



Proposed Regulation Amendment to NAC 445B – Air Controls

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Division of Environmental Protection – Air Program
August 6, 2019*

WEBINAR



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Information About the Webinar

- All participants' microphones will be muted.
- Questions can be sent to aircomments@ndep.nv.gov at any time. We may answer them during the Q/A session at the end of the webinar or follow-up following the webinar.
- Comments and suggestions are welcome and can be sent to aircomments@ndep.nv.gov.
- The presentation will be posted on-line.
- <https://ndep.nv.gov/air/air-fee-schedule>
- Listserv – airinfo_notices@listserv.state.nv.us



Presentation Outline

Proposed
Regulation
Amendment
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2019

- **Objective of Today’s Presentation**
- **Why a Fee Amendment Now?**
- **What Does My Application Fee Pay For?**
- **What Does My Maintenance Fee Pay For?**
- **Key Components of Proposed Fee Amendment**
- **Proposed Non-Refundable Application Fee**
- **Fee Amendment: Changes for All Stationary Sources**
- **Fee Amendment: Class I Stationary Sources**
- **Fee Amendment: Class II Stationary Sources**

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Presentation Outline (continued)

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- **Fee Amendment: Class II General Permits (Stationary and Temporary/COLA Operations)**
- **Fee Amendment: Surface Area Disturbance Permits**
- **Air Program Budget Comparison with Other Western States**
- **Air Program Improvements / Efficiencies Implemented**
- **Fee Amendment: Regulatory Process Timeline**
- **Questions**

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Objective of Today's Presentation

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- **Air Program Proposal to Amend Nevada Administrative Code (NAC)**
 - NAC 445B.327 Fees; late penalty
- **Authority in Nevada Revised Statutes (NRS) 445B.300(2)(a)**
 - The State Environmental Commission shall by regulation provide for “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.**”

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Why a Fee Amendment Now?

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- **Last Significant Fee Amendment in 2006**
- **Declining Budget Reserves**
 - Increasing personnel-related costs
 - Keeping vacant positions to a minimum to meet workload
 - Declining revenue
 - Lower emissions = lower emission/maintenance fees
 - Closing of power plants
- **Delegated Title V Program must be self-sufficient**
- **Maintain Appropriate Level of Budget Reserves**

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What Does My Application Fee Pay For?



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What Does My Maintenance Fee Pay For?

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- **Administrative Services**
- **Compliance Activities**
 - Source Tests (observation and review)
 - Inspections
 - Records Review
 - Notifications Review
 - Complaint Investigation and Follow-Up
 - Compliance Orders
- **Planning and Rule Development**
- **Data Information Services**
- **Ambient Air Monitoring**
- **Small Business Outreach Program**

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Key Components of Proposed Fee Amendment

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- **Elimination of Annual Maintenance Emissions Fees**
- **Application fees based on number of Emission Units and Insignificant Activities**
- **New “Administrative Renewal” in addition to regular Permit Renewal**
- **New Administrative Completeness Review Fee**
- **Class II Annual Maintenance Fee = PTE + SAD Acreage + Number of Permitted Emission Units**
- **3-Year Phase-In Approach for Increase to Annual Maintenance Fees for Minor Sources Over Certain Threshold**

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Proposed Non-Refundable Application Fee

