2.3, eff. 11-7-75]—(NAC A 10-19-83; 10-15-85; 9-19-90; 12-24-91; 10-30-95; R105-97, 3-5-98; R022-99, 9-27-99)—(Substituted in revision for NAC 445B.373)</p>	
	445B.2205 (Superseded 445.746)	<p>Sulfur emissions: Other processes which emit sulfur.</p> <p>1. No person may cause or permit the emission of sulfur compounds where the sulfur originates in the material being processed, excluding hydrogen sulfide and sulfur from all solid, liquid or gaseous fuel, in excess of the quantity determined by the following equation:</p> $E = 0.292P^{0.904}$ <p>when "E" is equal to or greater than 10 pounds per hour. When "E" is less than 10 pounds per hour, the gas stream concentration must not exceed 1,000 ppm by volume.</p> <p>2. For the purposes of subsection 1:</p> <p>(a) "E" means the allowable sulfur emission in pounds per hour.</p> <p>(b) "P" means the total feed sulfur, excluding hydrogen sulfide, in pounds per hour.</p> <p>3. When sulfur emissions are due to sulfur contributions from both the fuel and the material being processed, the allowable emissions must be the sum of those allowed by this section and <u>NAC 445B.22047</u>.</p> <p>4. Incinerators used solely for the control of odor by the combustion of noxious sulfur containing compounds are exempt from the provisions of <u>NAC 445B.2204</u> to <u>445B.2205</u>, inclusive, and are governed by the provisions of <u>NAC 445B.22027</u> to <u>445B.22037</u>, inclusive, and <u>445B.287</u> to <u>445B.3497</u>, inclusive.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 8.3.1-8.4, eff. 11-7-75]—(NAC A 9-5-84; 9-19-90; 12-26-91; 12-13-93; 10-30-95; 5-3-96; R105-97, 3-5-98; R125-04, 9-24-2004)</p>	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445B.22067 (Superseded Article 5.1, 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5 and 5.3)	<p>Open burning.</p> <p>1. The open burning of any combustible refuse, waste, garbage or oil, or for any salvage operations, except as specifically exempted, is prohibited.</p> <p>2. Open burning:</p> <p>(a) For the purpose of weed abatement, conservation, disease control, game or forest management, personnel training or elimination of hazards is allowed if:</p> <p>(1) Approved in advance by the Director; or</p> <p>(2) Authorized by an officer of the State of Nevada or its political subdivisions and concurred in by the Director.</p> <p>(b) Of yard waste and other untreated wood waste, as described in NAC 444.640, is allowed if approved in advance</p>	(c)(56)(i)(A) 71FR15040 3/27/2006

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		<p>by the Director.</p> <p>(c) Is allowed for agricultural purposes and management except where prohibited by local ordinances or regulations.</p> <p>(d) Is allowed at single-family residences located in all areas of the State except in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko Township, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line.</p> <p>(e) Is allowed at single-family residences located in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko Township, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line if:</p> <ol style="list-style-type: none"> (1) Authorized by an officer of the State of Nevada or its political subdivisions; (2) Concurred in by the Director; and (3) Not specifically prohibited by local ordinances or regulations. <p>(f) Of small wood fires is allowed for recreational, educational, ceremonial, heating or cooking purposes.</p> <p>3. All open burning must be attended and controlled at all times to eliminate fire hazards. [Environmental Comm'n, Air Quality Reg. Art. 5, eff. 11-7-75; A 5-8-77]—(NAC A by R237-03, 4-15-2004)</p>	
	445B.2207 (Superseded 445.754)	<p>Incinerator burning.</p> <ol style="list-style-type: none"> 1. Except as otherwise provided in subsection 6: <ol style="list-style-type: none"> (a) Burning in any incinerator other than the multiple-chamber type is prohibited. (b) Incinerator burning which produces, for periods totaling 1 minute in 1 hour, a visible emission which is of an opacity equal to or greater than 20 percent is prohibited. 2. Incinerators used for the burning of pathological wastes, wet garbage or high moisture content material must be high temperature types with either grate or solid hearth construction, drying shelves for wet wastes and an auxiliary heating unit to ensure temperatures of 1400°F (760°C) for not less than 0.3 of a second. The hearth must be frequently cleaned at regular intervals to prevent buildup of residues and deposits. 3. The rated burning capacity, operating and maintenance procedures approved by the Director must be posted conspicuously at or near the incinerator. 4. Allowable PM₁₀ emissions from incinerators of less than 2,000 lb per hour rated burning capacity may not exceed 1.8 lb/ton of dry refuse charged. 5. Allowable PM₁₀ emissions from incinerators equal to or greater than 2,000 lb per hour burning capacity must be calculated using the following equation: $E = 0.6 (40.7 \times 10^{-5}C)$ <p>For the purposes of this subsection, "E" means the maximum allowable rate of emission of PM₁₀ in pounds per hour</p>	(c)(56)(i)(A) 71FR15040 3/27/2006

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		and “C” means the rate of charge of dry refuse in pounds per hour. 6. Single-chamber incinerators may be used at single-family residences, in all areas of the State, except in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko Township, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line, unless otherwise prohibited by local ordinances or regulations. [Environmental Comm’n, Air Quality Reg. §§ 6.1 & 6.2, eff. 11-7-75; § 6.3, eff. 11-7-75; A 3-31-77; §§ 6.4-6.6.2, eff. 11-7-75]—(NAC A 9-19-90; 12-26-91; R237-03, 4-15-2004)	
	445B.22083	Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels. 1. Except as otherwise provided in subsections 2 and 3, a person shall not make a major modification to an existing plant or construct a new plant to generate electricity using steam produced by the burning of fossil fuels within: (a) The Las Vegas Valley, Hydrographic Area 212; (b) The El Dorado Valley, Hydrographic Area 167; (c) The Ivanpah Valley, Hydrographic Areas 164 a and 164 b; or (d) The city limits of Boulder City. 2. Fossil fuel-fired power generating units Numbers 1, 2 and 3 at Clark Station and fossil fuel-fired power generating unit Number 1 at Sunrise Station may be relocated to the Ivanpah Valley and must comply with the provisions of NAC 445B.001 to 445B.3689, inclusive. 3. If an emission unit is relocated to Ivanpah Valley: (a) The previously used emission unit must be deactivated and removed from the previous site when the relocated unit begins operation. (b) Any credit for reduced emission is not available as an offset credit. 4. As used in this section, “major modification” has the meaning ascribed to it in 40 C.F.R. § 51.165, as adopted by reference in NAC 445B.221. (Added to NAC by Environmental Comm’n, eff. 9-4-92; A 3-29-94; R096-05, 10-31-2005)	(c)(67)(i)(A)(1) 73FR20536 4/16/2008
	445B.2209 (Superseded 445.845)	Reduction of animal matter. 1. The operation of any machine, equipment or other contrivance for the reduction of animal matter is prohibited unless all gases, vapors and gas-entrained effluents are: (a) Incinerated at temperatures of not less than 1400°F (760°C) for not less than 0.3 second; 2. This section does not apply to any machine, equipment or other contrivance used exclusively for the processing of food for human consumption. [Environmental Comm’n, Air Quality Reg. §§ 10.2.1-10.2.2, eff. 11-7-75]—(Substituted in revision for NAC 445B.394)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.22093	Organic solvents and other volatile compounds. 1. Solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers and manure must be	(c)(66)(i)(A)(3) 73FR 19144

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	(Superseded 445.846 and Articles 9.2, 9.2.1, 9.2.1.1 and 9.2.1.2)	<p>processed, stored, used and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape or be otherwise discharged into the ambient air causing or contributing to air pollution. If methods of control are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage or discharge, as determined by the Director, the installation and use of such methods, devices or equipment for control is mandatory.</p> <p>2. No person may place, store or hold in any new reservoir, stationary tank or other container with a capacity equal to or greater than 40,000 gallons (150 kiloliters) any gasoline, petroleum distillate, or volatile organic compound having a vapor pressure of 1.5 lb/square inch absolute (1,055 kg/square meter) or greater under actual storage conditions unless the tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent loss of vapor or gas to the atmosphere or is equipped with one of the following devices properly installed, in good working order, and in operation:</p> <p>(a) A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a seal to close the space between the roof eave and tank wall or a vapor balloon or a vapor dome designed in accordance with accepted standards of the petroleum industry. This control equipment is not permitted if the gasoline or petroleum distillate has a vapor pressure of 11 lb/square inch absolute (7,734 kg/square meter) or greater under actual conditions. All gauging and sampling devices for tanks must be gastight except when gauging or sampling is taking place.</p> <p>(b) Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere.</p> <p>3. Any tank for the storage of any other petroleum or volatile organic compound which is constructed or extensively remodeled on or after November 7, 1975, must be equipped with a submerged fill pipe for the control of emissions.</p> <p>4. All facilities for dock loading of products consisting of petroleum or other volatile organic compounds having a vapor pressure of 1.5 lb/square inch absolute (1,055 kg/square meter) or greater at loading pressure must have facilities for submerged filling by a submerged fill pipe for the control of emissions.</p> <p>[Environmental Comm'n, Air Quality Reg. Art. 9, eff. 11-7-75]—(NAC A 10-19-83; R096-05, 10-31-2005)</p>	4/09/2008																					
	445B.22097 (Superseded 445.843)	<p>Standards of quality for ambient air.</p> <p>1. The table contained in this section lists the minimum standards of quality for ambient air.</p> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">NEVADA STANDARDS^A</th> <th colspan="3">NATIONAL STANDARDS^B</th> </tr> <tr> <th>POLLUTANT</th> <th>AVERAGING TIME</th> <th>CONCENTRATION^C</th> <th>METHOD^D</th> <th>PRIMARY^{C, E}</th> <th>SECONDARY^{C, F}</th> <th>METHOD</th> </tr> </thead> <tbody> <tr> <td>Ozone</td> <td>1 hour</td> <td>0.12 ppm (235 µg/m³)</td> <td>Ultraviolet absorption</td> <td>0.12 ppm (235 µg/m³)</td> <td>Same as primary</td> <td>Chemiluminescence</td> </tr> </tbody> </table>			NEVADA STANDARDS ^A		NATIONAL STANDARDS ^B			POLLUTANT	AVERAGING TIME	CONCENTRATION ^C	METHOD ^D	PRIMARY ^{C, E}	SECONDARY ^{C, F}	METHOD	Ozone	1 hour	0.12 ppm (235 µg/m ³)	Ultraviolet absorption	0.12 ppm (235 µg/m ³)	Same as primary	Chemiluminescence	(c)(56)(i)(A) 71FR15040 3/27/2006
		NEVADA STANDARDS ^A		NATIONAL STANDARDS ^B																				
POLLUTANT	AVERAGING TIME	CONCENTRATION ^C	METHOD ^D	PRIMARY ^{C, E}	SECONDARY ^{C, F}	METHOD																		
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		Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 µg/m ³)	Ultraviolet absorption	--	--	--	
		Carbon monoxide less than 5,000' above mean sea level	8 hours	9 ppm (10,500 µg/m ³)	Non-dispersive infrared photometry	9 ppm (10 mg/m ³)	None	Non-dispersive infrared photometry	
		At or greater than 5,000' above mean sea level		6 ppm (7,000 µg/m ³)					
		Carbon monoxide at any elevation	1 hour	35 ppm (40,500 µg/m ³)			35 ppm (40 mg/m ³)		
		Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m ³)	Gas phase chemiluminescence	0.053 ppm (100 µg/m ³)	Same as primary	Gas phase chemiluminescence	
		Sulfur dioxide	Annual arithmetic mean	0.030 ppm (80 µg/m ³)	Ultraviolet Fluorescence	0.030 ppm	None	Spectrophotometry (Pararosaniline method)	
			24 hours	0.14 ppm (365 µg/m ³)		0.14 ppm			
			3 hours	0.5 ppm (1,300 µg/m ³)		None	0.5 ppm		
		Particulate matter as PM ₁₀	Annual arithmetic mean	50 µg/m ³	High volume PM ₁₀ sampling	50 µg/m ³	Same as primary	High volume PM ₁₀ 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	1.5 µg/m ³	Same as primary	High volume sampling, acid extraction	

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				and atomic absorption spectrometry		and atomic absorption spectrometry	
		Hydrogen sulfide	1 hour	0.08 ppm (112 µg/m ³) ^G	Ultraviolet Fluorescence	--	--
<p>Notes:</p> <p>Note A: The Director shall use the Nevada standards in considering whether to issue a permit for a stationary source and shall ensure that the stationary source will not cause the Nevada standards to be exceeded in areas where the general public has access.</p> <p>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 1-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 PM₁₀ 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above the standard, rounded to the nearest 10 µg/m³, 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 times the standard has been exceeded per year for the last 3 years. The National standards are to be used in determinations of attainment or nonattainment.</p> <p>Note C: Where applicable, concentration is expressed first in units in which it was adopted. All measurements of air quality that are expressed as mass per unit volume, such as micrograms per cubic meter, 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 parts per million by volume, or micromoles of regulated air pollutant per mole of gas; “µg/m³” refers to micrograms per cubic meter.</p> <p>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.</p> <p>Note E: National primary standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.</p> <p>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.</p> <p>Note G: The ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations.</p> <p>2. These standards of quality for ambient air are minimum goals, and it is the intent of the Commission in this section to protect the existing quality of Nevada’s air to the extent that it is economically and technically feasible. [Environmental Comm’n, Air Quality Reg. §§ 12.1-12.1.6, eff. 11-7-75; A and renumbered as § 12.1, 12-4-76; A</p>							

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		12-15-77; 8-28-79; §§ 12.2-12.4, eff. 11-7-75; § 12.5, eff. 12-4-76; A 8-28-79]—(NAC A 10-19-83; 9-5-84; 12-26-91; 10-30-95; R103-02, 12-17-2002; R198-03, 4-26-2004)	
	445B.225 (Superseded 445.663)	Prohibited conduct: Concealment of emissions. No person may install, construct or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere. [Environmental Comm'n, Air Quality Reg. § 2.2.1, eff. 11-7-75]—(NAC A 10-22-87; 10-30-95)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445B.227 (Superseded 445.664)	Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure. Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, no person may: 1. Operate a stationary source of air pollution unless the control equipment for air pollution which is required by applicable requirements or conditions of the permit is installed and operating. 2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of the permit. [Environmental Comm'n, Air Quality Reg. § 2.2.2, eff. 12-15-77]—(NAC A 10-14-82; 10-15-85; 8-22-86; 10-22-87; 3-29-94, eff. 1-11-96; 10-30-95)	(c)(56)(i)(A) 73FR19144 4/9/2008
	445B.229 (Superseded 445.665)	Hazardous emissions: Order for reduction or discontinuance. Without limiting the authority of any state officer to declare or to act on an emergency, the Director or local air pollution control agency, upon determining that a generalized condition of air pollution exists or that the emission from one or more stationary sources of regulated air pollutants is causing a danger to human health or safety, may order persons causing or contributing to the air pollution to immediately reduce or discontinue all emission of contaminants. [Environmental Comm'n, Air Quality Reg. § 2.4.1, eff. 11-7-75]—(NAC A 10-30-95)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445B.230 (Superseded 445.666)	Plan for reduction of emissions. 1. Any person who is able to cause or permit the emission of 100 tons (90.7 metric tons) or more per year of a regulated air pollutant from a stationary source shall prepare and submit to the Director a plan for reducing or eliminating that emission in accordance with the episode stages of alert, warning, and emergency as defined in the applicable state implementation plan. 2. Any person required to have an operating permit who is able to cause or permit the emission of less than 100 tons (90.7 metric tons) per year of a regulated air pollutant shall, upon written notice from the Director, prepare and submit to the Director a plan for reducing or eliminating that emission in accordance with the episode stages of alert, warning, and emergency as defined in the applicable state implementation plan. 3. The written notice required under subsection 2 must be transmitted in accordance with subsection 4 to all persons who are within the same classification of sources as defined in the <i>Standard Industrial Classification Manual</i> , adopted by reference in NAC 445B.221, and who are able to cause or permit the emission of less than 100 tons (90.7 metric tons) per year of a regulated air pollutant. 4. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

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		registered or certified mail to the last known address of the person. [Environmental Comm'n, Air Quality Reg. §§ 2.4.2-2.4.4, eff. 11-7-75]—(NAC A 10-30-95; R125-04, 9-24-2004; R151-06, 9-18-2006)	
	445.667	<p>Excess emissions: Scheduled maintenance; testing; malfunctions.</p> <p>1. Scheduled maintenance or testing approved by the director or repairs which may result in excess emissions of air contaminants prohibited by NAC 445.430 to 445.846, inclusive, must be performed during a time designated by the director as being favorable for atmospheric ventilation.</p> <p>2. The director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance or repairs which may result in excess emissions of air contaminants prohibited by NAC 445.430 to 445.846, inclusive.</p> <p>3. The director must be notified of any excess emissions within 24 hours after any malfunction, breakdown, or upset of process or pollution control equipment or during startup of such equipment. Phone (702) 885-4670.</p> <p>4. The owner or operator of an affected facility shall provide the director, within 15 days after any malfunction, breakdown, upset, startup or human error sufficient information to enable the director to determine the seriousness of the excess emissions. The submission must include as a minimum:</p> <p>(a) The identity of the stack and other emission point or either of them where the excess emissions occurred.</p> <p>(b) The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable emission limitation and the operating data and methods used in estimating the magnitude of the excess emissions.</p> <p>(c) The time and duration of the excess emissions.</p> <p>(d) The identity of the equipment causing the excess emissions.</p> <p>(e) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions.</p> <p>(f) The steps taken to limit the excess emissions.</p> <p>(g) Documentation that the air pollution control equipment, 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.</p> <p>[Environmental Comm'n, Air Quality Reg. 2.5.1-2.5.3, eff. 11-7-75; A 8-28-79; 2.5.4, eff. 11-7-75; 2.5.4.1-2.5.4.7, eff. 8-28-79]</p>	(c)(25)(i)(A)
2.5		Scheduled Maintenance, Testing, and Breakdown or Upset	
2.5.4 (EPA proposed to remove using 110(k)(6) authority 12/18/06)		Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of these regulations.	(c)(11)
	445B.250 (Superseded Art. 2.16.1)	<p>Notification of planned construction or reconstruction. Any owner or operator subject to the provisions of NAC 445B.001 to 4445B.3689, inclusive, shall furnish the Director written notification of:</p> <p>1. The date that construction or reconstruction of an affected facility is commenced, postmarked no later than 30</p>	(c)(67)(i)(A)(1) 73FR20536 4/16/2008

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		<p>days after such date. This requirement does not apply in the case of mass-produced facilities which are purchased in completed form.</p> <p>2. The anticipated date of initial start-up of an affected facility, postmarked not more than 60 days and not less than 30 days before such date.</p> <p>3. The actual date of initial start-up of an affected facility, postmarked within 15 days after such date.</p> <p>4. The date upon which demonstration of the continuous monitoring system performance commences in accordance with NAC 445B.256 to 445B.267, inclusive. Notification must be postmarked not less than 30 days before such date.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.16.1-2.16.1.5, eff. 12-4-76]—(NAC R 12-13-93, eff. 11-15-94; A 10-30-95; R105-97, 3-5-98; R096-05, 10-31-2005)</p>	
	445B.252 (Superseded 445.682)	<p>Testing and sampling.</p> <p>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.</p> <p>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:</p> <p>(a) Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology; or</p> <p>(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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent</p>	(c)(67)(i)(A) 73FR20536 4/16/2008

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		<p>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.</p> <p>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.</p> <p>9. Notwithstanding the provisions of subsection 2, the Director shall not approve an equivalent method or alternative method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:</p> <p>(a) An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or</p> <p>(b) An affected source.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.6.1-2.6.4, eff. 11-7-65; A 12-4-76; §§ 2.6.5-2.6.9, eff. 12-4-76]— (NAC A 10-15-85; 10-22-87; 10-30-95; R065-03, 10-30-2003)</p>	
	445B.256 (Superseded Art.2.17.10 and 2.17.10.1	<p>Monitoring systems: Calibration, operation and maintenance of equipment. The owners or operators of all stationary sources identified in Appendix P of 40 C.F.R. § 51(1.1) as amended from time to time, are required to install, calibrate, operate and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in Appendix P for the applicable source category. Those stationary sources must meet the basic requirements of Appendix P of 40 C.F.R. § 51(2.0 et seq.).</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.17.10 & 2.17.10.1, eff. 4-4-77]—(NAC A 10-30-95)</p>	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.257 (Superseded Art. 2.17.6 and 2.17.7)	<p>Monitoring systems: Location.</p> <p>1. All continuous monitoring systems or monitoring devices must be installed so that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems are contained in the applicable Performance Specifications of Appendix B of 40 C.F.R. § 60.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.17.6 & 2.17.7, eff. 12-4-76]—(Substituted in revision for NAC 445.684)</p>	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.258 (Superseded 445.685)	<p>Monitoring systems: Verification of operational status.</p> <p>2. All continuous monitoring systems and monitoring devices must be installed and operational before conducting performance tests under NAC 445B.252. Verification of operational status must, as a minimum, consist of the following:</p> <p>(a) For continuous monitoring systems referred to in subsection 2 of NAC 445B.259, completion of the conditioning period specified by applicable requirements in Appendix B of 40 C.F.R. Part 60.</p> <p>(b) For continuous monitoring systems referred to in NAC 445B.260, completion of 7 days of operation.</p> <p>(c) For monitoring devices referred to in NAC 445B.256 to 445B.267, inclusive, completion of the manufacturer's</p>	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

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		written requirements or recommendations for checking the operation or calibration of the device. [Environmental Comm'n, Air Quality Reg. §§ 2.17.1-2.17.2.3, eff. 12-4-76]—(NAC A by R151-06, 9-18-2006)	
	445B.259 (Superseded 445.686)	<p>Monitoring systems: Performance evaluations.</p> <p>1. During any performance tests required under NAC 445B.252 or within 30 days thereafter and at such other times as may be required by the Director under § 114 of the Act, the owner or operator of any affected facility shall conduct continuous evaluations of the performance of monitoring systems and furnish the Director within 60 days thereof two or upon request more copies of a written report of the results of such tests. These evaluations must be conducted in accordance with the specifications and procedures provided in this section and NAC 445B.260.</p> <p>2. Except as provided in NAC 445B.260, continuous monitoring systems listed within this subsection must be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B of 40 C.F.R. Part 60. Continuous monitoring systems for measuring:</p> <ul style="list-style-type: none"> (a) Opacity of emissions must comply with Performance Specification 1. (b) Nitrogen oxides emissions must comply with Performance Specification 2. (c) Sulfur dioxide emissions must comply with Performance Specification 2. (d) The oxygen and carbon dioxide content of effluent gases must comply with Performance Specification 3. <p>[Environmental Comm'n, Air Quality Reg. §§ 2.17.3 & 2.17.3.1, eff. 12-4-76]—(NAC A by R151-06, 9-18-2006)</p>	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445B.260 (Superseded 445.687)	<p>Monitoring systems: Components contracted for before September 11, 1974.</p> <p>1. Except as otherwise provided in subsection 2, an owner or operator who, before September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components shall comply with the following requirements:</p> <ul style="list-style-type: none"> (a) Continuous monitoring systems for measuring opacity of emissions must be capable of measuring, with a confidence level of 95 percent, emission levels within ± 20 percent of the mean value of the data obtained using the applicable reference method set forth in terms of the units of the emission standard. The calibration drift test and associated calculation procedures set forth in Performance Specification 1 in Appendix B of 40 C.F.R. Part 60 must be used for demonstrating compliance with this specification. (b) Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide must be capable of measuring, with a confidence level of 95 percent, emission levels within ± 20 percent of the mean value of the data obtained using the applicable reference method set forth in terms of the units of the emission standard. The calibration drift test, the relative accuracy test and associated operating and calculation procedures set forth in Performance Specification 2 in Appendix B of 40 C.F.R. Part 60 must be used for demonstrating compliance with this specification. <p>2. Owners or operators of all continuous monitoring systems installed on an affected facility before October 6, 1975, are not required to conduct tests under paragraphs (a) and (b) of subsection 1 unless requested by the Director.</p> <p>3. All continuous monitoring systems referred to in subsection 1 must be upgraded or replaced, if necessary, with new continuous monitoring systems, and such improved systems must be demonstrated to comply with applicable performance specifications under NAC 445B.259 by September 11, 1979.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.17.3.2 & 2.17.3.3, eff. 12-4-76; A 12-4-77]—(NAC A by R151-06,</p>	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

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	445B.261 (Superseded 445.688)	<p>Monitoring systems: Adjustments. Owners or operators of all continuous monitoring systems installed in accordance with the provisions of NAC 445B.256 to 445B.267, inclusive, shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of the systems unless the manufacturer recommends adjustments at shorter intervals, in which case the recommendations must be followed. The zero and span must, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of 40 C.F.R. § 60 are exceeded.</p> <p>[Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.688)</p>	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.262 (Superseded 445.689) NOTE: NAC 445B.262 was given a limited approval/li mited disapproval and EPA recommend s that Nevada revise the deficient provisions to exclude the Director's discretion conditions.	<p>Monitoring systems: Measurement of opacity.</p> <p>1. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases must be cleaned before 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:</p> <p>(a) 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 Institute of Standards and Technology 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. Part 60. Every 6 months after 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.</p> <p>(b) 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.</p> <p>(c) 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.</p> <p>2. Notwithstanding the provisions of subsection 1, the Director shall not approve an equivalent method or alternative method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:</p> <p>(a) An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of</p>	(c)(56)(i)(A) 71FR71486 12/11/2006

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		Federal Regulations; or (b) An affected source. [Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; § 2.17.4.1, eff. 12-4-76; A 12-15-77; §§ 2.17.4.2 & 2.17.4.3, eff. 12-4-76]—(NAC A by R065-03, 10-30-2003)	
	445B.263 (Superseded 445.690)	Monitoring systems: Frequency of operation. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required by NAC 445B.261, all continuous monitoring systems must be in continuous operation and meet minimum frequency of operation requirements as follows: 1. All continuous monitoring systems referred to in NAC 445B.259 and 445B.260 for measuring opacity of emissions must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 10-second period. 2. All continuous monitoring systems referred to in NAC 445B.259 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide or oxygen must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period. 3. All continuous monitoring systems referred to in NAC 445B.260, except opacity, must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 1-hour period. [Environmental Comm'n, Air Quality Reg. §§ 2.17.5-2.17.5.3, eff. 12-4-76]—(Substituted in revision for NAC 445.690)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.264 (Superseded 445.691)	Monitoring systems: Recordation of data. 1. Owners or operators of all continuous monitoring systems for the measurement of opacity shall reduce all data to 6-minute averages and for systems other than opacity to 1-hour averages. 2. For systems other than opacity, 1-hour averages must be computed from four or more data points equally spaced over each 1-hour period. 3. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages computed under this section. An arithmetic or integrated average of all calibrated data must be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form, e.g., ppm pollutant and percent O ₂ or lb/million Btu of pollutant. 4. All excess emissions must be converted into units of the standard using the applicable conversion procedures specified in NAC 445B.001 to 445B.3497, inclusive. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in those sections to specify the applicable standard, e.g., rounded to the nearest 1 percent opacity. 5. As used in this section, “calibrated data” means data which is precise and accurate within a stated acceptance criteria for the instrument. [Environmental Comm'n, Air Quality Reg. § 2.17.8, eff. 12-4-76]—(NAC A 10-22-87; R118-00, 9-25-2000)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.265 (Superseded	Monitoring systems: Records; reports. 1. Any owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain records of	(c)(56)(i)(A) 71FR71486

