The Nevada Division of Environmental Protection Portion of the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Demonstration of Adequacy

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Acronyms and Abbreviations

BART	Best available retrofit technology
CAA	Clean Air Act
CFR	Code of Federal Regulations
FIP	Federal implementation plan
FR	Federal Register
NAAQS	National ambient air quality standard
NDEP	Nevada Division of Environmental Protection
NO_x	Oxides of nitrogen
NAC	Nevada Administrative Code
NRS	Nevada Revised Statute
NSR	New source review
$PM_{2.5}$	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
RGGS	Reid Gardner Generating Station
SIP	State implementation plan
USEPA	U.S. Environmental Protection Agency

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 the USEPA's promulgation of the 2015 8-hour ozone NAAQS set at 0.070 parts per million (ppm) and addresses the Nevada Division of Environmental Protection's (NDEP) authority to implement, maintain and enforce the revised 8-hour ozone 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 Nevada's Title V Program 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. 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:	State of Nevada Applicable SIP: Statutory Elements
APPENDIX B:	State of Nevada Applicable SIP: Regulatory Elements
APPENDIX C:	Non-SIP Provisions Cited in Elements A, J and L
APPENDIX D:	Ambient Air Monitoring Network Plan 2018
APPENDIX E:	Interstate Transport Analysis for the 2015 8-Hour Primary Ozone 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

Nevada Applicable State Implementation Plan Provisions for the 2015 8-Hour Ozone NAAQS: Nevada Division of Environmental Protection Jurisdiction

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
(A)	Emission Limits and Other Control Measures: 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.

Ground level ozone, is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_x) and volatile organic compounds (VOC). The dominant source sectors for NO_x emissions are mobile sources and fuel combustion. Industrial processes, miscellaneous (dominated by waste disposal), and fires are less important source sectors. The dominant source sectors for volatile organic compounds are mobile sources, solvents, and industrial processes. Wildland fires are also recognized as an important, though uncontrollable, source sector. Nevada has a smoke management program for prescribed fire. Miscellaneous, fuel combustion, and agriculture, are less important source sectors. The Nevada applicable 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):

- *445B.019 "Applicable requirement" defined.*
- *445B.109 "Nitrogen oxides" defined.*
- *445B.153 "Regulated air pollutant" defined.*
- *445B.202 "Volatile organic compounds" defined.*
- *445B.22067 Open burning.*
- *445B. 22083 Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.*
- *445B.22093 Organic solvents and other volatile compounds.*
- *445B.22095 Emission limitation for BART.*
- *445B.22096 Control measures constituting BART; limitations on emissions.**

[1] 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 ozone infrastructure SIP.

- *445B.22097 Standards of quality for ambient air.*
- *445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.*
- *Article 13 "General Provisions for the Review of New Sources."*
- *445B.259 Monitoring systems: Performance evaluations.*
- *445B.260 Monitoring systems: Components contracted for before September 11, 1974.*
- *445B.263 Monitoring systems: Frequency of operation.*
- *445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.*
- *445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.*
- *445B.3425 Minor revision of permit.*

**The best available retrofit technology (BART) emission limits for NO_x at the Reid Gardner Generating Station (RGGS), as well as compliance method, and compliance schedule listed in NAC 445B.22096 are not in the SIP; rather, USEPA published a Federal Implementation Plan (FIP) (77 FR 50936), which established NO_x emission limits for RGGS. The Nevada State Environmental Commission adopted the emission limits from the FIP on October 11, 2012. RGGS ceased operation in 2017 and is in the process of being permanently decommissioned and dismantled. The USEPA has proposed a rescission of the FIP in a Federal Register notice dated May 31, 2018 (83 FR 24952).*

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):

- *445B.221 Adoption by reference and applicability of certain provisions of federal law and regulations.*
- *445B.771 Demonstration of correction of vehicle after issuance of citation; post-repair or inspection required by Director under certain circumstances.*

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. 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.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
(B)	Ambient Air Quality Monitoring/Data System: 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.

The applicable Nevada SIP contains the following provisions that provide for an ambient air quality monitoring program.
Nevada Revised Statutes (NRS):

- *445B.210 Powers of Commission.*
- *445B.230 Powers and duties of Department.*

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 and operates an air quality monitoring network that collects ambient air quality data for PM10, PM2.5 and ozone. Ambient air quality data that are collected from the air quality monitoring network are compiled, analyzed, and reported to USEPA's Air Quality System (AQS) in a timely manner in accordance with 40 CFR 58. The USEPA provides minimum site requirements to monitor for ozone based on metropolitan statistical area (MSA) population (40 CFR Part 58, Appendix D). The NDEP air monitoring network meets or exceeds the minimum network requirements for ozone. The monitors currently operating in the NDEP monitoring network for ozone are located in Carson City, Fallon, and Fernley. The NDEP's monitoring network satisfies the USEPA's requirements for the 2015 ozone NAAQS (Appendix D).

The NDEP prepares an annual monitoring network plan that details air quality monitoring activities, including a description of how monitoring requirements are complied with and an explanation of any proposed changes to the network. The NDEP submitted its 2018 Annual Monitoring Network Plan to the USEPA on June 28, 2018 (Appendix D). The USEPA has not provided a review of the 2018 Plan as of October 1, 2018. The 2017 Annual Monitoring Network Plan was approved by the USEPA Region 9 office in a letter received October 30, 2017, which included approval of planned changes to the monitoring sites in accordance with requirements for approval of system modifications as listed in 40 CFR § 58.14.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
(C)	Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources: 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.

The Nevada applicable SIP contains the following provisions that provide enforcement authority.

NRS:

- *445B.210 Powers of Commission.*
- *445B.230 Powers and duties of Department.*
- *445B.450 Notice and order by Director; hearing; alternative procedures.*
- *445B.460 Injunctive relief.*
- *445B.640 Levy and disposition of administrative fines; additional remedies available; penalty.*

NAC:

- *445B.224 Public and confidential information*
- *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 or discontinuance.*
- *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.*
- *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.*
- *Article 13 General Provisions for the Review of New Sources.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
**NAC 445.694 is has been submitted as part of Nevada's SIP, but no longer appears in current state regulation. NAC 445B.224 is a current regulation that serves the same purpose (requirement to maintain emission discharge information as public information), but is not a part of Nevada's SIP.* *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.* *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 at 40 CFR 52.21.*	
(D)(i)	Interstate Pollution Transport: 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.
(D)(i)(I) *Emission activities from within Nevada do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the 2015 ozone NAAQS. Based on recently released USEPA contribution modeling, Nevada's expected contribution of 2023 anthropogenic NOx and VOC emissions from the State is less than one percent of the 2015 ozone NAAQS to any EPA-identified nonattainment or maintenance receptor in any other state (see Appendix E). 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.*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
(D)(i)(II) *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 thus meeting the requirements of (D)(i)(II). The visibility requirements of subsection (D)(i)(II) are addressed by the Nevada's initial Regional Haze SIP and first Progress Report.* *The USEPA finalized approval of most of the "Nevada Regional Haze State Implementation Plan" on March 26, 2012 (77 FR 17334). The 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 FIP replacing the disapproved provisions of the State plan. The USEPA finalized approval of "Nevada Regional Haze 5-Year Progress Report" on August 8, 2017 (82 FR 37020).*	
(D)(ii)	Interstate Pollution Abatement and International Air Pollution: Each such plan shall [. . .] contain adequate provisions: (ii) insuring compliance with the applicable requirements of CAA sections 126 and 115 that involve ozone emissions (relating to interstate and international pollution abatement).
CAA section 115 *The requirements of section 115 do not apply, because there are no actions pending against Nevada.* *CAA section 126* *The requirements of section 126 (b) and (c) do not apply, because there are no petitions pending against Nevada. The following provisions (NAC) of the Nevada applicable 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)]:* • *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.*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
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. The federal PSD program also addresses the section 126(a) notification requirements.	
(E)	Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies: 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 requirements respecting state boards under section 128, (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.
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). *The specific statutes in the Nevada applicable SIP that deal with personnel, funding, authority to support SIP requirements, CAA section 128 requirements, and state responsibility for implementing the SIP include NRS:* • *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.* • *281A.150 "Public employee" defined.* • *281A.160 "Public officer" defined.* • *281A.400 General requirements: exceptions.*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
	• *281A.410 Limitations on representing or counseling private persons before public agencies; disclosure required by certain public officers.* • *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.* • *445B.210 Powers of Commission.* • *445B.220 Additional powers of Commission.* • *445B.225 Power of Commission to require testing of sources.* • *445B.230 Powers and duties of Department.* • *445B.235 Additional powers of Department.* • *445B.240 Power of representatives of Department to enter and inspect premises.* • *445B.245 Power of Department to perform or require test of emissions from stacks.* • *445B.300 Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of Commission or Department to act.* • *445B.310 Limitations on enforcement of federal and state regulations concerning indirect sources.* • *445B.320 Approval of plans and specifications required before construction or alteration of structure.* • *445B.450 Notice and order by Director; hearing; alternative procedures.* • *445B.460 Injunctive relief.* • *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.* • *445B.520 Commission may establish or supersede county program.* • *445B.530 Commission may assume jurisdiction over specific classes of air contaminants.* • *445B.540 Restoration of superseded local program; continuation of existing local program.* • *445B.560 Plan or procedure for emergency.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
	• *445B.570 Confidentiality and use of information obtained by Department; penalty.* • *445B.580 Officer of Department may inspect or search premises; search warrant.* • *445B.610 Provisions for transition in administration.* • *445B.640 Levy and disposition of administrative fines; additional remedies available; penalty.* • *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.* ** The current version of NRS 445B.500 has a somewhat different title from this title that is listed in Nevada's SIP; the statutory language, however, is unchanged.* *To further support this element, Section 12 ("Resources") of the Nevada applicable SIP (see 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.* *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 emission testing fees, and federal grants. The NDEP's State Fiscal Year 2018 budget is in excess of $8 million with 61 approved full-time equivalent staff positions in the air programs.*
(F)	<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.
Nevada's applicable SIP provides a system for monitoring emissions from stationary sources and the submittal of periodic emission reports in NAC:	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
	• *445B.063 "Excess emissions" defined.* • *445B.252 Testing and sampling.* • *445B.256 Monitoring systems: Calibration, operation, and maintenance of equipment.* • *445B.257 Monitoring systems: Location.* • *445B.258 Monitoring systems: Verification of operational status.* • *445B.259 Monitoring systems: Performance evaluations.* • *445B.260 Monitoring systems: Components contracted for before September 11, 1974.* • *445B.261 Monitoring systems: Adjustments.* • *445B.262 Monitoring systems: Measurement of opacity.* • *445B.263 Monitoring systems: Frequency of operation.* • *445B.264 Monitoring systems: Recordation of data.* • *445B.265 Monitoring systems: Records; reports.* • *445B.267 Alternative monitoring procedures or requirements.* • *445B.275 Violations: Acts constituting; notice.* • *445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan. [See paragraph (a) of subsection (6).]* • *445B.315(3) Contents of operating permits: Exception for operating permits to construct; required conditions.* • *445B.3368 Additional requirements for application; exception.* • *445B.346 Required contents of permit.* *NRS 445B.570 Confidentiality and use of information obtained by Department; penalty. 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.* *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 https://ndep.nv.gov/air/air-quality-monitoring/baqp-trend-report. Additionally, the state submits stationary source emissions data to the USEPA for publication in the annual National Emission Inventory, which is also available for public inspection.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
(G)	Emergency Episodes: Each such plan shall provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority.

Emergency powers are provided in Nevada's current SIP in:

- *NRS 445B.560 Plan or procedure for emergency.*
- *NAC 445B.229 Hazardous emissions: Order for reduction or discontinuance.*
- *NAC 445B.230 Plan for reduction of emissions.*

The SIP provisions cited above are adequate to constrain any sources of ozone precursor 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.

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 and these classifications are still in effect. Priority I and II areas are required to develop a plan designed to prevent ambient 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 episode plan.

Nevada is divided into three AQCRs: the Northwest Nevada Intrastate AQCR and Nevada Intrastate AQCR are classified as priority III areas for ozone, and the Las Vegas Intrastate AQCR is classified as a priority I area for ozone. The NDEP has jurisdiction over four of the five counties in the Northwest Nevada Intrastate region (Washoe County Air Quality Management Division has jurisdiction over Washoe County) and NDEP also has jurisdiction over the entire Nevada Intrastate region, which

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
comprises 11 rural counties. Clark County Department of Air Quality has jurisdiction over the Las Vegas Intrastate AQCR. Please see the Clark County Portion of the State Implementation Plan to Meet the Ozone SIP Requirements of the Clean Air Act Section 110(a)(2), prepared by the Clark County Department of Air Quality, for emergency episode provisions that satisfy the requirements of this element for the Las Vegas Intrastate AQCR. *The provisions cited above are adequate to constrain any sources of ozone precursor emissions, as necessary, in an emergency situation. Since NDEP's jurisdiction is classified as a Priority III area for ozone, no emergency episode plan is required.*	
(H)	SIP revisions: 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 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).
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. *Other NRS that may provide support for this element include:* • 445B.135 *"Federal Act" defined.* • 445B.210 *Powers of Commission.* • 445B.220 *Additional powers of Commission.* • 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;*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited.	
(I)	Plan Revisions for Nonattainment Areas : 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).
The 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, the 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 page 52. Stephen D. Page).	
(J)	Consultation with Government Officials, Public Notification, and PSD and Visibility Protection: 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).
CAA Section 121 *Section 11 of the Nevada applicable SIP, Appendix H, "Intergovernmental Consultation," 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 Nevada applicable SIP.* *Together with Section 11, the following SIP provisions fulfill the requirements of CAA section 121.* *NRS:* • *445B.220 Additional powers of Commission.* • *445B.235 Additional powers of Department.* • *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;*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
	delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited. • *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.* • *445B.510 Commission may require program for designated area.* *NAC:* • *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.3447 Class I general permit.* • *445B.3457 Action by Director on application; notice; public comment and hearing; expiration of 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 C).* *NRS Chapter 445B, Air Pollution:* • *445B.100 Declaration of public policy.* *NRS Chapter 233B, Nevada Administrative Procedure Act, requires notification and provision of comment opportunities to all parties affected by proposed regulations:* • *233B.060 Agency to provide notice of intent to adopt, amend or repeal permanent or temporary regulation; procedure for adoption of permanent regulation after adoption of temporary regulation.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
	• *233B.0601 Notice of meeting or workshop regarding adoption of permanent or temporary regulation: Agency to provide electronic copy to Legislative Counsel Bureau for posting on website.* • *233B.0603 Contents and form of notice of intent to adopt, amend or repeal permanent or temporary regulation; distribution of notice of intent to mailing list and Legislative Counsel; solicitation of comments from public or affected businesses.* • *233B.061 Proposed permanent or temporary regulation: Public comment; workshop; public hearing; applicability of Open Meeting Law.* *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.* *Section 127* *Effective April 30, 2018 that portion of Clark County that lies in hydrographic area 212 is designated Nonattainment, Marginal for the 2015 8-hour ozone NAAQS. The rest of the state of Nevada is designated Attainment/Unclassifiable. The NDEP maintains a web site, https://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. 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, which assists the public in understanding the relationship between local air quality and the health hazards associated with elevated levels of the national primary ambient air quality standards (http://nvair.ndep.nv.gov/).The Nevada Air Quality Trend Report (https://ndep.nv.gov/air/air-quality-monitoring/baqp-trend-report is published periodically and includes a discussion of air quality trends with respect to the NAAQS.* *Part C* *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 of significant deterioration (PSD) program to the NDEP. 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 page 55. Stephen D. Page). For informational purposes, the NDEP submitted a regional haze SIP to the USEPA on November 18, 2009.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
The 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, the USEPA approved in part and disapproved in part the remaining portion of the regional haze SIP (77 FR 50936). In the same action, the USEPA promulgated a FIP replacing the disapproved provisions of the State plan. RGGS ceased operation in 2017 and is in the process of being permanently decommissioned and dismantled. The USEPA has proposed a rescission of the FIP in a Federal Register notice dated May 31, 2018 (83 FR 24952). On November 18, 2014, the NDEP submitted the Nevada Regional Haze 5-Year Progress Report, which concluded that Nevada's current regional haze plan strategies are adequate for Nevada to meet its 2018 visibility improvement goals. The report and its determination was approved as a revision to the Nevada Regional Haze SIP on August 8, 2017 (82 FR 37020).	
(K)	Air Quality Modeling and Submission of Modeling Data: 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.
Nevada's applicable SIP includes provisions for the environmental evaluation of stationary sources in: • *NAC 445B.308 Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.* • *NAC 445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.* • *NAC 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.* • *Article 13 General Provisions for the Review of New Sources.* *Together with the NDEP's full delegation of the federal PSD program, these regulations satisfy the requirements of this element.*	
(L)	Permitting Fees: 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

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
	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.
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. The 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. *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, including the costs of implementing and enforcing the terms and conditions of such permits. 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).*		
(M)	<u>Consultation and Participation by Affected Local Entities:</u> Each such plan shall [. . .] provide for consultation and participation by local political subdivisions affected by the plan.
The following applicable SIP provisions provide a framework for consultation in the development of SIPs or SIP revisions. *NRS:* • *445B.210 Powers of Commission.* • *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.*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE NEVADA APPLICABLE SIP[1]
Section 11 of the Nevada applicable SIP, Appendix H, "Intergovernmental Consultation," 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, SIP 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. *The Nevada applicable 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:* • *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.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.* • *445B.510 Commission may require program for designated area.* • *445B.520 Commission may establish or supersede county program.*	

APPENDIX A

State of Nevada Applicable State Implementation Plan STATUTORY ELEMENTS

State of Nevada Applicable State Implementation Plan[1]
NEVADA REVISED STATUTES

Through and including 10/23/2012 final FR actions
January 28, 1972 - October 23, 2012
Last revised 11/28/2012

TITLE 0 - PRELIMINARY CHAPTER – GENERAL PROVISIONS

0.039 **Person defined.**

TITLE 18 - CHAPTER 232A – BOARDS, COMMISSIONS AND SIMILAR BODIES

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.**

TITLE 23 - CHAPTER 281A – ETHICS IN GOVERNMENT

GENERAL PROVISIONS

281A.150 **Public employee defined.**
281A.160 **Public officer defined.**

CODE OF ETHICAL STANDARDS

281A.400 **General requirements; exceptions.**
281A.410 **Limitations on representing or counseling private persons before public agencies; disclosure required by certain public officers.**
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.**

TITLE 40 - CHAPTER 439 – ADMINISTRATION OF PUBLIC HEALTH

District Board of Health and District Health Officer in Counties Whose Population is Less Than 700,000

439.390 **District board of health: Composition; qualifications of members.**

TITLE 40 - CHAPTER 445B - AIR POLLUTION

GENERAL PROVISIONS

445B.105 **Definitions.**
445B.110 **Air contaminant defined.**
445B.115 **Air pollution defined.**

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[1] *This includes the statutory elements of the Nevada ASIP to the best of the 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, May 21, 2012, and August 30,2012. This "Current" ASIP incorporates all of EPA's final actions on NDEP's submittals through October 23, 2012: the 4/13/82, 3/27/06, 12/11/06, 4/20/07, 5/8/07, 4/9/08, 4/16/08, 9/27/12, and 10/23/12 FR actions and the 1/3, 5/8, 6/13, 11/2/07and 4/16/08 rescissions.*

445B.120 **Commission defined.**
445B.125 **Department defined.**
445B.130 **Director defined.**
445B.135 **Federal Act defined.**
445B.140 **Hazardous air pollutant defined.**
445B.145 **Operating permit defined.**
445B.150 **Person defined.**
445B.155 **Source and indirect source defined.**

STATE ENVIRONMENTAL COMMISSION

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

LOCAL HEARING BOARD

445B.275 **Creation; members; terms.**
445B.280 **Attendance of witnesses at hearing; contempt; compensation.**

PROVISIONS FOR ENFORCEMENT

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

VIOLATIONS

445B.450 **Notice and order by Director; hearing; alternative procedures.**
445B.460 **Injunctive relief.**

PROGRAM FOR CONTROL OF AIR POLLUTION

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.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.**

445B.510 **Commission may require program for designated area.**
445B.520 **Commission may establish or supersede county program.**
445B.530 **Commission may assume jurisdiction over specific classes of air contaminants.**
445B.540 **Restoration of superseded local program; continuation of existing local program.**

MISCELLANEOUS PROVISIONS

445B.560 **Plan or procedure for emergency.**
445B.570 **Confidentiality and use of information obtained by Department; penalty.**
445B.580 **Officer of Department may inspect or search premises; search warrant.**
445B.595 **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.**
445B.600 **Private rights and remedies not affected.**
445B.610 **Provisions for transition in administration.**

PENALTIES

445B.640 **Levy and disposition of administrative fines; additional remedies available**; penalty.

