



# Public Workshop to Solicit Comments on Proposed Amendments to Nevada Administrative Code Chapter 445B – Air Pollution

June 7, 2016



# Overview

- Current Permitting Requirements
- Proposed Changes and Effects of Proposed Changes
- Schedule for Facilities Affected by the Proposed Changes



# Current Permitting Requirements

Per NAC 445B.287 an Operating Permit or Operating Permit to Construct is required for each Stationary Source.

NAC 445B.123 defines an “Operating Permit” as:

1. A Class I, a Class II, a Class III and a Class IV Operating Permit;
2. An Operating Permit to Construct; and
3. A Mercury Operating Permit to Construct, as defined in NAC 445B.3625.

# Current Permitting Requirements (continued)

NAC 445B.187 defines “Stationary Source” as:

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

1. Belong to the same major industrial groupings described in the Standard Industrial Classification Manual, as incorporated by reference in NAC 445B.221;
2. Are located on one or more contiguous or adjacent properties;
3. Are owned or operated by the same person or by persons under common control; and
4. 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.



## Current Permitting Requirements (continued)

NAC 445B.138 defines “Potential to Emit” as 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.

Almost identical to the Federal definition (40 C.F.R. 52.21(b)(4))



## **Current Permitting Requirements (continued)**

NAC 445B.069 defines “Federally enforceable” as 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.

- It is federally enforceable [...], i.e. contained in a permit issued pursuant to an EPA-approved permitting program or a permit directly issued by EPA, or has been submitted to EPA as a revision to a State Implementation Plan and approved as such by EPA.
  - It is enforceable as a practical matter (i.e., no blanket emission limits)
- Non-permit limitations can also legally restrict potential to emit. For example: these limitations include New Source Performance Standards (40 CFR. Parts 60 and 61) and National Emission Standards for Hazardous Air Pollutants (40 CFR. Part 63)



## **Proposed Change – New Definition of Class II; and Elimination of Class III and IV**

**Sec. 4.** NAC 445B.037 is hereby amended to read as follows:

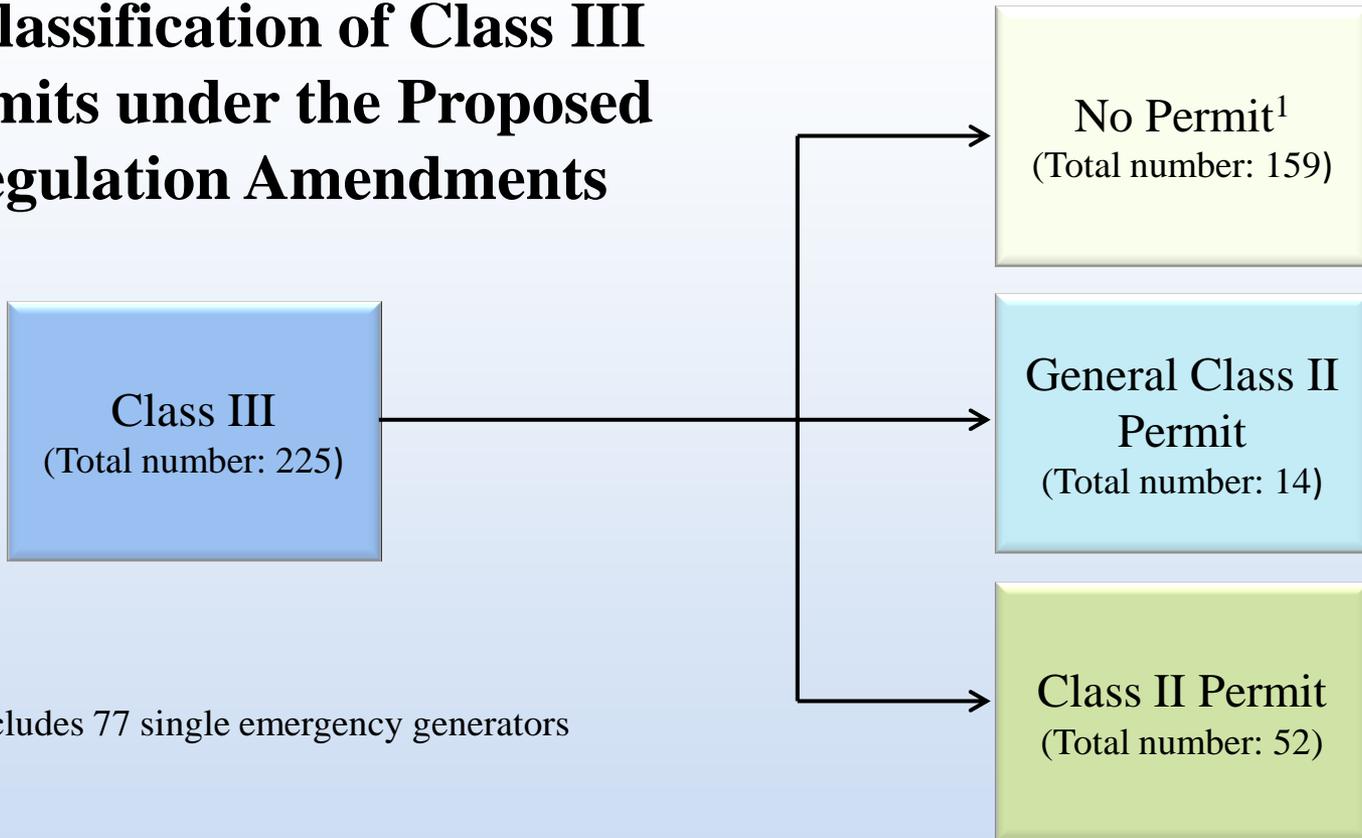
**NAC 445B.037 “Class II source” defined.** “Class II source” means any stationary source which:

1. 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.
2. Is not a Class I source; and
3. *Has a potential to emit equal to or greater than the following levels for any listed pollutant:*

| <i>Pollutant</i>        | <i>Potential to Emit (tons per year)</i> |
|-------------------------|--|
| <i>PM<sub>2.5</sub></i> | <i>5</i>                                 |
| <i>PM<sub>10</sub></i>  | <i>5</i>                                 |
| <i>Carbon monoxide</i>  | <i>50</i>                                |
| <i>VOC</i>              | <i>20</i>                                |
| <i>NO<sub>x</sub></i>   | <i>5</i>                                 |
| <i>SO<sub>2</sub></i>   | <i>5</i>                                 |
| <i>Lead</i>             | <i>0.3</i>                               |
| <i>H<sub>2</sub>S</i>   | <i>1</i>                                 |



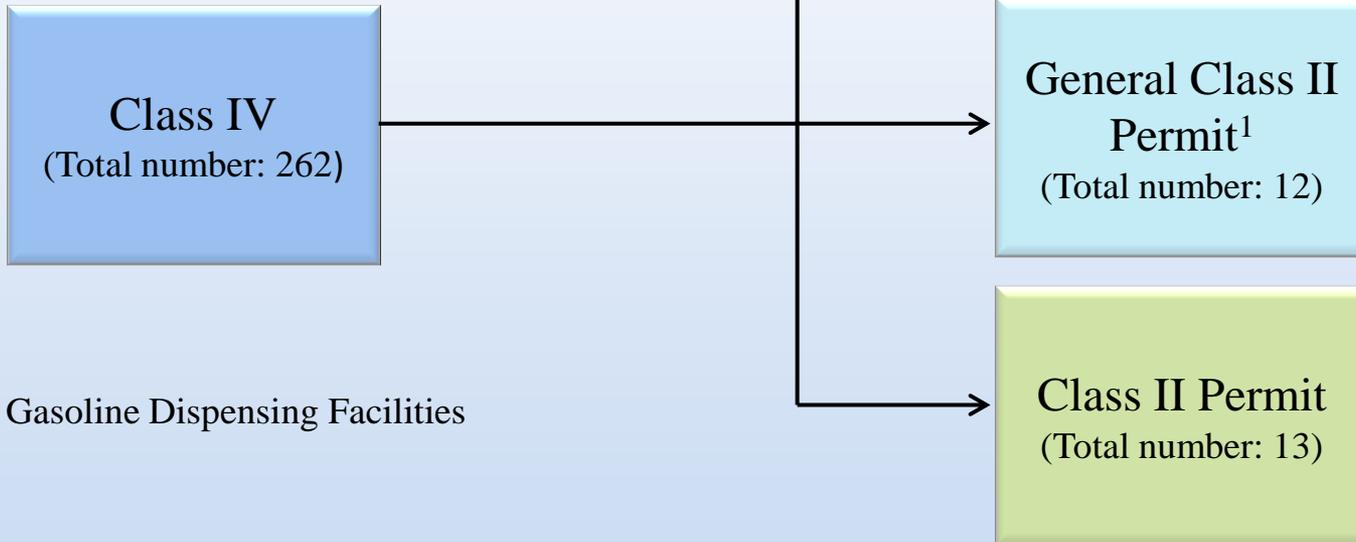
## Reclassification of Class III Permits under the Proposed Regulation Amendments