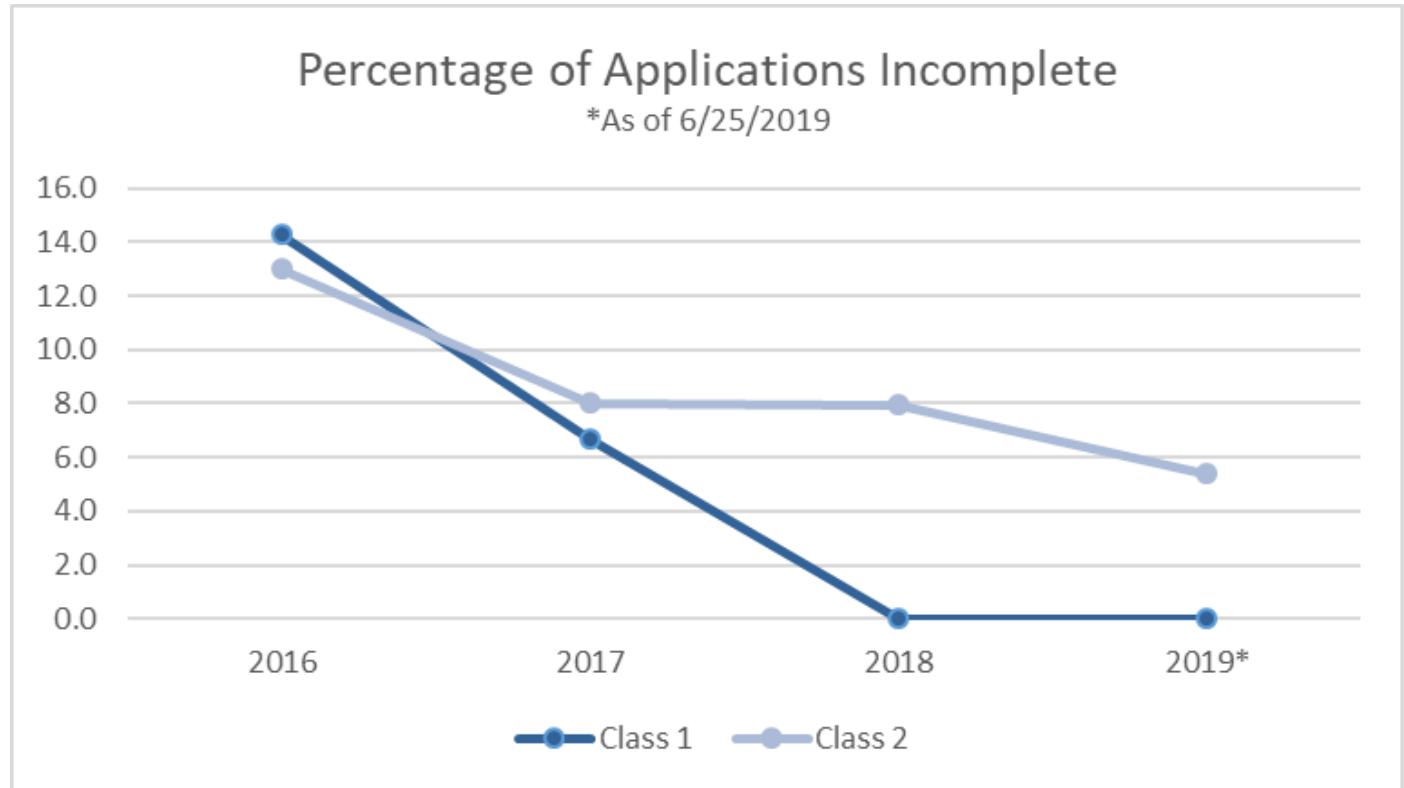
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Fee Amendment: Changes for All Stationary Sources

Miscellaneous Fees for All Sources	Current Fee	Proposed Fee
Insignificant Activity Determination	\$0	\$1,000
Applicability Determination	\$0	\$1,000
Confidentiality Request	\$0	\$1,000
Incomplete Application Fee	\$0	%10 of application fee
Administrative Amendment	\$200	\$1,000
Permit Replacement	\$200	\$ 0
Change of Location (per Emission Unit)	\$100	\$200
Class I Notification Of Authorized Change	\$0	\$1,000

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Fee Amendment: Class I Stationary Sources