TITLE 43 - CHAPTER 485 - MOTOR VEHICLES: INSURANCE AND FINANCIAL RESPONSIBILITY

GENERAL PROVISIONS

485.050 **Motor vehicle defined.**

TITLE 58 - CHAPTER 704 - REGULATION OF PUBLIC UTILITIES GENERALLY

CONSTRUCTION OF UTILITY FACILITIES: UTILITY ENVIRONMENTAL PROTECTION ACT

704.820 **Short title.**
704.825 **Declaration of legislative findings and purpose.**
704.830 **Definitions.**
704.840 **Commence to construct.**
704.845 **Local government.**
704.850 **Person.**
704.855 **Public Utility.**
704.860 **Utility facility.**
704.865 **Construction permit: Requirement; transfer; exceptions to requirement.**
704.870 **Construction permit application: Form, contents; filing; service; public notice.**
704.875 **Review of application by state environmental commission.**
704.880 **Hearing on application for permit.**
704.885 **Parties to permit proceeding; appearances; intervention.**
704.890 **Grant or denial of application; required findings; service of copies of order.**
704.892 **Grant, denial, conditioning of permit for plant for generation of electrical energy for export.**
704.895 **Rearing; judicial review.**
704.900 **Cooperation with United States, other states.**

GENERAL ORDER NO. 3- RULES OF PRACTICE AND PROCEDURE BEFORE THE PUBLIC SERVICE COMMISSION

Rule 25 **Construction Permits- Utility Environmental Protection Act.**

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	TITLE 0 - PRELIMINARY CHAPTER - GENERAL PROVISIONS	
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)	71FR51766 8/31/2006
	TITLE 18, CHAPTER 232A – BOARDS, COMMISSIONS AND SIMILAR BODIES	
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.** 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment: (a) In this State; and (b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit. 2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified. 3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months. 4. Any vacancy must be filled by the Governor for the remainder of the unexpired term. 5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who: (a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and (b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body. 6. The Governor shall not appoint a person to a board, commission or similar body if the person is a member of any other board, commission or similar body. 7. The provisions of subsection 1 do not apply if:	77FR64737 10/23/2012

[2] Effective March 13, 2012 (77 FR 14862), EPA redesignated 40 CFR § 52.1470 as § 52.1490. Before this date, all of the CFR citations in this document pointed to § 52.1470. The March 13, 2012 action reformatted the Nevada SIP recordation into table format. State regulations approved into the Nevada SIP after this date appear in a table maintained by EPA at 40 CFR § 52.1470(c). In this document, for further information on SIP revisions we provide the Federal Register notice citation for 9-27-12, 10-23-12 revisions.

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or (b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body. (Added to NRS by 1977, 1176; A 2005, 1581; 2011, 2992)	
	TITLE 23, CHAPTER 281A – ETHICS IN GOVERNMENT **GENERAL PROVISIONS**	
281A.150	**"Public employee" defined.** "Public employee" means any person who performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision. (Added to NRS by 1985, 2121; A 2009, 1047)—(Substituted in revision for NRS 281.436)	77FR64737 10/23/2012
281A.160	**"Public officer" defined.** 1. "Public officer" means a person elected or appointed to a position which: (a) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and (b) Involves the exercise of a public power, trust or duty. As used in this section, "the exercise of a public power, trust or duty" means: (1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy; (2) The expenditure of public money; and (3) The administration of laws and rules of the State or any county, city or other political subdivision. 2. "Public officer" does not include: (a) Any justice, judge or other officer of the court system; (b) Any member of a board, commission or other body whose function is advisory; (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or (d) A county health officer appointed pursuant to NRS 439.290. 3. "Public office" does not include an office held by: (a) Any justice, judge or other officer of the court system; (b) Any member of a board, commission or other body whose function is advisory; (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or (d) A county health officer appointed pursuant to NRS 439.290. (Added to NRS by 1985, 2121; A 1987, 2093; 1999, 883; 2001, 658, 1955, 2288; 2003, 116; 2005, 2302; 2009, 1047)—(Substituted in revision for NRS 281.4365)	77FR64737 10/23/2012

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	CODE OF ETHICAL STANDARDS	
281A.400	**General requirements; exceptions.** A code of ethical standards is hereby established to govern the conduct of public officers and employees: 1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties. 2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. As used in this subsection: (a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420. (b) "Unwarranted" means without justification or adequate reason. 3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any business entity in which the public officer or employee has a significant pecuniary interest. 4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's duties as a public officer or employee. 5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further the pecuniary interests of the public officer or employee or any other person or business entity. 6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably the public officer's or employee's pecuniary interests. 7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit the public officer's or employee's personal or financial interest. This subsection does not prohibit: (a) A limited use of governmental property, equipment or other facility for personal purposes if: (1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances; (2) The use does not interfere with the performance of the public officer's or employee's public duties; (3) The cost or value related to the use is nominal; and (4) The use does not create the appearance of impropriety; (b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or (c) The use of telephones or other means of communication if there is not a special charge for that use.	77FR64737 10/23/2012

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency. 8. A State Legislator shall not: (a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit: (1) A limited use of state property and resources for personal purposes if: (I) The use does not interfere with the performance of the State Legislator's public duties; (II) The cost or value related to the use is nominal; and (III) The use does not create the appearance of impropriety; (2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or (3) The use of telephones or other means of communication if there is not a special charge for that use. (b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except: (1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or (2) Where such service has otherwise been established as legislative policy. 9. A public officer or employee shall not attempt to benefit the public officer's or employee's personal or financial interest through the influence of a subordinate. 10. A public officer or employee shall not seek other employment or contracts through the use of the public officer's or employee's official position. (Added to NRS by 1977, 1105; A 1987, 2094; 1991, 1595; 1993, 2243; 1997, 3324; 1999, 2736; 2003, 3388; 2009, 1053)—(Substituted in revision for NRS 281.481)	
281A.410	**Limitations on representing or counseling private persons before public agencies; disclosure required by certain public officers.** In addition to the requirements of the code of ethical standards: 1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee: (a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and (b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.	77FR64737 10/23/2012

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	2. A State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve. Any other public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department. 3. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department shall disclose for each such representation or counseling during the previous calendar year: (a) The name of the client; (b) The nature of the representation; and (c) The name of the state agency. 4. The disclosure required by subsection 3 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways: (a) Delivered in person to the principal office of the Commission in Carson City. (b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service. (c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier. 5. The Commission shall retain a disclosure filed pursuant to subsections 3 and 4 for 6 years after the date on which the disclosure was filed. (Added to NRS by 1977, 1106; A 1991, 1597; 2001, 2289; 2007, 638; 2009, 1054)—(Substituted in revision for NRS 281.491)	
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.** 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter: (a) Regarding which the public officer or employee has accepted a gift or loan; (b) In which the public officer or employee has a pecuniary interest; or (c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interest of others, ➥ without disclosing sufficient information concerning the gift, loan, interest or commitment to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's pecuniary interest, or upon the persons to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a	77FR64737 10/23/2012

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected. 2. The provisions of subsection 1 do not require a public officer to disclose: (a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or (b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286. 3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by: (a) The public officer's acceptance of a gift or loan; (b) The public officer's pecuniary interest; or (c) The public officer's commitment in a private capacity to the interests of others. 4. In interpreting and applying the provisions of subsection 3: (a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's pecuniary interest or the public officer's commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of others, accruing to the other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others. (b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer has properly disclosed the public officer's acceptance of a gift or loan, the public officer's pecuniary interest or the public officer's commitment in a private capacity to the interests of others in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, the public officer's pecuniary interest or the public officer's commitment in a private capacity to the interests of others. 5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee. 6. The provisions of this section do not, under any circumstances:	

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or (b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure. 7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution. 8. As used in this section: (a) "Commitment in a private capacity to the interests of others" means a commitment to a person: (1) Who is a member of the public officer's or employee's household; (2) Who is related to the public officer or employee by blood, adoption or marriage within the third degree of consanguinity or affinity; (3) Who employs the public officer or employee or a member of the public officer's or employee's household; (4) With whom the public officer or employee has a substantial and continuing business relationship; or (5) Any other commitment or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (4), inclusive, of this paragraph. (b) "Public officer" and "public employee" do not include a State Legislator. (Added to NRS by 1977, 1106; A 1987, 2095; 1991, 1597; 1995, 1083; 1997, 3326; 1999, 2738; 2003, 818, 1735, 3389; 2007, 3372; 2009, 1055, 1057)—(Substituted in revision for NRS 281.501)	
TITLE 40, CHAPTER 439 – ADMINISTRATION OF PUBLIC HEALTH **District Board of Health And District Health Officer in Counties Whose Population Is Less Than 700,000**		
439.390	**District board of health: Composition; qualifications of members.** 1. A district board of health must consist of two members from each county, city or town which participated in establishing the district, to be appointed by the governing body of the county, city or town in which they reside, together with one additional member to be chosen by the members so appointed. 2. The additional member must be a physician licensed to practice medicine in this State. 3. If the appointive members of the district board of health fail to choose the additional member within 30 days after the organization of the district health department, the additional member may be appointed by the State Health Officer. [Part 35:199:1911; added 1939, 297; 1931 NCL § 5268.01]—(NRS A 1959, 104; 1963, 941; 1991, 1379)	

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	TITLE 40, CHAPTER 445B - AIR POLLUTION **GENERAL PROVISIONS**	
445B.105 (Supersedes 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)	71FR51766 8/31/2006
445B.110 (Supersedes 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)	71FR51766 8/31/2006
445B.115 (Supersedes 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)	71FR51766 8/31/2006
445B.120 (Supersedes 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)	71FR51766 8/31/2006
445B.125 (Supersedes 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)	71FR51766 8/31/2006
445B.130 (Supersedes 445B.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)	71FR51766 8/31/2006
445B.135 (Supersedes 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)	71FR51766 8/31/2006
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)	71FR51766 8/31/2006
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.	71FR51766 8/31/2006

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	(Added to NRS by 1993, 2849)—(Substituted in revision for NRS 445.438)	
445B.150 (Supersedes 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)	71FR51766 8/31/2006
445B.155 (Supersedes 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)	71FR51766 8/31/2006
	STATE ENVIRONMENTAL COMMISSION	
445B.200 (Supersedes 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.	72FR11 01/03/2007

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
	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)	
445B.205 (Supersedes 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)	72FR11 01/03/2007
445B.210 (Supersedes 455.461)	**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	73FR38124 07/03/2008

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
	(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)	
445B.220 (Supersedes 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)	71FR51766 8/31/2006
445B.225 (Supersedes 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)	71FR51766 8/31/2006
445B.230 (Supersedes 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.	72FR11 01/03/2007

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	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)	
445B.235 (Supersedes 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)	71FR51766 8/31/2006
445B.240 (Supersedes 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)	72FR11 01/03/2007

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
445B.245 (Supersedes 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)	71FR51766 8/31/2006
	LOCAL HEARING BOARD	
445B.275 (Supersedes 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)	71FR51766 8/31/2006
445B.280 (Supersedes 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)	71FR51766 8/31/2006

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	PROVISIONS FOR ENFORCEMENT	
445B.300 (Supersedes 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)	71FR51766 8/31/2006
445B.310 (Supersedes 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.	74FR15219 04/03/2009

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	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)	
445B.320 (Supersedes 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)	71FR51766 8/31/2006
445B.340 (Supersedes 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)	72FR11 01/03/2007
445B.350 (Supersedes 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)	72FR11 01/03/2007
445B.360 (Supersedes 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,	72FR11 01/03/2007

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
	➥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	
445B.450 (Supersedes 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)	72FR11 01/03/2007
445B.460 (Supersedes 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)	72FR11 01/03/2007

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	PROGRAM FOR CONTROL OF AIR POLLUTION	
445B.500 (Supersedes 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 700,000 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 700,000 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 and must be accounted for separately in the fund. A school district may spend the money received pursuant to this section only in accordance with an annual spending plan that is approved by the local air pollution control board and shall submit an annual report to	77FR64737 10/23/2012

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	that board detailing the expenditures of the school district under the plan. A local air pollution control board shall approve an annual spending plan if the proposed expenditures set forth in the plan are reasonable and limited to: (a) Programs of education on topics relating to air quality; and (b) Projects to improve air quality, including, without limitation, the purchase and installation of equipment to retrofit school buses of the school district to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced by the use of traditional fuels such as gasoline and diesel fuel, ➥ which are consistent with the state implementation plan adopted by this State pursuant to 42 U.S.C. §§ 7410 and 7502. 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. As used in 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; 2007, 319; 2011, 1262)	
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.** 1. In addition to the duties set forth in NRS 445B.500, the local air pollution control board in a county whose population is 700,000 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:	77FR64737 10/23/2012

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
	(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 277A of NRS. (Added to NRS by 1999, 1975; A 2011, 1264)	
445B.510 (Supersedes 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)	71FR51766 8/31/2006
445B.520 (Supersedes 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)	71FR51766 8/31/2006
445B.530 (Supersedes 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)	71FR51766 8/31/2006
445B.540	**Restoration of superseded local program; continuation of existing local program.**	71FR51766

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
(Supersedes 445.566)	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)	8/31/2006
	MISCELLANEOUS PROVISIONS	
445B.560 (Supersedes 445.571)	**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)	71FR51766 8/31/2006
445B.570	**Confidentiality and use of information obtained by Department; penalty.**	72FR11

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
(Supersedes 445.576)	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)	01/03/2007
445B.580 (Supersedes 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)	72FR11 01/03/2007
445B.595 (Supersedes	**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.**	71FR51766 8/31/2006

Approved Reference: **NRS #**	**State Implementation Plan Text of Statutes**	**FR[2]**
445.586)	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)	
445B.600 (Supersedes 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)	72FR11 01/03/2007
445B.610 (Supersedes 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.	72FR11 01/03/2007

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
	(Added to NRS by 1973, 1810)—(Substituted in revision for NRS 445.598)	
	PENALTIES	
445B.640 (Supersedes 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)	72FR11 01/03/2007
	TITLE 43, CHAPTER 485 - MOTOR VEHICLES: INSURANCE AND FINANCIAL RESPONSIBILITY **GENERAL PROVISIONS**	
485.050	**"Motor vehicle" defined.** "Motor vehicle" means every self-propelled vehicle which is designed for use upon a highway, including: 1. Trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, tractor cranes, power shovels and well drillers; and 2. Every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails. ➥ The term does not include electric personal assistive mobility devices as defined in NRS 482.029. [1.3:127:1949; 1943 NCL § 4439.01c]—(NRS A 2003, 1206)	77FR59321 9/27/2012
	TITLE 58, CHAPTER 704 - REGULATION OF PUBLIC UTILITIES GENERALLY **CONSTRUCTION OF UTILITY FACILITIES: UTILITY ENVIRONMENTAL PROTECTION ACT[3]**	
704.820	**Short title.** (Added to NRS by 1971, 554)	47FR15790 4/13/1982

[3] Text of statute not included for the Utility Environmental Protection Act or General Order No. 3.

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
704.825	**Declaration of legislative findings and purpose.** (Added to NRS by 1971, 554)	47FR15790 4/13/1982
704.830	**Definitions.** (Added to NRS by 1971, 554; A 1973, 1263)	47FR15790 4/13/1982
704.840	**"Commence to construct" defined.** (Added to NRS by 1971, 555)	47FR15790 4/13/1982
704.845	**"Local government" defined.** (Added to NRS by 1971, 555)	47FR15790 4/13/1982
704.850	**"Person" defined.** (Added to NRS by 1971, 555)	47FR15790 4/13/1982
704.855	**"Public Utility," "utility" defined.** (Added to NRS by 1971, 555; A 1973, 1035)	47FR15790 4/13/1982
704.860	**"Utility facility" defined.** (Added to NRS by 1971, 555; A 1979,671)	47FR15790 4/13/1982
704.865	**Construction permit: Requirement; transfer; exceptions to requirement.** (Added to NRS by 1971, 555)	47FR15790 4/13/1982
704.870	**Construction permit application: Form, contents; filing; service; public notice.** (Added to NRS by 1971, 556; A 1973, 1263)	47FR15790 4/13/1982
704.875	**Review of application by state environmental commission.** (Added to NRS by 1971, 556; A 1973, 1264)	47FR15790 4/13/1982
704.880	**Hearing on application for permit.** (Added to NRS by 1971, 556)	47FR15790 4/13/1982
704.885	**Parties to permit proceeding; appearances; intervention.** (Added to NRS by 1971, 556; A 1973, 910, 1265, 1837; 1977, 215)	47FR15790 4/13/1982
704.890	**Grant or denial of application; required findings; service of copies of order.** (Added to NRS by 1971, 557)	47FR15790 4/13/1982
704.892	**Grant, denial, conditioning of permit for plant for generation of electrical energy for export.** (Added to NRS by 1973, 1035; A 1979, 693)	47FR15790 4/13/1982
704.895	**Rearing; judicial review.** (Added to NRS by 1971, 558)	47FR15790 4/13/1982
704.900	**Cooperation with United States, other states.** (Added to NRS by 1971, 558)	47FR15790 4/13/1982

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR[2]
GENERAL ORDER NO. 3- RULES OF PRACTICE AND PROCEDURE BEFORE THE PUBLIC SERVICE COMMISSION		
Rule 25	**Construction Permits- Utility Environmental Protection Act.**	47FR15790 4/13/1982

APPENDIX B

Applicable Nevada State Implementation Plan REGULATORY ELEMENTS: Air Pollution

[Does not include "Mobile Source" (Emissions from Engines) Regulations]

Applicable Nevada State Implementation Plan[1]
REGULATORY ELEMENTS: Air Pollution

Through and including 10/21/2014 final FR actions
January 28, 1972 – October 21, 2014
Last revised 11/21/2014

Definitions

445B.001	**Definitions.**
445.431	**Acid mist defined.**
445B.002	**Act defined.**
445B.003	**Adjacent properties defined**
445B.0035	**Administrative revision to a Class I operating permit defined.**
445B.004	**Administrator defined.**
445B.005	**Affected facility defined.**
445B.006	**Affected source defined.**
445B.007	**Affected state defined.**
445B.009	**Air-conditioning equipment defined.**
445.436	**Air contaminant defined.**
445B.011	**Air pollution defined.**
445B.013	**Allowable emissions defined.**
445B.014	**Alteration defined.**
445B.015	**Alternative method defined.**
445B.016	**Alternative operating scenarios defined.**
445B.018	**Ambient air defined.**
445B.019	**Applicable requirements defined.**
445B.022	**Atmosphere defined.**
445.445	**Barite defined.**
445.447	**Barite grinding mill defined.**
445B.029	**Best available retrofit technology.**
445B.030	**British thermal units defined.**
445.458	**Calcine defined.**
445B.035	**Class I-B application defined.**
445B.036	**Class I source defined.**
445B.037	**Class II source defined.**
445B.038	**Class III source defined.**
445.464	**Coal defined.**
445.470	**Colemanite defined.**
445.471	**Colemanite processing plant defined.**
445B.042	**Combustible refuse defined**
445B.0423	**Commence defined.**
445B.0425	**Commission defined.**
445B.044	**Construction defined.**
445B.046	**Contiguous property defined**
445B.047	**Continuous monitoring system defined.**
445.482	**Converter 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, January 24, 2011, November 9, 2011 and May 21, 2012. This "Current" ASIP incorporates all of EPA's final actions on NDEP's submittals through October 21, 2014: the 3/27/06, 12/11/06, 4/20/07, 5/8/07, 4/9/08, 4/16/08, 3/26/12, 9/27/2012 and October 21, 2014 FR actions and the 1/3, 5/8, 6/13, 11/2/07and 4/16/08 rescissions.*

