

**The Nevada Division of Environmental  
Protection Portion of the Nevada State  
Implementation Plan for the  
2012 Annual Primary Fine Particulate  
Matter NAAQS**

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## Acronyms and Abbreviations

AQCR	Air quality control region
BART	Best available retrofit technology
CAA	Clean Air Act
CFR	Code of Federal Regulations
FIP	Federal implementation plan
FR	Federal Register
MSA	Metropolitan statistical area
NAAQS	National ambient air quality standard
NDEP	Nevada Division of Environmental Protection
NAC	Nevada Administrative Code
NRS	Nevada Revised Statute
Pb	Lead
PM <sub>2.5</sub>	Particulate matter less than or equal to a nominal 2.5 microns in aerodynamic diameter
PM <sub>10</sub>	Particulate matter less than or equal to a nominal 10 microns in aerodynamic diameter
PSD	Prevention of significant deterioration
SHL	Significant harm level
SIP	State implementation plan
USEPA	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 (USEPA) 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 USEPA not later than 3 years after promulgation of a new or revised NAAQS.

Section 110(a)(2) lists the elements, (A) through (M), that generally 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 Chapter 40 of the Code of Federal Regulations (CFR) Part 52 Subpart DD. This infrastructure SIP responds to USEPA’s promulgation of the 2012 annual primary fine particulate matter (PM<sub>2.5</sub>) NAAQS set at 12 µg/m<sup>3</sup> and addresses the Nevada Division of Environmental Protection’s (NDEP) authority to implement, maintain and enforce the revised NAAQS for the NDEP’s jurisdiction. The following table demonstrates how the NDEP, through its SIP and state programs, addresses each of the applicable requirements of section 110(a)(2). Although some of the SIP provisions cited may not be in state regulation, they are incorporated into title V operating permits and are thereby federally enforceable.

Per USEPA direction, the NDEP has developed the table in accordance with USEPA’s September 13, 2013 multipollutant guidance (2013 Guidance) (USEPA, Memorandum to Regional Air Directors, 9/13/13. *Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2)*. Stephen D. Page). The description of each required element is taken from the 2013 Guidance. However, this guidance does not address CAA section 110(a)(2)(D)(i)(I), which concerns interstate pollution transport. In the absence of USEPA guidance for this section, the NDEP relied heavily on the transport analysis conducted by Region 9 in its action on Nevada’s 2006 PM<sub>2.5</sub> NAAQS infrastructure SIP. <http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006> (last viewed 10/14/2015). We have also relied generally on USEPA’s October 23, 2012 action on Nevada’s 1997 ozone and 1997 and 2006 fine particulate matter infrastructure SIPs (77 FR 64737). The statutory and regulatory provisions of the applicable Nevada SIP referenced in the table are included as Appendices A and B.

The following support documents are appended:

APPENDIX A:           Applicable Nevada State Implementation Plan: Regulatory Elements: Air Pollution

APPENDIX B:	Applicable Nevada State Implementation Plan: Nevada Revised Statutes
APPENDIX C:	Non-SIP Provisions Cited in Elements A, J and L
APPENDIX D:	Ambient Air Monitoring Network Plan 2015
APPENDIX E:	Interstate Transport Analysis for the 2012 PM <sub>2.5</sub> Annual Primary NAAQS
APPENDIX F:	May 30, 2007 DCNR Authority Letter to the USEPA
APPENDIX G:	Air Quality Implementation Plan for the State of Nevada, Section 12 - Resources
APPENDIX H:	Air Quality Implementation Plan for the State of Nevada, Section 11 – Intergovernmental Consultation
APPENDIX I:	Evidence of Public Participation

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**Nevada State Implementation Plan Provisions for the 2012 Annual Primary PM<sub>2.5</sub> NAAQS:  
Nevada Division of Environmental Protection Jurisdiction**

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
(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>Based on the 2011 NEI v2, the dominant source sectors for fine particulate matter (PM<sub>2.5</sub>) emissions in Nevada are dust (30 percent), industrial processes such as cement and chemical manufacturing and mining (27 percent), and fire (23 percent).<sup>2</sup> Smaller sources (less than nine percent each) in Nevada in descending order include mobile, fuel combustion (e.g., boilers, electric generation), miscellaneous and solvent. Measures for controlling emissions of sulfur dioxide and nitrous oxides are applicable because they are precursors to PM<sub>2.5</sub>.</i></p> <p><i>The applicable Nevada SIP includes enforceable emission limits and other control measures, means, or techniques, as well as schedules for compliance to support element (A) in Nevada Administrative Code (NAC) Chapter 445B and in Air Quality Articles:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.075 “Fugitive dust” defined.</i></li> <li>• <i>445B.109 “Nitrogen oxides” defined.</i></li> <li>• <i>445B.121 “Opacity” defined.</i></li> <li>• <i>445B.129 “Particulate matter” defined.</i></li> <li>• <i>445B.135 “PM<sub>10</sub> defined.”</i></li> <li>• <i>445B.1348 “PM<sub>2.5</sub>” defined.</i></li> <li>• <i>445B.145 “Process weight” defined.</i></li> <li>• <i>LCB File No. R027-15 section 2 “PM<sub>2.5</sub> emissions” defined.</i></li> <li>• <i>LCB File No. R027-15 section 3 “PM<sub>10</sub> emissions” defined.</i></li> <li>• <i>445B.22017 Visible emissions: Maximum opacity; determination.</i></li> </ul>

<sup>1</sup> The NDEP requests that as provisions in Nevada’s current applicable SIP are replaced or removed through subsequent approvals by USEPA of updated provisions submitted by the NDEP, USEPA also replace or remove those provisions in this PM<sub>2.5</sub> infrastructure SIP.