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	445.692)	<p>the occurrence and duration of any start-up, shutdown or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.</p> <p>2. Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions to the director for every calendar quarter. All quarterly reports must be postmarked by the 30th day following the end of each calendar quarter and must include the following information:</p> <p>(a) The magnitude of excess emissions computed in accordance with NAC 445B.256 to 445B.267, inclusive, any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.</p> <p>(b) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns and malfunctions of the affected facility.</p> <p>(c) The nature and cause of any malfunction, if known, the corrective action taken or preventative measures adopted.</p> <p>(d) Specific identification of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of any repairs or adjustments that were made.</p> <p>↪ When no excess emissions have occurred and the continuous monitoring system has not been inoperative, repaired or adjusted, such information must be included in the report.</p> <p>3. Any owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain a file of all measurements, including:</p> <p>(a) Continuous monitoring systems, monitoring devices and performance testing measurements;</p> <p>(b) All continuous monitoring system performance evaluations;</p> <p>(c) All continuous monitoring systems or monitoring device calibration checks;</p> <p>(d) Adjustments and maintenance performed on these systems or devices; and</p> <p>(e) All other information required by NAC 445B.256 to 445B.267, inclusive, recorded in a permanent form suitable for inspection.</p> <p>↪ The file must be retained for at least 2 years following the date of the measurements, maintenance, reports and records. [Environmental Comm'n, Air Quality Reg. §§ 2.16.2-2.16.4, eff. 12-4-76]—(NAC A 7-2-84)—(Substituted in revision for NAC 445.692)</p>	12/11/2006
	<p>445B.267 (Superseded 445.693)</p> <p>NOTE: NAC 445B.267 was given a limited approval/li</p>	<p>Alternative monitoring procedures or requirements.</p> <p>1. 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:</p> <p>(a) 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.</p> <p>(b) Alternative monitoring requirements when the affected facility is infrequently operated.</p> <p>(c) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.</p> <p>(d) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or</p>	(c)(56)(i)(A) 71FR71486 12/11/2006

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	mitted disapproval and EPA recommendations that Nevada revise the deficient provisions to exclude the Director's discretion conditions.	<p>operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.</p> <p>(e) Alternative methods of converting regulated air pollutant concentration measurements to units of the standards.</p> <p>(f) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.</p> <p>(g) Alternatives to the test methods of the American Society for Testing and Materials or sampling procedures specified by any provision of NAC 445B.256 to 445B.267, inclusive.</p> <p>(h) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 C.F.R. Part 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.</p> <p>(i) 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.</p> <p>2. Notwithstanding the provisions of subsection 1, the Director shall not approve an equivalent method or alternative method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:</p> <p>(a) An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or</p> <p>(b) An affected source.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.17.9-2.17.9.7, eff. 12-4-76; § 2.17.9.8, eff. 12-4-76; A 12-15-77]— (NAC A 10-30-95; R065-03, 10-30-2003)</p>	
	445B.275 (Superseded 445.696)	<p>Violations: Acts constituting; notice.</p> <p>1. Failure to comply with any requirement of <u>NAC 445B.001</u> to <u>445B.3791</u>, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by <u>NRS 445B.450</u>, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:</p> <p>(a) Failure to apply for and obtain an operating permit;</p> <p>(b) Failure to construct a stationary source in accordance with the application for an operating permit as approved by the Director;</p> <p>(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;</p> <p>(d) Commencing construction or modification of a stationary source without applying for and receiving an operating permit or a modification of an operating permit as required by <u>NAC 445B.001</u> to <u>445B.3497</u>, inclusive, or a mercury operating permit to construct as required by <u>NAC 445B.3611</u> to <u>445B.3689</u>, inclusive;</p> <p>(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit; or</p> <p>(f) Failure to pay fees as required by <u>NAC 445B.327</u> or <u>445B.3689</u>.</p> <p>2. The written notice must specify the provision of <u>NAC 445B.001</u> to <u>445B.3791</u>, inclusive, the condition of the</p>	(c)(66)(i)(A) 73FR19144 4/9/2008

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		operating permit or the applicable requirement that is being violated. 3. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person. [Environmental Comm'n, Air Quality Reg. §§ 2.3.1 & 2.9.5-2.9.7, eff. 11-7-75; + § 13.1.8, eff. 11-7-75; A 12-15-77]—(NAC A 8-22-86; 10-22-87; 12-8-89; 12-13-93; 10-30-95; R103-02, 12-17-2002; R189-05, 5-4-2006)	
	445B.277 (Superseded 445.697)	Stop orders. 1. The Director shall issue a stop order if: (a) The proposed construction, installation, alterations or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted as part of the application for an operating permit and approved by the Director as a condition of the operating permit; or (b) The design material or the construction itself is of such a nature that it patently cannot bring the stationary source into compliance with NAC 445B.001 to 445B.3791 , inclusive. 2. A stop order may be issued at any time by the Director upon his determination that there has been a violation of any of the provisions of NAC 445B.001 to 445B.3791 , inclusive, any applicable requirement or any condition of the operating permit. 3. A person served with a stop order: (a) Shall immediately stop all activities specified in the stop order. (b) May apply for its revocation at any time, setting forth the facts upon which he believes that the reasons for the issuance of the stop order no longer exist. If the Director finds that the reasons for the issuance of the stop order no longer exist, he shall withdraw the order promptly. If the Director finds that the reasons for the issuance of the stop order still exist, or that other reasons exist for continuing a stop order in effect, he shall, within 24 hours, serve a written statement of his reasons for so finding. [Environmental Comm'n, Air Quality Reg. §§ 3.3.1-3.3.5, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 12-13-93; 10-30-95; R189-05, 5-4-2006)	(c)(66)(i)(A) 73FR19144 4/9/2008
2.11.7		Judicial review may be had of the granting or denial of a variance as provided in [Chapter 445 of the] Nevada Revised Standards. NOTE: Added back into ASIP after conversation with Jeff Wehling 7/2/2009. However, cannot locate this provision in EPA's draft "Notebook" format of Nevada's ASIP, 2/15/11.	
	445.694	Emission discharge information. Emission discharge information, as correlated to mass emission rates or ambient air quality regulations related to all registration certificates and operating permits, will be maintained by the director as public information at 201 South Fall Street, Capitol Complex, Carson City, Nevada 89710. [Environmental Comm'n, Air Quality Reg. 3.1.9.1, eff. 11-7-75; A 12-4-76]	(c)(25)(i)(A)
	445.699	Violations: Administrative fines. 1. Any violation of NAC 445.430 to 445.846, inclusive, except NAC 445.622 and 445.721 to 445.724, inclusive, as they pertain to the internal combustion engine, is subject to an administrative fine levied by the commission or an	(c)(25)(i)(A)

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		<p>approved local control agency of not more than \$5,000 per violation.</p> <p>2. Unless otherwise provided, all violations are classified as major violations and a fine up to \$5,000 per occurrence may be levied.</p> <p>3. Violations of NAC 445.734, 445.753, 4445.754, 445.844 and 445.846 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 12 consecutive months.</p> <p>4. The schedule for fines for minor violations is as follows:</p> <table border="0"> <thead> <tr> <th></th> <th>First Offense</th> <th>Second Offense</th> <th>Third Offense</th> </tr> </thead> <tbody> <tr> <td>NAC 445.753, open burning</td> <td>\$25</td> <td>\$50</td> <td>\$100</td> </tr> <tr> <td>NAC 445.754, incinerator burning, equal to or less than 25 lbs (11 kg) per hour</td> <td>25</td> <td>50</td> <td>100</td> </tr> <tr> <td>greater than 25 lbs (11 kg) per hour</td> <td>50</td> <td>100</td> <td>200</td> </tr> <tr> <td>NAC 445.734, fugitive dust</td> <td>50</td> <td>100</td> <td>200</td> </tr> <tr> <td>NAC 445.846, organic solvents and other volatile compounds</td> <td>50</td> <td>100</td> <td>200</td> </tr> <tr> <td>NAC 445.844, odors</td> <td>50</td> <td>100</td> <td>200</td> </tr> </tbody> </table> <p>5. All minor violations become major violations upon the occurrence of the fourth violation within a period of 12 consecutive months. [Environmental Comm'n, Air Quality Reg. §§ 2.8.1-2.8.4, eff. 11-7-75; A 12-4 76]</p>		First Offense	Second Offense	Third Offense	NAC 445.753, open burning	\$25	\$50	\$100	NAC 445.754, incinerator burning, equal to or less than 25 lbs (11 kg) per hour	25	50	100	greater than 25 lbs (11 kg) per hour	50	100	200	NAC 445.734, fugitive dust	50	100	200	NAC 445.846, organic solvents and other volatile compounds	50	100	200	NAC 445.844, odors	50	100	200	
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NAC 445.846, organic solvents and other volatile compounds	50	100	200																												
NAC 445.844, odors	50	100	200																												
	445.764	<p>Reduction of employees' pay because of use of system prohibited.</p> <p>If the owner or operator of a source uses a supplemental or intermittent control system, or other control system designed to vary with atmospheric conditions, for the purpose of meeting the requirements of an order issued pursuant to § 113(d) or 119 which relates to primary nonferrous smelters in the Act, he may not temporarily reduce the pay of any of his employees because of his use of that system. [Environmental Comm'n, Air Quality Reg. 14.1, eff. 8-17-81]</p>	(c)(25)(i)(A)																												
Operating Permits Generally																															
3.1.6		Application forms for requesting the issuance of either a registration certificate or an operating permit can be obtained from the Director	(c)(11)																												
	445.704	<p>Registration certificates and operating permits required.</p> <p>1. Unless exempted under NAC 445.705:</p> <p>(a) A registration certificate and an operating permit are required for all new sources.</p> <p>(b) An existing single source requires only an operating permit.</p> <p>2. Registration certificates and operating permits for single sources may be issued through an approved local air pollution control program.</p>	(c)(25)(i)(A)																												

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		3. Registration certificates and operating permits are nontransferable as to location, owner or equipment. A replacement registration certificate or operating permit may be issued with the identical conditions upon change of ownership or name of source for the effective time remaining on the original certificate or permit by filing a request for replacement with the director on the application form provided by him accompanied by the appropriate fee. [Environmental Comm'n, Air Quality Reg. 3.1.1-3.1.3, eff. 11-7-75; A 12-15-77; 3.1.9, eff. 11-7-75; A 12-4-76]	
	445.705	Exemptions. The following existing and new single sources do not require either registration certificates or operating permits: 1. Air-conditioning equipment or fuel-burning equipment having a rating of less than 4,000,000 Btu's (1,000,000 kg-cal) per hour. 2. Motor vehicles, special mobile equipment and internal combustion engines. 3. Residential and commercial housekeeping vacuum systems. 4. Incinerators with less than 25 lb (11 kg) per hour rated burning capacity. 5. Agricultural land use. 6. Storage containers for gasoline, petroleum distillate or other volatile organic compounds having a capacity of less than 40,000 gallons (150 kiloliters). 7. Equipment or contrivances used exclusively for the processing of food for human consumption. 8. Disturbing topsoil of less than 20 acres (8 hectares). 9. Process weight rates of less than 50 lb (23 kg) per hour. [Environmental Comm'n, Air Quality Reg. 3.1.8, eff. 11-7-75]	(c)(25)(i)(A)
	445.706	Application date; payment of fees. 1. A United States registered or certified postmark date establishes the official date of all applications for registration certificates and operating permits. [Environmental Comm'n, Air Quality Reg. 3.1.4 & 3.1.7, eff. 11-7-75]	(c)(25)(i)(A)
	445.707	Registration certificates: Prerequisite; application; fee; issuance, denial; expiration. 1. A separate registration certificate is required for each new or modified single source. A valid registration certificate must be obtained before the commencement of construction or alteration of any single source of air contaminant. 2. Requests for the issuance of a registration certificate or the replacement of a lost or damaged registration certificate with the appropriate fee must be submitted to the director on the application form provided by him. The fee for each initial registration certificate, its replacement, or renewal is \$10. 3. Within 5 working days after receiving an application for registration the director shall determine if any additional information is needed. Within 15 days after receiving adequate information the director shall make a preliminary determination to issue or deny a registration certificate. The director shall give preliminary notice of his intent to issue or deny a registration certificate for a single source within 15 days after receiving adequate information for reviewing the registration application. 4. The application, the director's review and preliminary intent to issue or deny must be made public and maintained on file with the director during normal business hours at 201 South Fall Street, Carson City, Nevada, and in the air	(c)(25)(i)(A)

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		<p>quality region where the source is located at a site specified in a prominent advertisement by the director for 30 days to enable public participation and comment. 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.</p> <p>5. Within 75 days after receiving adequate information, pursuant to NAC 445.708 to 445.711, inclusive, the director shall issue or deny a registration certificate. The director shall make his decision by taking into account written public comments on the director's review and preliminary intent for issuance or denial, project proponent submittal and the effect of such a facility on the maintenance of the ambient air quality standards contained in NAC 445.843 and the control strategy contained in the air quality plan.</p> <p>6. A registration certificate only expires if construction of a new or modified source is not commenced within 1 year from the date of issuance thereof or construction of the facility is delayed for 1 year after initiated. [Environmental Comm'n, Air Quality Reg. 3.2.1, eff. 11-7-75; A 12-4-76; 3.2.2, eff. 11-7-75; A 12-15-77; 8-28-79; 3.2.3 & 3.2.4, eff. 11-7-75; 3.2.5, eff. 11-7-75; A 12-4-76; 3.2.6, eff. 11-7-75; + 13.1.2, eff. 11-7-75; A 12-4-76; 8-28-79]</p>	
	445.712	<p>Operating permits: Prerequisite; application; fee; issuance, denial; posting.</p> <p>1. A separate operating permit is required for each new or existing single source. Possession of a valid registration certificate is a prerequisite to obtaining the initial operating permit for a new source.</p> <p>2. Application for the issuance of an initial operating permit must be submitted in writing to the director on the exact form provided by him and with the appropriate fee prior to the date of the proposed initial operation of the source. The fee for each initial operating permit is \$50.</p> <p>3. An operating permit must be granted if the director finds from a stack emission test or other appropriate test and other relevant information that use of the source will not result in any violation of the air quality regulations or 40 C.F.R. Parts 60 and 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.</p> <p>4. A denial of an application for an operating permit must be accompanied by a statement of the reasons therefor, and if the director has relied in his decision upon information not contained in the application, the statement of reasons must identify and state the substance of such information.</p> <p>5. Operating permits must be posted conspicuously at or near the single source. [Environmental Comm'n, Air Quality Reg. part 3.4.1 & 3.4.2, 3.4.3, 3.4.5 ~ 3.4.6, eff. 11-7-75; 3.4.7, eff. 11-7-75; A 8-28-79]</p>	(c)(25)(i)(A)
	445.713	<p>Operating permits: Renewal.</p> <p>1. Operating permits must be renewed 5 years after the date of issuance.</p> <p>2. Requests for the renewal of an operating permit must be submitted, in writing, to the director with the appropriate fee at least 30 calendar days prior to the expiration date of the current permit.</p> <p>3. The fee for each renewed operating permit is \$50. [Environmental Comm'n, Air Quality Reg. part 3.4.1 & 3.4.4 & 3.4.8, eff. 11-7-75]</p>	(c)(25)(i)(A)
	445.714	Operating permits: Replacement of lost or damaged permits.	(c)(25)(i)(A)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR § 52.1470 Subpart DD
Article #	NAC #		
		<p>1. Requests for the replacement of a lost or damaged operating permit must be made, in writing, to the director with the appropriate fee within 30 calendar days after the date of its loss or destruction.</p> <p>2. The fee for the replacement of a lost or damaged operating permit is \$10. [Environmental Comm'n, Air Quality Reg. 3.4.9 & 3.4.12, eff. 11-7-75]</p>	
	445.715	<p>Operating permits: Revocation.</p> <p>1. An operating permit may be revoked if the control equipment is not operating.</p> <p>2. An operating permit may be revoked by the director upon determining that there has been a violation of NAC 445.430 to 445.846, inclusive, or 40 C.F.R. Parts 60 or 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.</p> <p>3. The revocation is effective 10 days after the service of a written notice, and the revoked operating permit must be surrendered immediately unless a hearing is requested.</p> <p>4. The fee for reissuing an operating permit that has been revoked or allowed to expire is \$100. [Environmental Comm'n, Air Quality Reg. 3.4.10, eff. 11-7-75; A 8-28-79; 3.4.13 & 3.4.14, eff. 11-7-75]</p>	(c)(25)(i)(A)
	445.716	<p>Operating permits: Change of location.</p> <p>Requests for change of location must be made in writing to the director with a \$2 fee for each operating permit at least 30 calendar days prior to the operation of the source at the new location. The source must not be operated at the new location until the director approves of the location. [Environmental Comm'n, Air Quality Reg. 3.4.11, eff. 11-7-75; A 12-15-77]</p>	(c)(25)(i)(A)
13.1		General Provisions for the Review of New Sources	(c)(16)(viii)
13.1.1		Prior to the issuance of any registration certificates in accordance with this Article the applicant shall submit to the Director an environmental evaluation and any other information the Director may deem necessary to make an independent air quality impact assessment.	(c)(16)(viii)
13.1.3		<p>The Director shall not issue a registration certificate for any point source if:</p> <p>1. The environmental evaluation submitted by the application shows or if the Director determines, in accordance with the provisions of this Article, that the point source:</p> <ul style="list-style-type: none"> a. Will prevent the attainment and maintenance of the State or national ambient air quality standards; b. Will cause a violation of the applicable control strategy contained in the approved Air Quality Implementation Plan; or c. Will cause a violation of 40 CFR Parts 60 and 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; <p>2. The source is located in any designated nonattainment area and:</p> <ul style="list-style-type: none"> a. The lowest achievable emission rate for each nonattainment pollutant from the source is not defined and adopted as an emission limitation for the source; b. Any other source within this state which is owned, operated or controlled by the applicant is not in compliance or on a schedule of compliance with these regulations and all other applicable emission limitations or variances 	(c)(18)(i)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR § 52.1470 Subpart DD
Article #	NAC #		
		<p>as provided in NRS 445.506 to 445.521, inclusive;</p> <p>c. The total allowable emissions of each nonattainment pollutant from (1) the existing sources in the area, (2) those sources in the area which have received their respective registration certificates and (3) the proposed source will not be sufficiently less, by the time the proposed source is to commence operation, than the total emissions from (1) the existing sources and (2) those sources in the area which have received their respective registration certificates before the proposed source makes application for its registration certificate, so that reasonable further progress is achieved;</p> <p>d. The emissions from the source will cause or contribute to emission levels which exceed the allowance permitted for such a pollutant for the nonattainment area.</p>	
13.1.4		The Director may impose any reasonable conditions on his approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring at the facility site for a reasonable period to commencement of construction or modification, and for any specified period after the source has commenced operation.	(c)(16)(viii)
13.1.5		Where a proposed source located on contiguous property is constructed or modified in increments which individually are not subject to review as provided in this Article, as such increments occurring since the effective date of this Article shall be added together for determining the applicability of this Article.	(c)(16)(viii)
13.1.6		Approval and issuance of a registration certificate to any source construction or modification shall not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy	(c)(16)(viii)
13.1.7		Any source or proposed facility shall, upon written application to the Director, receive within thirty (30) days a written notice of his determination, either requiring the submittal of an environmental evaluation or exempting the source from such requirement.	(c)(16)(viii)
13.2		A user of any of the following new single sources or modifications to an existing single source which would cause increases to existing single sources as specified below shall submit an evaluation with its application or applications for registration:	(c)(16)(viii)
13.2.1		Any single source which is allowed an emission of an air contaminant of greater than 10.5 kilograms (23 pounds) per hour.	(c)(16)(viii)
13.2.2		Any combination of single sources located at a single premise which is allowed emission of an air contaminant of greater than 10.5 kilograms (23 pounds) per hour	(c)(16)(viii)
13.2.3		Any single source, upon written notice from the Director.	(c)(16)(viii)
13.3		Environmental Evaluation:	(c)(16)(viii)
13.3.1		The environmental evaluation required for new or modified sources, as determined by this Article or as required by the Director, shall include the following:	(c)(16)(viii)
13.3.1.1		<p>An environmental evaluation shall contain a careful and detailed assessment of the environmental aspects of a proposed source and shall contain the following information:</p> <p>a. The name and address of the applicant.</p> <p>b. The name, address, and location of the source.</p>	(c)(16)(viii)

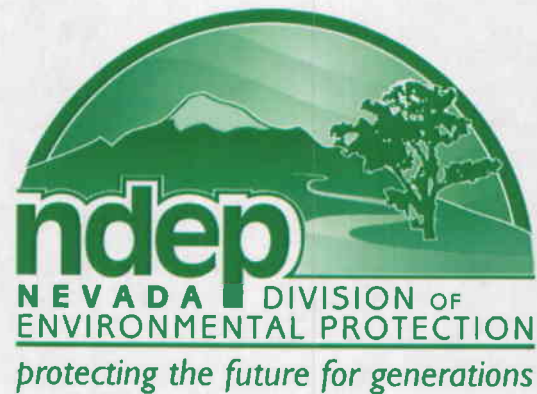
Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR § 52.1470 Subpart DD
Article #	NAC #		
		<ul style="list-style-type: none"> c. A description of the proposed source, including the normal hours of operation of the facility and the general types of activities to be performed therein. d. A map showing the location of the source and the topography of the area, including existing principal streets, roads, and highways within three miles of the source. e. A site plan showing the location and height of buildings on the site. f. Where approval is sought for sources to be constructed in incremental phases, the information required by Article 13.3.1.1 shall be submitted for each phase of the construction project. g. Any additional information or documentation that the Director deems necessary to determine the air quality impact of the source, including the submission of measured air quality data at the proposed site prior to construction or modification. 	
13.3.1.2		<p>An environmental evaluation shall contain adequate environmental safeguards to be implemented by the applicant to provide for the maintenance of acceptable air quality and shall consider:</p> <ul style="list-style-type: none"> a. Ambient air concentrations before, during and after construction empirically calculated with recognized methods as approved by the Director; or, in the case of existing ambient air concentrations, they may be measured with approved methods at approved site locations for not less than one year. Estimates shall be empirically determined for ambient air concentration immediately contiguous to the facility and at the point of predicted maximum concentration within the surrounding region. b. Diffusion models used to determine the location and estimated value of highest air contaminant concentration shall contain: <ul style="list-style-type: none"> 1. Assumptions and premises; 2. Evaluation at the recorded most adverse meteorological conditions in the last 100 years; 3. Evaluation at the recorded most adverse meteorological conditions in the last year; 4. Geographic area considered in the evaluation; 5. Dispersion equations; 6. Predicted contaminant buildup; 7. Location, type, and amount of emissions; 8. Meteorological information. c. Alternate proposals which could be implemented as conditions of approval. d. Other probable environmental effects before, during, and after construction shall be considered in the narrative portion of the evaluation. 	(c)(16)(viii)

APPENDIX C

Ambient Air Monitoring Network Plan 2011

AMBIENT AIR MONITORING NETWORK PLAN

2011



STATE OF NEVADA DIVISION OF ENVIRONMENTAL PROTECTION BUREAU OF AIR QUALITY PLANNING

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Acronyms and Abbreviations

CAA:	Clean Air Act
AQS:	Air Quality System
BAQP:	Bureau of Air Quality Planning
BAM:	Beta Attenuation Monitor
CFR:	Code of Federal Regulations
CO:	Carbon Monoxide
DCNR:	Department of Conservation and Natural Resources
FEM:	Federal Equivalent Method
FRM:	Federal Reference Method
IMPROVE:	Interagency Monitoring of Protected Visual Environments
NAAQS:	National Ambient Air Quality Standard
NAC:	Nevada Administrative Code
NDEP:	Nevada Division of Environmental Protection
O₃:	Ozone
PM:	Particulate Matter (2.5 or 10 microns)
SLAMS:	State and Local Air Monitoring Station
SPMS:	Special Purpose Monitoring Station
USEPA:	United States Environmental Protection Agency

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Overview

The monitoring program of the Nevada Division of Environmental Protection (NDEP) operates an ambient air quality monitoring network of gaseous and particulate pollutant monitors. The monitors are located in small communities throughout rural Nevada. In the metropolitan areas of Reno and Las Vegas; the Washoe County District Health Department, Air Quality Management Division and the Clark County Department of Air Quality and Environmental Management operate and maintain their respective monitoring networks separate from NDEP and submit their Network Plan independently to the United States Environmental Protection Agency (USEPA).

NDEP regulates air quality to protect public health and the environment. Monitoring data is a crucial component of regulations used to determine compliance with the USEPA primary and secondary air quality standards. Other important uses of these monitors include: support of and issuing air quality forecasts, support of long-term health assessments, and tracking long-term air quality both to gauge effectiveness of emission control and abatement strategies and to quantify accuracy of supporting model evaluation.

Goals

NDEP created an ambient air quality monitoring program to provide useful and accurate information on air quality, which is used to evaluate the success of the State's air quality programs. The Clean Air Act of 1970, and subsequent amendments, defines air quality standards for various air pollutants necessary to protect the public from injurious pollution concentrations. Air pollution concentrations that exceed the National Ambient Air Quality Standard (NAAQS) can cause a public health hazard, nuisance, annoyance, or damage to flora, fauna and personal property.

The NAAQS, published by the USEPA, can be found in 40 Code of Federal Regulations (CFR) Part 50, which defines the levels of air quality necessary to protect human health and welfare. An area is considered to be in nonattainment for a pollutant if it has violated the NAAQS for that

pollutant. The CFR includes procedures for evaluating measured air quality against the NAAQS. State air quality standards can be found in Nevada Administrative Code (NAC) 445B.22097.

Background

The State of Nevada has three jurisdictions which independently manage their own air programs as designated by statute: Department of Conservation and Natural Resources (DCNR), Division of Environmental Protection (NDEP), Bureau of Air Quality Planning (BAQP); Washoe County District Health Department, Air Quality Management Division; and Clark County Department of Air Quality and Environmental Management.

State agencies that conduct ambient air monitoring using State and Local Air Monitoring Stations (SLAMS) or Special Purpose Monitoring Stations (SPMS), must use Federal Reference Methods (FRM) or Federal Equivalent Methods (FEM) that comply with federal quality assurance requirements listed in 40 CFR 58, Appendix A. In conjunction with the Network Plan, a BAQP quality assurance plan was developed to form the framework for planning, implementing, assessing and reporting work performed by the BAQP and for implementing quality assurance and quality control protocols.

The Ambient Air Monitoring Program Quality Assurance Project Plan (QAPP) was developed to address quality management as well as quality assurance. The QAPP defines the policies, procedures, specifications, standards, and documentation necessary to: 1) provide data of adequate quality to meet monitoring objectives, and 2) minimize loss of air quality data due to malfunctions or out-of-control conditions. The Quality Management Plan (QMP) describes the organizational structure, functional responsibilities of management and staff, lines of authority, and required interfaces between planning, implementing, assessing and reporting activities involving environmental data operations.

Additionally, the BAQP has developed ambient monitoring guidelines in order to ensure that ambient air quality data collected, at regulated facilities in the State, are of the highest quality and conform to federal requirements for quality assurance listed under 40 CFR 58.

Ambient air quality monitoring data must be certified on an annual basis as accurate and complete. The certification process begins with the complete submittal of all SLAMS data to the federal Air Quality System (AQS) for the calendar year. Submittal of data into AQS for 2010 has been accomplished. BAQP is planning on completing the entry of 2011 data into AQS by the May 1, 2012, deadline. Precision and accuracy reports and certification of that data should also be submitted within that time frame.

Network Design

There are currently twelve ambient air quality monitoring stations in Nevada under the jurisdiction of NDEP. Air quality monitoring is represented by both SLAMS and SPMS. The ozone monitoring conducted by NDEP is done on a seasonal basis from April 1 to October 31 of each year. The EPA's approval of a seasonal ozone monitoring schedule for NDEP is documented in Appendix A. There are two meteorological stations, one in Carson City and the other in Pahrump. These are used to confirm the local meteorological data from the monitoring stations.

In addition to these three independent monitoring networks, air quality monitoring is conducted through the Interagency Monitoring of Protected Visual Environments (IMPROVE) network by the federal land management agencies. There are two IMPROVE monitoring sites in Nevada, at the Jarbidge Wilderness area and Great Basin National Park, Lehman Caves.