445B.051	**Day defined.**
445B.053	**Director defined.**
445B.054	**Dispersion technique 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.**
445B.062	**Equivalent method defined.**
445B.063	**Excess emissions defined.**
445B.064	**Excessive concentration defined.**
Art. 1.73	**Existing source.**
445B.066	**Existing stationary source defined.**
445B.068	**Facility defined.**
445B.069	**Federally enforceable defined.**
445B.070	**Federally enforceable emissions cap defined.**
445.512	**Floating roof defined.**
445.513	**Fossil fuel defined.**
445B.072	**Fuel defined.**
445B.073	**Fuel-burning equipment defined.**
445B.075	**Fugitive dust defined.**
445B.077	**Fugitive emissions defined.**
445B.080	**Garbage defined.**
445B.082	**General permit defined.**
445B.083	**Good engineering practice stack height defined.**
445B.084	**Hazardous air pollutant defined.**
445B.086	**Incinerator defined.**
445B.087	**Increment defined**
445.536	**Lead defined.**
445B.091	**Local air pollution control agency defined.**
Art. 1	**Definitions: No. 2-LAER Lowest achievable emission rate.**
445B.093	**Major modification defined.**
445B.094	**Major source defined.**
445B.0945	**Major stationary source defined.**
445B.095	**Malfunction defined.**
445B.097	**Maximum allowable throughput defined.**
445B.099	**Modification defined.**
445B.103	**Monitoring device defined.**
445B.104	**Motor vehicle defined.**
445B.106	**Multiple-chamber incinerator defined.**
445B.107	**Nearby defined.**
Art. 1.114	**New source.**
445B.108	**New stationary source defined.**
445B.109	**Nitrogen oxides defined.**
445B.112	**Nonattainment area defined.**
445B.113	**Nonroad engine defined.**
445B.1135	**Nonroad vehicle defined.**
445B.116	**Odor defined.**
445B.117	**Offset defined.**
445B.119	**One-hour period defined.**
445B.121	**Opacity defined.**
445B.122	**Open burning defined.**
445B.123	**Operating permit defined.**

445B.124	**Operating permit to construct defined.**
445B.125	**Ore defined.**
445B.127	**Owner or operator defined.**
445B.129	**Particulate matter defined.**
445B.130	**Pathological wastes defined.**
445B.134	**Person defined.**
445.565	**Petroleum defined.**
445B.1345	**Plantwide applicability limitation defined.**
445B.135	**PM_{10} defined.**
Art. 1.131	**Point source.**
445.570	**Portland cement plant defined.**
445B.138	**Potential to emit defined.**
445.574	**Precious metal defined.**
445.575	**Precious metal processing plant defined.**
445B.142	**Prevention of significant deterioration of air quality defined.**
445B.144	**Process equipment defined.**
445B.145	**Process weight defined.**
445.585	**Process weight rate defined.**
445B.147	**Program defined.**
445B.151	**Reference conditions defined.**
445B.152	**Reference method defined.**
445.592	**Registration certificate defined.**
445B.153	**Regulated air pollutant defined.**
445B.154	**Renewal of an operating permit defined.**
445B.156	**Responsible official defined.**
445B.157	**Revision of an operating permit defined.**
445.597	**Roaster defined.**
445B.161	**Run defined.**
445B.163	**Salvage operation defined.**
445B.167	**Shutdown defined.**
445B.168	**Single-chamber incinerator defined.**
Art. 1.171	**Single source.**
445B.172	**Six-minute period defined.**
445.618	**Slag defined.**
445B.174	**Smoke defined.**
445B.176	**Solid waste defined.**
445B.177	**Source defined.**
445B.180	**Stack and chimney defined.**
445B.182	**Standard defined.**
445B.185	**Start-up defined.**
445B.187	**Stationary source defined.**
445B.190	**Stop order defined.**
445.633	**Submerged fill pipe defined.**
445B.194	**Temporary source defined.**
445B.198	**Uncombined water defined.**
445B.200	**Violation defined.**
445B.202	**Volatile organic compound defined.**
445B.205	**Waste defined.**
445B.207	**Wet garbage defined.**
445B.209	**Year defined.**
445B.211	**Abbreviations.**

General Provisions

445B.220	**Severability.**
445B.22017	**Visible emissions: Maximum opacity; determination.**

445B.2202	**Visible emissions: Exceptions for stationary sources.**
Art. 16.3.3	**Standard for opacity**
Art. 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**
Art. 16.3.3.3	**On or after the date on which the performance test required by Article 2.6 is completed . . .**
445.729	**Process weight rate for calculating emission rates.**
445.730	**Colemanite flotation processing plants.**
445B.22027	**Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates.**
445B.2203	**Emissions of particulate matter: Fuel-burning equipment.**
445B.22033	**Emissions of particulate matter: Sources not otherwise limited.**
445B.22037	**Emissions of particulate matter: Fugitive dust.**
Art. 7.2.5.1	**The maximum allowable weight of particulates which may be discharged per hour from the first barite grinding mill**
445.808	**1. This section applies to those systems of the facilities described in subsection 2 . . .**
445.816	**1. This section applies to those systems of the facilities described in subsection 2 . . .**
Art. 8.2.1	**No person shall cause, suffer, allow or permit the emission of sulfur compounds . . .**
Art. 8.2.2	**For purposes of Article 8, "sulfur emission" means . . .**
445B.2204	**Sulfur emission defined.**
445B.22043	**Sulfur emissions: Calculation of total feed sulfur.**
445B.22047	**Sulfur emissions: Fuel-burning equipment.**
445B.2205	**Sulfur emissions: Other processes which emit sulfur.**
445B.22067	**Open burning.**
445B.2207	**Incinerator burning.**
445B.22083	**Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.**
445B.2209	**Reduction of animal matter.**
445B.22093	**Organic solvents and other volatile compounds.**
445B.22095	**Emission limitation for BART.**
445B.22096	**Control measures constituting BART; limitations on emissions.**
445B.22097	**Standards of quality for ambient air.**
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 or discontinuance.**
445B.230	**Plan for reduction of emissions.**
445.667	**Excess emissions: Scheduled maintenance; testing; malfunctions.**
Art. 2.5	**Scheduled maintenance, testing, and breakdown or upset**
Art. 2.5.4	**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.**
445B.250	**Notification of planned construction or reconstruction.**
445B.252	**Testing and sampling.**
445B.256	**Monitoring systems: Calibration, operation and maintenance of equipment.**
445B.257	**Monitoring systems: Location.**
445B.258	**Monitoring systems: Verification of operational status.**
445B.259	**Monitoring systems: Performance evaluations.**
445B.260	**Monitoring systems: Components contracted for before September 11, 1974.**
445B.261	**Monitoring systems: Adjustments.**
445B.262	**Monitoring systems: Measurement of opacity.**
445B.263	**Monitoring systems: Frequency of operation.**
445B.264	**Monitoring systems: Recordation of data.**
445B.265	**Monitoring systems: Records; reports.**
445B.267	**Alternative monitoring procedures or requirements.**
445B.275	**Violations: Acts constituting; notice.**
445B.277	**Stop orders.**
445.694	**Emission discharge information.**

445.699	**Violations: Administrative fines.**
445.764	**Reduction of employees' pay because of use of system prohibited.**

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.**
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 . . .**
Art. 13.1.3	**The Director shall not issue a registration certificate for any point source if: . . .**
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 . . .**
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 maximum 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.**
445B.3447 **Class I general 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.**

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		Definitions	
	445B.001 (Supersedes 445.430)	**Definitions.** As used in NAC 445B.001 to 445B.3791, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.002 to 445B.211, 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) 49 FR 11626 3/27/1984
	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. 003	**"Adjacent properties" defined.** "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)	77FR59321 9/27/2012
	445B.0035	**"Administrative revision to a Class I operating permit" defined.** "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)	77FR59321 9/27/2012
	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

[2] Effective March 13, 2012 (77 FR 14862), EPA redesignated 40 CFR § 52.1470 as § 52.1490. Before this date, all of the CFR citations in this document pointed to § 52.1470. The March 13, 2012 action reformatted the Nevada SIP recordation into table format. State regulations approved into the Nevada SIP after this date appear in a table maintained by EPA at 40 CFR § 52.1470(c). In this document, for further information on SIP revisions made after March 13, 2012, we provide the Federal Register notice citation.

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	445B.007	**"Affected state" defined.** "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)	77FR59321 9/27/2012
	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.013	**"Allowable emissions" defined.** "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)	77FR59321 9/27/2012
	445B.014	**"Alteration" defined.** "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)	77FR59321 9/27/2012
	445B.015 (Supersedes 445.439)	**"Alternative method" defined.** "Alternative method" means any method of sampling and analyzing for a regulated air 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)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.016	**"Alternative operating scenarios" defined.** "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)	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	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.019	**"Applicable requirement" defined.** "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)	77FR59321 9/27/2012
	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, BaS04, 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)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	445B.029	**"Best available retrofit technology" defined.** "Best available retrofit technology" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility as defined in 40 C.F.R. § 51.301. (Added to NAC by Environmental Comm'n by R190-08, eff. 4-23-2009)	77FR17334 3/26/2012
	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)
	445B.035	**"Class I-B application" defined.** "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)	77FR59321 9/27/2012
	445B.036	**"Class I source" defined.** "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)	77FR59321 9/27/2012
	445B.037	**"Class II source" defined.** "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)	77FR59321 9/27/2012
	445B.038	**"Class III source" defined.** "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 PM_{10}, NO_x, SO_2, VOC and H_2S; 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;	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	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 $Ca_2B_6O_{ll}$, $5H_2O$, 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, calcining as required and loading. [Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 11-17-78]	(c)(25)(i)(A)
	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
	445B.0423 (Supersedes Article 1.36)	**"Commence" defined.** "Commence," as used in reference to construction or modification of a stationary source, means that the owner or operator has: 1. Obtained all necessary preconstruction approvals or permits, including those required by federal air quality control laws and regulations, NAC 445B.001 to 445B.3689, inclusive, and air quality laws and regulations which are part of the applicable state implementation plan; and 2. Taken affirmative steps toward construction or modification, in one of the following ways: (a) Has begun, or caused to begin, a continuous program of on-site construction of the source to be completed within a reasonable time, as demonstrated by the initiation of physical on-site construction activities on an emission unit which are	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		of a permanent nature, which may include, without limitation, the installation of building supports and foundations, laying of underground pipework and the construction of permanent storage structures; (b) Has entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source, to be completed within a reasonable time; or (c) For modification of a stationary source, has begun those on-site activities, other than preparatory activities, which mark the initiation of the modification. (Added to NAC by Environmental Comm'n by R142-07, eff. 4-17-2008)	
	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
	445B.044 (Supersedes Article 1.42)	**"Construction" defined.** "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)	77FR59321 9/27/2012
	445B.046 (Supersedes Article 1.43)	**"Contiguous property" defined.** "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)	77FR59321 9/27/2012
	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]—	(c)(56)(i)(A) 71FR15040 3/27/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(Substituted in revision for NAC 445.488)	
	445B.054	**"Dispersion technique" defined.** 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)	77FR59321 9/27/2012
	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 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]	(c)(25)(i)(A)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
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
	445B.063 (Supersedes 445.504)	**"Excess emissions" defined.** "Excess emissions" means any emission which exceeds any applicable emission limitation prescribed by NAC 445B.001 to 445B.3791, 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	(c)(66)(i)(A)(3) 73FR19144 04/09/2008

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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. [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)	
	445B.064	**"Excessive concentration" defined.** "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)	77FR59321 9/27/2012
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	(c)(12)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		these regulations shall be reclassified as a "new source".	
	445B.066 (Supersedes Article 1.72)	**"Existing stationary source" defined.** "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)	77FR59321 9/27/2012
	445B.068	**"Facility" defined.** "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)	77FR59321 9/27/2012
	445B.069	**"Federally enforceable" defined.** "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)	77FR59321 9/27/2012
	445B.070	**"Federally enforceable emissions cap" defined.** "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)	77FR59321 9/27/2012
	445.512	"Floating roof" defined. "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. [Environmental Comm'n, Air Quality Reg. 1.78, eff. 12-4-76]	(c)(25)(i)(A)
	445.513	"Fossil fuel" defined. "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. [Environmental Comm'n, Air Quality Reg. 1.79, eff. 12-4-76]	(c)(25)(i)(A)
	445B.072 (Supersedes 445.516)	**"Fuel" defined.** "Fuel" means any form of combustible matter, solid, liquid, vapor or gas which is used to generate energy. [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)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.073 (Supersedes 445.517)	**"Fuel-burning equipment" defined.** "Fuel-burning equipment" means: 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	(c)(56)(i)(A) 71FR15040 3/27/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		transferred from the products of combustion directly for the production of useful heat or power. [Environmental Comm'n, Air Quality Reg. §§ 1.29-1.29.2, eff. 11-7-75; renumbered as § 1.85, 12-4-76]—(NAC A 9-19-90)—(Substituted in revision for NAC 445.517)	
	445B.075 (Supersedes Article1.86)	**"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.082	**"General permit" defined.** "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)	77FR59321 9/27/2012
	445B.083	**"Good engineering practice stack height" defined.** 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.	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)	
	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
	445B.087	**NAC 445B.087 "Increment" defined.** "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)	77FR59321 9/27/2012
	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 approve 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)
	445B.093	**"Major modification" defined.** "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)	77FR59321 9/27/2012
	445B.094	**"Major source" defined.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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 (PM_{10}) "serious" nonattainment area and directly emits or has the potential to emit 70 tons per year or more of PM_{10}. ➥ 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)	
	445B.0945 (Supersedes Article 1.104)	**"Major stationary source" defined.** "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)	77FR59321 9/27/2012
	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: 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.	(c)(56)(i)(A) 71FR15040 3/27/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.5435)	
	445B.099 (Supersedes Article 1.109)	**"Modification" defined.** "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)	77FR59321 9/27/2012
	445B.103 (Supersedes 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
	445B.104 (Supersedes Article 1.111)	**"Motor vehicle" defined.** "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)	77FR59321 9/27/2012
	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
	445B.107	**"Nearby" defined.** "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.	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)	
1.114		New source. Equipment, machines, devices, articles, contrivances, or facilities built or installed on or after the effective date of these regulations.	(c)(12)
	445B.108	**"New stationary source" defined.** "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)	77FR59321 9/27/2012
	445B.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.117	**"Offset" defined.** "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)	77FR59321 9/27/2012
	445B.119 (Superseded	**"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	(c)(56)(i)(A) 71FR15040

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	445.556)	NAC 445.556)	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. Opacity (Percent) — Ringelmann Number 20..... 1 40..... 2 60..... 3 80..... 4 100..... 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)	(c)(56)(i)(A) 71FR15040 3/27/2006
	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
	445B.123 (Supersedes 445.559)	**"Operating permit" defined.** "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)	77FR59321 9/27/2012
	445B.124	**"Operating permit to construct" defined.** "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.	77FR59321 9/27/2012

Approved Reference: Article #	NAC #	State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
		(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)	
	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.1345	**"Plantwide applicability limitation" defined.** "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)	77FR59321 9/27/2012
	445B.135	**"PM_{10}" defined.** "PM_{10}" means any particulate matter in the atmosphere with an aerodynamic diameter less than or 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)	(c)(56)(i)(A) 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)
	445B.138	**"Potential to emit" defined.** "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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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. [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, 12-16-2010)	
	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.142	**"Prevention of significant deterioration of air quality" defined.** "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)	77FR59321 9/27/2012
	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. [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	(c)(25)(i)(A)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		as 1.141, 8-28-79]	
	445B.147	**"Program" defined.** "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)	77FR59321 9/27/2012
	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 NAC 445B.22097; 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
	445B.154	**"Renewal of an operating permit" defined.** "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.	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5915)	
	445B.156	**"Responsible official" defined.** "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)	77FR59321 9/27/2012
	445B.157	**"Revision of an operating permit" defined.** "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)	77FR59321 9/27/2012
	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 or more of the sulfur contained in the charge. [Environmental Comm'n, Air Quality Reg. 1.156-1.157, eff. 12-4-76]	(c)(25)(i)(A)
	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

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	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 (Supersedes 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 (Supersedes 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 (Supersedes 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
	445B.177 (Supersedes 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
	445B.180 (Supersedes 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 (Supersedes 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 (Supersedes 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

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	445B.187 (Supersedes Article 1.187)	**"Stationary source" defined.** 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, 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, 7-22-2010; R126-10, 12-16-2010)	77FR59321 9/27/2012
	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 NAC 445B.277, has determined is in violation of any provision of NAC 445B.001 to 445B.3791, 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.194	**"Temporary source" defined.** "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)	77FR59321 9/27/2012
	445B.198 (Superseded 445.647)	**"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 as § 1.200, 8-28-79]—(Substituted in revision for NAC 445.647)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.200 (Supersedes	**"Violation" defined.** "Violation" means a failure to comply with any of the provisions of NAC 445B.001 to 445B.3689, inclusive, any applicable requirement or any condition of an operating permit.	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	445.649)	[Environmental Comm'n, Air Quality Reg. § 1.203, eff. 8-28-79]—(NAC A 10-22-87; 12-13-93; R040-10, eff. 7-22-10)	
	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 (Superseded 445.655)	**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_2S..... hydrogen sulfide lb..... pound NO..... nitric oxide NOx..... 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 10-15-85; R105-97, 3-5-98; R040-01, 10-25-2001; R125-04, 9-24-2004)	(c)(56)(i)(A) 71FR15040 3/27/2006
		General Provisions	
	445B.220	**Severability.** If any of the provisions of NAC 445B.001 to 445B.3791, inclusive, or any application thereof to any person,	(c)(66)(i)(A)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	(Superseded 445.660)	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)	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
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	(c)(14)(viii)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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.	
	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: $Y = 1.02X^{-0.231}$ (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:	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		$Y = 17.0X^{-0.568}$ 2. For the purposes of paragraphs (b) and (c) of subsection 1: (a) "X" means the maximum operating rate in million Btu's per hour. (b) "Y" means the allowable rate of emission in pounds per million Btu's. [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)	
	445B.22033 (Superseded 445.732)	**Emissions of particulate matter: Sources not otherwise limited.** 1. Owners or operators of stationary sources not otherwise included in NAC 445B.22027 to 445B.22037, inclusive, shall not cause or permit PM_{10} 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. 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: $E = 4.10P^{0.67}$ 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: $E = 55P^{0.11} - 40$ 4. For the purposes of subsections 2 and 3: (a) "E" means the maximum rate of emission in pounds per hour. (b) "P" means the maximum allowable throughput in tons per hour. [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)	(c)(56)(i)(A)(3) 72FR25972 5/8/2007
	445B.22037 (Superseded 445.734)	**Emissions of particulate matter: Fugitive dust.** 1. No person may cause or permit the handling, transporting or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne. 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.	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
		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. 4. The provisions of subsections 2 and 3 do not apply to: (a) Agricultural activities occurring on agricultural land; or (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. [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)	
7.2.5.1		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: (a) Emissions of 5.6 kilograms (12.4 pounds) per hour. (b) Emissions determined by the equation $E = 0.0084\ P^{0.67}$ ($E = 1.79\ P^{0.67}$), where P = Process weight rate in kilograms (tons) per hour. E = Emission allowed in kilograms (pounds) per hour.	(c)(22)(ii)
	445.808	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. 2. No owner or operator may cause or permit the emission of particulate matter in excess of the following: (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. (b) Dresser Industries barite grinding mill south of Battle Mountain in Air Quality Control Region 147, Humboldt River Basin, Basin 55, Carico Lake Valley: (1) For primary crushing of barite ore, 0.015 pounds per short ton (0.0075 kilograms per metric ton) of barite ore processed. (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. (c) Dresser Industries' barite grinding mill in Battle Mountain in Air Quality Control Region 147, Humboldt River Basin, Basin 59, Lower Reese River Valley: (1) For grinding barite ore, 0.06 pounds per short ton (0.03 kilograms per metric ton) of crude barite processed. (2) For bulk-loading barite ore, 0.18 pounds per short ton (0.09 kilograms per metric ton) of barite dispensed. 3. No owner or operator may cause or permit a discharge with an opacity of greater than 20 percent from a barite grinding mill. 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.	(c)(26)(i)(A)

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
		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]	
.	445.816	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. 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). 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. 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. 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]	(c)(26)(i)(A)
8.2.1		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: Heat input, millions of Maximum sulfur emission,	(c)(14(vii)