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- **Application Fees:**

- Significant increase for new PSD and Major Modifications to PSD permits
- Non-PSD fees are based on number of emission units
- Large increase in Title V and OPTC New/Revision, depending on number of emission units
- Large increase for regular Renewals, depending on number of emission units
- Small increase in OPTCs versus new Title V permit, as regulatory processing time is twice as fast for OPTCs
- Small increase in Administrative Revision
- No increase for OPTC rollovers to a Title V
- Removed a modification to OPTC, and converting an OPTC to a Title V in phases
- New “Administrative Renewals” with a smaller fee

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Fee Amendment: Class I Stationary Sources (continued)

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Class I OPTC			
# Emission Units + Insignificant Activities	New	Revision	Rollover
Current Fee	\$20,000	\$5,000	\$5,000
<=10	\$40,000	\$10,000	\$5,000
11-20	\$45,000	\$15,000	
21-50	\$50,000	\$20,000	
51-100	\$55,000	\$25,000	
>100	\$60,000	\$30,000	

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Fee Amendment: Class I Stationary Sources (continued)

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Class I Title V						
# Emission Units + Insignificant Activities	New	Minor Revision	Significant Revision	Renewal	Admin Renewal	Admin Revision
Current Fee	\$30,000	\$5,000	\$20,000	\$5,000	N/A	\$500
<=10	\$35,000	\$10,000	\$35,000	\$30,000	\$5,000	\$1,000
11-20	\$40,000	\$15,000		\$35,000		
21-50	\$45,000	\$20,000		\$40,000		
51-100	\$50,000	\$25,000		\$45,000		
>100	\$55,000	\$30,000		\$50,000		



Fee Amendment: Class I Stationary Sources (continued)

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Class I PSD	Current Fee	Proposed Fee
New Operating Permit	\$50,000	\$80,000
Major Modification	\$50,000	\$80,000
New OPTC	\$50,000	\$80,000
OPTC Rollover	\$5,000	\$20,000
OPTC Revision	\$5,000	\$20,000

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Fee Amendment: Class I Stationary Sources (continued)

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- **Annual Maintenance Fees:**
 - Elimination of annual emission fees
 - Increase in annual maintenance fees

Class 1 Facilities	Current Fee	Proposed Fee
Major Stationary Source with one or more Class I OP/OPTC	\$25,000 - \$30,000	\$60,000
Major Source or Class II Source with one or more Class I OP/OPTC	\$20,000	\$40,000
Major Source or Class II Source with one or more Class I OP/OPTC for a Municipal Solid Waste Landfill	\$15,000	\$25,000

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Fee Amendment: Class II Stationary Sources

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- **Application Fees:**

- Significant increase in New/Revision/Renewals based on number of emission units
- New “Administrative Renewals” with a much smaller fee (\$2,000)

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Fee Amendment: Class II Stationary Sources (continued)

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Class II Stationary				
# Emission Units + Insignificant Activities	New	Revision	Renewal	Admin. Renewal
Current Fee	\$3,000	\$2,000	\$2,000	N/A
<=10	\$5,000	\$2,500	\$2,500	\$2,000
11-20	\$10,000	\$5,000	\$5,000	
21-50	\$15,000	\$7,500	\$7,500	
51-100	\$20,000	\$10,000	\$10,000	
>100	\$30,000	\$15,000	\$15,000	

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Fee Amendment: Class II Stationary Sources (continued)

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- **Annual Maintenance Fees:**
 - Maintenance fees for stationary permits based on PTE + SAD acreage + Number of Permitted Emission Units (instead of only PTE)

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Fee Amendment: Class II Stationary Sources (continued)

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Class II Stationary		
PTE Fee + SAD Fee + Range of Emission Units Fee		
Potential To Emit (TPY)	Current Fee	Proposed Fee
All HAPs 20-24.9	\$5,000	\$10,000
Single HAP 8-9.9	\$5,000	\$10,000
PTE 80 to 99.9*	\$5,000	\$10,000
PTE 50 to 79.9*	\$3,000	\$6,000
PTE 25 to 49.9*	\$1,000	\$2,000
PTE <25*	\$500	\$1,000
SAD Area (ac)	Current Fee	Proposed Fee
5-19.9	N/A	\$1,000
20-99.9	N/A	\$2,000
100-499.9	N/A	\$3,000
≥500	N/A	\$5,000
# Emission Units (not including IAs)	Current Fee	Proposed Fee
≤10	N/A	\$500
11-20	N/A	\$1,000
21-50	N/A	\$2,000
51-100	N/A	\$5,000
>100	N/A	\$10,000