The following table shows the locations and types of monitors operated by NDEP.

Table 1: NDEP'S Ambient Air Monitoring Network

Location	Ozone	Carbon Monoxide	PM10	PM2.5
Elko			1 (SLAMS)	
Fallon	1 (SLAMS)			
Stateline- Harvey's		1 (SLAMS)		
Fernley	1 (SLAMS)			1 (SPMS)
Carson City-5th Street	1(SLAMS)			1(SPMS)
Gardnerville Ranchos				1 (SPMS)
Pahrump-Church Site			1 (SLAMS)	
Pahrump-Manse Elementary			1 (SLAMS)	
Pahrump-Manse Replacement*			*projected start date of 5/1/11	
Pahrump-Glen Oaks			1 (SLAMS)	
Pahrump-Linda Street			1 (SLAMS)	
Total	3	1	5	3

SLAMS – State and Local Air Monitoring Station

SPMS – Special Purpose Monitoring Station

Minimum Monitoring Requirements

The USEPA provides minimum site requirements for ozone and particulate matter based on metropolitan statistical area (MSA) population. The NDEP's air monitoring network meets or, in most cases, exceeds the minimum network requirements. The monitors currently required in the NDEP monitoring network by the USEPA are located in Stateline (CO), Carson City (O₃), Fallon (O₃), Fernley (O₃) and Pahrump (PM₁₀). The Stateline monitoring site is a continuation of a highest concentration site started by the California Air Resources Board (CARB). Through a Maintenance Plan with USEPA, monitoring and maintenance of this site was assumed by NDEP in August 2006. The four PM₁₀ monitoring sites in Pahrump are required through a Memorandum of Understanding (MOU) between NDEP, USEPA, Nye County and the Town of Pahrump. Otherwise according to 40 CFR Appendix D: Tables D-4 and D-5; sections 4.2, 4.3.2, 4.3.3, 4.4.2 and 4.5, additional monitoring for criteria pollutants is not presently required.

The following table outlines the minimum required monitors within the NDEP ambient air monitoring network.

Table 2: Minimum Monitoring Requirements by Pollutant

Pollutant	Minimum # of Monitors Required	# of Monitors Active	# of Monitors needed	Location	MSA/CSA	County(ies)	County Pop. (2009)	Design Values
Ozone	3	3	0	Carson City	Carson City MSA	Carson City	55,176	66 ppb (2005-2007)
				Fallon	Fallon MSA	Churchill	24,897	68 ppb (2006-2008)
				Fernley	Rural	Lyon	52,641	63 ppb (2007-2009)
CO	1	1	0	South Lake Tahoe	Sacramento-Arden-Truckee CSA	Douglas	45,464	3.7 ppm (2008-2009)
Lead*	0	0	0	N/A	N/A	N/A	N/A	N/A
SO2*	0	0	0	N/A	N/A	N/A	N/A	N/A
NO2*	0	0	0	N/A	N/A	N/A	N/A	N/A
PM10	4	5	0	Elko	Elko MSA	Elko	47,896	0.0 (2006-2008)
				Pahrump (4)	Pahrump MSA/Las Vegas-Paradise-Pahrump CSA	Nye	44,324	Manse = 3.5 Church = 0.3 Willow Creek = 1.0 Linda Street = 0.3 (2006-2008)
				Carson City	Carson City MSA	Carson City	55,176	N/A
PM2.5	0	3	0	Gardnerville Ranchos	Gardnerville Ranchos MSA	Douglas	45,464	N/A
				Fernley	Rural	Lyon	52,641	N/A
Total	8	12	0					

*Based on 40 CFR Appendix D: Tables D-4 and D-5; sections 4.2, 4.3.2, 4.3.3, 4.4.2 and 4.5, additional monitoring for criteria pollutants is not presently required. Lead NAAQS Final Rule, 2010 SO₂ NAAQS Final Rule and the 2010 NO₂ NAAQS Final Rule, NDEP is not required to monitor for these criteria pollutants. Additionally, based on the 2008

Changes in Monitoring Network

Over the last 12 months, one significant change has occurred throughout the monitoring network that will impact data submittal for the 2011 year. NDEP will be moving the PM₁₀ monitor currently located at the Manse Elementary School in Pahrump, NV, to a comparable location on the rooftop of a Nye County School district administrative building across the street. This move is necessitated by the closure of the school after the 2010-2011 school year. Currently, data is still being collected and submitted to AQS from the original Manse site. The USEPA will be notified when data collection and submittal at 208 Dahlia Street in Pahrump is commenced. Please see the approval letter from USEPA regarding the approval of the monitor relocation in Appendix B. For the next year, NDEP is anticipating changes in the monitoring network. Depending on the final decision regarding the new ozone standard, NDEP may install new ozone monitors throughout the network. Also, NDEP is evaluating the PM_{2.5} monitors to determine if these monitors are meeting our air quality objectives. This annual monitoring network plan will be used to identify changes in the ozone and PM_{2.5} monitoring network during the next 12 months. Presently there are no violating ozone or PM_{2.5} monitors in the NDEP monitoring network. Over the next five years, through 2016, NDEP will evaluate our current network to determine if any new sites or monitors need to be added to the existing monitoring network.

Purpose of Monitors

The purpose of the Nevada Air Monitoring Network is to provide useful and accurate information on air quality, which is used to evaluate the success of the State's air quality programs. To accomplish this task, the NAAQS is used to identify the criteria pollutants; CO (Carbon Monoxide), Pb (Lead), NO₂ (Nitrogen Dioxide), O₃ (Ozone), particulate matter (PM₁₀ and PM_{2.5}), and SO₂ (Sulfur Dioxide). Measuring pollutant concentrations in outdoor air and comparing the measured concentrations to corresponding standards help to classify ambient air quality status of an area as either attainment or nonattainment. The NAAQS is broken down into primary and secondary standards. Primary standards are those established to protect public health. Secondary standards are those established to protect the public welfare from adverse pollution effects on soils, water, vegetation, man-made materials, animals, weather, visibility,

climate, property, and the economy. The scientific criteria upon which the standards are based are reviewed periodically by the USEPA, who may reestablish or change the standards according to its findings. Note that there are hundreds of compounds that are generally considered pollutants when found in ambient air but their health and welfare effects are not well enough understood for ambient standards to be defined.

A pollutant measurement that is greater than the ambient air quality standard for its specific averaging time is called an exceedance. This is not necessarily a synonym for a violation; for each pollutant there are specific rules about how many exceedances are allowed in a given time period before a pattern of exceedances is considered to be a violation of the NAAQS. A violation may result in regulatory action to clean up the area's air. Exceptions are made to allow for certain limited exceedances of the standard that may occur, for example, during an unusual weather pattern. Regulatory action is typically reserved for cases where the exceedances are too large or too frequent.

Historically, ambient air quality monitoring by BAQP has looked at trends in air quality to aid in the local planning process. Traffic, wood burning stoves, and growth related activities have prompted air quality monitoring in specific areas around the State. Data from these sites has led to public education and outreach to communities identifying the potential health effects caused by air pollutants in the environment. Ordinances controlling surface area disturbances and other related activities that produce dust have also been implemented with the help of the monitoring sites.

Overview of Monitored Parameters

Carbon Monoxide (CO)

CO is a poisonous gas that, when introduced into the bloodstream, inhibits the delivery of oxygen to body tissue. The health risk is greatest for individuals with cardiovascular disease.

Ozone (O₃)

Ground-level ozone, or photochemical smog, is not emitted into the atmosphere as ozone, but rather is formed by the reactions of other pollutants. The primary pollutants entering into this reaction, VOCs and oxides of nitrogen, create ozone in the presence of sunlight. Ozone is a strong irritant of the upper respiratory system and also causes damage to crops.

Particulate Matter (PM₁₀)

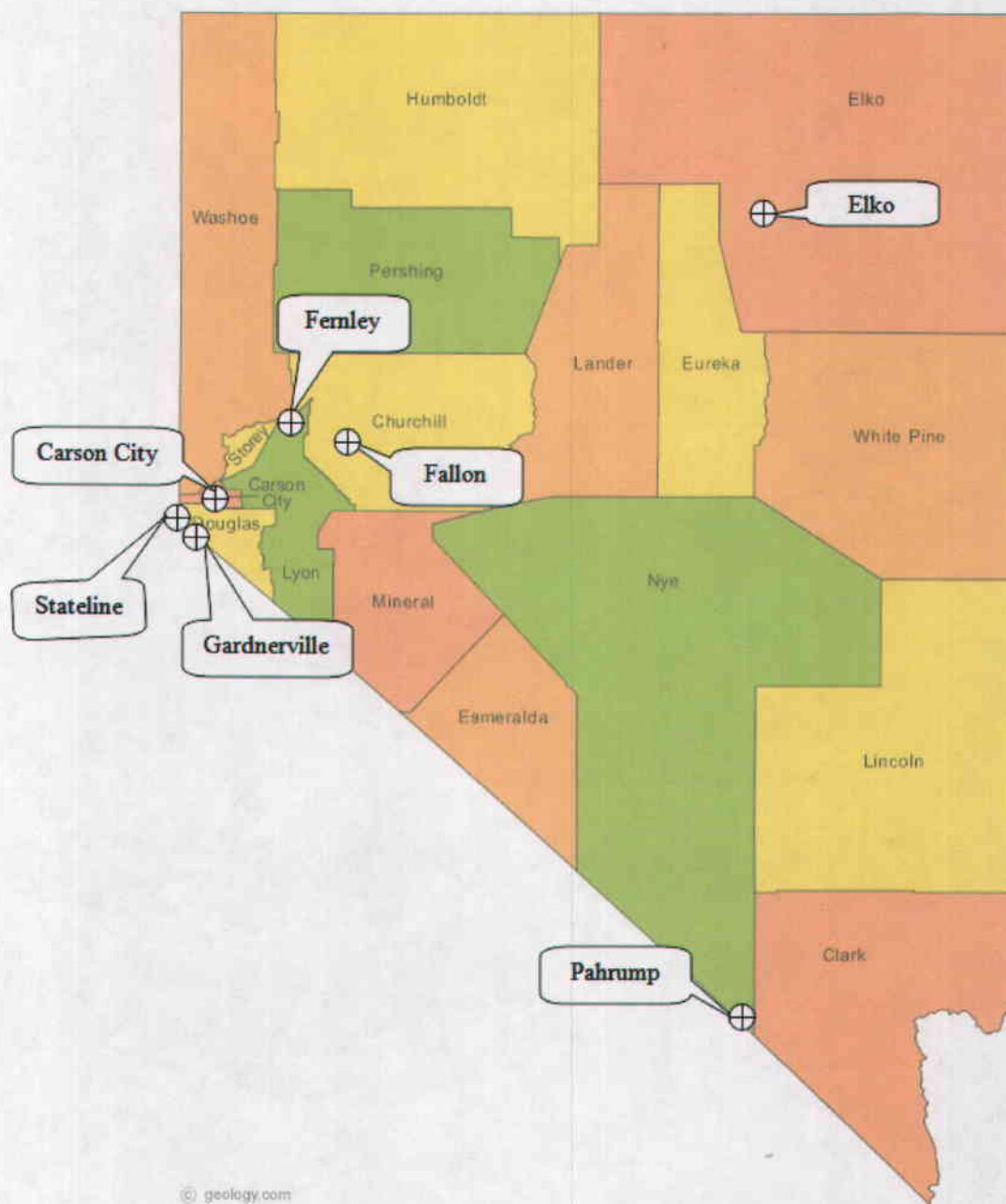
Particulate matter with an aerodynamic diameter of 10 microns or less is emitted from transportation and industrial sources. Exposure to particle pollution is linked to a variety of significant health problems ranging from aggravated asthma to premature death in people with heart and lung disease.

Fine Particulate Matter (PM_{2.5})

Fine particulate matter with a diameter of 2.5 microns or less is created primarily from industrial processes and fuel combustion. These particles are breathed deeply into the lungs. Exposure to particle pollution is linked to a variety of significant health problems ranging from aggravated asthma to premature death in people with heart and lung disease.

Site Map

Figure 1: A map showing the locations of the monitoring stations maintained in NDEP's network.



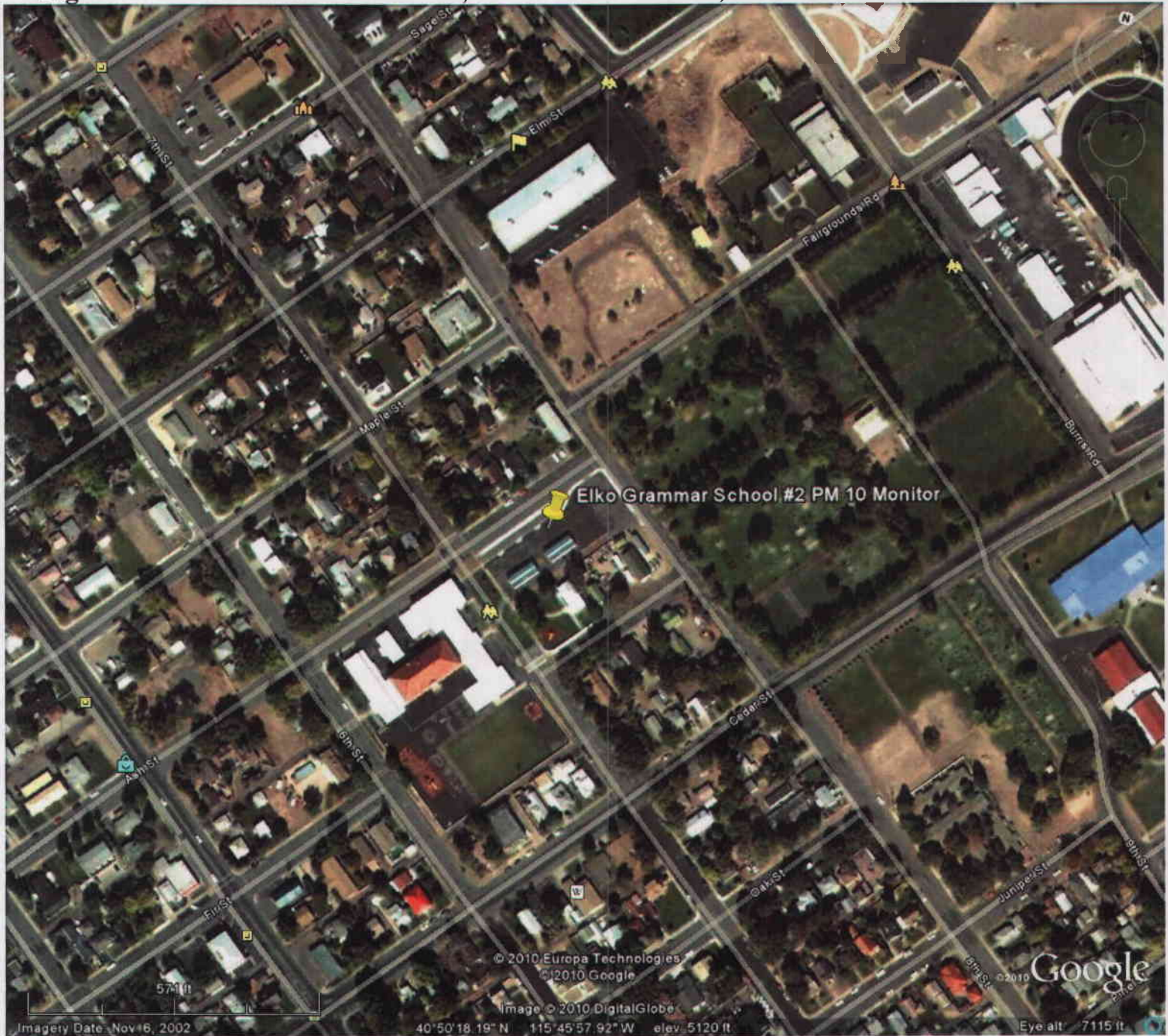
¹ Map template from:
<http://geology.com/state-map/maps/nevada-county-map.gif>

Elko: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Elko	32-007-0005	Lat +40.838347 Long -115.765961	Elko Grammar School #2	1055 7 th Street	Elko	18 meters	1400 AADT (2009) Station # 0070203
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Asphalt	Elko MSA	PM ₁₀ ,81102	SLAMS	Typ. Conc./Population Oriented	Neighborhood	BAM-1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	09/25/2008	Continuous	All Year	2.6 meters	Vertical Distance 1.2 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	27 meters	N/A	N/A	360	N/A	N/A	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	Monthly	N/A	N/A	7/22/2010 12/22/2010	

Prior to 1992 the location for this sampler was the fire station at 723 Railroad Street (ID #32-007-003) in a commercial area. In November of 1992 this continuous PM₁₀ monitoring site was relocated to the roof of the State offices at 850 Elm Street in a predominantly residential area. The monitoring objective was to determine typical concentration/population oriented. The manual sampler was replaced with a continuous (TEOM) PM₁₀ monitor in December 1998. In September 2008, the TEOM monitor was closed and a new BAM 1020 monitor was sited at the Elko Grammar School #2.

Figure 2: Elko Grammar School #2, 1055 7th Street Elko, NV. PM 10 Monitor



Fallon: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Fallon	32-001-0002	Lat +39.472502 Long -118.783596	On West End Elementary School	280 South Russell St. Fallon, Nevada	Churchill	65 meters	410 AADT (2009) Station # 0010135
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Dirt and rock	Fallon MSA	O ₃ 44201	SLAMS	Typ. Conc. /Population Oriented	Neighborhood	Model 400E (UV Absorption)	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	10/1/1999	Seasonal	April thru October	3.2 meters	1 meter from wall	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	> 10 meters	N/A	N/A	180	Teflon tubing	10 seconds	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	N/A	Semimonthly	9/28/2010	N/A	

The ozone monitoring site at 280 South Russell Street is at the West End Elementary School in a residential neighborhood that may be affected by agricultural operations surrounding the City of Fallon. The monitoring objective is to determine typical concentration/population orientation. PM₁₀ sampling commenced at this site in May 1993 and was discontinued at the end of June 1998. Monitoring for ozone began in October 1999 as an ozone transport site downwind of Reno and Fernley.

Figure 3: West End Elementary School, 280 S. Russell Street Fallon, NV. Ozone Monitor



Harvey's Casino and Resort: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Harvey's Casino and Resort	32-005-0009	Lat +38,960500 Long -119,941564	1 st level of parking garage facing HWY	Stateline, NV 89449	Douglas, NV	9 meters	24,000 AADT (2009) Station # 0050044
Groundcover	Representative Area Sacramento-Arden Arcade-Truckee CSA or Rural (Metropolitan Statistical Area)	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Paved, asphalt and grass		CO/42101	SLAMS	Highest Concentrations	Micro	API Teledyne 300M	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	10/1/1999	Continuous	All Year	2.5 meters	1 meter Horizontally	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	4 meters	N/A	N/A	180 degrees	Teflon	5 seconds	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	N/A	N/A	12/2/2010	N/A	

This is a "micro-scale" monitoring site for carbon monoxide in the core of the Stateline casino hotel area at Lake Tahoe. The site is designed to monitor the highest CO concentrations at Lake Tahoe, and is, taken to be representative of the California and Nevada sides of the south shore casino district. Monitoring at this site began in October 1999 and was previously conducted by the California Air Resources Board by multi-agency cooperative agreement. Starting in July of 2006, NDEP took over the monitoring responsibility for this site under a maintenance agreement with EPA.

Figure 4: Harvey's Casino and Resort Lake Tahoe NV. CO Monitor



Fernley Intermediate School: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Fernley Intermediate School	32-019-0006 32-019-0006	Lat +39.600859 Long -119.246945	Fernley, NV	320 Hardie Lane Fernley, NV	Lyon County	220 meters	1300 AADT (2009) Station # 0190119
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Paved, cement, gravel and dirt	Rural (Metropolitan Statistical Area)	PM _{2.5} 88501 O ₃ 44201	SPMS SLAMS	Typ. Conc. / Population Oriented	Urban Urban	ES-640 Model 400E (UV Absorption)	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	6/8/1999	Continuous	All Year	7 Meters	1.5 Vertical meters	N/A (Elevated)	
N/A	7/6/2007	Continuous	April to October	7 Meters	Vert. distance above 2.1 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	15 meters	N/A	N/A	360 Degrees	Aluminum	N/A	
N/A	15 Meters	N/A	N/A	360 Degrees	Teflon	4 Seconds	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (gaseous)	Last Annual Performance Evaluation (gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	Monthly	Semimonthly	9/28/2010	N/A	

Particulate and ozone monitoring is done at the Fernley Intermediate School which is located at 320 Hardie Lane. This is an area of mainly residential and agricultural use. There has recently been a large growth of industry both upwind and downwind of this site. Monitoring for PM₁₀ at this site commenced on May 1995, to determine the agricultural and industrial source impacts and population exposure. PM₁₀ sampling was discontinued in November 1998. Monitoring for PM_{2.5} began in June 1999. In addition to the PM_{2.5} monitoring, ozone monitoring began at this site July 2007. However, ozone monitoring (SPMS) was previously conducted at the Fernley Volunteer Fire Department starting in October 1997 and discontinued on October 2003.

Figure 5: Fernley Intermediate School, 320 Hardie Lane Fernley NV PM 2.5/Ozone Monitor

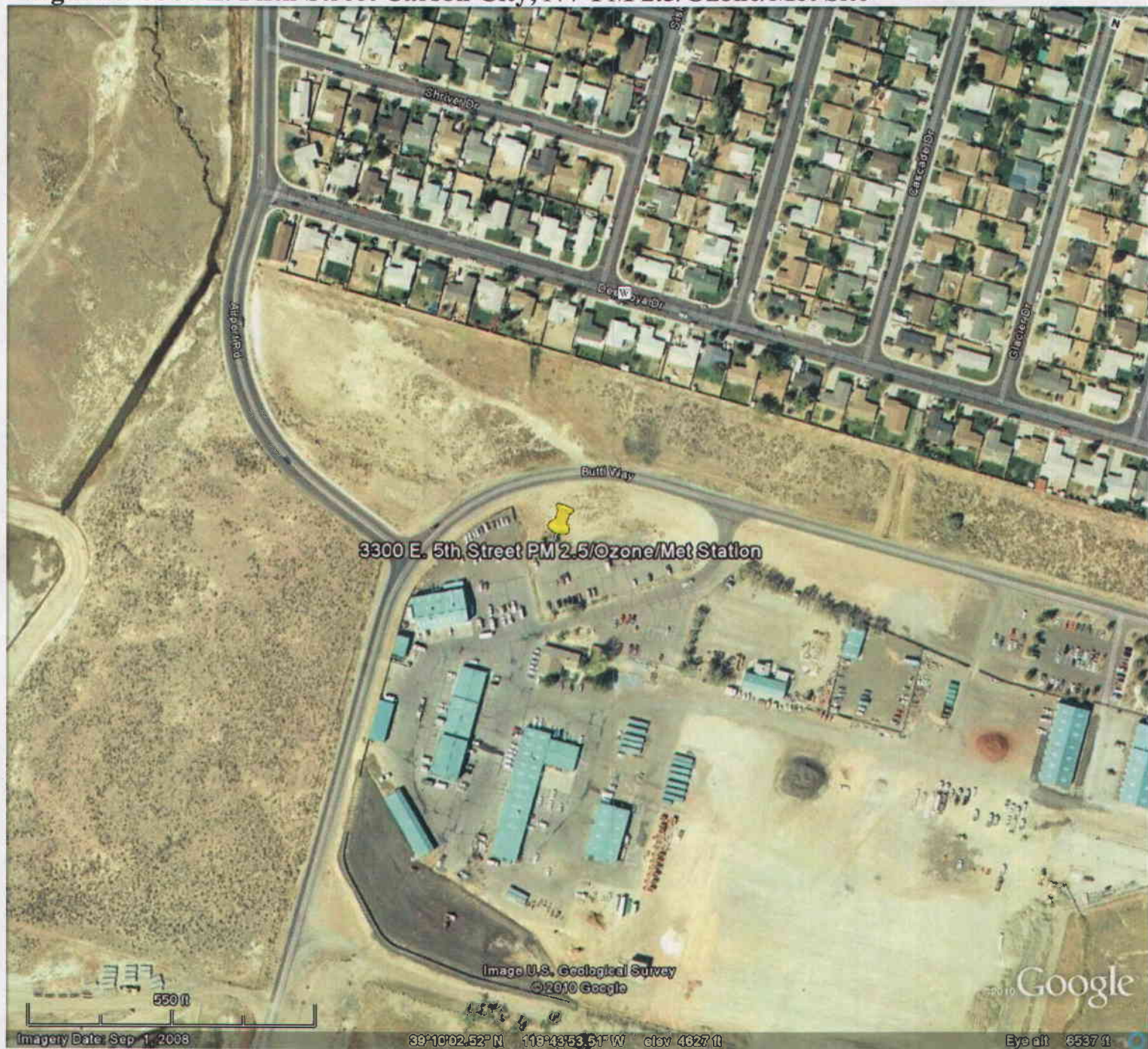


3300 E. 5th Street: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
East 5 th Street	32-510-0002	Lat +39.1671 Long -119.7314	Carson City	3300 East Fifth Street	Carson	10 meters	3500 AADT (2009) Station # 0250116
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Dirt	Carson City MSA	Met Site	N/A	Modeling, Natural Events and Confirmation	Neighborhood	N/A	
		O ₃ /44201	SLAMS	Typ. Conc. /Population Oriented	Neighborhood	Model 400E (UV Absorption)	
		PM _{2.5} /88501	SPMS	Typ. Conc. /Population Oriented	Neighborhood	BAM 1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	1/1/1989	April through October	Seasonal	>10 meters	Vertical distance above 7 meters	N/A	
N/A	04/03/2008	Continuous	All Year	4 meters	Vertical distance above 1.4 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	N/A	N/A	N/A	360 Degrees	N/A	N/A	
N/A	N/A	N/A	N/A	360 Degrees	Teflon	6 seconds	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one- point QC check (gaseous)	Last Annual Performance Evaluation (Gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	No	N/A	Monthly	Semimonthly	4/28/11	N/A	

This site is located at 3300 East Fifth Street near the Carson City Public Works Department maintenance yard in a transition area, adjacent to wetlands, the City yard, sewage treatment plant, residential neighborhood and the new highway extension of US 395. The pollutants monitored included carbon monoxide and ozone (through 1989) and PM₁₀ (March 1991- February 1997). The monitoring objective is to determine typical concentration/population oriented. In 2007, an existing meteorological station was restarted, and as previously stated, the ozone monitor from Long Street site was relocated to East Fifth Street. At the end of 2009, the PM_{2.5} was relocated to this monitoring site.

Figure 6: 3300 E. Fifth Street Carson City, NV PM 2.5/Ozone/Met Site



Gardnerville: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Gardnerville Ranchos	32-005-0007	Lat + 38.898889 Long -119.732222	Aspen Park maintenance yard	820 Lyell Way	Douglas	12 meters East, 100 meters South 200 meters North	5600 AADT (2009) Station # 0050073
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Gravel	Gardnerville Ranchos MSA	PM _{2.5} /88501	SPMS	Typ. Conc. /Population Oriented	Neighborhood	Met-One BAM 1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	Jul-98	Continuous	All Year	3 meters	Vertical distance above 1.5 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
4 meters	21 Meters	N/A	N/A	360 Degrees	Aluminum	N/A	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (Gaseous)	Last two semi-annual flow rate audits for PM monitors	
Yes	No	N/A	Monthly	N/A	N/A	N/A	

This particulate monitoring site at 820 Lyell Way is located in Aspen Park in the Gardnerville Ranchos, a residential neighborhood. The site monitor objective is typical concentration/population oriented. PM₁₀ commenced at this site in December 1995 and was discontinued at the end of 1998. Monitoring for PM_{2.5} began in July 1998.