<sup>1</sup>This includes 77 single emergency generators



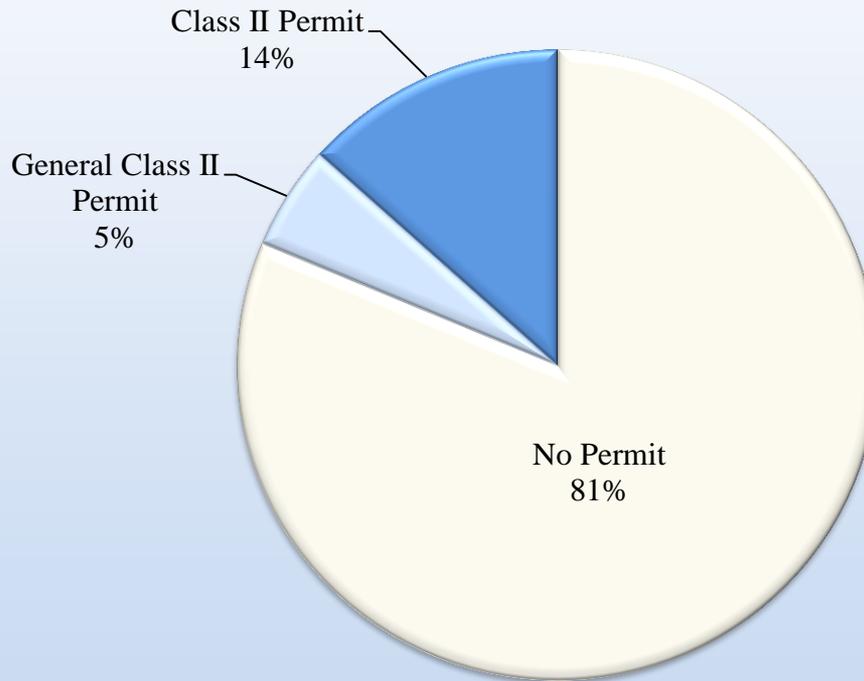
## Reclassification of Class IV Permits under the Proposed Regulation Amendments



<sup>1</sup>Largest Gasoline Dispensing Facilities



## **Reclassification of Class III and IV Permits under the Proposed Regulation Amendments**





## **Class II General Permit**

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

### Existing:

- Class II General Air Quality Operating Permit for **Temporary** Sand & Gravel Processing, Hot Mix Asphalt, and Concrete Batch Facilities

### In Development:

- Class II General Air Quality Operating Permit for Gasoline Dispensing Facilities with total annual VOC emissions between 20 and 50 tons/year (draft form)



## **Class III Stationary Sources by SIC**

|      |  |     |
|------|--|-----|
| 4812 | Radiotelephone Communications  | 106 |
| 4911 | Electric Services  | 31  |
| 3273 | Ready-Mixed Concrete   | 25  |
| 1422 | Crushed and Broken Limestone   | 16  |
| 1611 | Highway and Street Construction, Except Elevated Highways                        | 6   |
| 4941 | Water Supply   | 6   |
| 5032 | Brick, Stone, and Related Construction Materials                                 | 5   |
| 2048 | Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats   | 3   |
| 1311 | Crude Petroleum and Natural Gas  | 2   |
| 1321 | Natural Gas Liquids  | 2   |
| 1459 | Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified                 | 2   |
| 3295 | Minerals and Earths, Ground or Otherwise Treated                                 | 2   |
| 3365 | Aluminum Foundries   | 2   |
| 3532 | Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment | 2   |
| 4813 | Telephone Communications, Except Radiotelephone                                  | 2   |
| 5211 | Lumber and Other Building Materials Dealers                                      | 2   |
| 8734 | Testing Laboratories   | 2   |