* Potential to Emit of any single regulated pollutant, except CO and CO₂

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Fee Amendment: Class II General Permits (Stationary and Temporary/COLA Operations)

- **Application Fees:**

- No changes for Stationary Generals
- Increase from \$500 to \$1,500 for Temporary Generals
- Increase from \$100 to \$200 per emission unit for Temporary COLA

Class II Generals	Current Fee	Proposed Fee
Stationary	\$500	\$500
Temporary	\$500	\$1,500

- **Annual Maintenance Fees:**

- No change (remain \$500)

Class II Generals	Current Fee	Proposed Fee
Stationary	\$500	\$500
Temporary	\$500	\$500

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Fee Amendment: Surface Area Disturbance Permits

- **Application Fees:**

- Moderate increase depending on range of SAD acreage
- Decreased from 6 categories of SAD acreage to 4
- Slight increase for revisions (\$200 to \$500)

Class II SADs (acres)	Current Fee	Proposed Fee
Revision	\$200	\$500
5-19.9	\$500	\$1,000
20-99.9		\$2,000
100-499.9		\$3,000
≥ 500		\$5,000

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Fee Amendment: Surface Area Disturbance Permits (continued)

- **Annual Maintenance Fees:**

- Slight increase depending on range of SAD acreage
- Decreased from 6 categories of SAD acreage to 4

Class II SADs (acres)	Current Fee	Proposed Fee
5-19.9	\$250	\$1,000
20-99.9	\$500-\$750	\$2,000
100-499.9	\$1,000-\$2,000	\$3,000
≥ 500	\$5,000	\$5,000

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Air Program Budget Comparison with Other Western States

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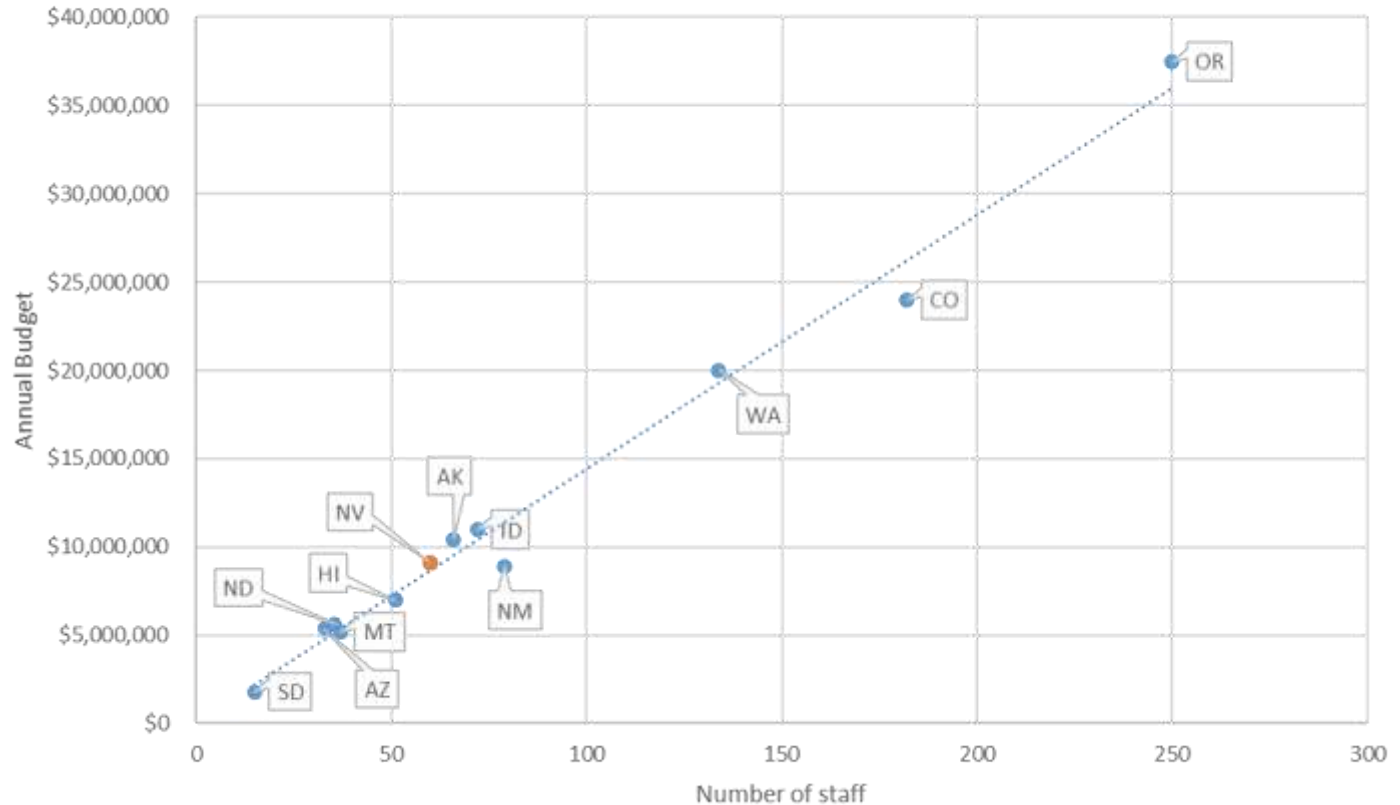
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Annual Budget vs. Staff for Western States