<sup>2</sup> The NDEP will provide a link to the USEPA website where this information is available for the final submittal package.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<ul style="list-style-type: none"> <li>• 445B.2202 <i>Visible emissions: Exceptions for stationary sources.</i></li> <li>• Article 16.3.3.2 <i>No person shall cause, suffer, allow, or permit the discharge from any clinker cooler which exhibit greater than 10 percent opacity</i></li> <li>• Article 16.3.3.3 <i>On or after the date on which the performance test required by Article 2.6 is completed . . .</i></li> <li>• 445.729 <i>Process weight rate for calculating emission rates.</i></li> <li>• 445.730 <i>Colemanite flotation processing plants.</i></li> <li>• 445B.22027 <i>Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates.</i></li> <li>• 445B.2203 <i>Emissions of particulate matter: Fuel-burning equipment.</i></li> <li>• 445B.22033 <i>Emissions of particulate matter: Sources not otherwise limited.</i></li> <li>• 445B.22037 <i>Emissions of particulate matter: Fugitive dust.</i></li> <li>• Article 7.2.5.1 <i>The maximum allowable weight of particulates which may be discharged per hour from the first barite grinding mill.</i></li> <li>• 445.808 1. <i>This section applies to those systems of the facilities described in subsection 2 . . . (barite)</i></li> <li>• 445.816 1. <i>This section applies to those systems of the facilities described in subsection 2 . . . (precious metals)</i></li> <li>• Article 8.2.1 <i>“No person shall cause, suffer, allow or permit the emission of sulfur compounds cause by the combustion of fuel in excess of...”</i></li> <li>• Article 8.2.2 <i>“For the purpose of Article 8, “sulfur emission” means the sulfur portion of the sulfur compounds emitted.”</i></li> <li>• 445B.2204 <i>“Sulfur emission” defined.</i></li> <li>• 445B.22043 <i>Sulfur emissions: Calculation of total feed sulfur.</i></li> <li>• 445B.22047 <i>Sulfur emissions: Fuel-burning equipment.</i></li> <li>• 445B.2205 <i>Sulfur emissions: Other processes which emit sulfur.</i></li> <li>• 445B.22067 <i>Open burning.</i></li> <li>• 445B.2207 <i>Incinerator burning.</i></li> <li>• 445B. 22083 <i>Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.</i></li> <li>• 445B.2209 <i>Reduction of animal matter.</i></li> <li>• 445B.22095 <i>Emission limitation for BART.</i></li> <li>• 445B.22096 <i>Control measures constituting BART; limitations on emissions.</i></li> </ul>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<ul style="list-style-type: none"> <li>• 445B.22097 <i>Standards of quality for ambient air.</i></li> <li>• 445B.259 <i>Monitoring systems: Performance evaluations.</i></li> <li>• 445B.260 <i>Monitoring systems: Components contracted for before September 11, 1974.</i></li> <li>• 445B.262 <i>Monitoring systems: Measurement of opacity.</i></li> <li>• 445B.263 <i>Monitoring systems: Frequency of operation.</i></li> <li>• 445B.264 <i>Monitoring systems: Recordation of data.</i></li> <li>• 445B.267 <i>Alternative monitoring procedures or requirements.</i></li> <li>• 445B.305 <i>Operating permits: Imposition of more stringent standards for emissions.</i></li> <li>• 445B.308 <i>Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.</i></li> <li>• <i>Article 13.1 General Provisions for the Review of New Sources</i></li> <li>• 445B.310 <i>Environmental evaluation: Applicable sources and other subjects; exemption.</i></li> <li>• 445B.311 <i>Environmental evaluation: Contents; consideration of good engineering practice stack height.</i></li> <li>• 445B.346 <i>Required contents of permit.</i></li> <li>• 445B.3489 <i>Required contents of permit.</i></li> <li>• 445B.442 <i>“Opacity” defined.</i></li> <li>• 445B.460 <i>Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location.</i></li> <li>• 445B.449 <i>“Smoke” defined.</i></li> <li>• 445B.576 <i>Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.</i></li> <li>• 445B.577 <i>Devices used on stationary rails: Restrictions on visible emissions.</i></li> <li>• 445B.578 <i>Exceptions to restrictions on visible emissions.</i></li> <li>• 445B.582 <i>Repair of vehicle; reinspection or retesting.</i></li> <li>• 445B.587 <i>Testing of certain motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity.</i></li> <li>• 445B.589 <i>Testing of certain motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap.</i></li> <li>• 445B.727 <i>Administrative fines and other penalties.</i></li> </ul>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>The following provisions have not been submitted as part of Nevada’s SIP, but are in the NAC and further support this element requirement (see Appendix C):</i></p> <ul style="list-style-type: none"> <li>• 445B.2206 Allowable emissions of sulfur from specific sources: Unit Number 4 of Reid Gardner Power Station.</li> <li>• 445B.22063 Allowable emissions of sulfur from specific sources: North Valmy Power Station.</li> <li>• 445B.2208 Emission of hydrogen sulfide from certain facilities for generating electricity from geothermal brine.</li> <li>• 445B.221 Adoption by reference and applicability of certain provisions of federal law and regulations.</li> <li>• 445B.232 Excess emissions: Scheduled maintenance, testing or repairs; notification of Director; malfunction, upset, start-up, shutdown or human error.</li> <li>• 445B.739 “Certification level” defined.</li> <li>• 445B.756 “Opacity” defined.</li> <li>• 445B.759 “Smokemeter” defined.</li> <li>• 445B.762 “Test procedure” defined.</li> <li>• 445B.7665 Standards of opacity; citation for violation; equipment for measurement.</li> <li>• 445B.767 Specifications for equipment for measurement of smoke opacity; test procedure.</li> <li>• 445B.7685 Missing emission control label: Replacement; effect on standard of opacity.</li> <li>• 445B.771 Demonstration of correction of vehicle after issuance of citation; post-repair or inspection required by Director under certain circumstances.</li> <li>• 445B.774 Waiver from standard of opacity.</li> </ul> <p><i>Finally, the NDEP does not have a SIP-based program to prevent significant deterioration of air quality; however, pursuant to 40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal prevention significant deterioration (PSD) program to the NDEP as it existed on August 13, 2012. The PSD program provides a permitting review system to assure that the best controls available are selected before construction of a new major stationary source or modification of an existing major stationary source.</i></p>