Figure 7: 820 Lyell Way, Gardnerville, NV PM 2.5 Monitor

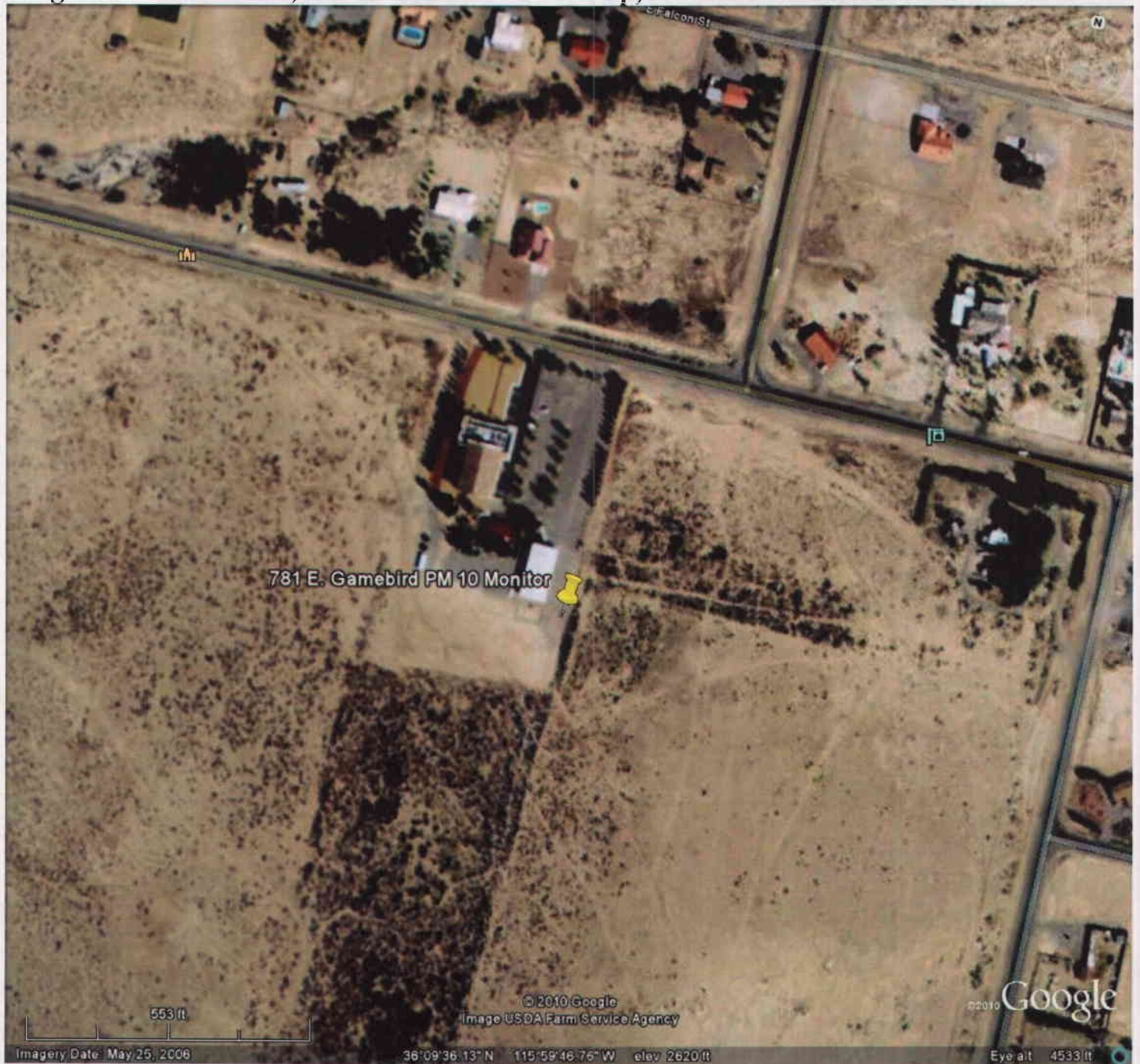


Church: Detailed Site Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Our Lady of the Valley Catholic Church	32-023-0013	Lat +36.161319 Long -115.996267	Pahrump	781 E. Gamebird	Nye	100 Meters	1100 AADT (2009) Station # 0230010
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Desert	Pahrump MSA Las Vegas-Paradise-Pahrump CSA	PM ₁₀ /81102	SLAMS	Significant sources- dry lake bed 6 miles to south	Urban	BAM-1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	2/14/2004	Continuous	All Year	4 meters	Vertical distance above 2 meters	N/A	
Distance from obstructions not on roof	Distance to furnace or incinerator flue	Distance between collocated monitors		Unrestricted airflow	Probe material	Residence time	
10 meters	N/A	N/A	N/A	360 Degrees	Aluminum	N/A	
Will there be changes within the next 18 months?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit		Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (Gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	Monthly	N/A	N/A	4/16/2010 10/13/2010	

The Church Site began operation in 2004 to complement the existing three other sites in the Pahrump monitoring network. Monitoring is accomplished with a continuous beta attenuated monitor located in the southeast corner of the Catholic Church. This site represents the southern-most monitoring in Pahrump Valley. The monitoring objective of this site is a significant source of PM₁₀. The surrounding area represents residential with little commercial, some native desert with a mix of dirt and paved roads.

Figure 8: Church Site, 781 E. Gamebird Pahrump, NV PM 10 Monitor



Manse Elementary: Site Detailed Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Manse Elementary	32-023-0014-81102-1	Lat +36.225093 Long -115.997467	Pahrump	1020 E. Wilson Rd	Nye	50 meters South, 100 meters South East, 68 meters South West	11,000 AADT (2006) Station #0230006
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Gravel school yard	Pahrump MSA Las Vegas-Paradise-Pahrump CSA	PM ₁₀ /81102	SLAMS	Highest Concentrations	Neighborhood	BAM-1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	11/17/2005	Continuous	All Year	3 meters	Vertical distance above 1 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	> 10 Meters	N/A	N/A	360 Degrees	Aluminum	N/A	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one-point QC check (gaseous)	Last Annual Performance Evaluation (Gaseous)	Last two semi-annual flow rate audits for PM monitors	
Yes-relocation	N/A	N/A	Monthly	N/A	N/A	4/15/2010 10/12/2010	

The Manse site represents the monitoring objective for highest concentrations of PM₁₀ in Pahrump. This site replaces the Community Pool site, which at the time it was operating, represented the highest concentrations of PM₁₀ in Pahrump. Located at 1020 E. Wilson Road, the Manse Elementary site is located on the roof of the school and monitors for PM₁₀ using the continuous beta attenuation monitor. The area adjacent to this site represents mostly commercial, some residential, and is adjacent to the busiest activity area of Pahrump. This site is located downwind from residential construction developments that have cleared large parcels of ground for building, as well as agricultural areas that cultivate large areas of farm-ground and raise livestock. Roads surrounding this site are both paved and dirt. This monitor is in the process of being replaced due to the closure of the Manse Elementary School after the 2010-2011 school year. A monitor has been placed with USEPA approval on the rooftop of a Nye County School District building across the street, 208 Dahlia Street. NDEP will be collecting data from both sites until electricity is discontinued at Manse Elementary. USEPA will be notified when the data from the Dahlia Street monitor is submitted to AQS.

Figure 9: Manse Elementary, 1020 E. Wilson Road Pahrump, NV PM 10 Monitor



Glen Oaks: Site Detailed Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Glen Oaks	32-023-0012	Lat +36.195996 Long -116.004882	Pahrump	145 Glen Oaks St.	Nye	200 m	1100 AADT (2009) Station # 0230010
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Grass	Pahrump MSA Las Vegas-Paradise- Pahrump CSA	PM ₁₀ /81102	SLAMS	Typ. Conc. /Population Oriented	Neighborhood	BAM-1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	11/20/2003	Continuous	All Year	6 meters	Vertical distance above 2 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
N/A	12 Meters	N/A	N/A	360 Degrees	Aluminum	N/A	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM _{2.5} ?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one- point QC check (gaseous)	Last Annual Performance Evaluation (Gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	Monthly	N/A	N/A	4/15/2010 10/13/2010	

The Willow Creek site was started in 2003 and was located at 1500 Red Butte on the roof of a building in which irrigation equipment for the golf course is housed. The monitoring objective of this site was to measure typical concentrations/population oriented of PM₁₀ using the beta attenuated monitor. The surrounding area adjacent to this site is fairway/golf course and residential structures. Due to closure of the golf course, the Willow Creek site was relocated to the Glen Oaks sewer treatment plant in 2009. The Glen Oaks site is a short distance away from the existing golf course site and the monitoring objective did not change.

Figure 10: 145 Glen Oaks St., Pahrump, NV PM10 Monitor



Linda Street: Site Detailed Information

Site Name	AQS ID	GIS coordinates	Location	Address	County	Dist. to road	Traffic count
Linda St.	32-023-0011-81102-1	Lat +36.351622 Long -116.031916	Pahrump	8825 N. Linda	Nye	20 Meters	22,00 AADT (2008) Station #0230008
Groundcover	Representative Area	Pollutant	Classification	Monitor objective (Site Type)	Spatial scale	Sampling method	
Desert	Pahrump MSA Las Vegas-Paradise- Pahrump CSA	PM ₁₀ /81102	SLAMS	General Background	Urban	BAM-1020	
Analysis method	Start date	Operational schedule	Sampling season	Probe Height	Distance from supporting structures	Distance from obstructions on roof	
N/A	5/03/2003	Continuous	All Year	6.7 meters	Vertical distance above 3 meters	N/A	
Distance from obstructions not on roof	Distance from trees	Distance to furnace or incinerator flue	Distance between collocated monitors	Unrestricted airflow	Probe material	Residence time	
10 Meters	N/A	N/A	N/A	360 Degrees	Aluminum	N/A	
Will there be changes within the next 18 months?	Is it suitable for comparison against the annual PM2.5?	Frequency of flow rate verification for manual PM samplers audit	Frequency of flow rate verification for automated PM analyzers audit	Frequency of one- point QC check (gaseous)	Last Annual Performance Evaluation (Gaseous)	Last two semi-annual flow rate audits for PM monitors	
No	N/A	N/A	Monthly	N/A	N/A	04/16/2010 10/12/2010	

The Linda Street site was started in 2003 and is located at 8825 North Linda Street. The beta attenuated monitor is located on the roof of an old railroad box car and represents not only the northern-most site in the Pahrump monitoring network, but the most rural area. There is some residential surrounding this site, but mainly native desert vegetation with little or no surface disturbances. The monitoring objective for this site is general background levels of PM₁₀ in Pahrump.

Figure 11: 8825 N. Linda Pahrump, NV PM 10 Monitor



Appendix A.
Ozone Seasonality Approval Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3801

FEBRUARY 6, 2002

STEVE

RECEIVED
FEB 11 2002

Mr. Chester Sergent, Supervisor
Ambient Air Monitoring Branch
Bureau of Air Quality Planning
Division of Environmental Protection
Department of Conservation and Natural Resources
333 W. Nye Lane, Room 138
Carson City, NV 89706

Dear Mr. ^{Chester} Sergent:

I have received your letter of January 29, 2002 requesting permission to adjust the ozone monitoring season from year round to April 1 through October 31. We have reviewed the information you provided and approve your request to reduce the ozone monitoring season.

One issue that needs to be addressed is ensuring that EPA's AIRS database is updated to reflect this change in the ozone monitoring season. Failure to do so will result in AIRS showing incomplete ozone data capture rates for the Carson City, Fernley and Fallon monitoring sites. Please have your staff contact our AIRS database manager, Jim Forrest, at (415) 947-4135 to discuss the appropriate procedure for making this change. Please feel free to contact me at (415) 947-4128 if you have any questions.

Sincerely,

Robert S. Pallarino
Technical Support Office
Air Division

cc: Colleen Cripps, DCNR/DEP
Jim Forrest, US EPA

**Appendix B.
Manse PM10 Monitor Relocation Approval**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901
MAR 22 2011

Nevada
Environmental Protection

MAR 25 2011

BAPC/BAQP

RECEIVED

MAR 25 2011

ENVIRONMENTAL PROTECTION

Mr. Daren Winkelman, Supervisor
Ambient Air Quality Monitoring Program
Bureau of Air Quality Planning
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701

RE: Response to discontinuation and relocation request of Manse Elementary SLAMS PM₁₀ monitor (AQS ID: 32-023-0014-81102-1)

Dear Mr. Winkelman: ^{Daren}

On February 24, 2011 we received your official request for the discontinuation of the PM₁₀ monitor at Manse Elementary School (AQS ID: 32-023-0014-81102-1) and the subsequent relocation of the PM₁₀ monitor to the nearby Nye County School District office.

After a visit to the proposed relocation site and upon our review of the documentation you have provided, pursuant to 40 CFR 58.14, we approve your selection of the Nye School District building for replacement of the current Manse Elementary School site. Specifically, we have determined that your request meets the provisions under 40 CFR 58.14(c)(6), namely that logistical problems beyond NDEP's control make it impossible to continue operation at the current site and that the replacement site is a nearby location with the same scale of representation. We request that you list the official site address as 208 Dahlia Street, Pahrump, NV 89048 with GPS coordinates (in decimal degrees): 36.212989, -115.996875.

Thank you for your cooperation throughout this process and please feel free to contact Elfego Felix (415) 947-4141 from my staff or myself (415) 972-3851 with any questions or concerns in regards to this matter.

Sincerely,

Matthew Lakin, Manager
Air Quality Analysis Office

**Appendix C.
Comment Submittal Information**

The proposed 2011 Ambient Air Monitoring Network Plan is posted on the NDEP website for review and comment for thirty (30) days.

Comments may be emailed to
Daren Winkelman (dwinkelman@ndep.nv.gov)
or mailed to,
Daren Winkelman
Ambient Monitoring Program
Bureau of Air Quality Planning
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

APPENDIX D

May 30, 2007 letter to the US EPA Region 9 Administrator

ALLEN BIAGGI
Director

JIM GIBBONS
Governor

KAY SCHERER
Deputy Director

State of Nevada
Department of Conservation and Natural Resources
Office of the Director
Richard H. Bryan Building
901 S. Stewart Street, Suite 5001
Carson City, Nevada 89701
Telephone (775) 684-2700
Facsimile (775) 684-2715
www.dcnr.nv.gov



Division of Conservation Districts
Division of Environmental Protection
Division of Forestry
Division of State Lands
Division of State Parks
Division of Water Resources
Natural Heritage Program
Wild Horse Program

STATE OF NEVADA
Department of Conservation and Natural Resources
OFFICE OF THE DIRECTOR

May 30, 2007

Wayne Nastri
Regional Administrator
ORA-1, USEPA Region 9
75 Hawthorne Street
San Francisco CA 94105

Dear Mr. Nastri:

Nevada Revised Statutes 445B.205 designates the Department of Conservation and Natural Resources (Department) as the air pollution control agency for the State of Nevada for the purposes of the Clean Air Act insofar as it pertains to State programs. Within the Department, the Division of Environmental Protection has responsibility to manage the air quality planning and air pollution control programs for the State of Nevada. Therefore, pursuant to Nevada Administrative Code 445B.053, I am hereby assigning the Administrator of the Nevada Division of Environmental Protection, or the Deputy Administrator acting on his behalf, to be my official designee for the purposes of the Clean Air Act, including, but not limited to, adoption, revision and submittal of state plans and state implementation plans.

Sincerely,

Handwritten signature of Allen Biaggi in black ink, with a stylized flourish at the end.

Allen Biaggi
Director

cc Michael Dayton, Chief of Staff, Office of the Governor
Jodi Stephens, Deputy Chief of Staff, Office of the Governor
Leo Drozdoff, Administrator, NDEP
Colleen Cripps, Deputy Administrator, NDEP
Tom Porta, Deputy Administrator, NDEP
Deborah Jordan, Director, EPA Air Division, Region IX
Jefferson Wehling, ORC, EPA Region IX

APPENDIX E

**NEDADA ADMINISTRATIVE CODE ASIP UPDATE:
PERMITTING PROVISIONS ONLY**

Submitted January 24, 2011

**NEVADA ADMINISTRATIVE CODE (NAC) ASIP UPDATE:
PERMITTING PROVISIONS ONLY¹
Submitted January 24, 2011**

EXPLANATION:

1. This document is based on the November 2010 Legislative Council Bureau codification of NAC Chapter 445B and incorporates amendments adopted after the November 2010 codification: R126-10, effective 12-16-2010 and T011-10, effective 1-11-2011.
2. The following sections are submitted in part: NAC 445B.287, 297, 308, 319, 325, 3361, 3375, 3395, 340, 342, 3453 and 346.

NAC Chapter 445B.001-.3689 - Air Controls: Air Pollution

Definitions

<u>445B.003</u>	“Adjacent properties” defined.
<u>445B.0035</u>	“Administrative revision to a Class I operating permit” defined.
<u>445B.007</u>	“Affected state” defined.
<u>445B.013</u>	“Allowable emissions” defined.
<u>445B.014</u>	“Alteration” defined.
<u>445B.016</u>	“Alternative operating scenarios” defined.
<u>445B.019</u>	“Applicable requirement” defined.
<u>445B.035</u>	“Class I-B application” defined.
<u>445B.036</u>	“Class I source” defined.
<u>445B.037</u>	“Class II source” defined.
<u>445B.038</u>	“Class III source” defined.
<u>445B.044</u>	“Construction” defined.
<u>445B.046</u>	“Contiguous property” defined.
<u>445B.054</u>	“Dispersion technique” defined.
<u>445B.064</u>	“Excessive concentration” defined.
<u>445B.066</u>	“Existing stationary source” defined.
<u>445B.068</u>	“Facility” defined.
<u>445B.069</u>	“Federally enforceable” defined.
<u>445B.070</u>	“Federally enforceable emissions cap” defined.
<u>445B.082</u>	“General permit” defined.
<u>445B.083</u>	“Good engineering practice stack height” defined.
<u>445B.087</u>	“Increment” defined.
<u>445B.093</u>	“Major modification” defined.
<u>445B.094</u>	“Major source” defined.
<u>445B.0945</u>	“Major stationary source” defined.
<u>445B.099</u>	“Modification” defined.
<u>445B.104</u>	“Motor vehicle” defined.
<u>445B.107</u>	“Nearby” defined.
<u>445B.108</u>	“New stationary source” defined.
<u>445B.117</u>	“Offset” defined.
<u>445B.123</u>	“Operating permit” defined.
<u>445B.124</u>	“Operating permit to construct” defined.
<u>445B.1345</u>	“Plantwide applicability limitation” defined.
<u>445B.138</u>	“Potential to emit” defined.
<u>445B.142</u>	“Prevention of significant deterioration of air quality” defined.
<u>445B.147</u>	“Program” defined.
<u>445B.154</u>	“Renewal of an operating permit” defined.
<u>445B.156</u>	“Responsible official” defined.

¹ This is a resubmittal of those permitting provisions that were categorized as “non-separable” rules in EPA’s April 16, 2008 Federal Register action (73 FR 20536) with the exception of NAC 445B. 179 and 445B.326.

- [445B.157](#) “Revision of an operating permit” defined.
- [445B.179](#) “Special mobile equipment” defined.
- [445B.187](#) “Stationary source” defined.
- [445B.194](#) “Temporary source” defined.

Operating Permits Generally

- [445B.287](#) Operating permits: General requirements; exception; restrictions on transfers.
- [445B.288](#) Operating permits: Exemptions from requirements; insignificant activities.
- [445B.295](#) Application: General requirements.
- [445B.297](#) Application: Submission; certification; additional information.
- [445B.298](#) Application: Official date of submittal.
- [445B.305](#) Operating permits: Imposition of more stringent standards for emissions.
- [445B.308](#) Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.
- [445B.310](#) Environmental evaluation: Applicable sources and other subjects; exemption.
- [445B.311](#) Environmental evaluation: Contents; consideration of good engineering practice stack height.
- [445B.313](#) Method for determining heat input: Class I sources.
- [445B.3135](#) Method for determining heat input: Class II sources.
- [445B.314](#) Method for determining heat input: Class III sources.
- [445B.315](#) Contents of operating permits: Exception for operating permits to construct; required conditions.
- [445B.318](#) Operating permits: Requirement for each source; form of application; issuance or denial; posting.
- [445B.319](#) Operating permits: Administrative amendment.
- [445B.325](#) Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.
- [445B.331](#) Request for change of location of emission unit.

Class I Operating Permits

- [445B.3361](#) General requirements.
- [445B.3363](#) Operating permit to construct: Application.
- [445B.33637](#) Operating permit to construct for approval of plantwide applicability limitation: Application.
- [445B.3364](#) Operating permit to construct: Action by Director on application; notice; public comment and hearing.
- [445B.3365](#) Operating permit to construct: Contents; noncompliance with conditions.
- [445B.33656](#) Operating permit to construct for approval of plantwide applicability limitation: Contents; noncompliance with conditions.
- [445B.3366](#) Expiration and extension of operating permit to construct; expiration and renewal of plantwide applicability limitation.
- [445B.3368](#) Additional requirements for application; exception.
- [445B.3375](#) Class I-B application: Filing requirement.
- [445B.3395](#) Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.
- [445B.340](#) Prerequisites to issuance, revision or renewal of permit.
- [445B.342](#) Certain changes authorized without revision of permit; notification of authorized changes.
- [445B.3425](#) Minor revision of permit.
- [445B.344](#) Significant revision of permit.
- [445B.3441](#) Administrative revision of permit to incorporate conditions of certain permits to construct.
- [445B.3443](#) Renewal of permit.

Class II Operating Permits

- [445B.3453](#) Application: General requirements.
- [445B.3457](#) Action by Director on application; notice; public comment and hearing; expiration of permit.
- [445B.346](#) Required contents of permit.
- [445B.3465](#) Application for revision.
- [445B.3473](#) Renewal of permit.
- [445B.3477](#) Class II general permit.

Class III Operating Permits

445B.3485	Application: General requirements.
445B.3487	Action by Director on application; expiration of permit.
445B.3489	Required contents of permit.
445B.3493	Application for revision.
445B.3497	Renewal of permit.

AIR POLLUTION

Definitions

NAC 445B.003 “Adjacent properties” defined. ([NRS 445B.210](#)) “Adjacent properties” means parcels of land that lie near each other or in close proximity.

(Added to NAC by Environmental Comm’n, eff. 12-13-93)—(Substituted in revision for NAC 445.4325)

NAC 445B.0035 “Administrative revision to a Class I operating permit” defined. ([NRS 445B.210](#)) “Administrative revision to a Class I operating permit” means a revision of an existing Class I operating permit that incorporates the relevant conditions of an operating permit to construct.

(Added to NAC by Environmental Comm’n by R125-04, eff. 9-24-2004)

NAC 445B.007 “Affected state” defined. ([NRS 445B.210](#)) “Affected state” means a state that is within 50 miles of a Class I source located in this State, or a state that is contiguous to this State whose air quality may be affected by emissions from a Class I source located in this State.

(Added to NAC by Environmental Comm’n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4346)

NAC 445B.013 “Allowable emissions” defined. ([NRS 445B.210](#)) “Allowable emissions” means the emissions from a stationary source at its designed maximum capacity or at its actual maximum capacity, whichever is greater, except as reduced by any federally enforceable limitations on its emissions which are established:

1. By Nevada laws or regulations;
2. By any applicable requirement; or
3. By conditions of the stationary source’s operating permit, imposed on the emission rate, the type or amount of materials combusted or processed, the operating rates, the hours of operation, or any other factor limiting production or emission, whichever is most stringent.

[Environmental Comm’n, Air Quality Reg. § 1.6.5, eff. 10-16-80]—(NAC A 10-22-87; 12-13-93; 10-30-95; R096-05, 10-31-2005)

NAC 445B.014 “Alteration” defined. ([NRS 445B.210](#)) “Alteration” means any addition to, or enlargement, replacement, modification or change of the design, capacity, process, arrangement, operating hours or control apparatus that will affect the kind or amount of regulated air pollutants emitted.

(Added to NAC by Environmental Comm’n, eff. 12-8-89; A 10-30-95)

NAC 445B.016 “Alternative operating scenarios” defined. ([NRS 445B.210](#)) “Alternative operating scenarios” means two or more modes or types of operation specifically identified by a stationary source in its application and approved by the Director as a condition or as conditions of the source’s operating permit.

(Added to NAC by Environmental Comm’n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.019 “Applicable requirement” defined. ([NRS 445B.210](#)) “Applicable requirement” means, as applied to a stationary source:

1. Any standard or other relevant requirement:
 - (a) Provided in [NRS 445B.100](#) to [445B.640](#), inclusive, and [NAC 445B.001](#) to [445B.3689](#), inclusive, except for the standards for ambient air established in [NAC 445B.22097](#);
 - (b) Provided in the applicable implementation plan approved or adopted by the EPA pursuant to 42 U.S.C. §§

7401 to 7515, inclusive;

(c) For a hazardous air pollutant adopted pursuant to 42 U.S.C. § 7412, including any requirement regarding the prevention of accidental releases;

(d) For a program to control acid rain adopted pursuant to 42 U.S.C. §§ 7651 to 7651o, inclusive;

(e) For enhanced monitoring or for compliance certification adopted pursuant to 42 U.S.C. § 7413(a)(3) or 7661c(b);

(f) For solid waste incineration units adopted pursuant to 42 U.S.C. § 7429;

(g) For consumer and commercial products or tank vessels adopted pursuant to 42 U.S.C. § 7511b; and

(h) For the protection of stratospheric ozone adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive, unless the Administrator determines that such provisions are not required in an operating permit;

2. A new source performance standard adopted pursuant to 42 U.S.C. § 7411;

3. Any term or condition of any permit issued pursuant to the requirements of 42 U.S.C. §§ 7401 to 7515, inclusive, including provisions regarding the prevention of significant deterioration of air quality and new source review; and

4. Any national ambient air quality standard or requirement regarding increments or visibility adopted pursuant to 42 U.S.C. §§ 7470 to 7492, inclusive, as the standard applies to a temporary source for which the owner or operator has applied for and obtained an operating permit pursuant to [NAC 445B.287](#) to [445B.3497](#), inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R040-10, eff. 7-22-2010)

NAC 445B.035 “Class I-B application” defined. ([NRS 445B.210](#)) “Class I-B application” means an application for a Class I operating permit that is required for any new stationary source or significant modification to an existing stationary source which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)

NAC 445B.036 “Class I source” defined. ([NRS 445B.210](#)) “Class I source” means any stationary source:

1. Which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive;

2. For which the owner or operator has proposed the construction of a major modification; or

3. Which is a major stationary source.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R125-04, 9-24-2004)

NAC 445B.037 “Class II source” defined. ([NRS 445B.210](#)) “Class II source” means any stationary source which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive, but which is otherwise subject to the requirements of [NAC 445B.001](#) to [445B.3689](#), inclusive. The term does not include a stationary source that is operating under a Class III operating permit issued pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R040-01, 10-25-2001; R040-1-, eff. 7-22-2010)

NAC 445B.038 “Class III source” defined. ([NRS 445B.210](#)) “Class III source” means a stationary source which is subject to the requirements set forth in [NAC 445B.001](#) to [445B.3689](#), inclusive, and:

1. Which emits or has the potential to emit, individually or in combination, a total of not more than 5 tons per year of PM₁₀, NO_x, SO₂, VOC and H₂S;

2. Which emits less than 1,000 pounds of lead per year;

3. Which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive;

4. Which does not exceed 750 horsepower and is not subject to the requirements of 40 C.F.R. Part 60 except for:

(a) A stationary compression ignition internal combustion engine subject to Subpart IIII; or

(b) A stationary spark ignition internal combustion engine subject to Subpart JJJJ;

5. Which is not subject to the requirements of 40 C.F.R. Part 61;

6. Which is not subject to the requirements of 40 C.F.R. Part 63, except for a stationary reciprocating internal combustion engine subject to Subpart ZZZZ and which does not exceed 750 horsepower;

7. Which is not a temporary source;

8. Which is not located at or a part of another stationary source;

9. Which does not operate a thermal unit that emits mercury, as defined in NAC 445B.3643; and
 10. Whose owner or operator:
 - (a) Is not seeking a limitation on emissions to avoid the requirements of 40 C.F.R. Part 63; or
 - (b) Is not required to obtain an operating permit to operate the stationary source solely to comply with NAC 445B.22037 relating to surface area disturbances.
- (Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001; A by R189-05, 5-4-2006; R142-07, 4-17-2008; R076-08, 8-26-2008; R040-10, 7-22-2010)

NAC 445B.044 “Construction” defined. ([NRS 445B.210](#)) “Construction” means any physical change or change in the method of operation of an emission unit, including, without limitation, the fabrication, erection, installation or modification of an emission unit.