## **Class IV Stationary Sources by SIC**

|      |   |     |
|------|---|-----|
| 5541 | Gasoline Service Stations                                   | 197 |
| 7532 | Top, Body, and Upholstery Repair Shops and Paint Shops      | 36  |
| 5171 | Petroleum Bulk stations and Terminals                       | 14  |
| 3449 | Miscellaneous Structural Metal Work                         | 11  |
| 7216 | Dry Cleaning Plants, Except Rug Cleaning                    | 4   |
| 3471 | Electroplating, Plating, Polishing, Anodizing, and Coloring | 3   |



NDEP as part of this regulatory effort is organizing an outreach initiative for those stationary sources that do not require a permit; and may be subject to other Federal requirements (e.g., NSPS and NESHAP).



## **Proposed Change – Public Notice Required for a Class II Air Quality Operating Permit**

- Has not previously held a Class I or Class II operating permit
- Is located within 1,000 feet of school, hospital or residential area
- Requests an increase in allowable emissions exceeding any of the following thresholds:

| <u>Pollutant</u>        | <u>Threshold</u><br>(in tons per year) |
|-------------------------|--|
| Carbon monoxide         | 40                                     |
| Nitrogen oxides         | 40                                     |
| Sulfur dioxide          | 40                                     |
| <i>PM<sub>2.5</sub></i> | <i>10</i>                              |
| PM <sub>10</sub>        | 15                                     |
| Ozone measured as VOC   | 40                                     |
| Lead                    | 0.6                                    |



## **Proposed Change – Timing for Issuing or Denying a Class II Air Quality Operating Permit**

If public notice is **not required** : 60 days from official date of submittal (ODS)

If public notice is **required**: 90 days from official date of submittal (ODS):

- Initial determination 45 days from ODS
- 30 days public notice
- 15 days for final determination



# **Schedule for Facilities Affected by the Proposed Changes – Reclassification of Class III and IV Permits to Class II Permits**

Sec. 2. 1. *All Class III and Class IV sources, that would otherwise be required to obtain a Class II operating permit, as defined in NAC 445B.037, **are shielded to continue operating** under an issued Class III operating permit or Class IV operating permit **until an application for a new Class II operating permit is issued or denied.***

# Schedule for Facilities Affected by the Proposed Changes – Reclassification of Class III and IV Permits to Class II Permits (continued)

Scheduled established by Director:

- No sooner than 180 days
- No later than 5 years
- *Must be based upon:*
  - The total ~~number of~~ emissions ~~units~~ to be addressed in the Class II operating permit for each stationary source so that the stationary sources with the largest ~~number of~~ emissions ~~units~~ will submit applications first and those sources with the ~~least number of~~ lowest emissions ~~units~~ will submit applications last, and*
  - The expiration date of the operating permit.*
- If applicable, Class III and IV can apply for Class II general permit



## **CONTACT INFORMATION**

Danilo Dragoni, Chief, Bureau of Air Quality Planning  
[ddragoni@ndep.nv.gov](mailto:ddragoni@ndep.nv.gov) ; 775.687.9340

Jeffrey Kinder, Chief, Bureau of Air Pollution Control  
[jkinder@ndep.nv.gov](mailto:jkinder@ndep.nv.gov) ; 775.687.9475

Adele Malone, Supervisor, Planning Branch, BAQP  
[amalone@ndep.nv.gov](mailto:amalone@ndep.nv.gov) ; 775.687.9356

NDEP Website: <http://ndep.nv.gov/index.htm>

State Environmental Commission Website:  
<http://sec.nv.gov/index.htm>