(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>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>The applicable Nevada SIP contains the following provisions that provide for an ambient air quality monitoring program. Nevada Revised Statutes (NRS):</i></p> <ul style="list-style-type: none"> <li>• 445B.210 Powers of Commission.</li> <li>• 445B.230 Powers and duties of Department.</li> </ul> <p><i>NRS 445B.210 and NRS 445B.230 provide the authority necessary for the NDEP to implement the state’s ambient air quality monitoring program. The NDEP commits to an ambient air quality monitoring program in its CAA section 105 grant work plan. The NDEP operates a monitoring network that collects ambient air quality data that are compiled, analyzed, and reported to USEPA in accordance with 40 CFR 58. The network comprises federally-approved monitors that measure PM<sub>10</sub>, PM<sub>2.5</sub> and ozone. The NDEP submitted its 2015 Annual Monitoring Network Plan to USEPA on June 24, 2015 (Appendix D). USEPA has not provided a review as of October 12, 2015.</i></p> <p><i>The NDEP commits to meeting any changes in monitoring requirements related to the new or revised NAAQS. USEPA’s new monitoring requirements for PM<sub>2.5</sub> (78 FR 3086, January 15, 2013) do not require monitoring for PM<sub>2.5</sub> within the NDEP’s jurisdiction. The general requirements for the PM<sub>2.5</sub> NAAQS stipulate no monitors are required for a Metropolitan Statistical Area (MSA) with a population of 50, 000-500,000, if the area has a design value less than 85 percent of the NAAQS or no design value, i.e., no monitors. 40 CFR 58, Appendix D, section 4.7.1. All MSAs in the NDEP’s jurisdiction have a population less than 500,000. Because PM<sub>2.5</sub> monitoring is not required in the NDEP’s jurisdiction, no monitors meeting USEPA’s criteria were operating until 2013; therefore, there is currently no design value. However, based on data obtained through special study monitoring in Carson City and Gardnerville, the NDEP established a PM<sub>2.5</sub> monitoring network in 2013. These sites will allow the NDEP to establish credible data to ascertain PM<sub>2.5</sub> conditions within both areas. By the end of 2016 a valid design value will be available. The NDEP will continue to evaluate the program and determine if increased PM<sub>2.5</sub> monitoring is needed within the monitored areas.</i></p>
(C)	<p><u>Programs for enforcement, PSD and new source review:</u></p> <p>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 required in parts C and D of this Subchapter.</p>
	<p><i>The applicable Nevada SIP contains the following provisions that provide enforcement authority.</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>NRS:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.210 Powers of Commission.</i></li> <li>• <i>445B.230 Powers and duties of Department.</i></li> <li>• <i>445B.450 Notice and order by Director; hearing; alternative procedures.</i></li> <li>• <i>445B.460 Injunctive relief.</i></li> <li>• <i>445B.640 Levy and disposition of administrative fines; additional remedies available; penalty.</i></li> </ul> <p><i>NAC:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.225 Prohibited conduct: Concealment of emissions.</i></li> <li>• <i>445B.227 Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure.</i></li> <li>• <i>445B.229 Hazardous emissions: Order for reduction of emissions.</i></li> <li>• <i>445B.250 Notification of planned construction or reconstruction.</i></li> <li>• <i>445B.252 Testing and sampling.</i></li> <li>• <i>445B.275 Violations: Acts constituting; notice.</i></li> <li>• <i>445B.277 Stop orders.</i></li> <li>• <i>445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.</i></li> <li>• <i>Article 13.1 General Provisions for the Review of New Sources.</i></li> <li>• <i>445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.</i></li> <li>• <i>445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.</i></li> </ul> <p><i>To satisfy the requirement for preconstruction regulation of the modification and construction of minor stationary sources and the minor modification of major stationary sources, the applicable Nevada SIP includes a permitting program for minor sources locating and operating within the NDEP’s jurisdiction. These permitting provisions are too numerous to list here and can be found in Appendix A, “State of Nevada Applicable State Implementation Plan: Nevada Administrative Code” under the headings: Operating Permits Generally, Class I Operating Permits, Class II Operating Permits, and Class III Operating Permits.</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>In addition, to satisfy the requirement for a preconstruction permitting program to regulate major sources and major modifications in areas designated attainment or unclassifiable, the NDEP has full delegation from the USEPA of the federal PSD program as it existed on August 13, 2012 at 40 CFR 52.21.</i></p>
(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) 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 or to protect visibility.</p>
	<p><u>(D)(i)(I)</u> <i>The NDEP conducted an interstate transport analysis for the 2012 PM<sub>2.5</sub> NAAQS, which is found in Appendix E. Based on this analysis, the State of Nevada concludes that PM<sub>2.5</sub> emissions from Nevada do not contribute to nonattainment or interfere with maintenance of the 2012 PM<sub>2.5</sub> standard or the previous PM<sub>2.5</sub> standards in any other state. Nevada commits to continue to review new air quality information as it becomes available to ensure that this negative declaration is still supported by such information.</i></p> <p><u>(D)(i)(II)</u> <i>New major sources and major modifications in Nevada are subject to PSD. The NDEP does not have a SIP-based program to prevent significant deterioration of air quality; however, pursuant to 40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal PSD program to the NDEP as it existed on August 13, 2012 thus meeting the requirements of (D)(i)(II). The visibility requirements of subsection (D)(i)(II) are addressed by the “Nevada Regional Haze State Implementation Plan.” USEPA finalized approval of most of the Nevada regional haze SIP on March 26, 2012 (77 FR 17334). USEPA approved in part and disapproved in part the remaining portion of the regional haze SIP on August 23, 2012 (77 FR 50936). In the same action, USEPA promulgated a federal implementation plan (FIP) replacing the disapproved provisions of the State plan. On November 18, 2011, the NDEP submitted the Nevada Regional Haze 5-Year Progress Report, which concluded that emissions from Nevada sources are not impeding progress at any out-of-state Class I areas towards meeting their visibility improvement goals.<sup>3</sup></i></p>
(D)(ii)	<p><u>Interstate and international transport provisions:</u> Each such plan shall [...] contain adequate provisions: (ii) insuring compliance with the applicable requirements of</p>