Approved Reference: Article #	NAC #	State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
		British thermal units per hour ... pounds per hour 10.....7. 100.....70. 1,000.....105. 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)	**"Sulfur emission" defined.** For purposes of NAC 445B.2204 to 445B.22063, inclusive, "sulfur emission" means the sulfur portion of the sulfur compounds emitted. [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)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.22043 (Superseded 445.743)	**Sulfur emissions: Calculation of total feed sulfur.** For the purposes of NAC 445B.2204 to 445B.2205, 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. [Environmental Comm'n, Air Quality Reg. § 8.1.5, eff. 11-7-75]—(NAC A by R125-04, 9-24-2004)	(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)	**Sulfur emissions: Fuel-burning equipment.** 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. 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: $Y = 0.7X$ For the purposes of this subsection: (a) "X" means the maximum operating input of heat in millions of Btu's per hour. (b) "Y" means the allowable rate of emission of sulfur in pounds per hour. 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: Liquid fuel $Y = 0.4X$ Solid fuel $Y = 0.6X$ Combination Fuel $Y = \frac{L(0.4X) + S(0.6X)}{}$	(c)(56)(i)(A) 71FR15040 3/27/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		L + S For the purposes of this subsection: (a) "X" means the maximum input of the operation in millions of Btu's per hour. (b) "Y" means the allowable rate of emissions of sulfur in pounds per hour. (c) "L" means the percentage of total input of heat derived from liquid fuel. (d) "S" means the percentage of total input of heat derived from solid fuel. [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)	
	445B.2205 (Superseded 445.746)	**Sulfur emissions: Other processes which emit sulfur.** 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: $E = 0.292P^{0.904}$ 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. 2. For the purposes of subsection 1: (a) "E" means the allowable sulfur emission in pounds per hour. (b) "P" means the total feed sulfur, excluding hydrogen sulfide, in pounds per hour. 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 NAC 445B.22047. 4. Incinerators used solely for the control of odor by the combustion of noxious sulfur containing compounds are exempt from the provisions of NAC 445B.2204 to 445B.2205, inclusive, and are governed by the provisions of NAC 445B.22027 to 445B.22037, inclusive, and 445B.287 to 445B.3497, inclusive. [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)	(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	**Open burning.** 1. The open burning of any combustible refuse, waste, garbage or oil, or for any salvage operations, except as specifically exempted, is prohibited. 2. Open burning: (a) For the purpose of weed abatement, conservation, disease control, game or forest management, personnel training or elimination of hazards is allowed if:	(c)(56)(i)(A) 71FR15040 3/27/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	and 5.3)	(1) Approved in advance by the Director; or (2) Authorized by an officer of the State of Nevada or its political subdivisions and concurred in by the Director. (b) Of yard waste and other untreated wood waste, as described in NAC 444.640, is allowed if approved in advance by the Director. (c) Is allowed for agricultural purposes and management except where prohibited by local ordinances or regulations. (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. (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: (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. (f) Of small wood fires is allowed for recreational, educational, ceremonial, heating or cooking purposes. 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)	
	445B.2207 (Superseded 445.754)	**Incinerator burning.** 1. Except as otherwise provided in subsection 6: (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 PM_{10} 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 PM_{10} emissions from incinerators equal to or greater than 2,000 lb per hour burning capacity must be calculated using the following equation: $E = 0.6\ (40.7 \times 10^{-5} C)$	(c)(56)(i)(A) 71FR15040 3/27/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		For the purposes of this subsection, "E" means the maximum allowable rate of emission of PM_{10} in pounds per hour 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.**	(c)(66)(i)(A)(3)

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
	(Superseded 445.846 and Articles 9.2, 9.2.1, 9.2.1.1 and 9.2.1.2)	1. Solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers and manure must be 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. 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: (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. (b) Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere. 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. 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. [Environmental Comm'n, Air Quality Reg. Art. 9, eff. 11-7-75]—(NAC A 10-19-83; R096-05, 10-31-2005)	73FR 19144 4/09/2008
	445B.22095	**Emission limitation for BART.** The emission limitation for BART must be established on a case-by-case basis, taking into consideration: 1. The technology available; 2. The costs of compliance; 3. The energy and nonair quality environmental impacts of compliance; 4. Any pollution control equipment in use or in existence at the source or unit; 5. The remaining useful life of the source or unit; and 6. The degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. (Added to NAC by Environmental Comm'n by R190-08, eff. 4-23-2009)	77FR17334 3/26/2012
	445B.22096 Excluding the NO_x	**Control measures constituting BART; limitations on emissions.** 1. The sources listed below must install, operate and maintain the following control measures which constitute BART and must not emit or cause to be emitted NO_x, SO_2, or PM_{10} in excess of the following limits:	77FR17334 3/26/2012

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
	averaging time and control types for units 1, 2 and 3 and the NO_x emission limit for unit 3 in sub-paragraph (1)(c), all of which EPA has disapproved.	(a) For power-generating units numbers 1 and 2 of NV Energy's Fort Churchill Generating Station, located in hydrographic area 108:	(see 77FR 50936, 8/23/ 2012 for FIP)

UNIT (Boiler)	NO_x		SO_2		PM_{10}	
	Emission Limit (lb/10^6 Btu, 12-month rolling average)	Control Type	Emission Limit (lb/10^6 Btu, 24-hr average)	Control Type	Emission Limit (lb/10^6 Btu, 3-hr average)	Control Type
1	0.20	Low NO_x burners with flue gas recirculation	0.05	Pipeline natural gas and/or No. 2 fuel oil	0.03	Pipeline natural gas and/or No. 2 fuel oil
2	0.16		0.05		0.03	

(b) For power-generating units numbers 1, 2 and 3 of NV Energy's Tracy Generating Station, located in hydrographic area 83:

UNIT (Boiler)	NO_x		SO_2		PM_{10}	
	Emission Limit (lb/10^6 Btu, 12-month rolling average)	Control Type	Emission Limit (lb/10^6 Btu, 24-hr average)	Control Type	Emission Limit (lb/10^6 Btu, 3-hr average)	Control Type
1	0.15	Low NO_x burners with flue gas recirculation	0.05	Pipeline natural gas and/or No. 2 fuel oil	0.03	Pipeline natural gas and/or No. 2 fuel oil
2	0.12		0.05		0.03	
3	0.19	Low NO_x burners with selective noncatalytic reduction	0.05		0.03	

(c) For power-generating units numbers 1, 2 and 3 of NV Energy's Reid Gardner Generating Station, located in hydrographic area 218:

UNIT (Boiler)	NO_x	SO_2	PM_{10}

Approved Reference: Article #	NAC #	State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]

	Emission Limit (lb/10^6 Btu, ~~12-month rolling average~~)	Control Type	Emission Limit (lb/10^6 Btu, 24-hr average)	Control Type	Emission Limit (lb/10^6 Btu, 3-hr average)	Control Type
1	0.20	**See FIP 77 FR 50936**	0.15	Wet soda ash flue gas desulphurization	0.015	Fabric filter
2	0.20		0.15		0.015	
3	**See FIP 77 FR 50936**		0.15		0.015	

Footnote:

(1) Rotamix is a technology for adding selective noncatalytic reduction using ammonia or urea-based reagent.

(d) For power-generating units numbers 1 and 2 of Southern California Edison's Mohave Generating Station, located in hydrographic area 213:

UNIT (Boiler)	NO_x			SO_2		PM_{10}	
	Emission Limit (lb/10^6 Btu, 12-month rolling average)	Mass Emission Rate (lb/hr, 1-hr average)	Control Type	Emission Limit (lb/10^6 Btu, 30-day rolling average)	Control Type	Emission Limit (lb/10^6 Btu, 3-hr average)	Control Type
1	0.15	788	Low NO_x burners with over-fire air and conversion to pipeline natural gas only	0.0019	Conversion to pipeline natural gas only	0.0077	Conversion to pipeline natural gas only
2	0.15	788		0.0019		0.0077	

2. The control measures established in subsection 1 may be replaced or supplemented with alternative technologies approved in advance by the Director, provided that the emission limits in subsection 1 are met. The established or approved control measures must be installed and operating:

(a) For NV Energy's Fort Churchill, Tracy and Reid Gardner generating stations:

(1) On or before January 1, 2015; or

(2) Not later than 5 years after approval of Nevada's state implementation plan for regional haze by the United States Environmental Protection Agency Region 9,

Approved Reference: Article #	NAC #	State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
		➥ whichever occurs first. (b) For Southern California Edison's Mohave Generating Station, at the time that each unit resumes operation. 3. If the ownership of any BART regulated emission unit changes, the new owner must comply with the requirements set forth in subsection 2. 4. For purposes of this section, emissions of PM_{10} include the components of $PM_{2.5}$ as a subset. (Added to NAC by Environmental Comm'n by R190-08, eff. 4-23-2009; A by R148-09, 1-28-2010)	
	445B.22097 (Superseded 445.843)	**Standards of quality for ambient air.** 1. The table contained in this section lists the minimum standards of quality for ambient air.	(c)(56)(i)(A) 79FR62846 10/21/2014

		NEVADA STANDARDS[A]		NATIONAL STANDARDS[B]		
POLLUTANT	AVERAGING TIME	CONCENTRATION[C]	METHOD[D]	PRIMARY[C, E]	SECONDARY[C, F]	METHOD[D]
Ozone	8 hours	0.075 ppm	Chemiluminescence	0.075 ppm	Same as primary	Chemiluminescence
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	53 ppb[G]	Same as primary	Gas phase chemiluminescence
	1 hour	100 ppb	--	100 ppb	None	

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		

Sulfur dioxide	Annual arithmetic mean	0.030 ppm (80 µg/m^3)	Ultraviolet Fluores-cence	0.03 ppm[H] (1971 standard)	None	Spectrophotometry (Pararosaniline method)
	24 hours	0.14 ppm (365 µg/m^3)		0.14 ppm[H] (1971 standard)		
	3 hours	0.5 ppm (1,300 µg/m^3)		None	0.5 ppm	
	1 hour	75 ppb	--	75 ppb	None	
Particulate matter as PM_{10}	Annual arithmetic mean	50 µg/m^3	High volume PM_{10} sampling	None	None	--
	24 hours	150 µg/m^3		150 µg/m^3	Same as primary	High or low volume PM_{10} sampling
Particulate matter as $PM_{2.5}$	Annual arithmetic mean	15.0 µg/m^3	--	15.0 µg/m^3	Same as primary	Low volume $PM_{2.5}$ sampling
	24 hours	35 µg/m^3	--	35 µg/m^3	Same as primary	
Lead (Pb)	Rolling 3 mo. average	0.15 µg/m^3	High volume sampling, acid extraction and atomic absorption spectrometry	0.15 µg/m^3	Same as primary	High volume sampling, acid extraction and atomic absorption spectrometry
Hydrogen sulfide	1 hour	0.08 ppm (112 µg/m^3)[I]	Ultraviolet Fluores-cence	--	--	--

Notes:

Note A: The Director shall use the Nevada standards in considering whether to issue a permit for a stationary source and

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		shall ensure that the stationary source will not cause the Nevada standards to be exceeded in areas where the general public has access. For the 2006 particulate matter as $PM_{2.5}$ 24-hour and annual standards, the 2010 nitrogen dioxide 1-hour standard and the 2010 sulfur dioxide 1-hour standard, the Director shall use the form of the standards set forth in 40 C.F.R. §§ 50.11, 50.13 and 50.17, as those provisions existed on June 23, 2014, to ensure that the Nevada standard is no more stringent than the National standard in determining whether the stationary source will comply with the Nevada standards in areas where the general public has access. Note B: The National standards are used in determinations of attainment or nonattainment. The form of a National standard is the criteria which must be satisfied for each respective concentration level of a standard for the purposes of attainment. The form for each National standard is set forth in 40 C.F.R. Part 50 and may be viewed at http://www.epa.gov/air/criteria.html. Note C Where applicable and except as otherwise described in Note G, concentration is expressed first in units in which it was adopted. 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 degrees Centigrade and a reference pressure of 760 mm of Hg (1,013.2 millibars), except measurements of particulate matter as $PM_{2.5}$ and lead (Pb), which are calculated in micrograms per cubic meter at local conditions; "ppb" in this table refers to parts per billion by volume, or nanomoles of regulated air pollutant per mole of gas; "ppm" refers to parts per million by volume, or micromoles of regulated air pollutant per mole of gas; "$\mu g/m^3$" refers to micrograms per cubic meter. Note D: Reference method as described by the EPA. 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. Note E: National primary standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health. 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. Note G: The official National annual standard for nitrogen dioxide is 0.053 ppm. The National annual standard is identified in this table in equivalent units of parts per billion for the purpose of simplifying its comparison with the National 1-hour standard which is also identified in parts per billion. Note H: The 1971 National sulfur dioxide standards remain in effect for an area until 1 year after the area is designated for the 2010 National sulfur dioxide standard, except that in an area designated nonattainment for the 1971 National sulfur dioxide standards, the 1971 standards remain in effect until an implementation plan to attain or maintain the 2010 National sulfur dioxide standards is approved. Note I: The ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations. 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 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-	

Approved Reference: Article #	Approved Reference: NAC #	State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
		95; R103-02, 12-17-2002; R198-03, 4-26-2004; R038-12, 9-14-2012; R042-13, 12-23-2013; R145-13, 5-2-2014)	
	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 *Standard Industrial Classification Manual*, 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 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)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
	445.667	Excess emissions: Scheduled maintenance; testing; malfunctions. 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. 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. 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. 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: (a) The identity of the stack and other emission point or either of them where the excess emissions occurred. (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. (c) The time and duration of the excess emissions. (d) The identity of the equipment causing the excess emissions. (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. (f) The steps taken to limit the excess emissions. (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. [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]	(c)(25)(i)(A)
2.5		Scheduled Maintenance, Testing, and Breakdown or Upset	
(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)	**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: 1. The date that construction or reconstruction of an affected facility is commenced, postmarked no later than 30 days after such date. This requirement does not apply in the case of mass-produced facilities which are purchased in completed form. 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. 3. The actual date of initial start-up of an affected facility, postmarked within 15 days after such date.	(c)(67)(i)(A)(1) 73FR20536 4/16/2008

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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. [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)	
	445B.252 (Superseded 445.682)	**Testing and sampling.** 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. 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: (a) Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology; or (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. 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. 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. 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. 7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent 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. 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.	(c)(67)(i)(A) 73FR20536 4/16/2008

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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: (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 (b) An affected source. [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)	
	445B.256 (Superseded Art.2.17.10 and 2.17.10.1	**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.). [Environmental Comm'n, Air Quality Reg. §§ 2.17.10 & 2.17.10.1, eff. 4-4-77]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.257 (Superseded Art. 2.17.6 and 2.17.7)	**Monitoring systems: Location.** 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. [Environmental Comm'n, Air Quality Reg. §§ 2.17.6 & 2.17.7, eff. 12-4-76]—(Substituted in revision for NAC 445.684)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.258 (Superseded 445.685)	**Monitoring systems: Verification of operational status.** 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: (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. (b) For continuous monitoring systems referred to in NAC 445B.260, completion of 7 days of operation. (c) For monitoring devices referred to in NAC 445B.256 to 445B.267, inclusive, completion of the manufacturer's 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)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445B.259 (Superseded 445.686)	**Monitoring systems: Performance evaluations.** 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.	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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: (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. [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)	
	445B.260 (Superseded 445.687)	**Monitoring systems: Components contracted for before September 11, 1974.** 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: (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. 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. 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. [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, 9-18-2006)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445B.261 (Superseded 445.688)	**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. [Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC	(c)(56)(i)(A) 71FR71486 12/11/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		445.688)	
	445B.262 (Superseded 445.689)	**Monitoring systems: Measurement of opacity.** 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: (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 SO_2, 7 for NO, and 3 for O_2 and CO_2, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer. (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. (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. 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: (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 (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)	(c)(56)(i)(A) 71FR71486 12/11/2006
	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.	(c)(56)(i)(A) 71FR71486 12/11/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	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 445.692)	**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 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. 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: (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. (b) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns and malfunctions of the affected facility. (c) The nature and cause of any malfunction, if known, the corrective action taken or preventative measures adopted.	(c)(56)(i)(A) 71FR71486 12/11/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(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. ➥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. 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: (a) Continuous monitoring systems, monitoring devices and performance testing measurements; (b) All continuous monitoring system performance evaluations; (c) All continuous monitoring systems or monitoring device calibration checks; (d) Adjustments and maintenance performed on these systems or devices; and (e) All other information required by NAC 445B.256 to 445B.267, inclusive, recorded in a permanent form suitable for inspection. ➥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)	
	445B.267 (Superseded 445.693)	**Alternative monitoring procedures or requirements.** 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: (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. (b) Alternative monitoring requirements when the affected facility is infrequently operated. (c) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions. (d) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements. (e) Alternative methods of converting regulated air pollutant concentration measurements to units of the standards. (f) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells. (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. (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. (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.	(c)(56)(i)(A) 71FR71486 12/11/2006

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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: (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 (b) An affected source. [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)	
	445B.275 (Superseded 445.696)	**Violations: Acts constituting; notice.** 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to: (a) Failure to apply for and obtain an operating permit; (b) Failure to construct a stationary source in accordance with the application for an operating permit as approved by the Director; (c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit; (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 NAC 445B.001 to 445B.3497, inclusive, or a mercury operating permit to construct as required by NAC 445B.3611 to 445B.3689, inclusive; (e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit; or (f) Failure to pay fees as required by NAC 445B.327 or 445B.3689. 2. The written notice must specify the provision of NAC 445B.001 to 445B.3791, inclusive, the condition of the 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)	(c)(66)(i)(A) 73FR19144 4/9/2008
	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	(c)(66)(i)(A) 73FR19144 4/9/2008

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
		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)	
	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 approved local control agency of not more than $5,000 per violation. 2. Unless otherwise provided, all violations are classified as major violations and a fine up to $5,000 per occurrence may be levied. 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. 4. The schedule for fines for minor violations is as follows: 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 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]	(c)(25)(i)(A)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
	445.764	Reduction of employees' pay because of use of system prohibited. 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]	(c)(25)(i)(A)
		Operating Permits Generally	
	445B.287 (Superseded 445.704)	**Operating permits: General requirements; exception; restrictions on transfers.** 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. 2. A Class I source is not subject to the provisions of subparagraph (1) of paragraph (a) of subsection 1 if the source is not a major source, an affected source or a solid waste incineration unit required to obtain a permit pursuant to 42 U.S.C. § 7429(e). For a Class I source which is not a major source and which subsequently becomes subject to a standard or other requirement under 42 U.S.C. § 7411 or 7412, the Administrator will determine whether to exempt the source from the requirement to obtain a Class I operating permit at the time that the new standard is adopted. 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**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)	
	445B.288 (supersedes 445.705)	**Operating permits: Exemptions from requirements; insignificant activities.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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.	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.295	**Application: General requirements.** 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)	77FR59321 9/27/2012
	445B.297 (Superseded Article 3.1.6)	**Application: Submission; certification; additional information.** 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)	77FR59321 9/27/2012
	445B.298 (Superseded 445.706)	**Application: Official date of submittal.** 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;	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.305	**Operating permits: Imposition of more stringent standards for emissions.** 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)	77FR59321 9/27/2012
	445B.308	**Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.** 1. Except for a Class IV operating permit, 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. 5. 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	79FR62846 10/21/2014

Approved Reference:		**State Implementation Plan Text of Regulations and Articles:**	**Cite: 40 CFR 52.1490 and or FR[2]**
Article #	**NAC #**		
		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. 6. 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. 7. 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. 8. 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; R014-11, 10-26-2011; R042-13, 12-23-2013)	
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		The Director shall not issue a registration certificate for any point source if: 2. The source is located in any designated nonattainment area and: 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 as provided in NRS 445.506 to 445.521, inclusive; 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; 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.	(c)(18)(i)

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
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)
	445B.310	**Environmental evaluation: Applicable sources and other subjects; exemption.** 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)	77FR59321 9/27/2012
	445B.311 (Superseded Article 13.3)	**Environmental evaluation: Contents; consideration of good engineering practice stack height.** 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;	79FR62846 10/21/2014

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		(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) Except as otherwise provided in subsection 5, 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: (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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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 6 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. 5. A dispersion analysis for: (a) The 1-hour nitrogen dioxide standard established in NAC 445B.22097 is not required in an environmental evaluation for: (1) A new stationary source if the new stationary source emits, or has the potential to emit, less than 40 tons of nitrogen dioxide per year; or (2) A proposed modification to an existing stationary source if the proposed modification has the potential to emit less than 40 tons of nitrogen dioxide per year. (b) The 1-hour sulfur dioxide standard established in NAC 445B.22097 is not required in an environmental evaluation for: (1) A new stationary source if the new stationary source emits, or has the potential to emit, less than 40 tons of sulfur dioxide per year; or (2) A proposed modification to an existing stationary source if the proposed modification has the potential to emit less than 40 tons of sulfur dioxide per 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, 12-16-2010 R042-13, 12-23-2013; R145-13, 5-2-2014)	
	445B.313	**Method for determining maximum heat input: Class I sources.** 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-	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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, 12-16-2010)	
	445B.3135	**Method for determining heat input: Class II sources.** 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)	77FR59321 9/27/2012
	445B.314	**Method for determining heat input: Class III sources.** 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)	77FR59321 9/27/2012
	445B.315	**Contents of operating permits: Exception for operating permits to construct; required conditions.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.318 (Superseded 445.707(1) and (2); 445.712; 445.714)	**Operating permits: Requirement for each source; form of application; issuance or denial; posting.** 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)	77FR59321 9/27/2012
	445B.319	**Operating permits: Administrative amendment.** 1. The holder of an operating permit may request or the Director may initiate an administrative amendment of an operating permit to:	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(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)	
	445B.325 (Superseded 445.715)	**Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.** 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)	77FR59321 9/27/2012
	445B.331 (Superseded 445.716)	**Request for change of location of emission unit.** 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)	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		Class I Operating Permits	
	445B.3361	**General requirements.** 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; and 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)	77FR59321 9/27/2012
	445B.3363	**Operating permit to construct: Application.**	77FR59321