[Environmental Comm'n, Air Quality Reg. § 1.42, eff. 12-4-76]—(NAC A by R105-97, 3-5-98; R096-05, 10-31-2005)

NAC 445B.046 “Contiguous property” defined. ([NRS 445B.210](#)) “Contiguous property” means any property under single or joint ownership or operatorship which is in physical contact, touching, near or adjoining. Public property or a public right-of-way shall not be deemed as a break in any otherwise contiguous property.

[Environmental Comm'n, Air Quality Reg. § 1.16, eff. 11-7-75; renumbered as § 1.43, 12-4-76]—(Substituted in revision for NAC 445.479)

NAC 445B.054 “Dispersion technique” defined. ([NRS 445B.210](#))

1. “Dispersion technique” means any technique that attempts to affect the concentration of a pollutant in the ambient air by:

- (a) Using that portion of a stack which exceeds good engineering practice stack height;
- (b) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- (c) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters or stack parameters, combining exhaust gases from several existing stacks into one stack or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

2. The term does not include:

(a) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(b) The merging of exhaust gas streams where:

(1) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(2) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of “dispersion techniques” applies only to the emission limitation for the pollutant affected by such a change in operation; or

(3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence before the merging, an increase in the quantity of pollutants actually emitted before the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such an intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

(c) Smoke management in agricultural or silvicultural prescribed burning programs.

(d) Episodic restrictions on residential woodburning and open burning.

(e) Techniques under paragraph (c) of subsection 1 which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

NAC 445B.064 “Excessive concentration” defined. ([NRS 445B.210](#)) “Excessive concentration” means, for

the purpose of determining good engineering practice stack height:

1. For sources seeking credit for stack height exceeding that established under paragraph (b) of subsection 1 of [NAC 445B.083](#), a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to 40 C.F.R. § 52.21, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive, must be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate must be established in consultation with the source owner or operator.

2. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under paragraph (b) of subsection 1 of [NAC 445B.083](#), either:

(a) A maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in subsection 1, except that the emission rate specified by any applicable state limit or, in the absence of such a limit, the actual emission rate, must be used; or

(b) The actual presence of a local nuisance caused by the existing stack, as determined by the Director.

3. For sources seeking credit after January 12, 1979, for a stack height determined under paragraph (b) of subsection 1 of [NAC 445B.083](#), where the Director requires the use of a field study or fluid model to verify good engineering practice stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in paragraph (b) of subsection 1 of [NAC 445B.083](#), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

NAC 445B.066 “Existing stationary source” defined. ([NRS 445B.210](#)) “Existing stationary source” means:

1. For stationary sources subject to 42 U.S.C. § 7412, any stationary source other than a new stationary source.

2. For all other stationary sources, a stationary source which was constructed, or for which the owner or operator submitted a complete application for an operating permit, before the effective date of the program.

[Environmental Comm'n, Air Quality Reg. § 1.26, eff. 11-7-75; renumbered as § 1.73, 12-4-76]—(NAC A 12-13-93; 10-30-95)

NAC 445B.068 “Facility” defined. ([NRS 445B.210](#)) “Facility” includes any groups of activities which emit regulated air pollutants, are located on one or more contiguous properties, and are owned, operated or controlled by the same person.

[Environmental Comm'n, Air Quality Reg. § 1.64, eff. 5-7-80]—(NAC A 10-30-95)

NAC 445B.069 “Federally enforceable” defined. ([NRS 445B.210](#)) “Federally enforceable” means all limitations and conditions which are enforceable by the Administrator pursuant to any provision of the Act, 40 C.F.R. §§ 52.21, any requirements developed pursuant to the applicable state implementation plan and 40 C.F.R. §§ 51.160 to 51.166, inclusive, 40 C.F.R. Parts 60, 61 and 63, or 40 C.F.R. Part 70, or by other persons pursuant to 42 U.S.C. § 7604.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; R142-07, 4-17-2008)—(Substituted in revision for NAC 445.5095)

NAC 445B.070 “Federally enforceable emissions cap” defined. ([NRS 445B.210](#)) “Federally enforceable emissions cap” means a condition of an operating permit containing an emission limitation that the holder of the

operating permit requested and the Director approved and which is independent of any applicable requirement or requirements.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5105)

NAC 445B.082 “General permit” defined. (NRS 445B.210) “General permit” means an operating permit issued by the Director to cover numerous similar stationary sources.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.083 “Good engineering practice stack height” defined. (NRS 445B.210)

1. “Good engineering practice stack height” means the stack height that is the greater of:

(a) Two hundred thirteen feet, measured from the ground-level elevation at the base of the stack;

(b) A height determined as follows:

(1) For stacks that commenced construction on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required pursuant to 40 C.F.R. Parts 51 and 52 and [NAC 445B.001](#) to [445B.3689](#), inclusive, the height determined by use of the equation $H_g = 2.5H$, so long as the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and

(2) For all other stacks, the height determined by use of the equation $H_g = H + 1.5L$,
↳ except that the Director may require the use of a field study or fluid model to verify good engineering practice stack height for the source; or

(c) The height demonstrated by a fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes or eddy effects created by the source itself, nearby structures or nearby terrain features.

2. For the purposes of this section:

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structures measured from the ground-level elevation at the base of the stack; and

L = lesser dimension, height or projected width, of nearby structures.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

NAC 445B.087 “Increment” defined. (NRS 445B.210) “Increment” has the meaning ascribed to it in 40 C.F.R. § 52.21, as adopted in [NAC 445B.221](#).

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5335)

NAC 445B.093 “Major modification” defined. (NRS 445B.210) “Major modification” has the meaning ascribed to it in 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004)

NAC 445B.094 “Major source” defined. (NRS 445B.210)

1. Except as otherwise provided in subsection 3, “major source” means any stationary source that:

(a) Is located on one or more contiguous or adjacent properties;

(b) Is under the common control of the same person or persons;

(c) Belongs to a single major industrial grouping as described in the *Standard Industrial Classification Manual*, as incorporated by reference in [NAC 445B.221](#); and

(d) Meets one of the following conditions:

(1) Is located in a nonattainment area and is required to obtain an operating permit pursuant to 42 U.S.C. §§ 7501 to 7515, inclusive;

(2) Directly emits or has the potential to emit:

(I) One hundred tons per year or more of any regulated air pollutant, excluding particulate matter more than 10 microns in diameter; or

(II) Ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination

of hazardous air pollutants or a lesser quantity as established by the Commission; or

(3) Is located in a particulate matter (PM₁₀) “serious” nonattainment area and directly emits or has the potential to emit 70 tons per year or more of PM₁₀.

↳ The Director shall consider fugitive emissions in determining whether a stationary source is major for any source category listed in 40 C.F.R. § 52.21(b)(1)(iii), as adopted by reference pursuant to [NAC 445B.221](#), or whether a stationary source of a hazardous air pollutant is a major source. To determine whether a stationary source is a major source of hazardous air pollutants under 42 U.S.C. § 7412, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station must not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control.

2. In determining whether a stationary source is a major source, the Director shall not consider the emissions from mobile sources subject to regulation under Title II of the federal Clean Air Act, 42 U.S.C. §§ 7521 to 7590, inclusive, or from nonroad engines.

3. For the purposes of the program for the prevention of significant deterioration of air quality (PSD), the term “major source” is synonymous with the term “major stationary source” as that term is defined in 40 C.F.R. § 52.21(b)(1), as adopted by reference in [NAC 445B.221](#).

(Added to NAC by Environmental Comm’n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; 10-30-95; 5-3-96; R105-97, 3-5-98; R117-00, 6-1-2001)

NAC 445B.0945 “Major stationary source” defined. ([NRS 445B.210](#)) “Major stationary source” has the meaning ascribed to it in 40 C.F.R. § 52.21(b)(1).

(Added to NAC by Environmental Comm’n by R125-04, eff. 9-24-2004)

NAC 445B.099 “Modification” defined. ([NRS 445B.210](#)) “Modification” means any physical change in, or change in the method of operation of a stationary source which:

1. Increases the amount of any regulated air pollutant, to which a standard applies, emitted into the atmosphere by that stationary source; or

2. Results in the emission of any regulated air pollutants, to which a standard applies, into the atmosphere if the regulated air pollutants were not previously emitted.

[Environmental Comm’n, Air Quality Reg. § 1.109, eff. 12-4-76; A and renumbered as § 1.95, 5-7-80]—(NAC A 10-30-95)

NAC 445B.104 “Motor vehicle” defined. ([NRS 445B.210](#)) “Motor vehicle” has the meaning ascribed to it in [NRS 485.050](#).

(Added to NAC by Environmental Comm’n by R117-00, eff. 6-1-2001)

NAC 445B.107 “Nearby” defined. ([NRS 445B.210](#)) “Nearby” means, as used in [NAC 445B.064](#) and [445B.083](#), with respect to a specific structure or terrain feature:

1. For the purpose of using the equations set forth in paragraph (b) of subsection 1 of [NAC 445B.083](#), that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than one-half mile; and

2. For the purpose of conducting demonstrations under paragraph (c) of subsection 1 of [NAC 445B.083](#), not greater than one-half mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if the feature achieves a height one-half mile from the stack that is at least 40 percent of the good engineering practice stack height determined by using the equation set forth in subparagraph (2) of paragraph (b) of subsection 1 of [NAC 445B.083](#) or 85 feet, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(Added to NAC by Environmental Comm’n by R096-05, eff. 10-31-2005)

NAC 445B.108 “New stationary source” defined. ([NRS 445B.210](#)) “New stationary source” means:

1. For stationary sources subject to the requirements of 42 U.S.C. § 7412, a stationary source for which the owner or operator commenced construction or reconstruction after the Administrator proposed regulations pursuant

to 42 U.S.C. § 7412 which established an emission standard applicable to the stationary source.

2. For all other stationary sources, a stationary source or modification for which an owner or operator has not submitted a complete application for an operating permit before the effective date of the program.

[Environmental Comm'n, Air Quality Reg. § 1.41, eff. 11-7-75; renumbered as § 1.114, 12-4-76; A and renumbered as § 1.100, 5-7-80]—(NAC A 12-13-93; 10-30-95)

NAC 445B.117 “Offset” defined. ([NRS 445B.210](#)) “Offset” means a reduction in emissions at an existing stationary source which is greater than a corresponding increase in emissions of the same regulated air pollutant at a new stationary source or a modification of a stationary source in the same nonattainment area.

(Added to NAC by Environmental Comm'n, eff. 3-29-94; A 10-30-95)

NAC 445B.123 “Operating permit” defined. ([NRS 445B.210](#)) “Operating permit” has the meaning ascribed to it in [NRS 445B.145](#). Unless otherwise specifically stated, the term includes:

1. A Class I, a Class II and a Class III operating permit;
2. An operating permit to construct; and
3. A mercury operating permit to construct, as defined in [NAC 445B.3625](#).

[Environmental Comm'n, Air Quality Reg. § 1.46, eff. 11-7-75; renumbered as § 1.122, 12-4-76]—(NAC A 12-13-93; R040-01, 10-25-2001; R103-02, 12-17-2002; R189-05, 5-4-2006; R162-06, 9-18-2006; R040-10, eff. 7-22-2010)

NAC 445B.124 “Operating permit to construct” defined. ([NRS 445B.210](#)) “Operating permit to construct” means an operating permit signed and issued by the Director which:

1. Authorizes 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;
2. Includes the conditions which apply to the construction and the initial period of operation of the Class I stationary source or modification to an existing Class I stationary source; and
3. Includes the requirement that the holder of the operating permit to construct submit a complete application for a Class I operating permit or for a modification of an existing Class I operating permit within 12 months after the date of the initial start-up of the new or modified Class I stationary source.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.1345 “Plantwide applicability limitation” defined. ([NRS 445B.210](#)) “Plantwide applicability limitation” means a plantwide applicability limitation as defined in 40 C.F.R. § 52.21(aa)(2)(v) that has been approved by the Director and authorized in an operating permit to construct pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive.

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004; R040-10, eff. 7-22-2010)

NAC 445B.138 “Potential to emit” defined. ([NRS 445B.210](#)) “Potential to emit” means the maximum capacity of a stationary source to emit a regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a stationary source to emit a regulated air pollutant, including equipment for the control of air pollution and any restrictions on the hours of operation of the stationary source or on the type or amount of material combusted, stored or processed, may be treated as part of its design for the purposes of determining its potential to emit if the limitation is *federally* enforceable ~~[by the Director]~~.

[Environmental Comm'n, Air Quality Reg. part § 1.115.5, eff. 10-16-80]—(NAC A 12-13-93; 10-30-95; 5-3-96; [R126-10, eff. 12-16-2010](#))

NAC 445B.142 “Prevention of significant deterioration of air quality” defined. ([NRS 445B.210](#)) “Prevention of significant deterioration of air quality” has the meaning ascribed to it in 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5795)

NAC 445B.147 “Program” defined. ([NRS 445B.210](#)) “Program” means the program for issuing operating permits to Class I sources which the Administrator has approved as complying with the requirements of 40 C.F.R. Part 70.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5855)

NAC 445B.154 “Renewal of an operating permit” defined. ([NRS 445B.210](#)) “Renewal of an operating permit” means the process by which a holder of an operating permit applies for and the Director reissues the operating permit at the end of its term.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5915)

NAC 445B.156 “Responsible official” defined. ([NRS 445B.210](#)) “Responsible official” means:

1. For a corporation:
 - (a) A president;
 - (b) A vice president in charge of a principal business function;
 - (c) A secretary;
 - (d) A treasurer; or
 - (e) An authorized representative of such a person who is responsible for the overall operation of the facility and who is designated in writing by an officer of the corporation and approved in advance by the Director.
2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
3. For a municipality or a state, federal or other public agency, a ranking elected official or a principal executive officer, including, for a federal agency, a chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.
4. For an affected source, the designated representative or his alternate, as defined in 42 U.S.C. § 7651a (26).

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A by R162-06, 9-18-2006; R040-10, eff. 7-22-2010)

NAC 445B.157 “Revision of an operating permit” defined. ([NRS 445B.210](#)) “Revision of an operating permit” means any modification of, or any administrative amendment or administrative revision to, an operating permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A by R125-04, 9-24-2004)

~~— **NAC 445B.179 “Special mobile equipment” defined.** ([NRS 445B.210](#)) “Special mobile equipment” has the meaning ascribed to it in [NRS 482.123](#).~~

~~— (Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)~~

~~[Deleted by R126-10, eff. 12-16-2010]~~

NAC 445B.187 “Stationary source” defined. ([NRS 445B.210](#))

1. “Stationary source” means all buildings, structures, facilities and installations, including temporary sources, which:

- (a) Belong to the same major industrial groupings described in the *Standard Industrial Classification Manual*, as incorporated by reference in [NAC 445B.221](#);
- (b) Are located on one or more contiguous or adjacent properties;
- (c) Are owned or operated by the same person or by persons under common control; and
- (d) Emit or may emit any regulated air pollutant that is regulated under 42 U.S.C. §§ 7401 to 7671q, inclusive, or [NAC 445B.001](#) to [445B.3689](#), inclusive.

2. Contracted operations that support the primary operations of the stationary source are part of the stationary source, except that temporary construction activities, including, without limitation, the construction of emission units, are not part of the stationary source.

3. The term does not include motor vehicles, ~~[special mobile equipment,]~~ nonroad engines and nonroad vehicles. [Environmental Comm'n, Air Quality Reg. § 1.182, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95; R105-97, 3-5-98; R117-00, 6-1-2001; R040-10, eff. 7-22-2010; [R126-10](#), [eff. 12-16-2010](#))

NAC 445B.194 “Temporary source” defined. ([NRS 445B.210](#)) “Temporary source” means any building, structure, facility or installation which:

1. Emits or may emit any regulated air pollutant;

2. May be moved from one location to another;
3. Is located or operated in a location for a period of less than 12 months; and
4. Is not an affected source.

(Added to NAC by Environmental Comm'n, eff. 10-30-95; A by R117-00, 6-1-2001)

Operating Permits Generally

NAC 445B.287 Operating permits: General requirements; exception; restrictions on transfers. ([NRS 445B.210](#), [445B.300](#))

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

(a) If a stationary source is a Class I source:

(1) A revision of the operating permit or the permit to construct is required pursuant to the requirements of [NAC 445B.3425](#), [445B.344](#) or [445B.3441](#) before the stationary source may be modified; or

(2) A revision of the operating permit to construct is required pursuant to the requirements of paragraph (a) of subsection 1 of [NAC 445B.3361](#) before the stationary source may be modified,
 as appropriate.

(b) If a stationary source is a Class II source, a revision of the operating permit or 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.3493](#) before the stationary source may be modified.

3. An operating permit, operating permit to construct 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. As used in this section:

(a) "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.305](#) to [445B.314](#), inclusive, and [445B.3395](#), and any other provisions of [NAC 445B.001](#) to [445B.3689](#), inclusive, have been complied with and constitute approval of location and for construction.

[Environmental Comm'n, Air Quality Reg. §§ 3.1.1-3.1.3, eff. 11-7-75; A 12-15-77; § 3.1.9, eff. 11-7-75; A 12-4-76]—(NAC A 7-29-82; 10-22-87; 12-15-88; 12-13-93; 10-30-95; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R189-05, 5-4-2006; R162-06, 9-18-2006; R040-10, eff. 7-22-2010)

NAC 445B.288 Operating permits: Exemptions from requirements; insignificant activities. ([NRS 445B.210](#), [445B.300](#))

1. The following categories of sources are not required to obtain an operating permit:

(a) A source that would otherwise be required to obtain an operating permit solely because it is subject to 40 C.F.R. Part 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

(b) A source that would otherwise be required to obtain an operating permit solely because it is subject to 40 C.F.R. Part 61, Subpart M, National Emission Standard for Asbestos, section 61.145.

(c) Agricultural equipment used in the normal operation of a farm, other than agricultural equipment which is classified as, or located at, a source for which a permit is required under Title V of the Act or which is subject to any standard set forth in 40 C.F.R. Part 60 or 61.

2. The following emission units are considered to be insignificant activities unless the emission unit is otherwise subject to another specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 C.F.R. Part 60, 61 or 63:

(a) Any equipment or other contrivance used exclusively for the processing of food for human consumption.

(b) An incinerator which has a rated burning capacity that is less than 25 pounds per hour.

(c) An emission unit that has a maximum allowable throughput or batch load rate of less than 50 pounds per

hour, unless the emission unit directly emits, or has the potential to emit, a hazardous air pollutant.

(d) A storage container for petroleum liquid, or a storage facility for volatile organic liquid, that has a capacity of less than 40,000 gallons.

(e) Except as otherwise provided in paragraphs (f), (g) and (h), air-conditioning equipment or fuel-burning equipment that, individually, has a rating which is:

(1) Less than 4,000,000 Btu's per hour; or

(2) Equal to or greater than 4,000,000 Btu's per hour if the equipment operates less than 100 hours per calendar year.

(f) A portable internal combustion engine that has a rating for output which is:

(1) Less than 500 horsepower; or

(2) Equal to or greater than 500 horsepower if the engine operates less than 100 hours per calendar year.

(g) A stationary internal combustion engine that has a rating for output which is:

(1) Less than 250 horsepower; or

(2) Equal to or greater than 250 horsepower if the engine operates less than 100 hours per calendar year.

(h) An emergency generator. Except as otherwise provided in this paragraph, an emergency generator qualifies as an insignificant activity pursuant to this paragraph only if the emergency generator is an internal combustion engine that is used to generate electrical power to maintain essential operations during unplanned electrical power outages. An emergency generator that is owned or operated by a stationary source and whose potential to emit is calculated on the basis of less than 500 hours of operation does not qualify as an insignificant activity.

3. If an emission unit is considered an insignificant activity and is subject to a limitation on its hours of operation pursuant to subsection 2, the owner or operator of the emission unit shall maintain an operating log of the hours of operation of the emission unit. The operating log must be maintained at the site of the emission unit and made available to the Director upon his request. The owner or operator shall retain the operating log for not less than 5 years.

4. The Director may, upon written request and a satisfactory demonstration by an applicant, approve an emission unit as an insignificant activity if the emission unit is not otherwise subject to another specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 C.F.R. Part 60, 61 or 63. To be approved as an insignificant activity, an emission unit must meet the following criteria:

(a) The operation of the emission unit, not considering controls or limits on production, type of materials processed, combusted or stored, or hours of operation, will not result in:

(1) Emissions of a hazardous air pollutant that exceed 1 pound per hour or 1,000 pounds per year, as appropriate;

(2) Emissions of regulated air pollutants that exceed 4,000 pounds per year;

(3) Emissions of regulated air pollutants that exceed any other limitation on emissions pursuant to any other applicable requirement; or

(4) Emissions of regulated air pollutants that adversely impact public health or safety, or exceed any ambient air quality standards; and

(b) The emissions from the emission unit are not relied on to avoid any other applicable requirements.

➤ If there are multiple emission units, the Director may, after considering the impact of the combined emissions of multiple emission units, determine whether to approve one or more of the specific emission units as an insignificant activity.

5. Except as otherwise provided in [NAC 445B.094](#), emissions from insignificant activities, as determined pursuant to this section, must be included in any determination of whether a stationary source is a major source.

6. A stationary source is not required to obtain an operating permit pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive, for any emission unit determined to be an insignificant activity in accordance with this section, as long as the stationary source is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in [NAC 445B.001](#) to [445B.3689](#), inclusive, relating to the operation of the emission unit determined to be an insignificant activity.

7. A stationary source which consists solely of insignificant activities as determined pursuant to this section and which is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act is not required to obtain an operating permit to operate as a stationary source. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in [NAC 445B.001](#) to

[445B.3689](#), inclusive, relating to the operation of the stationary source or any insignificant activity that is a part of the stationary source.

8. The provisions of this section do not apply to a thermal unit that emits mercury.

9. As used in this section, “thermal unit that emits mercury” has the meaning ascribed to it in [NAC 445B.3643](#).

[Environmental Comm’n, Air Quality Reg. § 3.1.8, eff. 11-7-75]—(NAC A 10-22-87; 12-8-89; 9-19-90; 11-23-92; 12-13-93, eff. 11-15-94; 3-29-94, eff. 11-15-94; 10-30-95; R117-00, 6-1-2001; R189-05, 5-4-2006; R142-07, 4-17-2008)

NAC 445B.295 Application: General requirements. ([NRS 445B.210](#), [445B.300](#)) Except as otherwise provided in [NAC 445B.33637](#), an application for an operating permit must include:

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;

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;

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;

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;

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;

6. An explanation of any proposed exemption from any applicable requirement;

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

8. Other specific information that the Director determines is necessary to carry out, enforce and determine the applicability of all legal requirements.

(Added to NAC by Environmental Comm’n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; 5-3-96; A by R117-00, 6-1-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R139-06, 9-18-2006)

NAC 445B.297 Application: Submission; certification; additional information. ([NRS 445B.210](#), [445B.300](#))

1. An applicant for an operating permit must:

(a) Submit an application to the Director on the appropriate form provided by the Director. A responsible official of the stationary source must certify that, based on information and belief formed after a reasonable inquiry, the statements in the application for the operating permit are true, accurate and complete.

(b) Submit supplementary facts or corrected information upon discovery.

(c) Provide any additional information, in writing, that the Director requests within the time specified in the Director’s request.

(Added to NAC by Environmental Comm’n, 12-13-93, eff. 11-15-94; A 10-30-95; R125-04, 9-24-2004; R189-05, 5-4-2006; R139-06, 9-18-2006)

NAC 445B.298 Application: Official date of submittal. ([NRS 445B.210](#), [445B.300](#)) Except as otherwise provided in [NAC 445B.3364](#), [445B.3395](#), [445B.3457](#), [445B.3487](#), or [445B.3683](#), the official date of submittal of an application for:

1. An operating permit;

2. An operating permit to construct;

3. A revision of an existing operating permit; or

4. A revision of an existing operating permit to construct,

→ is the date on which the Director determines that the application is complete.

[Environmental Comm’n, Air Quality Reg. §§ 3.1.4 & 3.1.7, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 12-13-93; R105-97, 3-5-98; R198-03, 4-26-2004; R125-04, 9-24-2004; R162-06, 9-18-2006; R040-10, eff. 7-22-2010)

NAC 445B.305 Operating permits: Imposition of more stringent standards for emissions. ([NRS 445B.210](#),

[445B.300](#)) The Director may impose standards for emissions on a proposed stationary source that are more stringent than those found in [NAC 445B.001](#) to [445B.3689](#), inclusive, as a condition of approving an operating permit for the proposed stationary source.

(Added to NAC by Environmental Comm'n, eff. 9-19-90; A 12-13-93, eff. 11-15-94; 10-30-95; R040-10, eff. 7-22-2010)

NAC 445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan. ([NRS 445B.210](#), [445B.300](#))

1. In any area designated as attainment or unclassifiable for a regulated air pollutant, before an operating permit or a revision of an operating permit may be issued:

- (a) For a new or modified stationary source;
- (b) For a plantwide applicability limitation; or
- (c) To allow a plantwide applicability limitation to expire and not be renewed,

↳ in accordance with [NAC 445B.308](#) to [445B.314](#), inclusive, the applicant must submit to the Director an environmental evaluation and any other information the Director determines is necessary to make an independent air quality impact assessment.

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 the purposes of this paragraph, only those ambient air quality standards that have been established in [NAC 445B.22097](#) need to be considered in the environmental evaluation.

(b) Will cause a violation of the applicable state implementation plan.

(c) Will cause a violation of any applicable requirement.

3. The Director shall not issue an operating permit or a revision of an operating permit for any stationary source if the Director determines, in accordance with subsection 3 of [NAC 445B.311](#), that the degree of emission limitation required for control of an air pollutant under this section is affected by that amount of the stack height of any source as exceeds good engineering practice stack height, including a good engineering practice stack height demonstrated by a fluid model or a field study approved by the Director in accordance with paragraph (c) of subsection 1 of [NAC 445B.083](#), or any other dispersion technique.

6. 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 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 adopted by reference in [NAC 445B.221](#).

7. 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.3689](#), inclusive.

8. If 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.314](#), inclusive, all phases occurring since November 7, 1975, must be added together for determining the applicability of those sections.

9. 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 applicable state implementation plan.

[Environmental Comm'n, Air Quality Reg. § 13.1.1, eff. 11-7-75; A 8-28-79; § 13.1.3, eff. 11-7-75; A 8-28-79; 2-28-80; §§ 13.1.4-13.1.7, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 11-23-92; 12-13-93, eff. 11-15-94; 3-29-94, eff. 11-15-94; 10-30-95; R105-97, 3-5-98; R103-02, 12-17-2002; R125-04, 9-24-2004; R096-05, 10-31-2005; R139-06 & R151-06, 9-18-2006; R142-07, 4-17-2008)

NAC 445B.310 Environmental evaluation: Applicable sources and other subjects; exemption. ([NRS](#)

[445B.210](#), [445B.300](#))

1. An applicant for an operating permit, a revision to an operating permit or a request for a change of location, which is not subject to the provisions of 40 C.F.R. § 52.21, as adopted by reference in [NAC 445B.221](#), must submit with the application an environmental evaluation for:

(a) A new stationary source which emits, or has the potential to emit, greater than 25 tons of a regulated air pollutant per year;

(b) A modification to an existing stationary source that meets the following criteria:

(1) The existing stationary source has the potential to emit greater than 25 tons of a regulated air pollutant per year; and

(2) The proposed modification has the potential to emit greater than 10 tons of a regulated air pollutant per year;

(c) The approval of a plantwide applicability limitation or the approval to allow a plantwide applicability limitation to expire and not be renewed; or

(d) Upon written notice from the Director, any other source or combination of sources.