<sup>3</sup> <http://ndep.nv.gov/baqp/Public%20Involvement/regionalhazereport.html>, last viewed 10/14/2015.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	sections 126 and 115 (relating to interstate and international pollution abatement).
	<p><u>CAA section 126</u>  <i>The following provisions (NAC) of the applicable Nevada SIP address the CAA section 126(a) requirements regarding notification to affected nearby states of major proposed new or modified sources. [see also elements (J) and (M)]:</i></p> <ul style="list-style-type: none"> <li>• 445B.325 Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.</li> <li>• 445B.3364 Operating permit to construct: Action by Director on application; notice; public comment and hearing.</li> <li>• 445B.3395 Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.</li> <li>• 445B.3425 Minor revision of permit.</li> <li>• 445B.344 Significant revision of permit.</li> <li>• 445B.3441 Administrative revision of permit to incorporate conditions of certain permits to construct.</li> <li>• 445B.3457 Action by Director on application; notice; public comment and hearing; expiration of permit.</li> </ul> <p><i>In addition, although the NDEP does not have a SIP-based program to prevent significant deterioration of air quality, pursuant to 40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal PSD program to the NDEP as it existed on August 13, 2012. The federal PSD program also addresses the section 126(a) notification requirements.</i></p> <p><i>The requirements of section 126 (b) and (c) do not apply, because no source or sources within the state are the subject of an active finding under section 126 of the CAA with respect to the particular NAAQS at issue. .</i></p> <p><u>CAA section 115</u>  <i>The requirements of section 115 do not apply, because there are no final findings under section 115 of the CAA against this state with respect to the particular NAAQS at issue.</i></p>
(E)	<p><u>Adequate personnel, funding and authority:</u>                      Each such plan shall [ . . . ] provide: (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), (ii) requirements that the state comply with the</p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p>requirements respecting State boards under section 128, and (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>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 F).</i></p> <p><i>The specific statutes in the applicable Nevada SIP that deal with personnel, funding, authority to support SIP requirements, CAA section 128 requirements, and ultimate state responsibility for implementing the SIP include NRS:</i></p> <ul style="list-style-type: none"> <li>• <i>232A.020 Residency requirement for appointment; terms of members; vacancies; qualification of member appointed as representative of general public; gubernatorial appointee prohibited from serving on more than one board, commission or similar body.</i></li> <li>• <i>281A.150 “Public employee” defined.</i></li> <li>• <i>281A.160 “Public officer” defined.</i></li> <li>• <i>281A.400 General requirements: exceptions.</i></li> <li>• <i>281A.410 Limitations on representing or counseling private persons before public agencies; disclosure required by certain public officers.</i></li> <li>• <i>281A.420 Requirements regarding disclosure of conflicts of interest and abstention from voting because of certain types of conflicts; effect of abstention on quorum and voting requirements; exceptions. 445B.200 Creation and composition; Chairman; quorum; compensation of members and employees; disqualification; technical support.</i></li> <li>• <i>445B.210 Powers of Commission.</i></li> <li>• <i>445B.220 Additional powers of Commission.</i></li> <li>• <i>445B.225 Power of Commission to require testing of sources.</i></li> <li>• <i>445B.230 Powers and duties of Department.</i></li> <li>• <i>445B.235 Additional powers of Department.</i></li> <li>• <i>445B.240 Power of representatives of Department to enter and inspect premises.</i></li> <li>• <i>445B.245 Power of Department to perform or require test of emissions from stacks.</i></li> </ul>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<ul style="list-style-type: none"> <li>• 445B.300 Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of Commission or Department to act.</li> <li>• 445B.450 Notice and order by Director; hearing; alternative procedures.</li> <li>• 445B.460 Injunctive relief.</li> <li>• 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.</li> <li>• 445B.510 Commission may require program for designated area.</li> <li>• 445B.520 Commission may establish or supersede county program.</li> <li>• 445B.530 Commission may assume jurisdiction over specific classes of air contaminants.</li> <li>• 445B.540 Restoration of superseded local program; continuation of existing local program.</li> <li>• 445B.560 Plan or procedure for emergency.</li> <li>• 445B.570 Confidentiality and use of information obtained by Department; penalty.</li> <li>• 445B.580 Officer of Department may inspect or search premises; search warrant.</li> <li>• 445B.640 Levy and disposition of administrative fines; additional remedies available; penalty for failure to pay administrative fine.</li> <li>• 445B.830 Fees to be paid to Department of Motor Vehicles; Pollution Control Account; expenditure of money in Account; quarterly distributions to local governments; annual reports by local governments; grants; creation and duties of advisory committee; submission and approval of proposed grants.</li> </ul> <p>Further, Section 12 of the applicable Nevada SIP, “Resources” (Appendix G), updated effective October 23, 2012 (77 FR 64737), provides information concerning funding and personnel supporting the functions of the three air pollution control agencies administering CAA programs in Nevada: the NDEP, Clark County Department of Air Quality, and Washoe County Health District Air Quality Management Division.</p> <p>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 2015 budget is in excess of \$8 million with 62 approved full-time equivalent staff positions in the air programs.</p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
(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 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 sources, 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>
	<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"> <li>• <i>445B.063 “Excess emissions” defined.</i></li> <li>• <i>445B.252 Testing and sampling.</i></li> <li>• <i>445B.256 Monitoring systems: Calibration, operation, and maintenance of equipment.</i></li> <li>• <i>445B.257 Monitoring systems: Location.</i></li> <li>• <i>445B.258 Monitoring systems: Verification of operational status.</i></li> <li>• <i>445B.259 Monitoring systems: Performance evaluations.</i></li> <li>• <i>445B.260 Monitoring systems: Components contracted for before September 11, 1974.</i></li> <li>• <i>445B.261 Monitoring systems: Adjustments.</i></li> <li>• <i>445B.262 Monitoring systems: Measurement of opacity.</i></li> <li>• <i>445B.263 Monitoring systems: Frequency of operation.</i></li> <li>• <i>445B.264 Monitoring systems: Recordation of data.</i></li> <li>• <i>445B.265 Monitoring systems: Records; reports.</i></li> <li>• <i>445B.267 Alternative monitoring procedures or requirements.</i></li> <li>• <i>445B.275 Violations: Acts constituting; notice.</i></li> <li>• <i>445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan. [See paragraph (a) of subsection (6).]</i></li> <li>• <i>445B.315 Contents of operating permits: Exception for operating permits to construct; required conditions.</i></li> <li>• <i>445B.3368 Additional requirements for application; exception.</i></li> <li>• <i>445B.346 Required contents of permit.</i></li> </ul>