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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	9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		(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)	
	445B.33637	**Operating permit to construct for approval of plantwide applicability limitation: Application.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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)	
	445B.3364 (Superseded 445.707(3)-(5))	**Operating permit to construct: Action by Director on application; notice; public comment and hearing.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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.	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.3365	**Operating permit to construct: Contents; noncompliance with conditions.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.33656	**Operating permit to construct for approval of plantwide applicability limitation: Contents; noncompliance with conditions.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.3366 (Superseded NAC 445 .707(6))	**Expiration and extension of operating permit to construct; expiration and renewal of plantwide applicability limitation.** 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).	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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)	
	445B.3368	**Additional requirements for application; exception.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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.	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**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)	
	445B.3375	**Class I-B application: Filing requirement.** 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)	77FR59321 9/27/2012
	445B.3395 (Superseded 445 .707(3)-(6))	**Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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.	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.340	**Prerequisites to issuance, revision or renewal of permit.** 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; and (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)	77FR59321 9/27/2012
	445B.342	**Certain changes authorized without revision of permit; notification of authorized changes.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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; and 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)	
	445B.3425	**Minor revision of permit.** 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) PM_{10}, 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 (H_2S), 10 tons per year; and (g) Is not a major modification at an existing major stationary source.	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	NAC #		
		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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(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)	
	445B.344	**Significant revision of permit.** 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)	77FR59321 9/27/2012
	445B.3441	**Administrative revision of permit to incorporate conditions of certain permits to construct.** 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.	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.3443 (Superseded 445.713)	**Renewal of permit.** 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)	77FR59321 9/27/2012
	445B.3447 (Superseded 445.707(3)-(6); 445.713)	**Class I general permit.** 1. The Director may issue a Class I general permit covering numerous similar stationary sources. 2. A Class I general permit must set forth the criteria by which stationary sources may qualify for the Class I general permit. 3. A Class I general permit which covers stationary sources that would otherwise be required to be covered by a Class I operating permit must: (a) Ensure compliance with all applicable requirements; and (b) Not be granted until the requirements for public participation and comment and a review by any affected states and the Administrator pursuant to NAC 445B.3395 have been completed. 5. After the effective date of a Class I general permit, the owner or operator of any stationary source that meets the criteria set forth in the Class I general permit may request authority to operate under the Class I general permit. The request must be in writing and must include all the information required by the Class I general permit. 6. The Director shall grant or deny authority to operate under a Class I 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		terms of a Class I general permit is not subject to the requirements of NAC 445B.3395. 7. A person may challenge the provisions of a Class I general permit only at the time the Class I general permit is issued. The Director's grant or denial of authority to operate under a Class I 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 I general permit. 8. The Director shall not grant authority to operate under a Class I general permit to an affected source. 9. The term of a Class I general permit is 5 years. 10. The authority to operate under a Class I general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a Class I general permit shall apply to renew his authority to operate under the Class I general permit at least 30 days before his authorization expires. 11. A stationary source which obtains authorization to operate under a Class I general permit but is later determined not to qualify under the conditions of the Class I general permit may be subject to an action enforcing the prohibition against operating without a 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; R103-02, 12-17-2002)—(Substituted in revision for NAC 445B.335)	
		Class II Operating Permits	
	445B.3453	**Application: General requirements.** 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)	77FR59321 9/27/2012
	445B.3457 (Supersedes 445.707(3)-(6))	**Action by Director on application; notice; public comment and hearing; expiration of permit.** 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 II operating permit or for the revision of a Class II operating permit, accompanied by the applicable fee, 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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 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. 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 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 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 taking into account: (1) Written comments from the public; (2) Information submitted by proponents of the project; and (3) 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. Public notice is required for an application for: (a) A Class II operating permit for a stationary source that has not previously held a Class I operating permit or Class II operating permit; or (b) 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: Pollutant — Threshold in tons per year Carbon monoxide..... 40 Nitrogen oxides..... 40 Sulfur dioxide..... 40 PM_{10}..... 15 Ozone measured as VOC..... 40 Lead..... 0.6 6. For the 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 the revision of a Class II operating permit pursuant to subsection 4, the Director shall:	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(a) Make the preliminary determination 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 on an Internet website designed to give general public notice an electronic copy of the Director's notice of proposed action; (c) Provide written 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; (d) Provide notice of the Director's proposed action and a copy of the application to a public library in the area in which the proposed new Class II source or the proposed modification to the existing Class II source is located for posting to ensure that adequate notice is given to the public; (e) Provide notice of the Director's proposed action and a copy of the application to the Administrator and to any local air pollution control agency having jurisdiction in the area in which the proposed new Class II source or the proposed modification to the existing Class II source is located; and (f) Establish a 30-day period for public participation. 7. The notice required pursuant to 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 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; (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) The date by which comments must be submitted to the Director; (f) A summary of the 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, as analyzed by the state agency processing the Class II operating permit or the revision of the Class II operating permit; (g) A statement indicating that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable; and (h) A brief description of the procedures for public participation. 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 keep a record of the names of any persons who made comments and of the issues raised during the process for public participation. 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	

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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; R006-11, 10-26-2011)	
	445B.346	**Required contents of permit.** 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)	77FR59321 9/27/2012
	445B.3465	**Application for revision.** 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;	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(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)	
	445B.3473 (Superseded 445.713)	**Renewal of permit.** 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)	77FR59321 9/27/2012
	445B.3477 (Superseded 445.707(3)-(5); 445.713)	**Class II general permit.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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.	

Approved Reference: Article #	Approved Reference: NAC #	State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
		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	
	445B.3485	**Application: General requirements.** 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)	77FR59321 9/27/2012
	445B.3487 (Superseded 445.707(3), (5) and (6))	**Action by Director on application; expiration of permit.** 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		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)	
	445B.3489	**Required contents of permit.** 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)	77FR59321 9/27/2012
	445B.3493	**Application for revision.** 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:	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
Article #	**NAC #**		
		(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)	
	445B.3497 (Superseded 445.713)	**Renewal of permit.** 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)	77FR59321 9/27/2012

APPENDIX C

Non-SIP Provisions Cited in Elements A, J and L

APPENDIX C

Non-SIP Provisions Cited in Elements A, J and L

Nevada Administrative Code

Chapter 445B, Air Controls (March 2018 Codification):

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, 2017.
2. Title 40 C.F.R. § 51.165 is hereby adopted by reference as it existed on July 1, 2017.
3. Appendices M and W of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2017.
4. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, 2017.
5. Appendix E of 40 C.F.R. Part 52 is hereby adopted by reference as it existed on July 1, 2017.
6. 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), 60.8(g) and 60.11(e), as it existed on July 1, 2017;
(b) Section 60.21 of Subpart B, as it existed on July 1, 2017;
(c) Subparts C, Cb, Cc, Cd, Ce, Cf, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, Y, Z, AA, AAa, CC, 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, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, IIII, JJJJ, KKKK and OOOO as they existed on July 1, 2017.
7. Appendices A, B and F of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on September 13, 2017.
8. Subparts A, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, Y, BB and FF of 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 2017.
9. Appendix B of 40 C.F.R. Part 61 is hereby adopted by reference as it existed on July 1, 2017.
10. The following subparts of 40 C.F.R. Part 63 are hereby adopted by reference:
(a) Subparts B, C, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, CC, EE, HH, II, JJ, KK, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, EEE, GGG, HHH, III, JJJ, MMM, OOO, PPP, QQQ, TTT, UUU, VVV, AAAA, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, SSSSS, UUUUU, WWWWW, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, EEEEEEE and HHHHHHH as they existed on July 1, 2017;
(b) Subpart A as it existed on October 11, 2017; and
(c) Subpart LLL as it existed on August 22, 2017.
11. Appendix A of 40 C.F.R. Part 63 is hereby adopted by reference as it existed on July 1, 2017.
12. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 2017. 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.
13. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, 2017. 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.
14. 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.
15. 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 is available, free of charge, at the Internet address **https://www.osha.gov**.

16. A copy of the publications which contain the provisions adopted by reference in subsections 1 to 14, inclusive, may be obtained from the:

(a) Division of State Library, Archives and Public Records of the Department of Administration for 10 cents per page.

(b) Government Publishing Office, free of charge, at the Internet address **http://www.gpo.gov/fdsys/**.

17. The following standards of ASTM International are hereby adopted by reference:

(a) ASTM D5504-08, "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 D5504-08 is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address **http://www.astm.org**, for the price of $55.20.

(b) ASTM D2234/D2234M-07, "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/D2234M-07 is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address **http://www.astm.org**, for the price of $55.20.

(c) ASTM D2013-07, "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 D2013-07 is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address **http://www.astm.org**, for the price of $62.40.

(d) ASTM D6784-02(2008), "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 D6784-02(2008) is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address **http://www.astm.org**, for the price of $62.40.

(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, Englewood, Colorado 80112, or at the Internet address **http://global.ihs.com**, for the price of $64.

(f) ASTM D5865, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter," dated July 10, 1996. A copy of ASTM D5865 is available for purchase at the IHS Standards Store, 15 Inverness Way East, Englewood, Colorado 80112, or at the Internet address **http://global.ihs.com**, for the price of $64.

(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, Englewood, Colorado 80112, or at the Internet address **http://global.ihs.com**, for the price of $64.

18. 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.

19. Except as otherwise provided in subsections 12 and 13, 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.

20. 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 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; R014-11 & R015-11, 10-26-2011; R129-11, 5-30-2012; R038-12, 9-14-2012; R041-13, 12-23-2013; R028-15, 10-27-2015; R084-16, 11-2-2016; R144-17, 5-16-2018)

NAC 445B.327 Fees; late penalty. (NRS 445B.210**,** 445B.300**)**

1. Except as otherwise provided in this section, if a stationary source is not subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221, the fees for an operating permit are as follows:

(a) Class I operating permit to construct..... $20,000

(b) Conversion of an operating permit to construct into a Class I operating permit involving only one phase..... 5,000

(c) Conversion of an operating permit to construct into a Class I operating permit involving two or more phases (per phase)..... 5,000
(d) Modification to an operating permit to construct..... 5,000
(e) Revision of an operating permit to construct..... 5,000
(f) Class I operating permit..... 30,000
(g) Significant revision of a Class I operating permit..... 20,000
(h) Minor revision of a Class I operating permit..... 5,000
(i) Renewal of a Class I operating permit..... 5,000
(j) Class II operating permit..... 3,000
(k) Revision of a Class II operating permit..... 2,000
(l) Renewal of a Class II operating permit..... 2,000
(m) Class II general permit..... 500
(n) Surface area disturbance permit..... 500
(o) Revision of a surface area disturbance permit..... 200
(p) Administrative amendment of an operating permit..... 200
(q) Replacement of a lost or damaged operating permit to construct or an operating permit..... 200
(r) Request for change of location of an emission unit..... 100
(s) Administrative revision to a Class I operating permit..... 500
(t) Class I operating permit to construct for the approval of a plantwide applicability limitation..... 20,000

➥ An applicant must pay the entire fee when the applicant submits the application to the Director.

2. The fee to revise an operating permit so that the operating permit is consistent with any guidelines established by the Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to NAC 445B.255 is $1,000. An applicant must pay the entire fee when the applicant submits an application to the Director.

3. Except as otherwise provided in this section, if a stationary source is subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221, the owner or operator of that stationary source must obtain an operating permit. The fees for such an operating permit are as follows:

(a) Operating permit for a stationary source subject to the program for the prevention of significant deterioration of air quality..... $50,000
(b) Revision of an operating permit for a stationary source subject to the permitting requirements of 40 C.F.R. § 52.21 to authorize a major modification of the stationary source..... 50,000
(c) Class I operating permit to construct..... 50,000
(d) Conversion of an operating permit to construct into a Class I operating permit involving only one phase..... 5,000
(e) Conversion of an operating permit to construct into a Class I operating permit involving two or more phases (per phase)..... 5,000
(f) Revision of an operating permit to construct..... 5,000
(g) Administrative amendment of an operating permit or operating permit to construct..... 200
(h) Replacement of a lost or damaged operating permit to construct or an operating permit..... 200
(i) Request for the change of location of an emission unit..... 100
(j) Administrative revision to a Class I operating permit..... 500

➥ An applicant must pay the entire fee when the applicant submits the application to the Director.

4. If no changes need to be made to convert an operating permit to construct into a Class I operating permit, no fee will be assessed.

5. Except as otherwise provided in this subsection, the annual fee based on emissions for a Class I stationary source is $16 per ton times the total tons of each regulated pollutant emitted during the preceding calendar year. The annual fee based on emissions does not apply to emissions of carbon monoxide or emissions of greenhouse gases.

6. To determine the fee set forth in subsection 5:

(a) Emissions must be calculated using:

(1) The emission unit's actual operating hours, rates of production and in-place control equipment;

(2) The types of materials processed, stored or combusted; and

(3) Data from:

(I) A test for emission compliance;

(II) A continuous emission monitor;

(III) The most recently published issue of *Compilation of Air Pollutant Emission Factors*, EPA Publication No. AP-42; or

(IV) Other emission factors or methods which the Director has validated; or

(b) If paragraph (a) does not apply to a stationary source that was in operation during the preceding calendar year, emissions must be calculated using the permitted allowable emissions for that stationary source.

7. Except as otherwise provided in this section, the annual fee for maintenance of a stationary source is:

(a) For a Class I source qualifying as:

(1) A major stationary source that is issued a prevention of significant deterioration permit..... $30,000

(2) A major stationary source that is not issued a prevention of significant deterioration permit..... 25,000

(3) A major source that is not a major stationary source and is issued a Class I operating permit..... 20,000

(4) A major source that is not a major stationary source and is issued a Class I operating permit for a municipal solid waste landfill..... 15,000

(b) For a Class II source that has the potential to emit:

(1) Eighty tons or more per year but less than 100 tons per year of any one regulated air pollutant except carbon monoxide..... 5,000

(2) Eight tons or more per year but less than 10 tons per year of any single hazardous air pollutant..... 5,000

(3) Twenty tons or more per year but less than 25 tons per year of any combination of hazardous air pollutants..... 5,000

(4) Fifty tons or more per year but less than 80 tons per year of any one regulated air pollutant except carbon monoxide..... 3,000

(5) Twenty-five tons or more per year but less than 50 tons per year of any one regulated air pollutant except carbon monoxide..... 1,000

(6) Less than 25 tons per year of any one regulated air pollutant except carbon monoxide..... 500

(c) For a Class II source that is issued a Class II general permit..... 500

(d) For a Class III source..... 250

(e) For a surface area disturbance permit for a total disturbance of:

(1) Five or more acres but less than 20 acres..... 250

(2) Twenty or more acres but less than 50 acres..... 500

(3) Fifty or more acres but less than 100 acres..... 750

(4) One hundred or more acres but less than 200 acres..... 1,000

(5) Two hundred or more acres but less than 500 acres..... 2,000

(6) Five hundred or more acres..... 5,000

(f) For a Class IV source..... 50

8. The fee for conducting an informal review of a proposed new major source or proposed modification of an existing major source pursuant to NAC 445B.2915 is $50,000.

9. The annual fee for maintenance of a stationary source for the fiscal year during which an operating permit or an operating permit to construct is issued for the stationary source is included in the fee for the operating permit or operating permit to construct.

10. Except as otherwise provided in this section, the fees relating to emission reduction credits are as follows:

(a) Determination of an application for an emission reduction credit..... $10,000

(b) Request for the transfer of an emission reduction credit..... 2,000

(c) Request for the redemption of an emission reduction credit..... 2,000

(d) Administration of a reciprocity request for an emission reduction credit..... 1,000

(e) Determination review of a reciprocity request for an emission reduction credit..... 9,000

➥ An applicant must pay the entire fee when the applicant submits an application or request to the Director. A fee may be assessed only once for each application or request regardless of the number of emission reduction credits contained within the application or request.

11. For the fiscal year beginning on July 1, 2009, and for each fiscal year thereafter, the Director shall:

(a) Increase the dollar per ton emissions rate that is used to calculate the annual fee based on emissions by an amount that is equal to 2 percent of the dollar per ton emissions rate for the immediately preceding fiscal year;

(b) Increase the annual fee for maintenance of a stationary source by an amount that is equal to 2 percent of the annual fee for maintenance of the stationary source for the immediately preceding fiscal year; and

(c) Increase each fee required by subsection 10 by an amount that is equal to 2 percent of the fee for the immediately preceding fiscal year.

➥ The Director may, during any fiscal year, suspend an increase in a rate or fee specified in this subsection.

12. The State Department of Conservation and Natural Resources shall collect all fees required pursuant to subsections 5 and 7 not later than July 1 of each year.

13. Except as otherwise provided in this subsection, the owner or operator of a source who does not pay his or her annual fee installments within 30 days after the date on which payment becomes due will be assessed a late penalty in the amount of 25 percent of the amount of the fees due. The late fee must be paid in addition to the annual fees. The late penalty set forth in this subsection does not apply if, at the time that the late fee would otherwise be assessed, the owner or operator is in negotiations with the Director concerning his or her annual fees.

14. As used in this section, "prevention of significant deterioration permit" means an operating permit that is issued for a major source in accordance with the conditions set forth in 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n, eff. 12-15-88; A 9-13-91; 11-23-92; 12-13-93, eff. 7-1-94; 7-1-94; 10-30-95; 5-3-95; R105-97, 3-5-98; R019-99, 9-27-99; R040-01, 10-25-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R139-06, 9-18-2006; R154-06, 11-13-2006, eff. 1-1-2007; R014-11 & R015-11, 10-26-2011; R054-15, 10-27-2015; R085-16, 11-2-2016)

NAC 445B.771 Demonstration of correction of vehicle after issuance of citation; post-repair or inspection required by Director under certain circumstances. (NRS 445B.210, 445B.780)

1. An owner of a vehicle who has been issued a citation may demonstrate correction of the vehicle by:

(a) Submitting to the Director a receipt evidencing repair from a repair facility or a completed work order from a fleet repair facility or a fleet maintenance facility. The receipt or work order must include:

(1) The name, address and telephone number of the facility;

(2) The name of the mechanic;

(3) The date of the repair;

(4) A description of any repair or adjustment made to the vehicle; and

(5) An itemized list of all replaced components, including a description of the part, number of the part and the cost of the part.

(b) Submitting the vehicle to a post-repair test or a post-repair inspection.

2. The Director shall require a post-repair test or post-repair inspection if:

(a) A submitted receipt evidencing repair or a submitted work order does not meet the requirements of paragraph (a) of subsection 1;

(b) A receipt or work order appears to be falsified; or

(c) A second or subsequent failure of either part of an inspection procedure on the vehicle occurs within 1 year after the most recent citation was issued.

3. As used in this section, "post-repair inspection" means a subsequent inspection of an emission control system for the purpose of determining compliance of a vehicle that has been cited for violating a standard of opacity set forth in NAC 445B.7665.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

Nevada Revised Statutes

Title 18 Chapter 233B, Nevada Administrative Procedure Act (June 2018 Codification):

NRS 233B.060 Agency to provide notice of intent to adopt, amend or repeal permanent or temporary regulation; procedure for 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:

(1) If it is the first hearing on the regulation, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute. When posted, the agency must include notice that the regulation that is posted on the Internet website of the agency 3 working days before the hearing will be the regulation considered. The agency shall ensure that the regulation to be considered at the hearing is posted on the Internet website of the agency 3 working days before the hearing.

(2) If it is the second or subsequent hearing on the regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission or the Subcommittee to Review Regulations pursuant to NRS 233B.067, in order to approve a revision to the regulation, give at least 3 working days' notice of its intended action.

(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; 2017, 539)

NRS 233B.0601 Notice of meeting or workshop regarding adoption of permanent or temporary regulation: Agency to provide electronic copy to Legislative Counsel Bureau for posting on website.

At the same time that an agency provides notice of any meeting or workshop relating to the adoption of a proposed regulation pursuant to this chapter or NRS 241.020, the agency shall submit an electronic copy of the notice to the Director of the Legislative Counsel Bureau. The Director shall cause the notice to be posted on the same day on the Internet website maintained by the Legislative Counsel Bureau.