Air Program Improvements / Efficiencies Implemented

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- **Excellent Customer Service**
 - Responsive Staff
 - Teamwork Approach to Achieve Permit Issuance
 - Request for Information (RFI) Follow-Up
 - Renewal Reminder Notices
- **Updated Applications**
- **New Guidance Documents**
 - Application Guidance
 - Emission Factor Guidance Document
 - Baghouse Testing Guidance
 - Engine Guidance
- **Centralization**
 - Completeness Check
 - Modeling

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Air Program Improvements / Efficiencies Implemented (continued)

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- **New Templates**
 - Permits
 - Technical Review
- **Professional and Defensible Modeling**
 - SILs Guidance
- **Improved Public Notice / EPA review**
 - Implementation of e-Notice
 - Concurrent EPA Review
- **Re-Issued and Expanded General Permit Program**
 - Temporary Construction Sources
 - Non-Metallic Crushing and Screening
 - Concrete Batch Plants
- **UNR Business Environmental Program (BEP) for Small Business Outreach and Assistance**

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Air Program Improvements / Efficiencies Implemented (continued)

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- **Emission reporting with SLEIS**
- **On-Going Streamlining and Program Improvement Efforts**
 - Class III and IV Program Eliminated
 - LEAN Events
 - Real-Time Statistics / Daily Management Boards
- **Reduction of Permitting Backlog**
 - Approximate 26% Decrease Overall in the Past Year

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Fee Amendment: Regulatory Process Timeline

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July 26TH

Draft Regulation Submitted to
Legislative Counsel Bureau

August 1ST

Submit Regulatory Petition Forms to
State Environmental Commission (SEC)

September 2ND

Public Notice Period Starts for SEC
Meeting

September 5TH

Workshop

October 2ND

SEC Hearing

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Fee Amendment: Regulatory Process Timeline (continued)

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October 3RD to
November 5TH

Prepare Information Statement for LCB

November 6TH

Filing with secretary of State if No
Objection from Legislative Commission

**The New Fee Schedule is Proposed to be Effective on
January 1, 2020**

3-Year Phase-In Approach for Maintenance Fees for Certain Minor Sources

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Questions?

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