<b>SECTION 110(a)(2) ELEMENT</b>	<b>CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP<sup>1</sup></b>
	<p><i>NRS 445B.570 is also supportive of the portion of the CAA section 110(a)(2)(F)(iii) requirement pertaining to the public availability of reports.</i></p> <p><i>Ambient air quality monitoring data and trends are reported periodically 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 <a href="http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf">http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf</a>. Additionally, the state submits stationary source emissions data to USEPA for publication in the annual National Emission Inventory, which is also available for public inspection.</i></p>
(G)	<p><u>Emergency episodes:</u> Each such plan shall [...] provide for authority comparable to that in section 303 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"> <li>• <i>NRS 445B.560 Plan or procedure for emergency.</i></li> <li>• <i>NAC 445B.229 Hazardous emissions: Order for reduction or discontinuance.</i></li> <li>• <i>NAC 445B.230 Plan for reduction of emissions.</i></li> </ul> <p><i>The SIP provisions cited above are adequate to constrain any sources of PM<sub>2.5</sub> emissions, as necessary, in an emergency situation. NRS 445B.560 provides authority comparable to section 303 of the CAA. It requires applicable sources to prepare and submit emergency episode plans for use in the event of air stagnation or emergency episodes. It further provides the Director with authority to directly require a source to reduce or cease emissions of a pollutant(s), if an imminent danger to health requiring immediate action occurs. NAC 445B.229 further specifies the Director's authority to order the reduction or discontinuance of emission of contaminants under emergency conditions. NAC 445B.230 requires sources with the potential to emit 100 tons or more per year of a regulated pollutant to submit emergency episode plans; sources with the potential to emit less than 100 tons per year of a regulated pollutant may be required to submit such plans.</i></p> <p><i>USEPA's 2013 Guidance states that the emergency episode plan developed to satisfy subpart H of 40 CFR part 51 could also be used to satisfy the contingency plan requirement of this element. Under subpart H, USEPA classified each air quality control region (AQCR) in Nevada into priority levels by pollutant, based on the monitored ambient air concentration of the pollutant circa 1970. These classifications are still in effect with the exception of sulfur oxides, which is currently proposed for reclassification in two of Nevada's AQCRs (80 FR 28893). Priority I and II areas are required to develop a plan designed to prevent ambient</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>																																		
<p><i>pollutant levels from reaching the pollutant’s significant harm level (SHL), which is set by USEPA. Priority III areas do not have to prepare an emergency plan. USEPA has not set an SHL for the 2012 PM<sub>2.5</sub> NAAQS.</i></p> <p><i>Nevada is divided into three AQCRs: the Northwest Nevada Intrastate AQCR is classified as a priority I area for PM, and the Nevada Intrastate AQCR is classified as a priority IA area for PM. The NDEP has jurisdiction over four of the five counties in the Northwest Nevada Intrastate region and the entire Nevada Intrastate region, which comprises 11 rural counties. Clark County is the third AQCR in Nevada.</i></p> <p><i>The NDEP monitors for PM<sub>10</sub> and PM<sub>2.5</sub> at seven sites in its jurisdiction (15 rural counties). 2012-2014 design values/expected exceedances, excluding exceptional events, for the NDEP’s PM<sub>10</sub> and PM<sub>2.5</sub> monitoring sites are shown in the following table.</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Monitoring Sites (County)</th> <th style="text-align: center;">2012-2014 PM<sub>10</sub> 24-hour expected exceedances<sup>a</sup> (µ/m<sup>3</sup>)</th> <th style="text-align: center;">2012-2014 PM<sub>2.5</sub> 24-hour design value<sup>b</sup> (µ/m<sup>3</sup>)</th> <th style="text-align: center;">2012-2014 PM<sub>2.5</sub> annual design value<sup>b</sup> (µ/m<sup>3</sup>)</th> </tr> </thead> <tbody> <tr> <td>Elko (Elko)</td> <td style="text-align: center;">0</td> <td style="text-align: center;">----</td> <td style="text-align: center;">----</td> </tr> <tr> <td>Church (Pahrump)</td> <td style="text-align: center;">0</td> <td style="text-align: center;">----</td> <td style="text-align: center;">----</td> </tr> <tr> <td>Manse (Pahrump)</td> <td style="text-align: center;">0</td> <td style="text-align: center;">----</td> <td style="text-align: center;">----</td> </tr> <tr> <td>Glen Oaks (Pahrump)</td> <td style="text-align: center;">0</td> <td style="text-align: center;">----</td> <td style="text-align: center;">----</td> </tr> <tr> <td>Linda (Pahrump)</td> <td style="text-align: center;">0</td> <td style="text-align: center;">----</td> <td style="text-align: center;">----</td> </tr> <tr> <td>Carson City<sup>c</sup></td> <td style="text-align: center;">----</td> <td style="text-align: center;">22</td> <td style="text-align: center;">8.7</td> </tr> <tr> <td>Gardnerville (Douglas)</td> <td style="text-align: center;">----</td> <td style="text-align: center;">26</td> <td style="text-align: center;">8.5</td> </tr> </tbody> </table> <p>a. Exceptional events data from the following dates have been excluded from the expected exceedances calculation:                      Elko: 10/25/2014 (to be submitted).                      Manse (Pahrump): 3/6/2012 (submitted), 4/15/2013 (submitted) , 11/16 and 23/2014 (to be submitted).                      Church/Glen Oaks/Linda (Pahrump): 4/15/2013 (submitted).</p> <p>b. Excluding exceptional events data from the Rim Fire, 8/22 to 9/9/2013 (submitted) and the King Fire, 9/14-24/2014 (to be submitted).</p> <p>c. This data is from mixed sites: East 5<sup>th</sup> Street and Carson City Armory (operating from 4/1/2013).</p>				Monitoring Sites (County)	2012-2014 PM <sub>10</sub> 24-hour expected exceedances <sup>a</sup> (µ/m <sup>3</sup> )	2012-2014 PM <sub>2.5</sub> 24-hour design value <sup>b</sup> (µ/m <sup>3</sup> )	2012-2014 PM <sub>2.5</sub> annual design value <sup>b</sup> (µ/m <sup>3</sup> )	Elko (Elko)	0	----	----	Church (Pahrump)	0	----	----	Manse (Pahrump)	0	----	----	Glen Oaks (Pahrump)	0	----	----	Linda (Pahrump)	0	----	----	Carson City <sup>c</sup>	----	22	8.7	Gardnerville (Douglas)	----	26	8.5
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<p><i>USEPA’s 2013 Guidance (pp. 49-50) states that, “. . . if an air agency believes, based on its inventory of Pb or PM<sub>2.5</sub> sources and historic ambient monitoring data, that it does not need a more specific contingency plan beyond having authority to restrain any source from causing or contributing to an imminent and substantial endangerment, then the air agency could provide such a</i></p>																																			