(Added to NRS by 2013, 77)

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, except that a workshop is not required if it is the second or subsequent hearing on the 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; 2017, 540)

Title 40 Chapter 445B, Air Pollution (June 2018 Codification):

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 and motor vehicle crashes in this State involving chemicals, including, without limitation, accidents and motor vehicle crashes 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; 2015, 1678)

APPENDIX D

Ambient Air Monitoring Network Plan 2018

AMBIENT AIR MONITORING NETWORK PLAN

2018

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

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Table of Contents

List of Figures 3
List of Tables 4
Acronyms and Abbreviations 5
Overview 6
Goals 6
Background 7
Network Design 8
Minimum Monitoring Requirements 9
Changes in Monitoring Network 15
Purpose of Monitors 18
Overview of Monitored Parameters 19
Appendix A 62

List of Figures

Figure 1:Incline Village Monthly Average Daily Traffic Counts 17
Figure 3:Locations of monitoring stations maintained in the NDEP-BAQP's network.....21
Figure 4:PM_{10} Monitor located at Elko Grammar School #2, 1055 7th Street, Elko, NV. 25
Figure 5:Ozone Monitor located at West End Facility, 280 South Russell Street, Fallon, NV.....29
Figure 6:Ozone Monitor located at Fernley Intermediate School, 320 Hardie Lane Fernley, NV.....33
Figure 7:Ozone/$PM_{2.5}$ Monitors located at Carson City Armory, 2601 S. Carson St., Carson City, NV.....37
Figure 8:PM_{10} Monitor located at Church Site, 781 E. Gamebird Pahrump, NV. 41
Figure 9:PM_{10} Monitor located at Manse Elementary, 1020 E. Wilson Road Pahrump, NV. 45
Figure 10:PM_{10} Monitor located at 145 Glen Oaks St., Pahrump, NV. 49
Figure 11:PM_{10} Monitor located at 8825 N. Linda Pahrump, NV.....53
Figure 12:$PM_{2.5}$ Monitor located at Ranchos Aspen Park, 820 Lyell Way Gardnerville, NV. 57
Figure 13:Mahoney Forest Service IMPROVE Station, Jarbidge, NV 61

List of Tables

Table 1:NDEP's Ambient Air Monitoring Network 8
Table 2:Collocation Requirements 11
Table 3:Minimum Monitoring Requirements by Pollutant 12

Acronyms and Abbreviations

AADT	Annual Average Daily Traffic
AQS	Air Quality System
BAQP	Bureau of Air Quality Planning
BAM	Beta Attenuation Monitor
CBSA	Core-Based Statistical Area
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CSA	Combined Statistical Area
FEM	Federal Equivalent Method
FR	Federal Register
FRM	Federal Reference Method
IMPROVE	Interagency Monitoring of Protected Visual Environments
LMP	Limited Maintenance Plan
MADT	Monthly Average Daily Traffic
MSA	Metropolitan Statistical Area
NAAQS	National Ambient Air Quality Standard
NDEP	Nevada Division of Environmental Protection
NO_2	Nitrogen Dioxide
O_3	Ozone
OAQPS	Office of Air Quality Planning and Standards
Pb	Lead
PM	Particulate Matter (2.5 or 10 microns)
POC	Pollutant Occurrence Code
PWEI	Population Weighted Emission Index
QAPP	Quality Assurance Project Plan
QA/QC	Quality Assurance/Quality Control
QMP	Quality Management Plan
SIP	State Implementation Plan
SLAMS	State and Local Air Monitoring Station
SO_2	Sulfur Dioxide
SPMS	Special Purpose Monitoring Station
TEOM	Tapered Oscillating Microbalance Monitor
USEPA	United States Environmental Protection Agency

Overview

The monitoring program of the Nevada Division of Environmental Protection Bureau of Air Quality Planning (NDEP-BAQP) operates an ambient air quality monitoring network of gaseous and particulate pollutant monitors in communities throughout 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 the NDEP-BAQP. Those agencies submit their Network Plans independently to the United States Environmental Protection Agency (USEPA). There are also several federally recognized tribes that conduct air monitoring within Nevada; these tribes submit their Annual Network Plans directly to the USEPA.

The NDEP Bureaus of Air Quality Planning and Air Pollution Control regulate air quality in Nevada 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 monitoring data include support and issuance of 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 ambient pollutant monitoring.

Goals

The NDEP-BAQP 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 require the USEPA to define national ambient air quality standards (NAAQS) for various air pollutants necessary to protect the public from injurious pollution concentrations. Air pollution concentrations that exceed the NAAQS can cause a public health hazard, and/or cause damage to flora, fauna, and personal property.

The NAAQS, published by the USEPA, can be found in Title 40 of the Code of Federal Regulations (CFR) Part 50. The NAAQS for each pollutant define 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 ambient air quality standards can be found in Nevada Administrative Code 445B.22097.

Background

The State of Nevada has four jurisdictions that independently manage their own air programs as designated by statute: Department of Conservation and Natural Resources, NDEP-BAQP; Washoe County District Health Department, Air Quality Management Division; Clark County Department of Air Quality and Environmental Management; and various tribal agencies.

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 NDEP-BAQP quality assurance project plan (QAPP) was developed to form the framework for planning, implementing, assessing, and reporting work performed by the NDEP-BAQP and for implementing quality assurance and quality control protocols.

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. Along with the QAPP, 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. The QAPP was submitted to the USEPA and approved in 2016. The QMP was approved by USEPA in 2015.

Additionally, the NDEP-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 annually 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. The 2016 data was submitted for certification in May 2017 and the 2017 data was submitted on April 30, 2018. Submittal of precision and accuracy data into AQS for 2016 and 2017 was accomplished quarterly as per 40 CFR 58.16(a).

Network Design

Air quality monitoring is represented by eleven ambient air quality monitoring stations under the jurisdiction of the NDEP-BAQP. Table 1 shows the locations and types of monitors operated by NDEP.

Table 1: NDEP's Ambient Air Monitoring Network

Location	Ozone	PM_{10}	$PM_{2.5}$
Elko		1 (SLAMS)	
Fallon	1 (SLAMS)		
Fernley	1 (SLAMS)		
Carson City Armory	1 (SLAMS)		2 (SLAMS)
Pahrump-Church		1 (SLAMS)	
Pahrump-Manse Elementary		1 (SLAMS)	
Pahrump-Glen Oaks		1 (SLAMS)	
Pahrump-Linda		1 (SLAMS)	
Gardnerville Ranchos			1 (SPMS)
Total	**3**	**5**	**3**

SLAMS – State and Local Air Monitoring Station
SPMS – Special Purpose Monitoring Station

NDEP-BAQP also operates and maintains three meteorological stations; one in Carson City, one in Pahrump, and one mobile tower that can be deployed at locations throughout the state. These meteorological stations are used to confirm local meteorological data.

In addition to the four independent monitoring networks managed by state and local agencies, 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; one in the Jarbidge Wilderness area and the other at Great Basin National Park, Lehman Caves. The IMPROVE program is a cooperative measurement effort governed by a steering committee composed of representatives from federal and regional-state organizations. The IMPROVE monitoring program was established in 1985 to aid in the creation of state and federal implementation plans for the protection of visibility in federal Class I areas. In order to meet the site objectives, the IMPROVE site must meet the methodologies and quality assurance and quality control (QA/QC) procedures approved by the USEPA Regional Administrator. Utilizing the criteria set for the Jarbidge site, the NDEP-BAQP is able to satisfy the USEPA's regional and transport monitoring requirements. According to 40 CFR Part 58 Appendix D 4.7.3, "each state shall install and operate at least one $PM_{2.5}$ site to monitor for regional background and regional transport." The NDEP-BAQP utilizes the Jarbidge site to meet this particular requirement.

Minimum Monitoring Requirements

The USEPA provides minimum site requirements to monitor for ozone (O_3) and particulate matter (PM) based on metropolitan statistical area (MSA) population (40 CFR Part 58, Appendix D). The NDEP-BAQP's air monitoring network meets or, in most cases, exceeds the minimum network requirements. The monitors currently operating in the NDEP-BAQP monitoring network are located in Carson City (O_3, $PM_{2.5}$), Fallon (O_3), Fernley (O_3), Pahrump (PM_{10}), Elko (PM_{10}), and Gardnerville ($PM_{2.5}$). Based on the MSA population in Carson City, NDEP-BAQP is required to and operates one ozone monitor and two $PM_{2.5}$ monitors. The four PM_{10} monitoring sites in Pahrump were originally established through a Memorandum of Understanding between the NDEP, USEPA, Nye County, and the Town of Pahrump.

According to 40 CFR Part 58 Appendix D, Tables D-4 and D-5, sections 4.2, 4.3.2, 4.3.3, 4.4.2, 4.5, and based on the 2010 Revisions to Lead [Pb] Ambient Air Monitoring Requirements (75 Federal Register [FR] 81126 (Dec. 27, 2010)), 2010 Sulfur Dioxide [SO_2] NAAQS Final Rule (75 FR 35520 (June 22, 2010)), and the 2010 Nitrogen Dioxide [NO_2] NAAQS Final Rule (75 FR 6474, 6502-6517 (Feb. 9, 2010), *as revised by* 78 FR 16184 (Mar. 14, 2013), the NDEP-BAQP is not required to have additional monitoring for these criteria pollutants. Specifically:

- The revised monitoring requirements for the Pb NAAQS now require Pb monitoring near sources such as industrial facilities that emit one-half ton or more of Pb per year and at NCORE sites in Core Based Statistical Areas (CBSA) with populations greater than 500,000. 75 FR 81126 (Dec. 27, 2010). In NDEP-BAQP's jurisdiction, there are no sources that emit one-half ton or more of Pb per year and no CBSAs with populations greater than 500,000. NDEP discontinued monitoring for Pb in 1990.

- NDEP-BAQP does not meet the CBSA of a population of 2.5 million or more persons for near-road NO_2 minimum monitoring requirements or the CBSA of a population of 1,000,000 or more persons for microscale near-road NO_2 minimum monitoring requirement. Therefore, NO_2 monitoring is not required within the NDEP's jurisdiction.

- Based on the latest Census Bureau population estimates and SO_2 emissions for each county, the calculated Population Weighted Emission Index (PWEI) for all counties (within NDEP-BAQP's jurisdiction) combined is 21 million persons-tons per year. This PWEI value is well below the established 5,000 million persons-tons per year threshold; therefore, SO_2 monitoring is not required within the NDEP's jurisdiction. Since NDEP is not required to monitor for SO_2, we are not required to report SO_2 data to the AQS database.

Based on data obtained through special study monitoring in Carson City and Gardnerville, the NDEP-BAQP has established a $PM_{2.5}$ monitoring network. These sites allow the NDEP-BAQP to ascertain $PM_{2.5}$ conditions within both areas. The Ranchos monitoring site is currently classified as a SPMS. NDEP-BAQP is reevaluating the possibility of reclassifying the Ranchos site as a SLAMS site, and will assess whether the site meets the requirements of Appendix A and Appendix E once that decision is made.

Since the Carson City site is NDEP-BAQP's first $PM_{2.5}$ SLAMS monitor, 40 CFR part 58 Appendix A requires this site to be collocated. NDEP-BAQP has designated the primary $PM_{2.5}$

monitor at this site as a continuous FEM; therefore, the first collocated monitor at this site must be a FRM. NDEP-BAQP uses a MetOne EFRM instrument as the FRM analyzer.

Table 2: Collocation Requirements

Method Code	# Primary Monitors	# Required Collocated Monitors	# Active Collocated FRM Monitors	# Active Collocated FEM Monitors
170	2	1	1	0

Based on 40 CFR 58 Appendix D, the NDEP-BAQP understands that some monitors in the network may not be required (ozone, PM_{10}, $PM_{2.5}$). However, based on data from the various monitoring sites, the NDEP-BAQP believes that it is important to have these monitors to protect public health. Table 3 outlines the monitors within the NDEP-BAQP ambient air monitoring network and their associated parameters. The 2014 population estimates were obtained from the Nevada State Demographer's Office.

Table 3: Minimum Monitoring Requirements by Pollutant

Minimum Monitoring Requirements for Ozone (Note: Refer to section 4.1 and Table D-2 of Appendix D to 40 CFR Part 58).

MSA	County(ies)	2014 Estimated Population	8-hr Design Value [ppb], DV Years	Design Value site (name, AQS ID)	# Required Sites	# Active Sites	# Additional Sites Needed
Carson City Metropolitan Statistical Area (MSA)*	Carson City	53,969	0.066 2015-2017	Carson City Armory 32-510-0020	1	1	0
Fallon Micropolitan Statistical Area (µMSA)*, **	Churchill	25,103	0.065 2015-2017	Fallon 32-001-0002	0	1	0
Fernley Micropolitan Statistical Area (µMSA)*, **	Lyon	53,344	0.068 2015-2017	Fernley 32-019-0006	0	1	0

Source-Oriented Pb Monitoring (including airports; Note: Refer to section 4.5 of Appendix D to 40 CFR Part 58).

Source Name	Address	Pb Emissions (tons per year)	Emission Inventory Source & Data Year	Max 3-Month Design Value [µg/m^3]	Design Value date (third month, year)	# Required Monitors	# Active Monitors	# Additional Monitors Needed
No CBSA/source in NDEP-BAQP's jurisdiction	N/A	N/A	N/A	N/A	N/A	0	0	0

Minimum Monitoring Requirements for SO_2 (Note: Refer to section 4.4 of Appendix D to 40 CFR Part 58).

CBSA	County(ies)	2014 Estimated Population	Total SO_2 [tons/year]	Population Weighted Emissions Index [million persons-tons per year]	Data Requirements Rule Source(s) using Monitoring	# Required Monitors	# Active Monitor	# Additional Monitors Needed
No CBSA in NDEP-BAQP's jurisdiction	N/A	N/A	N/A	N/A	N/A	0	0	0

Minimum Monitoring Requirements for NO_2 (Note: Refer to section 4.3 of Appendix D to 40 CFR Part 58).

CBSA	2014 Estimated Population	Max AADT*** counts (year)	# Required Near-road Monitors	# Active Near-road Monitors	# Additional Near-road Monitors Needed	# Required Area-wide Monitors	# Active Area-wide Monitors	# Additional Area-wide Monitors Needed
No CBSA in NDEP-BAQP's jurisdiction	N/A	N/A	0	0	0	0	0	0

Minimum Monitoring Requirements for PM_{10} (Note: Refer to section 4.6 and Table D-4 of Appendix D to 40 CFR Part 58).

MSA	County(ies)	2014 Estimated Population	Max Concentration [µg/m^3]	Max Concentration site (name, AQS ID)	# Required Sites	# Active Sites	# Additional Sites Needed
Elko Micropolitan Statistical Area (µMSA)*, **	Elko	53,358	985	Elko 32-007-0005	0	1	0
Pahrump Micropolitan Statistical Area (µMSA)*, **	Nye	45,456	985	Manse Elementary 32-023-0014	0	4	0

Minimum Monitoring Requirements for $PM_{2.5}$ SLAMS (FRM/FEM/ARM, see 40CFR 58 App D Section 4.7.1 and Table D-5).

MSA	County (ies)	2014 Estimated Population	Annual Design Value [µg/m^3], DV Years	Annual Design Value site (name, AQS ID)	Daily Design Value [µg/m^3], DV years	Daily Design Value site (name, AQS ID)	# Required SLAMS Sites	# Active SLAMS Sites	# Additional SLAMS Sites Needed
Carson City Metropolitan Statistical Area (MSA)*	Carson City	53,969	4.9 2015-2017	Carson City Armory 32-510-0020	15 2015-2017	Carson City Armory 32-510-0020	0	1	0
Gardnerville Ranchos Micropolitan Statistical Area (µMSA)*, **	Douglas	48,553	7.3 2015-2017	Ranchos 32-005-0007	22 2015-2017	Ranchos 32-005-0007	0	1	0

Minimum Monitoring Requirements for continuous $PM_{2.5}$ monitors (FEM/ARM and non-FEM, see 40CFR 58 App D Section 4.7.2).

MSA	County (ies)	2014 Estimated Population	Annual Design Value [µg/m^3], DV Years	Annual Design Value site (name, AQS ID)	Daily Design Value [µg/m^3], DV years	Daily Design Value site (name, AQS ID)	# Required Continuous Sites	# Active Continuous Sites	# Additional Continuous Sites Needed
Carson City Metropolitan Statistical Area (MSA)*	Carson City	53,969	4.9 2015-2017	Carson City Armory 32-510-0020	152015-2017	Carson City Armory 32-510-0020	0	1	0
Gardnerville Ranchos Micropolitan Statistical Area (µMSA)*, **	Douglas	48,553	7.3 2015-2017	Ranchos 32-005-0007	22 2015-2017	Ranchos 32-005-0007	0	1	0

Minimum Monitoring Requirements for CO (Note: Refer to section 4.2 of Appendix D to 40 CFR Part 58).

CBSA	2014 Estimated Population	# Required Near-road Monitors	# Active Near-road Monitors	# Additional Monitors Needed
No CBSA in NDEP-BAQP's jurisdiction****	N/A	0	0	0

Minimum Monitoring Requirements for Near-road NO_2, $PM_{2.5}$, and CO (Note: Refer to 40 CFR Part 58.13 and sections 4.2, 4.3, 4.7 of Appendix D to 40 CFR Part 58).

CBSA	2014 Estimated Population	Max AADT counts (year)	# Required NO_2 Monitors	# Active NO_2 Monitors	# Required $PM_{2.5}$ Monitors	# Active $PM_{2.5}$ Monitors	# Required CO Monitors	# Active CO Monitors	# Additional Monitors Needed
No CBSA in NDEP-BAQP's jurisdiction	N/A	N/A	0	0	0	0	0	0	0

* Except otherwise noted, all the above monitors listed meet the requirements of appendices A, B, C, D and E where applicable.
** These sites do not meet the criteria for an MSA/Source/CBSA as described in 40 CFR Appendix D and are not required.
*** AADT: Annual Average Daily Traffic
**** Although the Lake Tahoe Nevada area is a maintenance area for CO, EPA recently approved NDEP's second maintenance plan, which includes a surrogate method for monitoring CO in the area in the absence of ambient air quality monitoring data. Therefore, NDEP is not required to operate any CO monitors in the maintenance area.

Changes in Monitoring Network

In the event that a review of changes to the monitoring network is required, the annual network plan and five-year network assessment will be used to provide for this review. The NDEP-BAQP is considering reclassifying the Ranchos site as a SLAMS site; this is the only anticipated change to the NDEP-BAQP monitoring network anticipated in 2018.

As of June 30, 2012, the NDEP-BAQP discontinued carbon monoxide (CO) monitoring at Stateline, Nevada (located at Harvey's Resort and Hotel on Highway 50). The NDEP-BAQP submitted a Limited Maintenance Plan and a subsequent supplemental State Implementation Plan (SIP) to address this discontinuance. The USEPA approved the SIP revision, which was in effect as of July 2017.

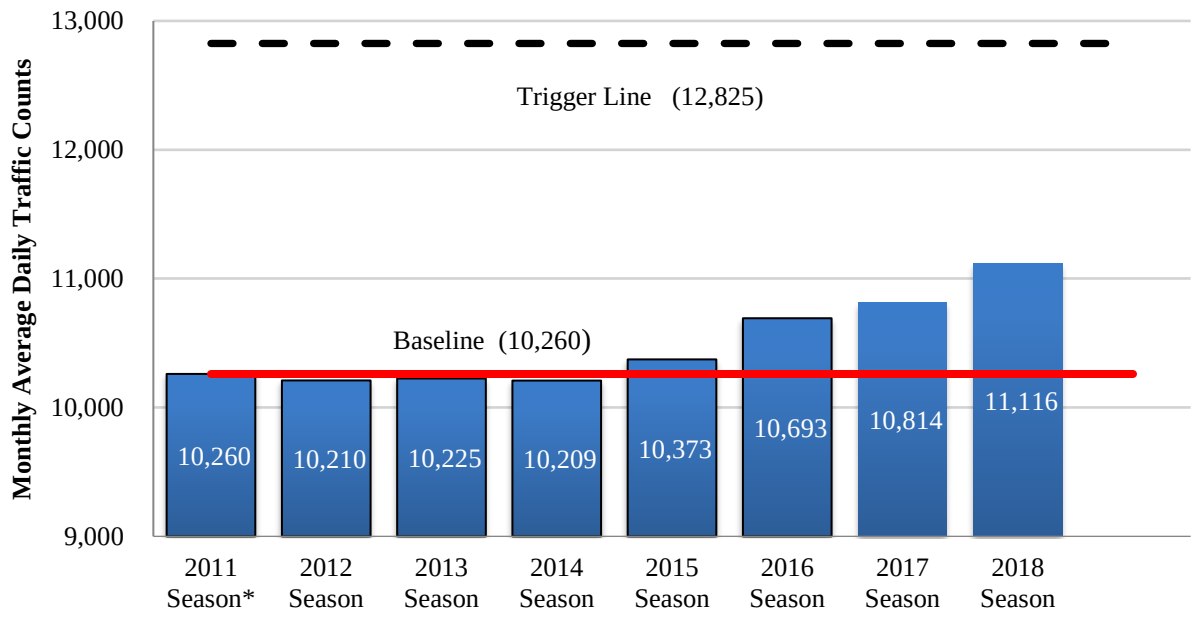
Although CO monitoring has been discontinued, the NDEP-BAQP has agreed to conduct surrogate monitoring, which may lead to actual monitoring. The NDEP-BAQP uses monthly average daily traffic (MADT) counts for its surrogate monitoring. The season for MADT runs from October 1 of the current year to March 31 of the following year. To use MADT as a surrogate CO monitoring method, the NDEP-BAQP conducts an annual review of the seasonal traffic volumes in the Tahoe Basin using the data from the Nevada Department of Transportation's permanent automatic traffic recorders in Stateline and Incline Village, Nevada. The NDEP-BAQP compares the latest rolling three-year average of the MADT volumes against the baseline MADT average established by the traffic volume data collected during the 2008-09, 2009-10, and 2010-11 seasons. The baseline traffic volumes calculated by averaging the three winter seasons, 2008-09 through 2010-11 are, 1) Incline Village: 10,260; and 2) Stateline: 24,201.