2. An owner or operator of a Class II source may request an exemption from the requirement to submit an environmental evaluation with the application. 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. If such an exemption is granted, the Director shall perform the environmental evaluation.

[Environmental Comm'n, Air Quality Reg. § 13.3, eff. 11-7-75; A 12-15-77; renumbered as § 13.2, 8-28-79; § 13.3.1, eff. 11-7-75; A 12-15-77; renumbered as § 3.2.1, 8-28-79; § 13.3.2, eff. 11-7-75; A 12-15-77; renumbered as § 13.2.2, 8-28-79; § 13.3.3, eff. 11-7-75; renumbered as § 13.2.3, 8-28-79]—(NAC A 9-19-90; R 12-13-93, eff. 11-15-94; A 10-30-95; R105-97, 3-5-98; R125-04, 9-24-2004; R096-05, 10-31-2005; R139-06, 9-18-2006)

NAC 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height. ([NRS 445B.210](#), [445B.300](#))

1. An environmental evaluation which is required for a new or modified stationary source pursuant to [NAC 445B.308](#) to [445B.314](#), inclusive, or as required by the Director must contain a careful and detailed assessment of the environmental aspects of the proposed stationary source and must also contain:

(a) The name and address of the applicant;

(b) The name, address and location of the stationary source;

(c) A description of the proposed stationary source, including the normal hours of operation of the facility and the general types of activities to be performed;

(d) A map showing the location of the stationary source and the topography of the area, including existing principal streets, roads and highways within 3 miles of the stationary source;

(e) A site plan showing the location and height of buildings on the site;

(f) Any additional information or documentation which the Director deems necessary to determine the effect of the stationary source on the quality of the ambient air, including measured data on the quality of the ambient air and meteorological conditions at the proposed site before construction or modification; and

(g) A dispersion analysis of each regulated air pollutant.

2. Where approval is sought for stationary sources to be constructed in phases, the information required by subsection 1 must be submitted for each phase of the construction project.

3. An environmental evaluation must also consider good engineering practice stack height. If the Director considers an analysis of a source based on a good engineering practice stack height that exceeds the height specified in paragraph (a) or (b) of subsection 1 of [NAC 445B.083](#), the Director shall:

(a) Notify the public of the availability of the demonstration study performed pursuant to paragraph (c) of subsection 1 of [NAC 445B.083](#); and

(b) Provide an opportunity for a public hearing on the demonstration study in accordance with the requirements for a Class I operating permit set forth in subsections 7, 9 and 10 of [NAC 445B.3395](#).

4. A dispersion analysis used to determine the location and estimated value of the highest concentration of each regulated air pollutant must include:

(a) A dispersion model based on the applicable models, bases and other requirements specified in the "Guideline on Air Quality Models," which is Appendix W of 40 C.F.R. Part 51, as adopted by reference in [NAC 445B.221](#), except that the Director may authorize the modification of a model specified in the "Guideline on Air Quality

Models” or the use of a model not included in the “Guideline on Air Quality Models” if the Director **[determines]** :

- (1) Determines that the modification or use is appropriate;*
- (2) Obtains written approval of the modification or use from the Administrator; and*
- (3) Provides notice of and establishes a 30-day period for comment in accordance with the applicable provisions of NAC 445B.3364, 445B.3395, 445B.3447, 445B.3457 or 445B.3477;*

(b) A narrative report describing:

(1) If applicable, assumptions and premises used in the analysis, including, without limitation:

- (I) Model options chosen;
- (II) Urban versus rural selection;
- (III) Background concentrations;
- (IV) Characterization of emission sources as point, area or volume;
- (V) Emission discharge points; and
- (VI) Rate of emission from each emission unit; and

(2) The geographic area considered in the analysis, including, without limitation, information concerning:

- (I) The nearest significant terrain features;
- (II) The receptor grid or grids; and
- (III) Restrictions on public access to the stationary source; and

(c) Valid meteorological information pursuant to the provisions of Appendix W of 40 C.F.R. Part 51, as adopted by reference in [NAC 445B.221](#), which:

(1) For sources that are not subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in [NAC 445B.221](#):

(I) Is site specific, if the information exists pursuant to subsection 1 of this section or subsection 7 of [NAC 445B.308](#), and which covers a period of not less than 1 year;

(II) Has been obtained from an off-site location representative of the proposed site and which covers a period of not less than 1 year;

(III) Represents the worst-case meteorological conditions, as approved by the Director for synthetic data;

or

(IV) Has been obtained over the last 5 years at the nearest National Weather Service site; or

(2) For sources that are subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in [NAC 445B.221](#), is representative of the source site location and source emissions and which covers a period of not less than 1 year.

[Environmental Comm’n, Air Quality Reg. § 13.4.1, eff. 11-7-75; A 12-15-77; renumbered as § 13.3.1, 8-28-79; § 13.4.1.1, eff. 11-7-75; A 12-15-77; renumbered as § 13.3.1.1, 8-28-79; § 13.4.1.4, eff. 11-7-75; renumbered as § 13.3.1.2, 8-28-79]—(NAC A 10-30-95; R103-02, 12-17-2002; R096-05, 10-31-2005; R151-06, 9-18-2006; **R126-10, eff. 12-16-2010**)

NAC 445B.313 Method for determining heat input: Class I sources. ([NRS 445B.210](#), [445B.300](#)) 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 maximum heat input will be determined by :

1. Multiplying the maximum fuel rate as determined by the manufacturer by the total calorific value of the fuel as determined by using the appropriate method of ASTM International [-]; or

2. An alternative method specified by the Director as a condition contained in the operating permit of the Class I source.

[Environmental Comm’n, Air Quality Reg. § 13.3.4, eff. 12-15-77; renumbered as § 13.2.4, 8-28-79]—(NAC A 9-19-90; 3-29-94, eff. 1-11-96; 10-30-95; R040-01, 10-25-2001; R103-02, 12-17-2002; R142-07, 4-17-2008; **R126-10, eff. 12-16-2010**)

NAC 445B.3135 Method for determining heat input: Class II sources. ([NRS 445B.210](#), [445B.300](#)) For the purposes of determining the effects of a Class II source on the quality of ambient air pursuant to [NAC 445B.308](#), [445B.310](#) and [445B.311](#), 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.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.314 Method for determining heat input: Class III sources. ([NRS 445B.210](#), [445B.300](#)) For the purposes of determining the effects of a Class III source on the quality of ambient air pursuant to [NAC 445B.308](#), [445B.310](#) and [445B.311](#), 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.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.315 Contents of operating permits: Exception for operating permits to construct; required conditions. ([NRS 445B.210](#), [445B.300](#))

1. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to operating permits to construct.

2. The Director shall cite the legal authority for each condition contained in an operating permit.

3. An operating permit must contain the following conditions:

(a) The term of the operating permit is 5 years.

(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, in writing and within a reasonable time, with any information that the Director requests 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.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R103-02, 12-17-2002; R189-05, 5-4-2006)

NAC 445B.318 Operating permits: Requirement for each source; form of application; issuance or denial; posting. ([NRS 445B.210](#), [445B.300](#))

1. An operating permit is required for each new or existing stationary source.
2. Application for the issuance of an operating permit or a replacement for a lost or damaged operating permit must be submitted in writing to the Director on the exact form provided by him.
3. An operating permit must be granted if the Director finds from a stack emission test or other appropriate test and other relevant information that use of the stationary source will not result in any violation of the air quality regulations or the provisions of 40 C.F.R. § 52.21 or 40 C.F.R. Parts 60, 61 and 63, adopted by reference in [NAC 445B.221](#).
4. A denial of an application for an operating permit must be accompanied by a statement of the reasons for the denial, and, if the Director has relied in his decision upon information not contained in the application, the statement of reasons must identify and state the substance of such information.
5. Operating permits must be posted conspicuously at or near the stationary source.
[Environmental Comm'n, Air Quality Reg. part § 3.4.1 & §§ 3.4.2, 3.4.3, 3.4.5 & 3.4.6, eff. 11-7-75; § 3.4.7, eff. 11-7-75; A 8-28-79]—(NAC A 10-22-87; 12-15-88; 9-19-90; R 12-13-93, eff. 11-15-94; A 10-30-95; R189-05, 5-4-2006; R151-06, 9-18-2006)

NAC 445B.319 Operating permits: Administrative amendment. ([NRS 445B.210](#), [445B.300](#))

1. The holder of an operating permit may request or the Director may initiate an administrative amendment of an operating permit to:
 - (a) Correct typographical errors;
 - (b) Identify a change in the name, address or telephone number of any person identified in the operating permit, or provide a similar minor administrative change at the stationary source;
 - (c) Require more frequent monitoring or reporting by the holder of the operating permit;
 - (d) Add the serial numbers of specific pieces of equipment which were not available at the time of the issuance of or revision of the operating permit; or
 - (e) Allow for a change in ownership or operational control of a stationary source if the Director determines that no other change in the operating permit is necessary. A person who requests an administrative amendment pursuant to this paragraph must submit to the Director a written agreement specifying a date for the transfer of responsibility for the operating permit and an agreement between the current and the new holder of the operating permit regarding insurance coverage and liability.
2. A holder of an operating permit must request an administrative amendment on an application provided by the Director. The application must be accompanied by a fee in the amount specified in [NAC 445B.327](#).
3. The Director shall:
 - (a) Issue or deny an application for an administrative amendment within 30 days after receipt of the application.
(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; 10-30-95; R105-97, 3-5-98; R019-99, 9-27-99; R125-04, 9-24-2004)

NAC 445B.325 Operating permits: Termination, reopening and revision, revision, or revocation and reissuance. ([NRS 445B.210](#), [445B.300](#))

2. An operating permit may be terminated, reopened and revised, revised, or revoked and reissued if:
 - (a) The Director or the Administrator determines that the operating permit contains a material mistake or is based on inaccurate statements;
 - (b) The Director or the Administrator determines that the operating permit, as written, does not ensure compliance with all applicable requirements; or
 - (c) The Director determines that there has been a violation of any of the provisions of [NAC 445B.001](#) to [445B.3689](#), inclusive, any applicable requirement, or any condition contained in the operating permit.
5. If the Director reopens an operating permit, he shall revise only those portions of the operating permit for which cause exists.
6. The reopening of an operating permit pursuant to this section must comply with all of the relevant

requirements for the issuance or revision of a permit, including the requirements related to the content of the permit and the requirements for notice, public participation and comment, and a review by any affected states.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R162-06, 9-18-2006; R040-10, eff. 7-22-2010)

NAC 445B.326 Operating permits: Assertion of emergency as affirmative defense to action for noncompliance. ([NRS 445B.210](#), [445B.300](#))

1. A holder of an operating permit may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the operating permit if the holder of the operating permit demonstrates through signed, contemporaneous operating logs or other relevant evidence, that:

- (a) An emergency occurred and the holder of the operating permit can identify the cause of the emergency;
- (b) The facility was being properly operated at the time of the emergency;
- (c) During the emergency, the holder of the operating permit took all reasonable steps to minimize excess emissions; and

(d) The holder of the operating permit submitted notice of the emergency to the Director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.

2. In any action for noncompliance, the holder of an operating permit who asserts the affirmative defense of an emergency has the burden of proof.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.7133)

NAC 445B.331 Request for change of location of emission unit. ([NRS 445B.210](#), [445B.300](#)) A request for a change of the location of an emission unit must be made in writing to the Director and submitted with the fee for each operating permit at least 10 days before each change of location. An owner or operator must not operate the emission unit at the new location until the Director approves the location.

(Added to NAC by Environmental Comm'n, eff. 12-15-88; A 9-13-91; 11-23-92; 12-13-93; 12-13-93, eff. 7-1-94; 10-30-95; 5-3-96; R019-99, 9-27-99; R117-00, 6-1-2001; R103-02, 12-17-2002; R151-06, 9-18-2006)

Class I Operating Permits

NAC 445B.3361 General requirements. ([NRS 445B.210](#), [445B.300](#))

1. To establish a new Class I stationary source or modify an existing Class I stationary source, the owner or operator of a proposed new Class I stationary source or the existing Class I stationary source must:

- (a) Apply for and obtain a new or revised:
 - (1) Operating permit to construct pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive; or
 - (2) Class I operating permit pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive;

2. To establish a plantwide applicability limitation, the owner or operator of a Class I stationary source must apply for and obtain a Class I operating permit to construct for the approval of the plantwide applicability limitation pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive. To revise or renew a Class I operating permit to construct for the approval of a plantwide applicability limitation, the owner or operator of a Class I stationary source must apply for and obtain a revised or renewed Class I operating permit to construct for the approval of a plantwide applicability limitation pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive.

3. Except as otherwise provided in subsection 5, if an owner or operator obtains an operating permit to construct, the owner or operator is not required to obtain an operating permit or revised operating permit before commencing initial construction, start-up and operation of the proposed new Class I stationary source or the modification to the existing Class I stationary source.

4. Except as otherwise provided in this subsection and subsections 5 and 6, if an owner or operator has a valid operating permit to construct, the owner or operator may continue to operate a new Class I stationary source or modifications to an existing Class I stationary source under that operating permit to construct if the owner or operator submits a complete application for a Class I operating permit within 12 months after the date of initial start-up of the new Class I stationary source or modifications to the existing Class I stationary source. The provisions of this subsection do not apply to a Class I operating permit to construct for the approval of a plantwide applicability

limitation.

5. If the conditions of an existing Class I operating permit would prohibit the construction or change in operation of the existing Class I stationary source and the owner or operator is not seeking to revise the Class I operating permit at the Class I stationary source pursuant to subparagraph (2) of paragraph (a) of subsection 1, the owner or operator must concurrently:

(a) For the construction or change in operation of the existing Class I stationary source:

(1) Obtain a Class I operating permit to construct; or

(2) If the construction or change in operation involves mercury emissions from a thermal unit that emits mercury, obtain a mercury operating permit to construct pursuant to [NAC 445B.3611](#) to [445B.3689](#), inclusive; and

(b) Obtain an administrative revision to an operating permit to incorporate the conditions of the Class I operating permit to construct into the existing Class I operating permit pursuant to [NAC 445B.3441](#) before commencing with the construction or change in operation of the existing Class I stationary source.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R189-05, 5-4-2006; R139-06 & R162-06, 9-18-2006; R040-10, eff. 7-22-2010)

NAC 445B.3363 Operating permit to construct: Application. ([NRS 445B.210](#), [445B.300](#))

1. Except as otherwise provided in [NAC 445B.33637](#), in addition to the information required pursuant to [NAC 445B.295](#), an application for a Class I operating permit to construct or for a revision of a Class I 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) A 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 pursuant to 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 described in this subsection are based.

(g) Citations to and a description of all applicable requirements.

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

2. Except as otherwise provided in [NAC 445B.33637](#), in addition to the information required pursuant to subsection 1, an application for a Class I operating permit to construct must contain:

(a) For a proposed new major stationary source, a proposed major modification to an existing stationary source or a major modification at an existing major stationary source:

(1) All information required pursuant to 40 C.F.R. § 52.21;

(2) A description of all emissions of each regulated pollutant:

(I) For which the source is a major stationary source; or

(II) That will, because of the major modification, result in a significant emissions increase or a significant net emissions increase in accordance with 40 C.F.R. § 52.21(a)(2);

(3) A description of all emissions of each regulated pollutant associated with the major modification;

(4) A description of each hydrographic area that may be triggered for increment consumption; and

(5) Any other information that the Director determines is necessary to process the application.

(b) For a proposed new major source or a proposed modification which is not a major modification:

(1) All information required by [NAC 445B.308](#) to [445B.311](#), 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 to 7515, inclusive, all information required by 42 U.S.C. § 7503.

(c) For a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive:

(1) All information required by 40 C.F.R. § 63.43(e); and

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

(d) For a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.50 to 63.56, inclusive:

(1) All information required by 40 C.F.R. § 63.53; and

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

3. Except as otherwise provided in [NAC 445B.33637](#), in addition to the information required pursuant to subsections 1 and 2, an application for a Class I operating permit to construct for a modification at an existing major stationary source that is not a major modification must contain:

(a) All applicable information required to determine whether the project or modification will result in a significant emissions increase or a significant net emissions increase in accordance with 40 C.F.R. § 52.21(a)(2);

(b) A description of the project or modification, including all emission units;

(c) A description of the applicable procedures used to determine that the project or modification is not a major modification pursuant to the provisions of 40 C.F.R. § 52.21(a)(2);

(d) All calculations associated with the procedures required to make the determinations pursuant to 40 C.F.R. § 52.21(a)(2), including detailed information for expected and highest projections of any business activities in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(a);

(e) Calculations of emissions in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(b); and

(f) Detailed information used to demonstrate that emissions increases associated with any increased utilization that an emission unit could have accommodated during the baseline emission period is unrelated to the proposed project or modification, including any increased utilization due to product demand growth, in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(c).

➤ In lieu of paragraphs (d), (e) and (f), the application must contain information on the potential of the unit to emit in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(d).

4. Except for a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive, or 40 C.F.R. §§ 63.50 to 63.56, inclusive, in addition to the information required pursuant to subsections 1, 2 and 3, an application for an operating permit to construct must include an environmental evaluation pursuant to [NAC 445B.308](#), [445B.310](#) and [445B.311](#).

5. As used in this section, “project” has the meaning established in 40 C.F.R. § 52.21, as adopted by reference in [NAC 445B.221](#).

(Added to NAC by Environmental Comm’n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R139-06 & R151-06, 9-18-2006; A by R147-09, eff. 1-28-2010)

NAC 445B.33637 Operating permit to construct for approval of plantwide applicability limitation: Application. ([NRS 445B.210](#), [445B.300](#))

1. In addition to the requirements set forth in subsection 1 of [NAC 445B.297](#), an application for a Class I operating permit to construct for the approval of a plantwide applicability limitation for a major stationary source must contain:

(a) All the information required pursuant to 40 C.F.R. § 52.21(aa)(3) and all the information necessary to establish the plantwide applicability limitation in accordance with the requirements of 40 C.F.R. § 52.21(aa)(4);

(b) A description of each pollutant for which the owner or operator is requesting a plantwide applicability limitation;

(c) For each pollutant described in paragraph (b), the proposed plantwide applicability limitation for the entire major stationary source;

(d) A monitoring plan that will be used to make an accurate determination of the plantwide emissions subject to the plantwide applicability limitation as specified in 40 C.F.R. § 52.21(aa)(12). The monitoring plan must identify, without limitation:

(1) The monitoring approach proposed for each emission unit;

(2) The minimum performance requirements of each such approach;

(3) The basis for any emissions factors proposed; and

(4) Any emission unit for which the owner or operator cannot demonstrate a correlation between the monitored parameters and the plantwide applicability limitation at all operating points;

(e) If the owner or operator cannot demonstrate a correlation between the monitored parameters and the plantwide applicability limitation at all operating points as identified in paragraph (d) and the owner or operator requests to establish default values for determining compliance with the plantwide applicability limitation, any proposed default values to be used for determining compliance with the plantwide applicability limitation based on the highest potential emissions potentially operated for each emission unit;

(f) A description of the calculation procedures that the source will use to convert monitored data into monthly

emissions on a 12-month rolling period;

(g) A description of any emission units that were permanently shut down after the baseline actual emissions period and the associated emissions;

(h) A description of any emission units for which construction began after the baseline actual emissions period and the associated emissions; and

(i) Any other requirements or information that the Director determines is necessary to implement and enforce the plantwide applicability limitation.

2. An application for a Class I operating permit to construct to allow a plantwide applicability limitation to expire and not be renewed must contain:

(a) A description of the proposed distribution of the emissions allowed by the plantwide applicability limitation for each emission unit or group of emission units at the major stationary source; and

(b) A description of the proposed methods for complying with the distribution of the allowable emissions provided in paragraph (a).

3. In addition to the information required pursuant to subsection 1, an application for a Class I operating permit to construct for the renewal of a plantwide applicability limitation must contain the information required pursuant to 40 C.F.R. § 52.21(aa)(10) for each plantwide applicability limitation pollutant.

4. In addition to the information required pursuant to subsection 1, an application for a Class I operating permit to construct for increasing a plantwide applicability limitation must contain all the information required pursuant to 40 C.F.R. § 52.21(aa)(11).

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004)

NAC 445B.3364 Operating permit to construct: Action by Director on application; notice; public comment and hearing. ([NRS 445B.210](#), [445B.300](#))

1. Except for sources that are subject to the permitting requirements set forth in 40 C.F.R. § 52.21 or sources subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive, or 40 C.F.R. §§ 63.50 to 63.56, inclusive, within 45 days after the date of receipt of an application for a Class I operating permit to construct or for the revision of a Class I 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 the 46th day after the date of receipt, whichever is earlier. Within 90 days after the official date of submittal, the Director shall make a preliminary determination to issue or deny a Class I operating permit to construct or a revision of a Class I operating permit to construct.

2. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 30 days after the date of receipt of an application for a Class I operating permit to construct or for the revision of a Class I operating permit to construct, the Director shall determine whether the application contains adequate information to process the application. The official date of submittal of the application shall be deemed to be 31 days after the date of receipt, unless the Director determines before that date that substantial additional information is required. If the Director determines that substantial additional information is required, the Director shall return the application to the applicant. The Director shall require the applicant to submit a new application, or the applicant may formally withdraw the application. Within 180 days after the official date of submittal, the Director shall make a preliminary determination to issue or deny an operating permit to construct or a revision of an operating permit to construct. For the purposes of 40 C.F.R. § 52.21, the application shall be deemed to be complete on the date that the Director makes the preliminary determination to issue or deny a Class I operating permit to construct or a revision of an operating permit to construct.

3. For sources subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive, or 40 C.F.R. §§ 63.50 to 63.56, inclusive, within 30 days after the date of receipt of an application for a Class I operating permit to construct or for the revision of a Class I operating permit to construct, the Director shall determine whether 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 the 31st day after

the date of receipt, whichever is earlier. Within 180 days after the official date of submittal, the Director shall make a preliminary determination to issue or deny the Class I operating permit to construct or the revision of the Class I operating permit to construct.

4. For the submittal of an application for a Class I operating permit to construct for the approval of a plantwide applicability limitation, within 30 days after the date of receipt of such an application, 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 the 31st day after the date of receipt, whichever is earlier. Within 120 days after the official date of submittal, the Director shall make a preliminary determination to issue or deny the Class I operating permit to construct for the approval of a plantwide applicability limitation.

5. If, after the official date of submittal, the Director discovers that additional information is required to act on an 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.3689](#), 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.

6. The Director's review and preliminary intent to issue or deny an operating permit to construct or a revision of an 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 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249 and in the air quality region where the source is located for 30 days to enable public and EPA participation and comment.

7. 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;

(e) Provide a copy of the Director's preliminary intent to issue or deny the operating permit to construct to each affected local air pollution control agency;

(f) Establish a 30-day period for comment from the public and the EPA; and

(g) If the application is for an administrative revision to a Class I operating permit, provide written notice to each affected state.

8. In addition to the requirements set forth in subsection 7, the notice required for a Class I operating permit to construct or for a revision of a Class I operating permit to construct must:

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

(b) Identify the name and address of the authority processing the Class I operating permit to construct;

(c) Identify the activity or activities involved in the Class I operating permit to construct and the change of emissions involved in any revision of the Class I operating permit to construct;

(d) State that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable;

(e) Include 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 Class I operating permit to construct, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the Class I operating permit to construct and which are relevant to the determination of the issuance of the Class I operating permit to construct;

(f) Include 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; and

(g) If applicable, include a description of any revisions to a Class I operating permit resulting from an administrative revision to the Class I operating permit.

9. All comments concerning the Director's review and the preliminary intent for the issuance or denial of a Class

I operating permit to construct or of a revision of a Class I operating permit to construct 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.

10. Except as otherwise provided in subsections 11 to 14, inclusive, within 180 days after the official date of submittal of an application for an operating permit to construct or for the revision of an operating permit to construct, the Director shall issue or deny the new Class I operating permit to construct or the new revision of a Class I operating permit to construct. The Director shall make his decision by taking into account:

- (a) Written comments from the public;
- (b) Comments made during public hearings concerning the application and the Director's preliminary determination for issuance or denial;
- (c) Information submitted by proponents of the project; and
- (d) The effect of such a facility on the maintenance of the state and national ambient air quality standards contained in [NAC 445B.22097](#) and the applicable state implementation plan.

11. Except as otherwise provided in subsection 12, for sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 12 months after the official date of submittal of an application for an operating permit to construct or for the revision of an operating permit to construct, the Director shall issue or deny the new Class I operating permit to construct or the new revision of a Class I operating permit to construct.

12. The Director shall issue or deny a Class I operating permit to construct for the approval of a plantwide applicability limitation within 30 days after the close of the period for public participation or 30 days after the hearing, if a hearing is scheduled pursuant to this section, whichever occurs later.

13. For a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive, or 40 C.F.R. §§ 63.50 to 63.56, inclusive, within 12 months after the official date of submittal of an application for an operating permit to construct or for the revision of an operating permit to construct, the Director shall issue or deny the new Class I operating permit to construct or the new revision of a Class I operating permit to construct.

14. The Director shall not issue an administrative revision to a Class I operating permit if the Administrator objects to the issuance of the administrative revision in writing within 45 days after the Administrator's receipt of the proposed revision conditions for the Class I operating permit and the necessary supporting information.

15. Any person may petition the Administrator to request that the Administrator object to the issuance of an administrative revision to a Class I operating permit as provided in 40 C.F.R. § 70.8(d).

16. If, on his own or pursuant to a request by a person pursuant to subsection 15, the Administrator objects to the issuance of an administrative revision to a Class I operating permit, the Director shall submit revised proposed conditions for the Class I operating permit in response to the objection within 90 days after the date on which he is notified of the objection.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R198-03, 4-26-2004; R125-04, 9-24-2004; R139-06 & R151-06, 9-18-2006; R142-07, 4-17-08; R147-09, 1-28-2010)

NAC 445B.3365 Operating permit to construct: Contents; noncompliance with conditions. ([NRS 445B.210](#), [445B.300](#)) Except as otherwise provided in [NAC 445B.33656](#):

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 [NAC 445B.3366](#).
 - (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, without limitation, 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 to construct is severable, and if any is 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) The revoking and reissuing, or the terminating, of the operating permit to construct by the Director; or
 - (3) The reopening or revising of 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, in writing and within a reasonable time, with any information that the Director requests 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 of the Director, 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.

3. An operating permit to construct must contain:

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

(b) Monitoring methods adequate to show compliance;

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

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

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R189-05, 5-4-2006; R139-06, 9-18-2006)

NAC 445B.33656 Operating permit to construct for approval of plantwide applicability limitation: Contents; noncompliance with conditions. ([NRS 445B.210](#), [445B.300](#))

1. The Director shall cite the legal authority for each condition contained in a Class I operating permit to construct for the approval of a plantwide applicability limitation.

2. A Class I operating permit to construct for the approval of a plantwide applicability limitation must contain the following conditions:

(a) The expiration date of the Class I operating permit to construct must be determined in accordance with subsection 5 of [NAC 445B.3366](#).

(b) The holder of the Class I operating permit to construct shall retain records pursuant to 40 C.F.R. § 52.21(aa)(13).

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

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

(1) An action for noncompliance;

(2) The revoking and reissuing, or the terminating, of the Class I operating permit to construct by the Director;

or

(3) The reopening or revising of the Class I operating permit to construct by the holder of the Class I 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 Class I operating permit to construct is not a defense to noncompliance with any condition of the Class I operating permit to construct.