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>detailed rationale as part of its SIP submission.” Based on the PM<sub>2.5</sub> design values above, which are less than 75 percent of the NAAQS (12 µ/m<sup>3</sup>), and the absence of an SHL, the NDEP concludes that it does not need a more specific contingency plan beyond the existing authority in NRS 445B.560, NAC 445B.229 and NAC 445B.230.</i></p> <p><i>Furthermore, the NDEP requests that USEPA reclassify the Nevada Intrastate AQCR from priority IA to priority III for PM. Priority IA means an area that has exceeded the ambient air concentration threshold for episode plans because of a single point source. In this case, the point source that caused the exceedances was the Kennecott Copper Corporation smelter in McGill, Nevada. McGill is located in the Steptoe Valley in White Pine County.</i></p> <p><i>Nevada’s 1972 SIP (Air Quality Implementation Plan for the State of Nevada, January 30, 1972) presents particulates monitoring data from 1971 (partial year data) for seven sites operated in the Nevada Intrastate AQCR. Monitors were located in Ely (two sites), McGill, Fallon, Hawthorne, Gabbs and Elko (1972 SIP, Table 3.1). The highest particulates levels were recorded at McGill, where Kennecott was located, with a 24-hour maximum of 800 µ/m<sup>3</sup> and an annual geometric mean of 137 µ/m<sup>3</sup>, clearly far over the priority I thresholds (325 µ/m<sup>3</sup> and 95 µ/m<sup>3</sup> for the 24-hour and annual particulates concentrations, respectively). The monitors closest to McGill, in Ely and Elko, did not exceed the priority I threshold. The 1970 emissions inventory summary in the 1972 SIP (Table 4.2) reports 8,232 tons per year of particulate emissions from point sources in White Pine County out of a total of 12,887 tons per year for the entire AQCR. Over 80 percent of the point source emissions in White Pine (6,904 tons per year) were from point “process losses,” attributable to the Kennecott smelter. The NDEP, therefore, concludes that the single source responsible for the priority IA classification in the Nevada Intrastate AQCR was Kennecott. The smelter ceased operation in 1983 and was completely demolished by 1993; documented in 67 FR 17939 (April 12, 2002, p. 17941 column 3).</i></p> <p><i>Because the PM source responsible for the priority IA classification no longer exists and the three most recent years of monitoring data in Elko and Pahrump show attainment of the current PM<sub>10</sub> and PM<sub>2.5</sub> NAAQS, which are more protective of human health than the particulates standard on which the priority IA classification was based, the NDEP requests that USEPA revise the classification of the Nevada Intrastate AQCR to priority III. Lacking that action by USEPA, the NDEP requests pursuant to 40 CFR 51.152(d) that the USEPA exempt the Nevada Intrastate region from the requirement to develop an emergency episode plan.</i></p>
(H)	<p><u>Future SIP revisions:</u> Each such plan shall [ . . . ] provide for revision of such plan: (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 (ii) except as provided in paragraph (3)(C), whenever the</p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p>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.</p>
	<p><i>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 Administrator 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 F). 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 USEPA finding that the SIP is substantially inadequate.</i></p> <p><i>Other NRS that may provide support for this element include:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.135 "Federal Act" defined.</i></li> <li>• <i>445B.210 Powers of Commission.</i></li> <li>• <i>445B.220 Additional powers of Commission.</i></li> <li>• <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></li> </ul>
(I)	<p><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).</p>
	<p><i>USEPA considers this element of 110(a)(2) to be outside the scope of infrastructure SIP actions because it pertains to plan requirements for nonattainment areas. Therefore, USEPA does not expect infrastructure SIP submissions to address this element (USEPA, Memorandum to Regional Air Directors, 9/13/13. Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2), at 52. Stephen D. Page).</i></p>
(J)	<p><u>Consultation with government officials, public notification, PSD and visibility protection:</u> Each such plan shall [ . . . ] meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility)</p>