If the MADT count increases by more than 25 percent when comparing the most recent, consecutive rolling three-year averaging period to the baseline period, at either the Stateline or the Incline Village monitor, then the state will conduct a CO monitoring study alongside the surrogate MADT method during the period October 1 through March 31 immediately following the MADT review, using the Harvey's monitor to determine the actual CO levels in ambient air.

The NDEP-BAQP retains the monitoring station at Stateline (located at Harvey's Resort and Hotel on Hwy 50) intact, so that monitoring can be resumed soon after it is triggered. The NDEP-BAQP commits to having the necessary equipment available to meet the timeframe for resumed monitoring.

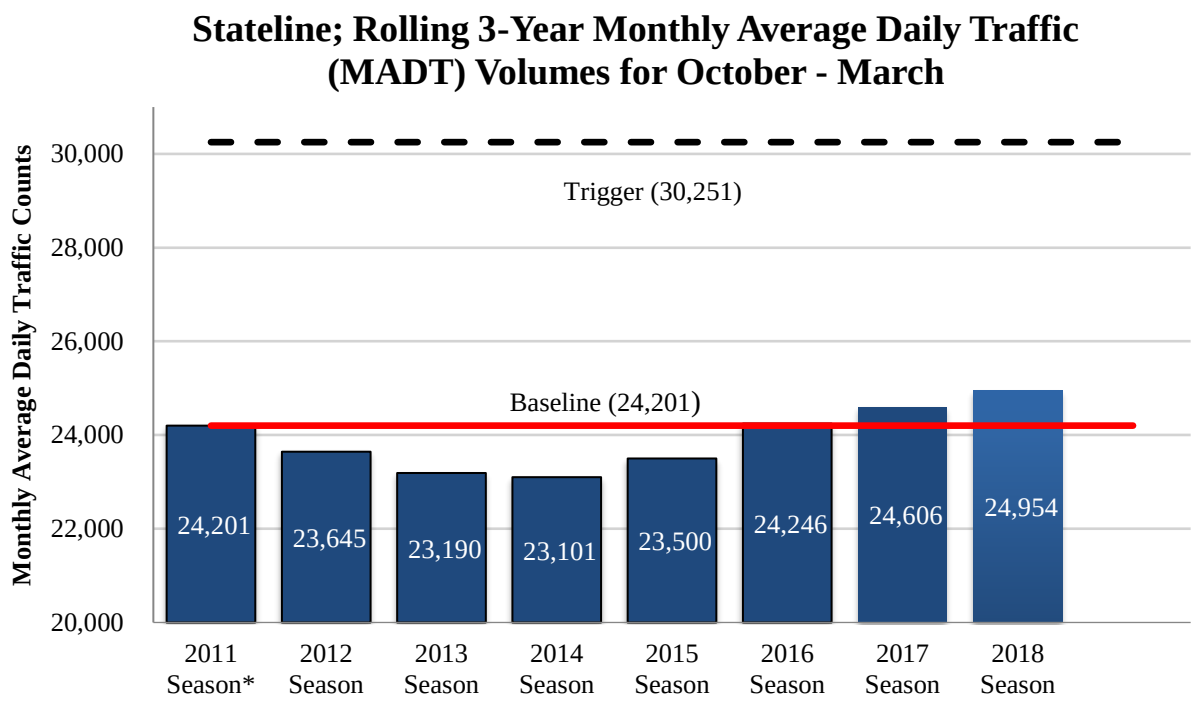
Initial trigger levels are 30,251 for the Stateline MADT and 12,825 for the Incline Village MADT. If the percent increase does not exceed 25 percent, then it will be assumed that the ambient CO concentrations in the affected area have remained relatively unchanged. The rolling three-year MADT volume for October 2017 – March 2018 is 11,116 for Incline Village and 24,954 for Stateline. The percent increase from the current 2018 season over the baseline season for the two stations is 8%and 3% for Incline Village and Stateline, respectively; neither meets the threshold for actual monitoring. Note that, due to circumstances beyond NDEPs control, data were not available for February and March 2018. Data for these months was estimated by averaging the monthly data for each month from 2008 through 2017 (Figures 1 and 2).

Figure 1: Incline Village Monthly Average Daily Traffic Counts



*Each season includes the months of October through March (2011 season = the average MADT for Oct 2010-Mar 2011); a 3-year rolling average takes the average of the previous three seasons (2011 season = [2008-09 season + 2009-10 season + 2010-11 season]/3)

Figure 2: Stateline Monthly Average Daily Traffic Counts



*Each season includes the months of October through March (2011 season = the average MADT for Oct 2010-Mar 2011); a 3-year rolling average takes the average of the previous three seasons (2011 season = [2008-09 season + 2009-10 season + 2010-11 season]/3).

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 NDEP-BAQP utilizes the NAAQS for each criteria pollutant set forth in the Clean Air Act: CO, Pb, NO_2, O_3, coarse and fine particulate matter (PM_{10} and $PM_{2.5}$, respectively), and SO_2. Also, the NDEP-BAQP utilizes the NAAQS of measured criteria pollutants set forth in the Clean Air Act to assess air quality status and potentially classify areas of the state as either attainment or nonattainment.

The NAAQS are 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; the USEAP may reestablish or change the standards according to its findings.

A pollutant measurement that is greater than the ambient air quality standard for its specific averaging time is called an exceedance. An exceedance is not necessarily 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 improve the air quality in that area. Exceptions are made to allow for certain limited exceedances of the standard that may occur; for example, during exceptional events, such as an unusual weather pattern or wildfire. Regulatory action is typically reserved for cases where the exceedances are too large or too frequent and cause violation of the NAAQS.

Historically, ambient air quality monitoring by the NDEP-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 have also been developed and implemented to help control surface area disturbances and other related activities that produce dust.

Overview of Monitored Parameters

O_3

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, volatile organic compounds (VOCs) and oxides of nitrogen, create ozone in the presence of sunlight. According to the USEPA, ozone is a strong irritant of the upper respiratory system and also causes damage to crops.

PM$_{10}$

Particulate matter with an aerodynamic diameter of 10 microns or less is emitted from transportation and industrial sources. According to the USEPA, 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.

PM$_{2.5}$

Fine particulate matter with a diameter of 2.5 microns or less is created primarily from industrial processes and fuel combustion. According to the USEPA, these particles are breathed deeply into the lungs. Exposure to fine 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.

Figure 3: Locations of monitoring stations maintained in the NDEP-BAQP's network.

Elko: Detailed Site Information

Prior to 1992, the location for this sampler was at the fire station in a commercial area. In November 1992, this continuous PM_{10} 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 Tapered Element Oscillating Microbalance (TEOM) PM_{10} monitor in December 1998. In September 2008, the TEOM monitor was closed and a new Beta Attenuation Monitor (BAM) 1020 monitor was sited at the Elko Grammar School #2.

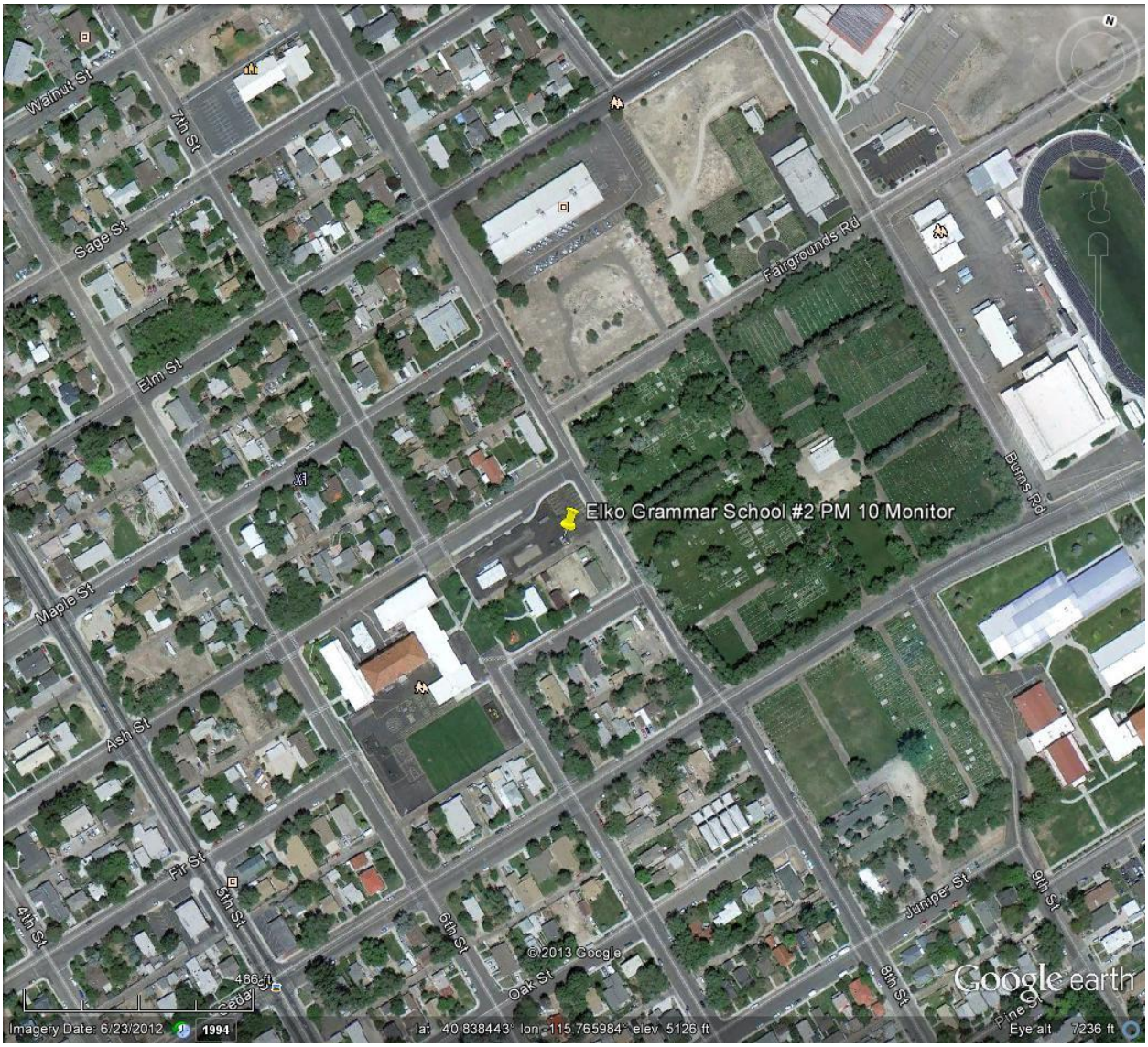
Local site name	**Elko**
AQS ID (XX-XXX-XXXX)	**32-007-0005**
GPS coordinates (decimal degrees)	**+40.838350, -115.766029**
Street Address	**1055 7th Street, Elko, NV 89801**
County	**Elko**
Distance to roadways (meters)	**8th Street – 21 meters***
Traffic count (AADT, year)	**8th Street – 2,500 AADT (2016) Station #0070208**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Asphalt**
Representative statistical area name (i.e. MSA, CBSA, other)	**Elko Micropolitan Statistical Area**
Pollutant, Pollutant Occurrence Code (POC)	**PM_{10}, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**81102**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population exposure**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Met One BAM 1020**
Method code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Neighborhood**
Monitoring start date (MM/DD/YYYY)	**09/25/2008**

Local site name	**Elko**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**2.6 meters**
Distance from supporting structure (meters)	**2.6 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: shed to SE = 9 meters Vertical height above probe: shed to SE = 3 meters**
Distance from tree drip-lines (meters)	**N/A**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (seconds)	**N/A**
Will there be changes in the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**
Frequency of flow rate verification for automated PM analyzers	**Monthly**
Frequency of one-point QC check for gaseous instruments	**N/A**

Local site name	**Elko**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**04/20/2017; 10/31/2017**

* Distance is measured to the nearest roadway, not to the nearest NDOT station # reference for AADT.

Figure 4: PM_{10} Monitor located at Elko Grammar School #2, 1055 7th Street, Elko, NV.



Fallon: Detailed Site Information

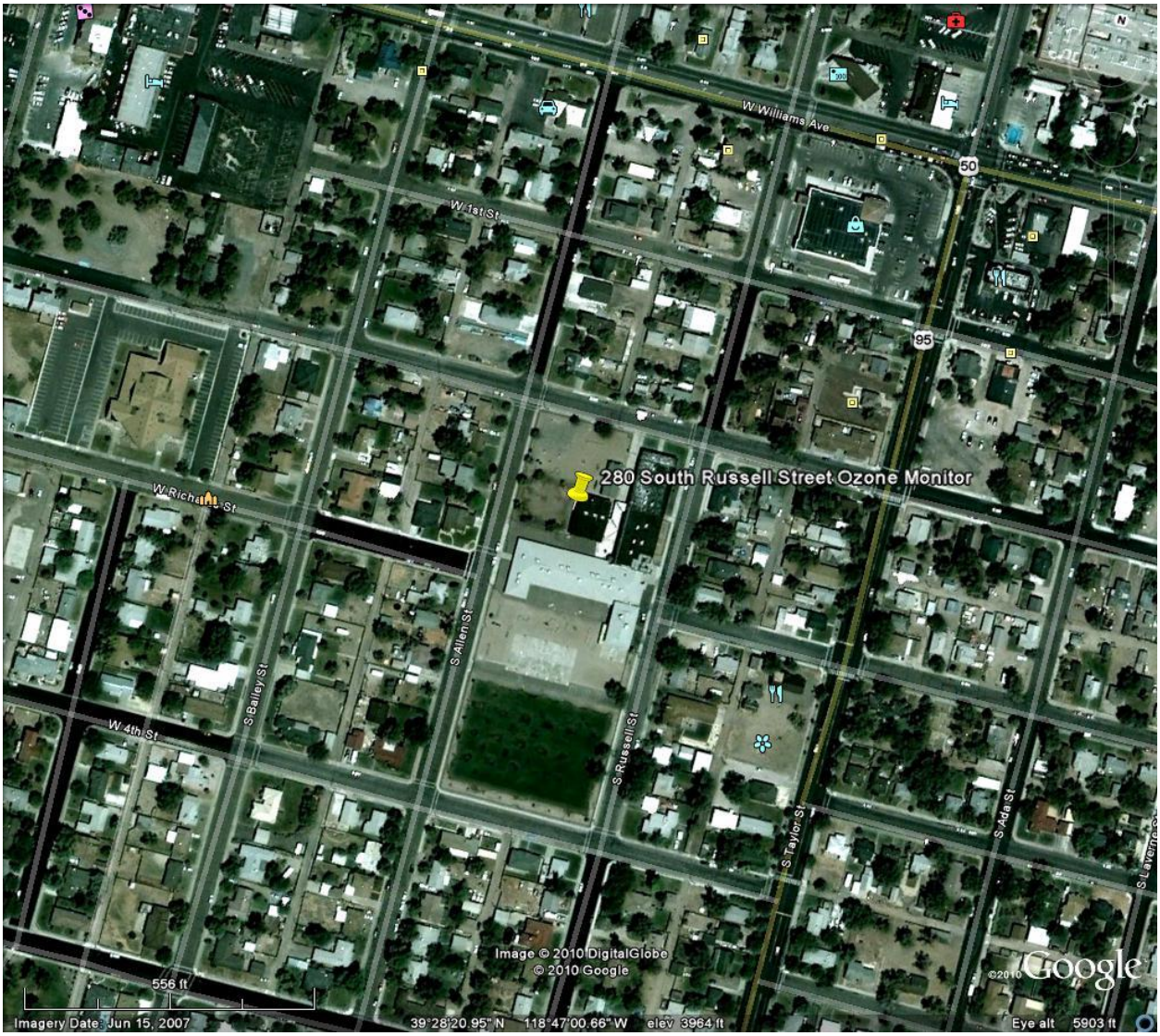
The ozone monitoring site at 280 South Russell Street is at the West End Facility in a residential neighborhood that may be affected by agricultural operations surrounding the City of Fallon. The monitoring objective is to determine typical concentration/population oriented and transport downwind of Reno and Fernley.

Local site name	**Fallon**
AQS ID (XX-XXX-XXXX)	**32-001-0002**
GPS coordinates (decimal degrees)	**+39.472471, -118.783624**
Street Address	**280 South Russell Street, Fallon, NV 89406**
County	**Churchill**
Distance to roadways (meters)	**S. Allen – 40 meters**
Traffic count (AADT, year)	**Bailey – 280 AADT (2016) Station #0010135; Taylor – 3,300 AADT (2016) Station #0010134**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Dirt and gravel**
Representative statistical area name (i.e. MSA, CBSA, other)	**Fallon Micropolitan Statistical Area**
Pollutant, POC	**Ozone, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**44201**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population Exposure**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Teledyne API Model 400 Series**
Method code	**087**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Neighborhood**
Monitoring start date (MM/DD/YYYY)	**10/01/1999**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**

Local site name	**Fallon**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**5.5 meters**
Distance from supporting structure (meters)	**1.5 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: tree to SW = 15 meters Vertical height above probe: tree to SW = 2.1 meters**
Distance from tree drip-lines (meters)	**11 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**Teflon**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (seconds)	**4.7 seconds**
Will there be changes in the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**
Frequency of flow rate verification for automated PM analyzers	**N/A**
Frequency of one-point QC check for gaseous instruments	**Every two weeks**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**12/14/2017**

Local site name	**Fallon**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**N/A**

Figure 5: Ozone Monitor located at West End Facility, 280 South Russell Street, Fallon, NV.



Fernley Intermediate School: Detailed Site Information

Ozone monitoring is conducted at the Fernley Intermediate School, which is located at 320 Hardie Lane. This is an area of mainly residential and agricultural use. However, there has recently been a large growth of industry both upwind and downwind of this site. Ozone monitoring (SPMS) was previously conducted at the Fernley Volunteer Fire Department starting in October 1997 and discontinued in October 2003. Ozone monitoring began at this site in July 2007. Monitoring for PM_{10} at this site commenced on May 1995 to determine the agricultural and industrial source impacts and population exposure. PM_{10} sampling was discontinued in November 1998.

Local site name	**Fernley**
AQS ID (XX-XXX-XXXX)	**32-019-0006**
GPS coordinates (decimal degrees)	**+39.602787, -119.247741**
Street Address	**320 Hardie Ln., Fernley, NV 89408**
County	**Lyon**
Distance to roadways (meters)	**Hardie Ln. – 106 meters***
Traffic count (AADT, year)	**US95A, US50A – 8,300 AADT (2016) Station # 0190022** **SR427, Main St. –11,000 AADT (2016) Station #0190024** **Hardie Ln. – 950 AADT (2016) Station #0190119**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Paved, cement, gravel and dirt**
Representative statistical area name (i.e. MSA, CBSA, other)	**Reno-Carson City-Fernley Combined Statistical Area (CSA) and Fernley Micropolitan Statistical Area**
Pollutant, POC	**Ozone, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**44201**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population Exposure**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Teledyne API Model 400 Series**
Method code	**087**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**

Local site name	**Fernley**
Spatial scale (e.g. micro, neighborhood)	**Neighborhood**
Monitoring start date (MM/DD/YYYY)	**07/06/2007**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**7 meters**
Distance from supporting structure (meters)	**2.1 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: tree to W = 16 meters Vertical height above probe: tree to W = 2 meters**
Distance from tree drip-lines (meters)	**15 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**Teflon**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (seconds)	**8.8 seconds**
Will there be changes in the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**

Local site name	**Fernley**
Frequency of flow rate verification for automated PM analyzers	**N/A**
Frequency of one-point QC check for gaseous instruments	**Every two weeks**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**12/14/2017**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**N/A**

* Distance is measured to the nearest roadway, not to the nearest NDOT station # reference for AADT.