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

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

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

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

(1) Enter upon the premises of the holder of the Class I 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 Class I 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 Class I 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 Class I operating permit to construct; and

(4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the Class I 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 Class I operating permit to construct are true, accurate and complete.

3. In addition to the requirements established in subsections 1 and 2, a Class I operating permit to construct for the approval of a plantwide applicability limitation must contain the information set forth in 40 C.F.R. § 52.21(aa)(7) as adopted by reference in [NAC 445B.221](#).

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004; A by R189-05, 5-4-2006; R139-06, 9-18-2006)

NAC 445B.3366 Expiration and extension of operating permit to construct; expiration and renewal of plantwide applicability limitation. ([NRS 445B.210](#), [445B.300](#))

1. If construction will occur in one phase, an operating permit to construct for a new or modified stationary source 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 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.

3. An operating permit to construct issued to a new major stationary source or issued for a major modification to an existing stationary source that is subject to the permitting requirements set forth in 40 C.F.R. § 52.21 is subject to the expiration requirements established in 40 C.F.R. § 52.21(r)(2).

4. Except as otherwise provided in this subsection, an operating permit to construct expires if a complete application for a Class I operating permit or modification of an existing Class I operating permit is not submitted within 12 months after the date of initial start-up. The provisions of this subsection do not apply to a Class I operating permit to construct for the approval of a plantwide applicability limitation.

5. A plantwide applicability limitation expires at the end of the plantwide applicability limitation effective period in accordance with 40 C.F.R. § 52.21(aa)(9), unless the plantwide applicability limitation is renewed pursuant to subsection 3 of [NAC 445B.33637](#). If the owner or operator is not going to renew the plantwide applicability limitation, the operating permit for the Class I stationary source must be revised to incorporate the redistribution of

the emissions allowed by the plantwide applicability limitation that is expiring in accordance with subsection 2 of [NAC 445B.33637](#). For the purposes of this subsection, “plantwide applicability limitation effective period” means the “PAL effective period” as that term is defined in 40 C.F.R. § 52.21(aa)(2)(vii).

(Added to NAC by Environmental Comm’n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R139-06, 9-18-2006)

NAC 445B.3368 Additional requirements for application; exception. ([NRS 445B.210](#), [445B.300](#))

1. The information otherwise required by this section 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 application for the operating permit to construct must be resubmitted as part of the Class I operating permit application.

2. In addition to the information required pursuant to [NAC 445B.295](#), 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 pursuant to 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) Citations to 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

(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 stationary source or a proposed major modification to an existing stationary source:

(1) All information required pursuant to 40 C.F.R. § 52.21;

(2) A description of all emissions of each regulated pollutant for which the source is a major stationary source or that will increase by a significant amount as a result of the major modification;

(3) A description of all emissions of each regulated pollutant associated with the major modification;

(4) A description of each hydrographic area that may be triggered for increment consumption; and

(5) Any other information that the Director determines is necessary to process the application.

(b) For a proposed new major source or a proposed significant revision to an existing stationary source:

(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 to 7515, inclusive, all information required by 42 U.S.C. § 7503.

(c) For a proposed new major source or a proposed significant revision 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;

(2) For a source subject to the requirements of 42 U.S.C. § 7412(g), all information required by 40 C.F.R. § 63.43(e);

(3) For a source subject to the requirements of 42 U.S.C. § 7412(j), all information required by 40 C.F.R. § 63.53; and

(4) Any other information that the Director determines is necessary to process the application.

(d) For a revision to a Class I operating permit for a modification at an existing major stationary source that is not a major modification:

(1) All applicable information required to make the determinations pursuant to 40 C.F.R. § 52.21(a)(2);

(2) A description of the project or modification, including all emission units;

(3) A description of the applicable procedures used to determine that the project or modification is not a major modification pursuant to the provisions of 40 C.F.R. § 52.21(a)(2);

(4) All calculations associated with the procedures required to make the determinations pursuant to 40 C.F.R. § 52.21(a)(2), including detailed information for expected and highest projections of any business activities in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(a);

(5) Calculations of emissions in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(b); and

(6) Detailed information used to demonstrate that emissions increases associated with any increased utilization that an emission unit could have accommodated during the baseline emission period is unrelated to the proposed project or modification, including any increased utilization due to product demand growth, in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(c).

➤ In lieu of subparagraphs (4), (5) and (6), the application must contain information on the potential of the unit to

emit in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(d).

4. As used in this section, “project” has the meaning established in 40 C.F.R. § 52.21 as adopted by reference in [NAC 445B.221](#).

(Added to NAC by Environmental Comm’n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R147-09, eff. 1-28-2010)

NAC 445B.3375 Class I-B application: Filing requirement. ([NRS 445B.210](#), [445B.300](#))

1. Except as otherwise provided in subsections 5 and 6 of [NAC 445B.3361](#), an owner or operator of a stationary source must file a Class I-B application, on a form provided by the Director, and obtain a Class I operating permit before commencing the construction, reconstruction or modification of:

(a) A Class I existing stationary source;

(b) A proposed modification for which a revision of an operating permit is requested pursuant to [NAC 445B.3425](#) or [445B.344](#) to a Class I stationary source;

(c) A modification to a Class II source that results in total emissions of any regulated air pollutant above the thresholds defined in [NAC 445B.094](#) for a major source;

(d) A proposed new Class I stationary source;

(e) A proposed new Class I stationary source subject to a standard, a limitation or any other requirement adopted pursuant to 42 U.S.C. § 7411 or 7412, unless the Class I stationary source is subject only to the requirements of 42 U.S.C. § 7412(r); or

(f) A proposed new stationary source which is included in a category of sources designated by the Administrator pursuant to 42 U.S.C. § 7661a(a).

(Added to NAC by Environmental Comm’n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R117-00, 6-1-2001; R125-04, 9-24-2004; R139-06 & R162-06, 9-18-2006)

NDEP NOTE: Subsection 1 refers to subsection 6 of NAC 445B.3361 which is not being submitted as part of the ASIP. This is because NAC 445B.3361(6) deals with a state only program to control mercury emissions from mines.

NAC 445B.3395 Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit. ([NRS 445B.210](#), [445B.300](#))

1. Except for sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21 and as otherwise provided in this subsection, within 60 days after the date on which an application for a Class I operating permit or for the significant revision of a Class I operating permit is received, the Director shall determine whether 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.

2. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 30 days after the date of receipt of an application for a Class I operating permit or for the revision of a Class I operating permit, the Director shall determine whether the application contains adequate information to process the application. The official date of submittal of the application shall be deemed to be 31 days after the date of receipt, unless the Director determines before that date that substantial additional information is required. If the Director determines that substantial additional information is required, the Director shall return the application to the applicant. The Director shall require the applicant to submit a new application or the applicant may formally withdraw the application.

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 such additional information that is necessary to determine whether the proposed operation will comply with all the requirements set forth in [NAC 445B.001](#) to [445B.3689](#), 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. Except as otherwise provided in this section, 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 Class I operating permit or the revision of the Class I operating permit. The Director shall give preliminary notice of his intent to issue or deny the Class I operating permit or the revision of the Class I operating permit within 180 days after the official date of submittal.

5. Within 10 working days after the receipt of an application for a minor revision of a Class I operating permit, the Director shall determine whether 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.

6. The Director's review and preliminary intent to issue or deny a Class I operating permit or the revision of a Class I operating permit and the proposed conditions for the Class I operating permit must be made public and maintained on file with the Director during normal business hours at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249 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.

7. The Director shall:

(a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the Class I 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;

(2) Any affected state; and

(3) Any affected local air pollution control agency;

(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 Class I operating permit or the revision of a Class I operating permit, and the proposed Class I operating permit to the Administrator; and

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

8. The provisions of subsections 6 and 7 do not apply to:

(a) An administrative amendment to a Class I operating permit made pursuant to [NAC 445B.319](#);

(b) A change without revision to a Class I operating permit made pursuant to [NAC 445B.342](#); or

(c) A minor revision of a Class I operating permit made pursuant to [NAC 445B.3425](#), if the Director determines that the minor revision does not result in a significant change in air quality at any location where the public is present on a regular basis.

9. The notice required for a Class I operating permit or for a revision of a Class I operating permit pursuant to subsection 7 must:

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

(b) Identify the name and address of the authority processing the Class I operating permit;

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

(d) State that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable;

(e) Include 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 Class I operating permit, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the Class I operating permit and which are relevant to the determination of the issuance of the Class I operating permit; and

(f) Include 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.

10. All comments on the Director's review and preliminary intent for the issuance or denial of a Class I operating permit or a revision of a Class I operating permit 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.

11. Except as otherwise provided in subsection 12 and [NAC 445B.319](#), [445B.342](#) and [445B.3425](#), within 12 months after the official date of submittal of a Class I-B application for an operating permit or revision of an operating permit, the Director shall issue or deny the operating permit or revision of the operating permit. The Director shall make his decision by taking into account:

(a) Written comments from the public, affected states and the Administrator;

(b) Comments made during public hearings concerning the application and the Director's preliminary determination for issuance or denial;

(c) Information submitted by proponents of the project; and

(d) The effect of such a facility on the maintenance of the state and national ambient air quality standards contained in [NAC 445B.22097](#) and the applicable state implementation plan.

➤ The Director shall send to the Administrator a copy of the final operating permit issued by the Director after approving the Class I-B application.

12. For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, adopted by reference pursuant to [NAC 445B.221](#), the Director shall issue or deny an application for a Class I operating permit, or the revision or renewal of a Class I operating permit, within 12 months after the official date of submittal of an application for a new Class I operating permit or the revision of a Class I operating permit. The application shall be deemed to be complete for the purposes of 40 C.F.R. § 52.21 on the date that the Director makes the preliminary determination to issue or deny the Class I operating permit or the revision of the Class I operating permit.

16. If construction will occur in one phase, a Class I operating permit or the revision of a Class I 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.

17. 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. A Class I operating permit or the revision of a Class I 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.

[Environmental Comm'n, Air Quality Reg. § 3.2.1, eff. 11-7-75; A 12-4-76; § 3.2.2, eff. 11-7-75; A 12-15-77; 8-28-79; §§ 3.2.3 & 3.2.4, eff. 11-7-75; § 3.2.5, eff. 11-7-75; A 12-4-76; § 3.2.6, eff. 11-7-75; + § 13.1.2, eff. 11-7-75; A 12-4-76; 8-28-79]—(NAC A 10-22-87; 12-15-88; 12-8-89; 9-19-90; 9-13-91; 11-23-92; 12-13-93, eff. 1-11-96; 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R022-99, 9-27-99; R040-01, 10-25-2001; R103-02, 12-17-2002; R198-03, 4-26-2004; R125-04, 9-24-2004; R151-06, 9-18-2006; R142-07, 4-17-2008)

NAC 445B.340 Prerequisites to issuance, revision or renewal of permit. ([NRS 445B.210](#), [445B.300](#)) The Director may issue a Class I operating permit, or a revision of or a renewal of a Class I operating permit, if:

1. The Director has:

(a) Received a complete application for a Class I operating permit or for a revision of or a renewal of a Class I operating permit;

(b) Completed all requirements regarding public participation and comment pursuant to [NAC 445B.3395](#); and

(c) Notified and responded to all comments from affected states;

2. The conditions of the operating permit provide for compliance with the requirements of [NAC 445B.001](#) to [445B.3689](#), inclusive, and any other applicable requirements;

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98; A by R142-07, 4-17-2008)—(Substituted in revision for NAC 445B.306)

NAC 445B.342 Certain changes authorized without revision of permit; notification of authorized changes. ([NRS 445B.210](#), [445B.300](#))

1. The owner or operator of a stationary source operating in compliance with an operating permit may make changes which contravene an express term of the operating permit without a revision of the operating permit if the changes do not:

(a) Constitute modifications pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive, or constitute a modification as that term is defined in [NAC 445B.099](#);

(b) Violate any provision of [NAC 445B.001](#) to [445B.3689](#), inclusive, or any other applicable requirement; or

(c) Exceed the allowable emissions set forth in the operating permit for any emissions unit.

2. Any conditions of an operating permit that are requirements for monitoring, methods of testing, recordkeeping, reporting or compliance certification may not be changed pursuant to this section.

3. For each change made pursuant to this section, the holder of the operating permit shall provide a written notification to the Director and the Administrator at least 7 days before making the change. This notification must include:

(a) A detailed description of the change;

(b) The date on which the change will occur;

(c) Any change in emissions, as determined in accordance with [NAC 445B.001](#) to [445B.3689](#), inclusive;

(d) Any condition of the operating permit which will no longer apply because of the change;

4. The holder of the operating permit, the Director and the Administrator, as appropriate, shall attach a copy of the written notification to his respective copy of the permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R040-01, 10-25-2001; R096-05, 10-31-2005)

NAC 445B.3425 Minor revision of permit. ([NRS 445B.210](#), [445B.300](#))

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;

(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; and

(7) Hydrogen sulfide (H₂S), 10 tons per year; and

(g) Is not a major modification at an existing major stationary source.

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) 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.

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.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; 5-3-96; R105-97, 3-5-98; R036-98, 4-17-98; R103-02, 12-17-2002; R198-03, 4-26-2004; R125-04, 9-24-2004)

NAC 445B.344 Significant revision of permit. ([NRS 445B.210](#), [445B.300](#))

1. The holder of an operating permit may request a significant revision of a Class I operating permit if it does not qualify as a change that may be made pursuant to [NAC 445B.342](#), or as an administrative amendment or a minor revision. A significant revision includes, but is not limited to, a revision:

(a) Of an existing condition of the operating permit relating to monitoring or making the requirements for reporting or recordkeeping less stringent;

(b) Which requires or changes:

(1) A determination of an emission limitation on a case-by-case basis;

(2) A determination of ambient impact for any temporary source; or

(3) A visibility or increment analysis;

(c) Which would establish or change a condition of the operating permit and which is requested or assumed by the owner or operator of the stationary source in order to avoid any applicable requirement;

(d) Subject to 40 C.F.R. § 52.21 or 40 C.F.R. Part 60, as adopted pursuant to [NAC 445B.221](#); or

(e) Subject to 42 U.S.C. § 7412.

2. An application for a significant revision must comply with the requirements for an application for a Class I operating permit set forth in [NAC 445B.295](#), [445B.297](#) and [445B.3368](#), including public participation and comment

and a review by any affected states and the Administrator pursuant to [NAC 445B.3395](#).

3. An application for a significant revision must be accompanied by the fee set forth in [NAC 445B.327](#).

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R103-02, 12-17-2002)

NAC 445B.3441 Administrative revision of permit to incorporate conditions of certain permits to construct. ([NRS 445B.210](#), [445B.300](#))

1. To modify a Class I stationary source in accordance with subsection 5 of [NAC 445B.3361](#), the owner or operator of the Class I stationary source must submit an application for an administrative revision to a Class I operating permit to incorporate the conditions of a Class I operating permit to construct into the existing Class I operating permit for the Class I stationary source.

2. The Director shall issue a revised Class I operating permit or deny the application for an administrative revision to a Class I operating permit within the timelines established for processing an application for a Class I operating permit to construct as specified in [NAC 445B.3364](#).

3. An application for an administrative revision to a Class I operating permit must comply with the requirements for an application for a Class I operating permit set forth in [NAC 445B.295](#), [445B.297](#) and [445B.3368](#), and the requirements relating to public participation and comment and a review by any affected states and the Administrator pursuant to [NAC 445B.3395](#).

4. An application for an administrative revision to a Class I operating permit must be accompanied by the appropriate fee set forth in [NAC 445B.327](#).

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004; A by R139-06, 9-18-2006)

NAC 445B.3443 Renewal of permit. ([NRS 445B.210](#), [445B.300](#))

1. All Class I operating permits must be renewed 5 years after the date of issuance.

2. A complete application for the renewal of a Class I operating permit must be submitted to the Director on the form provided by the Director with the appropriate fee at least 240 days, but not earlier than 18 months, before the expiration date of the current Class I operating permit for stationary sources.

3. Applications for the renewal of a Class I operating permit must comply with all requirements for the issuance of an initial Class I operating permit as specified in [NAC 445B.3395](#).

4. If an application for the renewal of a Class I operating permit is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing Class I operating permit until the Class I operating permit is renewed or the application for renewal is denied.

5. If an application for the renewal of a Class I operating permit is not submitted in accordance with subsection 2:

(a) The stationary source may be required to cease operation when the Class I operating permit expires; and

(b) The owner or operator of the stationary source:

(1) Must apply for the issuance of a new Class I operating permit pursuant to [NAC 445B.3375](#); and

(2) May not recommence the operation until the new Class I operating permit is issued.

6. The fee for the issuance of a new Class I operating permit or the renewal of a Class I operating permit is specified in [NAC 445B.327](#).

[Environmental Comm'n, Air Quality Reg. part § 3.4.1 & §§ 3.4.4 & 3.4.8, eff. 11-7-75]—(NAC A 12-15-88; 12-13-93, eff. 1-11-96; 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R040-01, 10-25-2001; R103-02, 12-17-2002; R198-03, 4-26-2004; R191-08, 12-17-2008)

Class II Operating Permits

NAC 445B.3453 Application: General requirements. ([NRS 445B.210](#), [445B.300](#))

1. Except as otherwise provided in subsection 3, an owner or operator of any stationary source that is not subject to the requirements of [NAC 445B.337](#) or [445B.3375](#) must submit an application for and obtain a Class II operating permit or, if applicable, a Class III operating permit pursuant to [NAC 445B.3485](#).

2. For a proposed stationary source or a proposed modification to a stationary source that is not subject to the requirements of [NAC 445B.337](#) or [445B.3375](#), 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 or, if applicable, a Class III operating permit or a revision to an existing Class III operating permit pursuant to [NAC 445B.3485](#), before commencing construction of the proposed stationary source or the proposed modification.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R189-05, 5-4-2006)
 NDEP NOTE: Subsection 1 refers to subsection 3 which is not being submitted as part of the ASIP. This is because subsection 3 deals with a state only program to control mercury emissions from mines.

NAC 445B.3457 Action by Director on application; notice; public comment and hearing; expiration of permit. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in [NAC 445B.319](#) and [445B.342](#), within 10 working days after the date of receipt of an application *accompanied by the appropriate fee* 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.

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.3689](#), 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.

3. ~~[If notice to the public is not required pursuant to subsection 5, the]~~ *The* Director shall issue or deny a Class II operating permit or the revision of a Class II operating permit within 60 days after the official date of submittal of the application for the Class II operating permit or for the revision of the Class II operating permit.

4. If notice to the public is required pursuant to subsection 5, the Director shall:

(a) Make a preliminary determination to issue or deny a Class II operating permit or the revision of a Class II operating permit within ~~[60]~~ *15* days after the official date of submittal of the application for the Class II operating permit or for the revision of the Class II operating permit;

(b) Take such action as is necessary to ensure compliance with the provisions of subsections ~~[5, 6, and 7,]~~ *6, 7, and 8*, as applicable; and

(c) Issue or deny the Class II operating permit or the revision of the Class II operating permit ~~[within the period set forth in subsection 8.]~~ *taking into account:*

(i) Written comments from the public;

(ii) Information submitted by proponents of the project; and

(iii) The effect of such a facility on the maintenance of the state and national ambient air quality standards contained in [NAC 445B.22097](#) and the applicable state implementation plan.

5. ~~[If, after review of an application for a Class II operating permit or for the revision of a Class II operating permit, the Director determines that the change to the stationary source results in a significant change in air quality at any location where the public is present on a regular basis: Public notice is required for an application for:~~

~~(a) The Director's preliminary determination to issue or deny the Class II operating permit or the revision of the Class II operating permit, and the proposed conditions for the Class II operating permit or the proposed conditions for the revision of the Class II operating permit must, within 10 working days after the Director makes that preliminary determination, be made public and maintained on file with the Director during normal business hours at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, for 30 days to enable public participation and comment; and A new Class II operating permit; or~~

~~(b) [The Director shall]~~ *The revision of a Class II operating permit for which the Director determines that the change to the stationary source results in an increase in allowable emissions that exceeds any of the following thresholds:*

<i>Pollutant</i>	<i>Threshold in tons per year</i>
<i>Carbon monoxide</i>	<i>40</i>
<i>Nitrogen oxides</i>	<i>40</i>

<i>Sulfur dioxide</i>	40
<i>PM₁₀</i>	15
<i>Ozone measured as VOC</i>	40
<i>Lead</i>	0.6

(c) As used in this subsection a new Class II operating permit means a permit issued to a stationary source which has not previously held a Class I or Class II operating permit.

6. For a notice required pursuant to subsection 5 and at the time the Director makes a preliminary determination to issue or deny a Class II operating permit or a revision of a Class II operating permit pursuant to subsection 4, ~~[The]~~ the Director shall:

~~[(1)]~~ (a) Make the preliminary determination available to the public and maintain it on file with the Director during normal business hours at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, for 30 days to enable public participation and comment.

(b) Cause to be published ~~[a notice in a newspaper of general circulation in the area in which the Class II source is located]~~ on a state website designed to give general public notice an electronic copy of the Director's notice of proposed action;

~~[(2)]~~ (c) Provide written ~~[notice]~~ notification of the Director's proposed action to persons on a mailing list developed by the Director, including those persons who request in writing to be included on the list;

~~[(3)]~~ (d) Provide ~~[notice by other means if necessary]~~ the Director's notice of proposed action and a copy of the application at a local library in the area in which the Class II source is located to ensure that adequate notice is given to the public;

(e) Provide the Director's notice of proposed action and a copy of the application to the Administrator and to any local air pollution control agencies having jurisdiction within the area in which the Class II source is located; and

~~[(4)]~~ (f) Establish a 30-day period for public participation.

~~[6-]~~ 7. The notice required pursuant to ~~[paragraph (b) of]~~ subsection 5 must include:

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

(b) The name and address of the state agency *and the name, address and telephone number of a representative from the state agency* processing the Class II operating permit or the revision of the Class II operating permit;

(c) ~~[The name, address and telephone number of a representative from the state agency that is processing the Class II operating permit or the revision of the Class II operating permit from whom interested persons may obtain additional information, including copies of:~~

~~—— (1) The application;~~

~~—— (2) The proposed conditions for the Class II operating permit or the proposed conditions for the revision of the Class II operating permit;~~

~~(3) All relevant supporting materials; and~~

~~—— (4) All other materials which are available to the state agency that is processing the Class II operating permit or the revision of the Class II operating permit and which are relevant to the determination of the issuance of the Class II operating permit or the revision of the Class II operating permit;]~~

(d) A description of the proposed new Class II source or the proposed modification to the existing Class II source and a summary of the emissions involved;

(e) (d) The date by which comments must be submitted to the Director;

(f) (e) A summary of ~~[the impact of]~~ *the agency's analysis of the effect of* the proposed new Class II source or the proposed modification to the existing Class II source on the quality of air;

(g) (f) A statement indicating that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable; and

(h) (g) A brief description of the procedures for public participation ~~[and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing].~~

~~[7-]~~ 8. All comments concerning the applications for which notice to the public is required to be provided pursuant to this section must be submitted in writing to the Director within the time specified in the notice. ~~[The Director shall give notice of any public hearing scheduled pursuant to this section 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. If an application for a Class II operating permit or for the revision of a Class II operating permit is submitted for a Class II source that is subject to the notice requirements set forth in subsection 5, the Director shall issue or deny the Class II operating permit or the revision of the Class II operating permit within 30 days after the close of the period for public participation or 30 days after the hearing if a hearing is scheduled pursuant to this section, whichever occurs later. The Director shall make the decision by taking into account:~~

- ~~—(a) Written comments from the public;~~
- ~~—(b) [The comments made during public hearings concerning the application and the Director's preliminary determination for issuance or denial;~~
- ~~—(c)] Information submitted by proponents of the project; and~~
- ~~—(d) The effect of such a facility on the maintenance of the state and national ambient air quality standards contained in NAC 445B.22097 and the applicable state implementation plan.]~~

9. If construction will occur in one phase, a Class II operating permit or the revision of a Class II operating permit for a new or modified stationary source 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 or more after the construction begins. The Director may extend the date on which the construction may be commenced upon a showing that the extension is justified.

10. If construction will occur in more than one phase, the projected date of commencement of construction of each phase must be approved by the Director. A Class II operating permit or the revision of a Class II operating permit for a new or modified stationary source 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.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R198-03, 4-26-2004; R151-06, 9-18-2006; R142-07, 4-17-2008; **T011-10, 1-11-2011**)

NAC 445B.346 Required contents of permit. ([NRS 445B.210](#), [445B.300](#)) In addition to the conditions set forth in [NAC 445B.315](#), Class II 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.3689](#), 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.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445B.317)

NAC 445B.3465 Application for revision. ([NRS 445B.210](#), [445B.300](#))

1. The owner or operator of a stationary source with a Class II operating permit may request, on an application form provided by the Director, a revision of the operating permit to allow for a modification to the stationary source.
2. An application for a revision of a Class II operating permit must include:
 - (a) The name and address of the owner or operator of the stationary source;
 - (b) The location of the stationary source;
 - (c) A description of:
 - (1) The existing emission units undergoing the modification and the applicable control systems; and
 - (2) The proposed modification to such emission units;

(d) The emission rates from the existing emission units of each regulated air pollutant to which a standard applies which exist at the time of the application before the modification and which would exist after the modification takes place;

(e) A description of any proposed new emission units and applicable control systems;

(f) The potential to emit of the proposed new emission units for each regulated air pollutant to which a standard applies;

(g) A description of the procedures and methods used to determine the emission rates;

(h) A discussion of all applicable requirements to which the new or modified operations will be subject;

(i) An explanation of any proposed exemption from any applicable requirement;

(j) An environmental evaluation conducted in accordance with [NAC 445B.308](#), [445B.310](#), [445B.311](#) and [445B.3135](#); and

(k) Any other information that the Director determines is necessary to process the application and issue a Class II operating permit pursuant to [NAC 445B.001](#) to [445B.3689](#), inclusive.

(Added to NAC by Environmental Comm'n by R105-97, eff. 3-5-98; A by R103-02, 12-17-2002; R096-05, 10-31-2005)

NAC 445B.3473 Renewal of permit. ([NRS 445B.210](#), [445B.300](#))

1. All Class II operating permits must be renewed 5 years after the date of issuance.

2. A complete application for renewal of a Class II operating permit must be submitted to the Director on the form provided by the Director with the appropriate fee at least 70 days before the expiration date of the current Class II operating permit.

3. An application for the renewal of a Class II operating permit must comply with all requirements for the issuance of an initial Class II operating permit as specified in [NAC 445B.3457](#).

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

5. If an application for the renewal of a Class II operating permit is not submitted in accordance with subsection 2:

(a) The stationary source may be required to cease operation when the Class II operating permit expires; and

(b) The owner or operator of the stationary source:

(1) Must apply for the issuance of a new Class II operating permit pursuant to [NAC 445B.3453](#); and

(2) May not recommence the operation until the new Class II operating permit is issued.

6. The fee for the issuance of a new Class II operating permit or the renewal of a Class II operating permit is specified in [NAC 445B.327](#).

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R198-03, 4-26-2004; R191-08, 12-17-2008)

NAC 445B.3477 Class II general permit. ([NRS 445B.210](#), [445B.300](#))

1. The Director may issue a Class II general permit covering numerous similar stationary sources.

2. Before issuing a Class II general permit, the proposed conditions for the Class II general permit must be made public and maintained on file with the Director during normal business hours at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, for 30 days to enable public participation and comment. The Director shall:

(a) Cause to be published a notice in one or more newspapers of general circulation in the area in which the Class II general operating permit is applicable;

(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; and

(d) Establish a 30-day period for public participation.