<b>SECTION 110(a)(2) ELEMENT</b>	<b>CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP<sup>1</sup></b>
	protection).
	<p><u>CAA Section 121</u></p> <p><i>Section 11 of the applicable Nevada SIP, “Intergovernmental Relations,” describes the process for consultation among the three air pollution control agencies administering CAA programs in Nevada: NDEP, Clark County Department of Air Quality, and Washoe County Health District’s Air Quality Management Division, as well as for regional planning and transportation agencies that also have certain air-quality-planning-related responsibilities. It identifies the applicable state and local provisions governing consultation; describes provisions relevant to consultation in permitting new or modified stationary sources; and, for Clark County, Washoe County and the Lake Tahoe Basin, addresses consultation’s role in transportation planning and conformity to the applicable Nevada SIP.</i></p> <p><i>Together with Section 11(Appendix H), the following SIP provisions fulfill the requirements of CAA section 121.</i></p> <p><i>NRS:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.220 Additional powers of Commission.</i></li> <li>• <i>445B.235 Additional powers of Department.</i></li> <li>• <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></li> <li>• <i>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.</i></li> <li>• <i>445B.510 Commission may require program for designated areas.</i></li> </ul> <p><i>NAC:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.325 Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.</i></li> <li>• <i>445B.3364 Operating permit to construct: Action by Director on application; notice; public comment and hearing.</i></li> <li>• <i>445B.3395 Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.</i></li> <li>• <i>445B.3425 Minor revision of permit.</i></li> </ul>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<ul style="list-style-type: none"> <li>• 445B.344 Significant revision of permit.</li> <li>• 445B.3441 Administrative revision of permit to incorporate conditions of certain permits to construct.</li> <li>• 445B.3447 Class I general permit.</li> <li>• 445B.3457 Action by Director on application; notice; public comment and hearing; expiration of permit.</li> </ul> <p>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 C).</p> <p><i>NRS Chapter 445B, Air Pollution:</i></p> <ul style="list-style-type: none"> <li>• 445B.100 Declaration of public policy.</li> </ul> <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"> <li>• 233B.060 Notice of adoption, amendment or repeal of permanent or temporary regulation; adoption of permanent regulation after adoption of temporary regulation.</li> <li>• 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.</li> <li>• 233B.061 Proposed permanent or temporary regulation: Public comment; workshop; public hearing; applicability of Open Meeting Law.</li> </ul> <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> <p><u>Section 127</u></p> <p><i>The NDEP maintains a web site, <a href="http://ndep.nv.gov/">http://ndep.nv.gov/</a>, which describes the state’s air quality planning and air pollution control programs and includes public information pages with public notices and news releases. Within the NDEP web site, the Bureau of Air Quality Planning-Ambient Air Quality Monitoring Branch displays “near real-time” (hourly basis) data from some of the NDEP’s monitoring sites using the USEPA Air Quality Index (<a href="http://nvair.ndep.nv.gov/">http://nvair.ndep.nv.gov/</a>). The Nevada Air Quality Trend Report (<a href="http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf">http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf</a>) is published periodically and includes a discussion of air quality trends with respect to the NAAQS. Furthermore, the NDEP continues to be in compliance with USEPA monitoring requirements for the PM<sub>2.5</sub> NAAQS; see element (B) discussion.</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>Part C</i></p> <p><i>The NDEP does not have a SIP-based program to prevent significant deterioration of air quality; however, pursuant to 40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal PSD program to the NDEP as it existed on August 13, 2012. With respect to visibility protection, according to the USEPA’s interpretation of the CAA, this sub-element of element (J) does not need to be addressed (USEPA, Memorandum to Regional Air Directors, 9/13/13. Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2), at 55. Stephen D. Page). For informational purposes, the NDEP submitted a regional haze SIP to USEPA on November 18, 2009. USEPA approved the entire regional haze SIP, with the exception of certain requirements for best available retrofit technology for nitrogen oxides at NV Energy’s Reid Gardner Generating Station (77 FR 17334). On August 23, 2012, USEPA approved in part and disapproved in part the remaining portion of the regional haze SIP (77 FR 50936). In the same action, USEPA promulgated a FIP replacing the disapproved provisions of the State plan. It is noteworthy that the units at the Reid Gardner Generating Station subject to the FIP ceased operation on December 31, 2014 and have been disconnected from the grid. On November 18, 2011, the NDEP submitted the Nevada Regional Haze 5-Year Progress Report (<a href="http://ndep.nv.gov/baqp/Public%20Involvement/regionalhazereport.html">http://ndep.nv.gov/baqp/Public%20Involvement/regionalhazereport.html</a>), which concluded that Nevada’s current regional haze plan strategies are adequate for Nevada to meet its 2018 visibility improvement goals.</i></p>
(K)	<p><u>Air quality modeling/data:</u></p> <p>Each such plan shall [. . .] provide for: (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>
	<p><i>Nevada’s applicable SIP includes provisions for the environmental evaluation of stationary sources in:</i></p> <ul style="list-style-type: none"> <li>• <i>NAC 445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.</i></li> <li>• <i>Article 13.1 General Provisions for the Review of New Sources.</i></li> <li>• <i>NAC 445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.</i></li> <li>• <i>NAC 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.</i></li> </ul> <p><i>Additionally, the NDEP does not have a SIP-based program to prevent significant deterioration of air quality; however, pursuant to</i></p>