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) The name and address of the state agency processing the Class II general permit;

(b) The name, address and telephone number of a representative from the state agency that is processing the Class II general permit from whom interested persons may obtain additional information, including copies of:

- (1) The proposed conditions for the Class II general permit;
 - (2) All relevant supporting materials; and
 - (3) All other materials which are available to the state agency that is processing the Class II general permit and which are relevant to the determination of the issuance of the Class II general permit;
 - (c) A description of the proposed Class II general permit and a summary of the emissions involved;
 - (d) The date by which comments must be submitted to the Director;
 - (e) A summary of the impact of the proposed Class II general permit on the quality of the air;
 - (f) A statement indicating that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable; and
 - (g) A brief description of the procedures for public participation and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing.
4. All comments concerning the proposed Class II general permit for which notice to the public is required to be provided pursuant to this section must be submitted in writing to the Director within the time specified in the notice. The Director shall give notice of any public hearing scheduled pursuant to this section at least 30 days before 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.
5. The Director may issue the Class II general permit after considering:
- (a) Written comments from the public;
 - (b) The comments made during public hearings concerning the proposed Class II general permit;
 - (c) Information submitted by proponents of the Class II general permit; and
 - (d) The effect of the Class II general permit on the maintenance of the state and national ambient air quality standards contained in NAC 445B.22097 and the applicable state implementation plan.
6. A Class II general permit must set forth the criteria by which stationary sources may qualify for the Class II general permit.
7. After the effective date of a Class II general permit, the owner or operator of any stationary source that meets the criteria set forth in the Class II general permit may request authority to operate under the Class II general permit. The request must be in writing and must include all the information required by the Class II general permit.
8. The Director shall grant or deny authority to operate under a Class II 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 Class II general permit is not subject to the requirements of [NAC 445B.3457](#).
9. A person may challenge the provisions of a Class II general permit only at the time the Class II general permit is issued. The Director's grant or denial of authority to operate under a Class II general permit to a stationary source or stationary sources does not provide an opportunity for an administrative review or a judicial review of the Class II general permit.
10. The Director shall not grant authority to operate under a Class II general permit to an affected source.
11. The term of a Class II general permit is 5 years.
12. The authority to operate under a Class II general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a Class II general permit shall apply to renew his authority to operate under the Class II general permit at least 30 days before his authorization expires.
13. A stationary source which obtains authorization to operate under a Class II general permit but is later determined not to qualify under the conditions of the Class II general permit may be subject to an action enforcing the prohibition against operating without a permit.
- (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; R142-07, 4-17-2008)

Class III Operating Permits

NAC 445B.3485 Application: General requirements. ([NRS 445B.210](#), [445B.300](#))

1. If a stationary source operating under a Class II operating permit meets the requirements for a Class III source, the owner or operator of the stationary source may submit an application with the appropriate fee and obtain a Class III operating permit for the stationary source.
2. If a new stationary source meets the requirements for a Class III source, the owner or operator of the new stationary source may submit an application with the appropriate fee and obtain a Class III operating permit for the new stationary source. An operating permit must be obtained before commencing construction on a new stationary source.

3. An owner or operator of a proposed modification to a stationary source that meets the requirements for a Class III source may submit an application with the appropriate fee and obtain a revised Class III operating permit for the proposed modification to the stationary source. Such an owner or operator shall not commence construction of the proposed modification to the stationary source before filing an application for and obtaining a revised Class III operating permit.

(Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001; A by R103-02, 12-17-2002; R151-06, 9-18-2006)

NAC 445B.3487 Action by Director on application; expiration of permit. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in [NAC 445B.319](#) and [445B.342](#), 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 a Class III operating permit or the revision of a Class III operating permit within 30 days after the official date of 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.3689](#), 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.

3. If construction will occur in one phase, a Class III operating permit or the revision of a Class III operating permit for a new or modified stationary source 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 or more after the construction begins. The Director may extend the date on which the construction may be commenced upon a showing that the extension is justified.

4. If construction will occur in more than one phase, the projected date of commencement of construction of each phase must be approved by the Director. A Class III operating permit or the revision of a Class III operating permit for a new or modified stationary source 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.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R151-06, 9-18-2006)

NAC 445B.3489 Required contents of permit. (NRS 445B.210, 445B.300) 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 Class III 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 Class III 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.3689](#), inclusive, at the time the Class III 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.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R151-06, 9-18-2006)

NAC 445B.3493 Application for revision. ([NRS 445B.210](#), [445B.300](#))

1. The owner or operator of a stationary source with a Class III operating permit may apply, on a form provided by the Director, for a revision of the operating permit.

2. An application for a revision of a Class III operating permit for a stationary source must include:

(a) The name and address of the owner or operator of the stationary source;

(b) The location of the stationary source;

(c) A description of:

(1) The existing emission units undergoing modification and the applicable control systems; and

(2) The proposed modifications to those emission units;

(d) A description of any proposed new emission units and applicable control systems;

(e) The potential to emit for each proposed new and existing emission unit for each regulated air pollutant to which a standard applies; and

(f) Any other information that the Director determines is necessary to process the application and issue a revised Class III operating permit in accordance with [NAC 445B.001](#) to [445B.3689](#), inclusive.

(Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001)—(Substituted in revision for NAC 445B.348)

NAC 445B.3497 Renewal of permit. ([NRS 445B.210](#), [445B.300](#))

1. All Class III operating permits must be renewed 5 years after the date of issuance.

2. A complete application for renewal of a Class III operating permit must be submitted to the Director on the form provided by the Director with the appropriate fee at least 40 days before the expiration date of the current permit for the Class III source.

3. An application for the renewal of a Class III operating permit must comply with all requirements for the issuance of an initial Class III operating permit as specified in [NAC 445B.3487](#).

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

5. If an application for the renewal of a Class III operating permit is not submitted in accordance with subsection 2:

(a) The stationary source may be required to cease operation when the Class III operating permit expires; and

(b) The owner or operator of the stationary source:

(1) Must apply for the issuance of a new Class III operating permit pursuant to NAC 445B.3485; and

(2) May not recommence the operation until the new Class III operating permit is issued.

6. The fee for the issuance of a new Class III operating permit or the renewal of a Class III operating permit is specified in [NAC 445B.327](#).

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R198-03, 4-26-2004; R191-08, 12-17-2008)

APPENDIX F

Non-SIP Provisions Cited in Elements J and M

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APPENDIX F

Non-SIP Provisions Cited in Elements J and M

Nevada Revised Statutes

Title 18 Chapter 233B, Nevada Administrative Procedure Act:

NRS 233B.060 Notice of adoption, amendment or repeal of permanent or temporary regulation; adoption of permanent regulation after adoption of temporary regulation.

1. Except as otherwise provided in subsection 2 and [NRS 233B.061](#), before adopting, amending or repealing:
 - (a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to [NRS 233B.063](#), give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.
 - (b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.
2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of [NRS 233B.067](#).
3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations.

(Added to NRS by 1965, 964; A 1973, 621; 1975, 1157, 1413; 1977, 1386, 1547, 1549; 1981, 186; 1983, 1123, 1244; 1995, 130; 1997, 1973; [2007, 871](#); [2009, 2284](#))

NRS 233B.0603 Contents and form of notice of intent to adopt, amend or repeal permanent or temporary regulation; solicitation of comments from public or affected businesses.

1. The notice of intent to act upon a regulation required pursuant to [NRS 233B.060](#) must:
 - (a) Include:
 - (1) A statement of the need for and purpose of the proposed regulation.
 - (2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.
 - (3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to [NRS 233B.063](#).
 - (4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - (I) Both adverse and beneficial effects; and
 - (II) Both immediate and long-term effects.
 - (5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of [NRS 233B.0608](#).
 - (6) The estimated cost to the agency for enforcement of the proposed regulation.
 - (7) A description of any regulations of other state or local governmental 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 notice must include the name of the regulating federal agency.
 - (8) If the regulation is required pursuant to federal law, a citation and description of the federal law.
 - (9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(b) If the proposed regulation is a temporary regulation, state each address at which the text of the proposed regulation may be inspected and copied.

(c) Include an exact copy of the provisions of subsection 2 of [NRS 233B.064](#).

(d) Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.

(e) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.

(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to [NRS 233B.0653](#). The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).

2. The Attorney General may by regulation prescribe the form of notice to be used.

3. In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(Added to NRS by 1983, 1124; A 1995, 130, 239; 1997, 184, 1390; [2005, 1479](#); [2007, 872](#))

NRS 233B.061 Proposed permanent or temporary regulation: Public comment; workshop; public hearing; applicability of Open Meeting Law.

1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of [chapter 241](#) of NRS.

(Added to NRS by 1983, 1125; A 1989, 571; 1997, 185; [2005, 1407](#); [2007, 873](#); [2009, 2284](#))

Title 40 Chapter 445B, Air Pollution:

NRS 445B.100 Declaration of public policy.

1. It is the public policy of the State of Nevada and the purpose of [NRS 445B.100](#) to [445B.640](#), inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of [NRS 445B.100](#) to [445B.640](#), inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and [NRS 445B.100](#) to [445B.640](#), inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State:

(a) To provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances; and

(b) Periodically to retire a portion of the emission credits or allocations specified in [NRS 445B.235](#) that may otherwise be available for banking or for sale pursuant to that section.

(Added to NRS by 1971, 1191; A 1993, 2851; [2007, 1023, 3311](#))

NRS 445B.503 Local air pollution control board in county whose population is 400,000 or more: Cooperation with regional planning coalition and regional transportation commission; prerequisites to adoption or amendment of plan, policy or program.

1. In addition to the duties set forth in [NRS 445B.500](#), the local air pollution control board in a county whose population is 400,000 or more shall cooperate with the regional planning coalition and the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, a local air pollution control board shall:

(a) Consult with the regional planning coalition and the regional transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the regional planning coalition and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to [NRS 278.0226](#).

3. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to [NRS 445B.500](#).

(b) "Regional planning coalition" has the meaning ascribed to it in [NRS 278.0172](#).

(c) "Regional transportation commission" means a regional transportation commission created and organized in accordance with [chapter 373](#) of NRS.

(Added to NRS by [1999, 1975](#))

Nevada Administrative Code

Chapter 445B, Air Controls (July 2011):

NAC 445B.221 Adoption by reference and applicability of certain provisions of federal law and regulations. ([NRS 445B.210](#))

1. Title 40 C.F.R. §§ 51.100(s), 51.100(nn) and 51.301 and Appendix S of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2009.

2. Title 40 C.F.R. § 51.165 is hereby adopted by reference as it existed on July 1, 2002.

3. Appendices M and W of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2009.

4. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, 2009.

5. The following subparts of 40 C.F.R. Part 60 are hereby adopted by reference:

(a) Subpart A, except §§ 60.4, 60.8(b)(2), 60.8(b)(3) and 60.11(e), as it existed on July 1, 2009;

(b) Section 60.21 of Subpart B, as it existed on July 1, 2006;

(c) Subparts C, Cb, Cc, Cd, Ce, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, CCCC, DDDD, EEEE, FFFF, IIII, JJJJ and KKKK as they existed on July 1, 2009; and

(d) Subpart HHHH, except §§ 60.4105(b)(2), 60.4106, 60.4120 to 60.4142, inclusive, 60.4153(a) and (b) and 60.4176, as set forth in Volume 70 of the Federal Register at pages 28606 et seq., May 18, 2005, and the

amendments to Subpart HHHH as set forth in Volume 71 of the Federal Register at pages 33388 et seq., June 9, 2006.

6. Appendices A, B and F of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 2009.
7. Subparts A, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB and FF of 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 2009.
8. Appendix B of Title 40 C.F.R. Part 61 is hereby adopted by reference as it existed on July 1, 2009.
9. Subparts A, B, C, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBB, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, JJJJ, KKKK, LLLL, MMMM, NNNN, PPPP, QQQQ, SSSS, WWWW, YYYYY, ZZZZ, DDDDD, EEEEE, FFFFF, GGGGG, LLLLL, MMMMM, NNNNN, OOOOO, PPPPP, QQQQQ, RRRRR, SSSSS and TTTTTT of 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, 2009.
10. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 2009. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in [NAC 445B.001](#) to [445B.3689](#), inclusive, the provisions of 40 C.F.R. Part 72 apply.
11. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, 2009. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in [NAC 445B.001](#) to [445B.3689](#), inclusive, the provisions of 40 C.F.R. Part 76 apply.
12. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, is hereby adopted by reference as it existed on October 1, 1993.
13. 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, free of charge, from the United States Department of Labor at the Internet address <http://www.dol.gov>.
14. A copy of the publications which contain the provisions adopted by reference in subsections 1 to 12, inclusive, may be obtained from the:
 - (a) Division of State Library and Archives of the Department of Cultural Affairs for 10 cents per page.
 - (b) Government Printing Office, free of charge, at the Internet address <http://www.gpoaccess.gov/nara/index.html>.
15. The following standards of ASTM International are hereby adopted by reference:
 - (a) ASTM D5504, "Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence," set forth in Volume 05.06 of the *2008 Annual Book of ASTM Standards*. A copy of ASTM D5504 is available by mail from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address <http://www.astm.org>, for the price of \$37.
 - (b) ASTM D2234 and D2234M, "Standard Practice for Collection of a Gross Sample of Coal," set forth in Volume 05.06 of the *2008 Annual Book of ASTM Standards*. A copy of ASTM D2234 and D2234M is available by mail from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address <http://www.astm.org>, for the price of \$37.
 - (c) ASTM D2013, "Standard Practice for Preparing Coal Samples for Analysis," set forth in Volume 05.06 of the *2008 Annual Book of ASTM Standards*. A copy of ASTM D2013 is available by mail from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address <http://www.astm.org>, for the price of \$43.
 - (d) ASTM D6784, "Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method)," set forth in Volume 11.07 of the *2008 Annual Book of ASTM Standards*. A copy of ASTM D6784 is available by mail from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address <http://www.astm.org>, for the price of \$43.
 - (e) ASTM D2015, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter," dated April 10, 2000. A copy of ASTM D2015 is available for purchase at the IHS Standards Store, 15 Inverness Way East, M/S A110B, Englewood, Colorado 80112, or at the Internet address <http://global.ihs.com>, for the price of \$52.

(f) ASTM D3286, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter," dated July 10, 1996. A copy of ASTM D3286 is available for purchase at the IHS Standards Store, 15 Inverness Way East, M/S A110B, Englewood, Colorado 80112, or at the Internet address <http://global.ihs.com>, for the price of \$52.

(g) ASTM D1989, "Standard Test Method for Gross Calorific Value of Coal and Coke by Microprocessor Controlled Isoperibol Calorimeters," dated July 10, 1997. A copy of ASTM D1989 is available for purchase at the IHS Standards Store, 15 Inverness Way East, M/S A110B, Englewood, Colorado 80112, or at the Internet address <http://global.ihs.com>, for the price of \$52.

16. For the purposes of the provisions of 40 C.F.R. Parts 60, 61 and 63, adopted by reference pursuant to this section, the Director may not approve alternate or equivalent test methods or alternative standards or work practices.

17. Except as otherwise provided in subsections 10 and 11, the provisions adopted by reference in this section supersede the requirements of [NAC 445B.001](#) to [445B.3689](#), inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

18. For the purposes of this section, "administrator" as used in the provisions of 40 C.F.R. Part 60, except Subpart B § 60.21 and Subpart HHHH §§ 60.4101 to 60.4105, inclusive, 60.4107 to 60.4114, inclusive, 60.4151 to 60.4173, inclusive, and 60.4175, and Parts 61 and 63, adopted by reference pursuant to this section, means the Director.

(Added to NAC by Environmental Comm'n, eff. 10-19-83; A 12-5-84; 10-15-85; 8-22-86; 10-22-87; 10-18-88; 9-19-90; 9-4-92; 10-29-93; 12-13-93; 3-29-94; 10-30-95; R105-97, 3-5-98; R126-98, 11-2-98; R022-99, 9-27-99; R103-02, 12-17-2002; R198-03, 4-26-2004; R125-04, 9-24-2004; R037-05, 10-31-2005; R189-05 & R206-05, 5-4-2006; R151-06 & R162-06, 9-18-2006; R057-07, 10-31-2007; R143-07, 1-30-2008; R076-08, 8-26-2008; R190-08, 4-23-2009; R088-09, 11-25-2009; R040-10, 7-22-2010)

APPENDIX G

EVIDENCE OF PUBLIC PARTICIPATION; PUBLIC COMMENTS AND NEVADA'S RESPONSES

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**NOTICE OF PUBLIC COMMENT PERIOD BEGINNING SEPTEMBER 1, 2011
AND A PUBLIC HEARING ON OCTOBER 4, 2011, IF REQUESTED**

conducted by the
Nevada Division of Environmental Protection
Bureau of Air Quality Planning

Pursuant to the public hearing requirements in Title 40 of the Code of Federal Regulations Part 51 section 102, the Nevada Division of Environmental Protection (NDEP) is issuing the following notice.

On October 15, 2008, the United States Environmental Protection Agency (US EPA) revised the national ambient air quality standard for lead. The revised standard of 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), averaged over a three-month period, is 90 percent more stringent than the former 1.5 $\mu\text{g}/\text{m}^3$ standard and carries several new requirements with it. When US EPA promulgates a new standard or, as in the case of lead, revises an existing standard, Clean Air Act section 110(a)(1) requires each state to revise their State Implementation Plan (SIP) to show they have the authority and programs needed to implement, maintain, and enforce the standard, regardless of designation status. This documentation is submitted to US EPA for approval and is generally referred to as an infrastructure SIP. States must submit an infrastructure SIP within three years after a federal standard is adopted or revised. Nevada's Lead Infrastructure SIP is due to US EPA by October 15, 2011.

The NDEP is responsible for developing and implementing SIPs in the 15 rural counties of Nevada. Clark County and Washoe County have their own air quality agencies, which are responsible for their respective counties. The NDEP has prepared a draft Lead Infrastructure SIP to meet the requirements of the Clean Air Act. The NDEP's draft SIP and related materials are available on the NDEP website at <http://ndep.nv.gov/admin/public.htm>, click on "Air Quality Planning." Access to the draft SIP may also be obtained by contacting Adele Malone at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701; (775) 687-9356; or e-mail to amalone@ndep.nv.gov.

Persons wishing to comment on the proposed SIP or to request a public hearing should submit their comments or request in writing either in person or by mail or fax to Adele Malone at the above address or by FAX at (775) 687-6396. ***A request for a hearing must be received by September 30, 2011. Written comments will be received by the NDEP until October 4, 2011 and will be retained and considered.***

Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City on:

**October 4, 2011
10:30 a.m. to 12:00 p.m.
PEBP Board Room (Rm. 1002), 1st Floor
9001 South Stewart Street
Carson City, Nevada**

An agenda will be posted on the NDEP web site at least 3 working days before the hearing. Oral comments will be received at the Hearing. If no request for a public hearing is received by September 30, 2011, the hearing will be cancelled. Persons may check on the status of the hearing on the NDEP web site at <http://ndep.nv.gov/admin/public.htm>, click on "Air Quality Planning," or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349.

This notice has been published in the Las Vegas Review-Journal and the Reno Gazette Journal newspapers. It has been posted at the NDEP offices in Carson City and Las Vegas, at the State Library in Carson City and at County libraries throughout Nevada. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Adele Malone or Cathy Douglas (775-687-9349) no later than 3 working days before the hearing.

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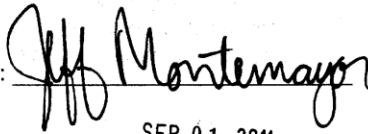
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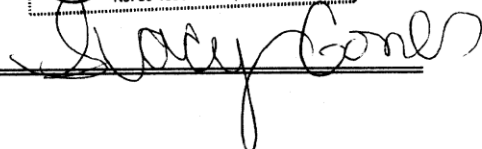
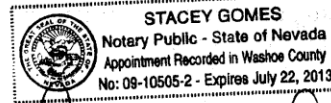
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/01/2011 - 09/01/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed:



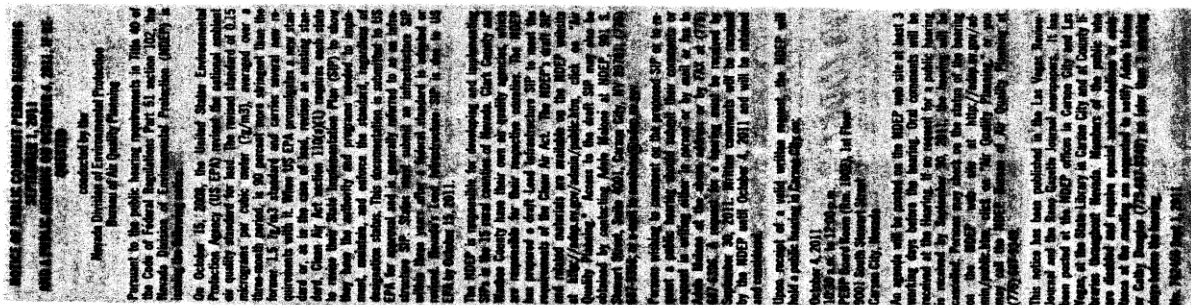
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Proof of Publication

NOTICE OF PUBLIC COMMENT PERIOD BEGINNING SEPTEMBER 1, 2011 AND A PUBLIC HEARING ON OCTOBER 4, 2011, IF REQUESTED conducted by the Nevada Division of Environmental Protection Bureau of Air Quality Planning Pursuant to the public hearing requirements in Title 40 of the Code of Federal Regulations Part 51 section 102, the Nevada Division of Environmental Protection (NDEP) is issuing the following notice. On October 15, 2008, the United States Environmental Protection Agency (US EPA) revised the national ambient air quality standard for lead. The revised standard of 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), averaged over a three-month period, is 90 percent more stringent than the former 1.5 $\mu\text{g}/\text{m}^3$ standard and carries several new requirements with it. When US EPA promulgates a new standard or, as in the case of lead, revises an existing standard, Clean Air Act section 110(a)(1) requires each state to revise their State Implementation Plan (SIP) to show they have the authority and programs needed to implement, maintain, and enforce the standard, regardless of designation status. This documentation is submitted to US EPA for approval and is generally referred to as an infrastructure SIP. States must submit an infrastructure SIP within three years after a federal standard is adopted or revised. Nevada's Lead Infrastructure SIP is due to US EPA by October 15, 2011. The NDEP is responsible for developing and implementing SIPs in the 15

rural counties of Nevada. Clark County and Washoe County have their own air quality agencies, which are responsible for their respective counties. The NDEP has prepared a draft Lead Infrastructure SIP to meet the requirements of the Clean Air Act. The NDEP's draft SIP and related materials are available on the NDEP website at <http://ndep.nv.gov/admin/public.htm>, click on "Air Quality Planning." Access to the draft SIP may also be obtained by contacting Adele Malone at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701; (775) 687-9356; or e-mail to amalone@ndep.nv.gov. Persons wishing to comment on the proposed SIP or to request a public hearing should submit their comments or request in writing either in person or by mail or fax to Adele Malone at the above address or by FAX at (775) 687-6396. A request for a hearing must be received by September 30, 2011. Written comments will be received by the NDEP until October 4, 2011 and will be retained and considered. Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City on: October 4, 2011 10:30 a.m. to 12:00 p.m. PEBP Board Room (Rm. 1002), 1st Floor 9001 South Stewart Street Carson City, Nevada. An agenda will be posted on the NDEP web site at least 3 working days before the hearing. Oral comments will be received at the Hearing. If no request for a public hearing is received by September 30, 2011, the hearing will be cancelled. Persons may check on the status of the hearing on the NDEP web site at <http://ndep.nv.gov/admin/public.htm>, click on "Air Quality Planning," or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349. This notice has been published in the Las Vegas ReviewJournal and the Reno Gazette Journal newspapers. It has been posted at the NDEP offices in Carson City and Las Vegas, at the State Library in Carson City and at County libraries throughout Nevada. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Adele Malone or Cathy Douglas (775-687-9349) no later than 3 working days before the hearing. No. 762466 Sept 1, 2011



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SEPTEMBER 1, 2011
AND A PUBLIC HEARING ON OCTOBER 4, 2011, IF RE-
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Nevada Division of Environmental Protection
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October 4, 2011
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PEBP Board Room (Rm. 1002), 1st Floor
9001 South Stewart Street
Carson City, Nevada

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No. 762466 Sept 1, 2011

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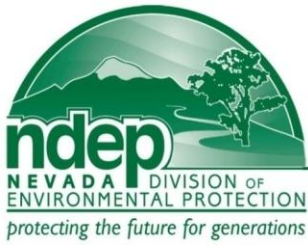
October 4, 2011
10:30 a.m. to 12:00 p.m.
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1st Floor
9001 South Stewart Street
Carson City, Nevada

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PUB: September 1, 2011
LV Review-Journal

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STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

NOTICE OF CANCELLATION OF PUBLIC HEARING ON OCTOBER 4, 2011

Nevada Division of Environmental Protection
Bureau of Air Quality Planning

Pursuant to the public hearing provisions in Title 40 of the Code of Federal Regulations Part 51 section 102, the Nevada Division of Environmental Protection (NDEP) is cancelling the following public hearing because no request for a hearing was received:

October 4, 2011
10:30 a.m. to 12:00 p.m.
PEBP Board Room (Rm. 1002), 1st Floor
9001 South Stewart Street
Carson City, Nevada

The NDEP's draft Lead Infrastructure SIP and related materials are available on the NDEP website at <http://ndep.nv.gov/admin/public.htm>, click on "Air Quality Planning." Nevada's Lead Infrastructure SIP is due to US EPA by October 15, 2011. Persons may also check on the status of Nevada's Lead Infrastructure SIP by telephone at (775) 687-9356.

Public Comments and Nevada's Responses
(Only one comment was received)

Washoe Tribe of Nevada and California

Environmental Protection Department



October 3, 2011

Ms. Adele Malone
Nevada Division of Environmental Protection
Bureau of Air Quality Planning
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

RE: Revised National Ambient Air Quality Standards for Lead – Clean Air Act 110(a)(1),
Revise State Implementation Plan

Dear Ms. Malone:

The Washoe Environmental Protection Department (WEPD) is submitting comments to the revised national ambient air quality standards for lead under the *Clean Air Act section 110(a)(1)* requiring each state to revise their *State Implementation Plan (SIP)*. The public notice was made available to the Tribe on August 31, 2011.

The Nevada Division of Environmental Protection, Bureau of Air Quality Planning (NDEP/BAQP) draft *State Implementation Plan (SIP)* should incorporate Tribal input as an Air Quality stakeholder since the Tribe has jurisdiction over all Tribal lands. It is imperative that NDEP/BAQP work closely with the Tribe when implementing the revisions. We understand that NDEP must submit a Lead Infrastructure SIP to the US Environmental Protection by October 15, 2011.

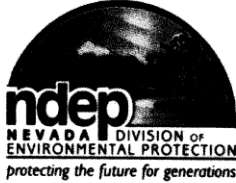
Thank you for your consideration in review of this document. If you have any questions, please call me at 775-265-8691.

Sincerely,

Tara Hess-McGeown
Environmental Specialist II

THM:ns

NEVADA'S RESPONSE:



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

October 7, 2011

Tara Hess-McGeown
Environmental Specialist II
Washoe Tribe of Nevada and California
919 U.S. Highway 395 South
Gardnerville, NV 89410

RE: Public Comment Period for NDEP's Draft Lead Infrastructure SIP

Dear Ms. McGeown:

Thank you for your letter of October 3, 2011, commenting on the Nevada Division of Environmental Protection's (NDEP) proposed State Implementation Plan (SIP) to meet the Clean Air Act section 110(a)(1) and (2) requirements for the 2008 Lead national ambient air quality standards. The NDEP agrees that it is important to work closely with Nevada's Tribes and incorporate Tribal input when making revisions to the Nevada SIP. We will continue to provide Tribes with the opportunity to participate in the development of any SIP revisions.

Sincerely,

Adele K. Malone, Supervisor
Planning and Modeling Branch
Bureau of Air Quality Planning