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP <sup>1</sup>
	<p><i>40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal prevention significant deterioration (PSD) program to the NDEP as it existed on August 13, 2012.</i></p>
(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:(i) the reasonable costs of reviewing and acting upon any application for such a permit, and(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 V of this chapter.</p>
	<p><i>Element L provides that a separate program to satisfy the requirements of the element are required only until the Administrator approves a fee program under subchapter V of the CAA. USEPA approved the NDEP’s permitting fee program under title V of the CAA December 5, 2001 (66 FR 63188). Thus, a separate program to satisfy element (L) is not required.</i></p> <p><i>Nevertheless, the NDEP refers the reader to NAC 445B.327, which contains a schedule of fees for various activities including fees for operating permits and permits to construct for both non-PSD sources and PSD sources. Although this regulation is not in the applicable Nevada SIP, it does provide support for this element. In addition, Section 12 (“Resources”) of the applicable Nevada SIP (Appendix G) provides information concerning funding and personnel supporting the functions of the three air pollution control agencies administering CAA programs in Nevada: the NDEP, Clark County Department of Air Quality, and Washoe County Health District Air Quality Management Division. It describes a variety of ways that the PSD program is funded. It points to NRS section 445B.300(2)(a), which requires the State Environmental Commission to provide for the issuance, renewal, modification, revocation, and suspension of operating permits, and to charge appropriate fees sufficient to pay the expenses of the permitting program. This NRS is part of Nevada’s SIP. Section 12 also points to state and general funds as a source of funding for its PSD program. See also the discussion of funding in element (E).</i></p>
(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>The following applicable SIP provisions provide a framework for consultation in the development of SIPs or SIP revisions.</i></p> <p><i>NRS:</i></p> <ul style="list-style-type: none"> <li>• <i>445B.210 Powers of Commission.</i></li> <li>• <i>445B.220 Additional powers of Commission.</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul> <p><i>Section 11 of the applicable Nevada SIP, “Intergovernmental Relations” (Appendix H), describes the process for consultation among the three air pollution control agencies administering CAA programs in Nevada: NDEP, Clark County Department of Air Quality, and Washoe County Health District’s Air Quality Management Division, as well as for regional planning and transportation agencies that also have certain air-quality-planning-related responsibilities. For each area, Section 11 identifies the applicable state and local provisions governing consultation and notification to affected entities, including for those parts of the SIP related to permitting new and modified major sources and transportation planning, as appropriate. By the very nature of delegating air program responsibilities to Clark County and Washoe County, and cooperating with the Tahoe Regional Planning Agency, while retaining SIP revision authority at the state level, Nevada has instilled a process for developing, implementing, and enforcing the SIP that relies upon the involvement of such local political subdivisions.</i></p> <p><i>The applicable Nevada SIP further provides authority and functionality to the primary agencies in Clark and Washoe counties to engage local political subdivisions in air quality planning. It also includes provisions to supersede a county program, if such program is found inadequate by the State Environmental Commission. These authorities are found in NRS:</i></p> <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>445B.503 Local air pollution control board in county whose population is 700,000 or more: Cooperation with regional planning coalition and regional transportation commission; prerequisites to adoption or amendment of plan, policy or program.</i></li> <li>• <i>445B.510 Commission may require program for designated area.</i></li> <li>• <i>445B.520 Commission may establish or supersede county program.</i></li> </ul>