Figure 6: Ozone Monitor located at Fernley Intermediate School, 320 Hardie Lane Fernley, NV.

2601 S. Carson Street: Detailed Site Information

Due to the city of Carson City re-purposing use of the old monitoring location on 3300 East Fifth Street, the SLAMS monitoring site is now adjacent to Hwy 395, in a residential neighborhood and a light industrial area. The collocated $PM_{2.5}$ and ozone monitoring site is located at 2601 S. Carson Street, previous site of the old Army National Guard site. The monitoring objective for $PM_{2.5}$ and ozone is to determine maximum concentration based on Appendix D CFR 58 (4.1) (b) for this site. The primary monitor at this site is the SLAMS BAM 1020 continuous monitor.

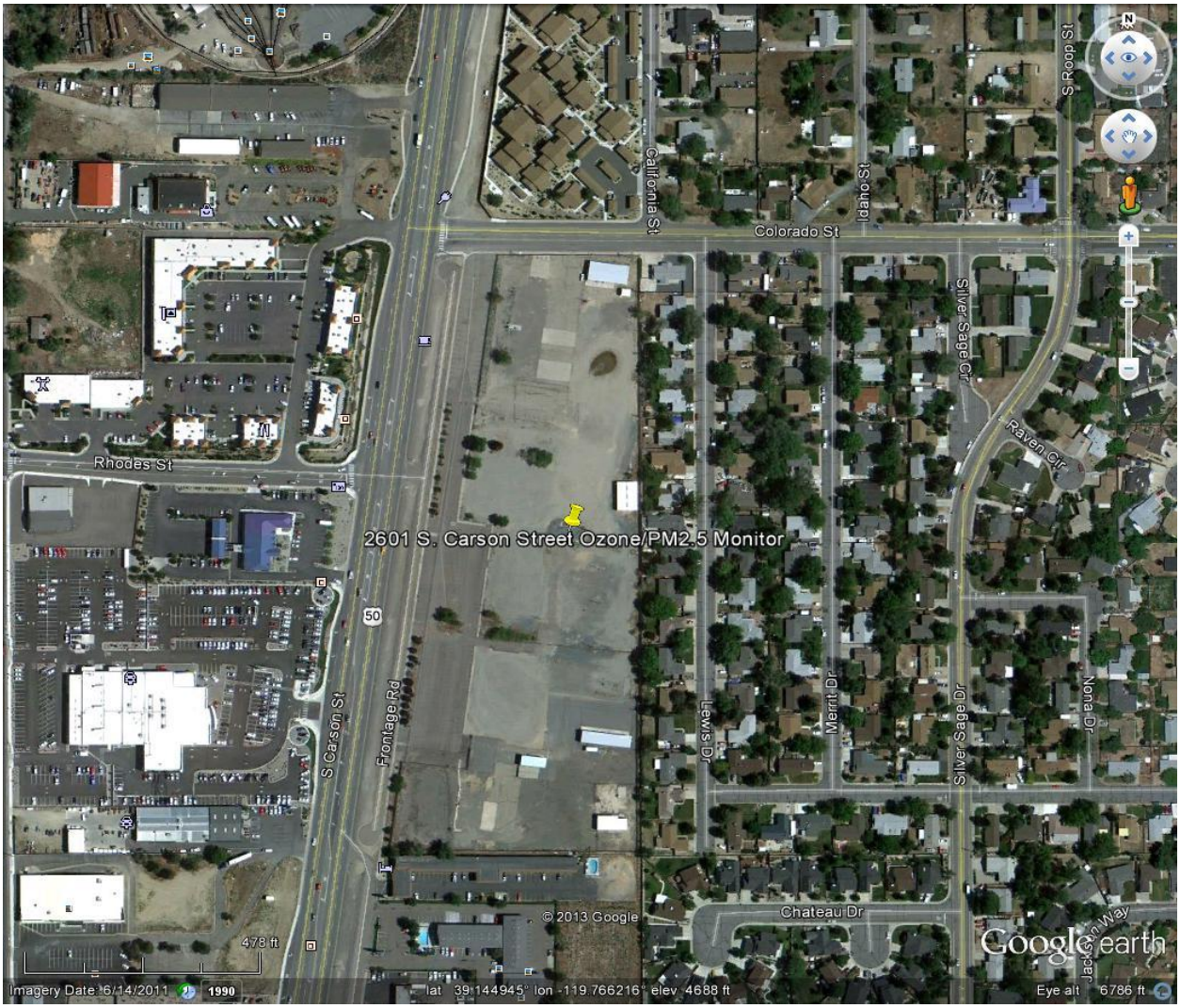
Local site name	**Carson City Armory**		
AQS ID (XX-XXX-XXXX)	**32-510-0020**		
GPS coordinates (decimal degrees)	**+39.1447, -119.7661**		
Street Address	**2601 S. Carson St., Carson City, NV 89701**		
County	**Carson City**		
Distance to roadways (meters)	**Lewis Drive – 87 meters**		
Traffic count (AADT, year)	**Carson St., SR529 – 44,000 AADT (2015) Station #0250148 Colorado St. – 3,100 AADT (2015) Station #0250060 Sonoma St. – 1,700 AADT (2015) Station #0250050**		
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Gravel**		
Representative statistical area name (i.e. MSA, CBSA, other)	**Reno-Carson City-Fernley CSA and Carson City Metropolitan Statistical Area (MSA)**		
Pollutant, POC	**$PM_{2.5}$, 1**	**$PM_{2.5}$, 2**	**Ozone, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**Primary**	**QA Collocated**	**N/A**
Parameter code	**88101**	**88101**	**44201**
Basic monitoring objective(s)	**NAAQS**	**NAAQS**	**NAAQS**
Site type(s)	**Highest concentration**	**Highest concentration**	**Max O_3 concentration**
Monitor type(s)	**SLAMS**	**SLAMS**	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**	**N/A**	**N/A**
Instrument manufacturer and model	**Met One BAM 1020**	**Met One EFRM, VSCC**	**Teledyne API 400 Series**
Method code	**170**	**221**	**087**
FRM/FEM/ARM/other	**FEM**	**FRM**	**FEM**
Collecting Agency	**NDEP-BAQP**	**NDEP-BAQP**	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**	**Desert Research Institute**	**N/A**

Local site name	**Carson City Armory**		
Reporting Agency	**NDEP-BAQP**	**NDEP-BAQP**	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Neighborhood**	**Neighborhood**	**Neighborhood**
Monitoring start date (MM/DD/YYYY)	**04/01/2013**	**04/01/2013**	**04/01/2013**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous (primary)**	**1:6**	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**Continuous**	**1:3***	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**	**01/01-12/31**	**01/01-12/31**
Probe height (meters)	**4.6 meters**	**4.6 meters**	**4.1 meters**
Distance from supporting structure (meters)	**4.6meters**	**2.0 meters**	**2.3 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**	**No obstructions on the roof**	**No obstructions on the roof**
Distance from obstruction not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: tree to W = 40 meters Vertical height above probe: tree to W = 4.5 meters** **Horizontal distance: tree to NW = 48 meters Vertical height above probe: tree to NW = 4.5 meters**	**Horizontal distance: tree to W = 40 meters Vertical height above probe: tree to W = 4.5 meters** **Horizontal distance: tree to NW = 48 meters Vertical height above probe: tree to NW = 4.5 meters**	**Horizontal distance: tree to W = 40 meters Vertical height above probe: tree to W = 4.5 meters** **Horizontal distance: tree to NW = 48 meters Vertical height above probe: tree to NW = 4.5 meters**
Distance from tree drip-lines (meters)	**37/44 meters**	**37/44 meters**	**37/44 meters**
Distance to furnace or incinerator flue (meters)	**N/A**	**N/A**	**N/A**

Local site name	**Carson City Armory**		
Distance between monitors fulfilling a QA collocation requirement (meters)	**2 meters**	**2 meters**	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**	**360 degrees**	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**	**N/A**	**Teflon**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls	**N/A**	**N/A**	**4.7 seconds**
Will there be changes within the next 18 months? (Y/N)	**No**	**No**	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**Yes**	**Yes**	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers		**Monthly**	**N/A**
Frequency of flow rate verification for automated PM analyzers	**Monthly**		**N/A**
Frequency of one-point QC check for gaseous instruments	**N/A**	**N/A**	**Every two weeks**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**	**N/A**	**12/12/2017**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**03/29/2017, 09/19/2017**	**03/29/2017, 09/19/2017**	**N/A**

* This requirement is met by the continuous sampling of the primary monitor.

Figure 7: Ozone/$PM_{2.5}$ Monitors located at Carson City Armory, 2601 S. Carson St., Carson City, NV.



Church: Detailed Site Information

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 BAM 1020 analyzer located in the southeast corner of the Catholic Church property. This site represents the southern-most monitoring location in Pahrump Valley. The monitoring objective of this site is a significant source of PM_{10}. The surrounding area is characterized by residential use with little commercial use, as well as some native desert with a mix of dirt and paved roads.

Local site name	**Church**
AQS ID (XX-XXX-XXXX)	**32-023-0013**
GPS coordinates (decimal degrees)	**+36.159639, -115.996263**
Street Address	**781 E. Gamebird, Pahrump, NV 89048**
County	**Nye**
Distance to roadways (meters)	**Gamebird – 147 meters**
Traffic count (AADT, year)	**Pahrump Valley – 6,600 AADT (2016 Station #0230025**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Desert**
Representative statistical area name (i.e. MSA, CBSA, other)	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**
Pollutant, POC	**PM_{10}, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**81102**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population exposure – Dry lake bed 6 miles to the south**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Met One BAM 1020**
Method code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Urban**
Monitoring start date (MM/DD/YYYY)	**02/14/2004**

Local site name	**Church**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**4 meters**
Distance from supporting structure (meters)	**4 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: shed to W = 13 meters Vertical height above probe: shed to W = N/A height < probe**
Distance from tree drip-lines (meters)	**44 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls	**N/A**
Will there be changes within the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification manual PM samplers, including Pb samplers	**N/A**
Frequency of flow rate verification for automated PM analyzers	**Monthly**
Frequency of one-point QC check for gaseous instruments	**N/A**

Local site name	**Church**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**05/23/2017, 12/05/2017**

Figure 8: PM_{10} Monitor located at Church Site, 781 E. Gamebird Pahrump, NV.

Manse Elementary: Detailed Site Information

The Manse site represents the monitoring objective for the highest concentrations of PM_{10} in Pahrump. This site replaces the Community Pool site, which, at the time it was operating, also represented the highest concentrations of PM_{10} in Pahrump. Located at 1020 E. Wilson Road, the Manse Elementary site is located on the roof of the school and monitors for PM_{10} using the continuous BAM 1020 analyzer. The area adjacent to this site is characterized by mostly commercial use with some residential use, 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.

Local site name	**Manse Elementary**
AQS ID (XX-XXX-XXXX)	**32-023-0014**
GPS coordinates (decimal degrees)	**+36.212787, -115.994802**
Street Address	**1020 E. Wilson Road, Pahrump, NV 89048**
County	**Nye**
Distance to roadways (meters)	**Chowhand - 77 meters**
Traffic count (AADT, year)	**SR372, Charles Brown Hwy – 11,000 AADT (2016) Station #0230006**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Gravel**
Representative statistical area name (i.e. MSA, CBSA, other)	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**
Pollutant, POC	**PM_{10}, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**81102**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Highest Concentration**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Met One BAM 1020**
Method code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Middle**
Monitoring start date (MM/DD/YYYY)	**11/17/2005**

Local site name	**Manse Elementary**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**6 meters**
Distance from supporting structure (meters)	**2.5 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: tree to W = 14 meters** **Vertical height above probe: tree to W = 2 meters** **Horizontal distance: tree to E = 23 meters** **Vertical height above probe: tree to E = 3 meters**
Distance from tree drip–lines (meters)	**11 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (seconds)	**N/A**
Will there be changes in the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**
Frequency of flow rate verification for automated PM analyzers	**Monthly**
Frequency of one-point QC check for gaseous instruments	**N/A**

Local site name	**Manse Elementary**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**05/22/2017, 12/06/2017**

Figure 9: PM_{10} Monitor located at Manse Elementary, 1020 E. Wilson Road Pahrump, NV.

Glen Oaks: Detailed Site Information

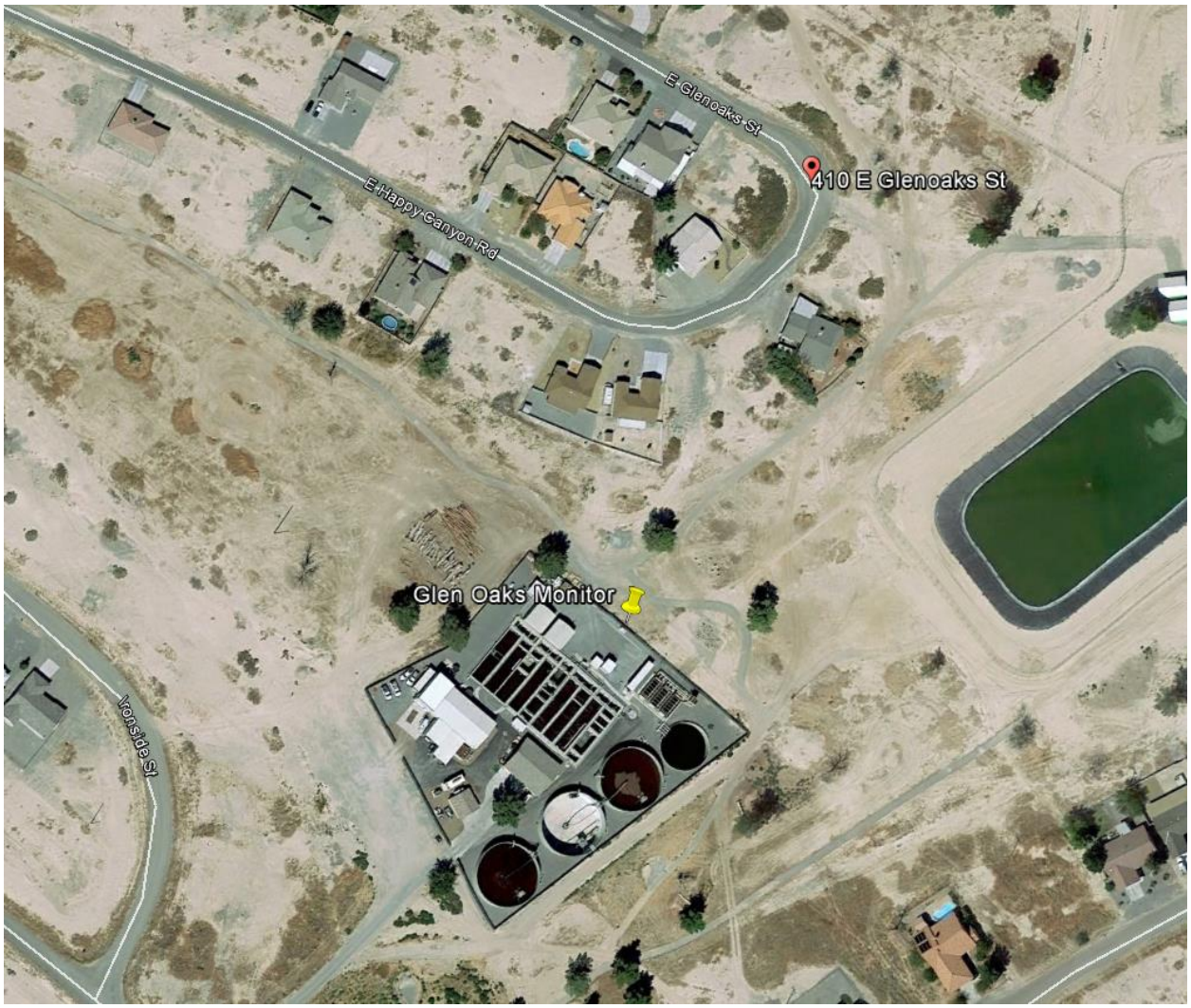
Monitoring began at the Willow Creek site in 2003. The monitor was located at 1500 Red Butte on the roof of a building in which irrigation equipment for a golf course was housed. The monitoring objective of this site was to measure typical concentrations/population oriented of PM_{10} using the BAM 1020. The surrounding area adjacent to this site was fairway/golf course and residential structures. Due to closure of the golf course, the Willow Creek site was relocated to the Glen Oaks sewage 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.

Local site name	**Glen Oaks**
AQS ID (XX-XXX-XXXX)	**32-023-0015**
GPS coordinates (decimal degrees)	**+36.193469, -116.00784**
Street Address	**410 S. Glenoaks Street; Pahrump NV, 89048**
County	**Nye**
Distance to roadways (meters)	**East Glenoaks St. - 104 meters**
Traffic count (AADT, year)	**SR372, Charles Brown Hwy – 11,000AADT (2016) Station #0230006**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Loose soil/dust**
Representative statistical area name (i.e. MSA, CBSA, other)	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**
Pollutant, POC	**PM_{10}, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**81102**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population Exposure**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Met One BAM 1020**
Method code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Neighborhood**
Monitoring start date (MM/DD/YYYY)	**07/10/2009**

Local site name	**Glen Oaks**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**2.7 meters**
Distance from supporting structure (meters)	**2.7 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof.**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: shed to W = 11 meters** **Vertical height above probe: shed to W = N/A height < probe** **Horizontal distance: tree to N = 33 meters** **Vertical height above probe: tree to N = 7 meters** **Horizontal distance: tree to NE = 36 meters** **Vertical height above probe: tree to NE = 8 meters**
Distance from tree drip-lines (meters)	**29 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls	**N/A**
Will there be changes within the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**

Local site name	**Glen Oaks**
Frequency of flow rate verification for automated PM analyzers	**Monthly**
Frequency of one-point QC check for gaseous instruments	**N/A**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**05/22/2017, 12/06/2017**

Figure 10: PM_{10} Monitor located at 410 S. Glenoaks St., Pahrump, NV.



Linda Street: Detailed Site Information

Monitoring at the Linda Street site was initiated in 2003. The site is located at 8825 North Linda Street. The BAM 1020 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. Due to distance from the probe to the nearest roadway, this is a regional scale site. The monitoring objective for this site is upwind background levels of PM_{10} in Pahrump.

Local site name	**Linda Street**
AQS ID (XX-XXX-XXXX)	**32-023-0011**
GPS coordinates (decimal degrees)	**+36.349408, -116.031976**
Street Address	**8825 N. Linda, Pahrump, NV 89060**
County	**Nye**
Distance to roadways (meters)	**Linda St. – 53 meters**
Traffic count (AADT, year)	**SR160, Blue Diamond Rd. – 1,600 AADT (2016) Station #0230009**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Desert**
Representative statistical area name (i.e. MSA, CBSA, other)	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**
Pollutant, POC	**PM_{10}, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**81102**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Upwind Background**
Monitor type	**SLAMS**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Instrument manufacturer and model	**Met One BAM 1020**
Method code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Urban**
Monitoring start date (MM/DD/YYYY)	**05/03/2003**

Local site name	**Linda Street**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**6 meters**
Distance from supporting structure (meters)	**2.8 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: hangar to NW = 21 meters Vertical height above probe: hangar to NW = N/A height < probe**
Distance from tree drip-lines (meters)	**25 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 Degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls	**N/A**
Will there be changes in the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**N/A**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**
Frequency of flow rate verification for automated PM analyzers	**Monthly**
Frequency of one-point QC check for gaseous instruments	**N/A**

Local site name	**Linda Street**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**05/23/2017, 12/08/2017**

Figure 11: PM_{10} Monitor located at 8825 N. Linda Pahrump, NV.

Ranchos Aspen Park: Detailed Site Information

The Ranchos Aspen Park site is a SPMS site within the NDEP-BAQP network. The monitoring objective is to determine typical concentration/population exposure.

Local site name	**Ranchos Aspen Park**
AQS ID (XX-XXX-XXXX)	**32-005-0007**
GPS coordinates (decimal degrees)	**+38.897557, -119.732507**
Street Address	**820 Lyell Way, Gardnerville, NV 89460**
County	**Douglas**
Distance to roadways (meters)	**Lyell Way – 18 meters**
Traffic count (AADT, year)	**Kimmerling Rd. – 5,600 AADT (2016) Station #0050066**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Gravel**
Representative statistical area name (i.e. MSA, CBSA, other)	**Reno-Carson City-Fernley CSA and Gardnerville Ranchos Micropolitan Statistical Area**
Pollutant, POC	**$PM_{2.5}$, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**88101**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population exposure**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**N/A**
Monitor type(s)	**SPMS**
Instrument manufacturer and model	**Met One BAM 1020**
Method code	**170**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**N/A**
Reporting Agency	**NDEP-BAQP**
Spatial scale (e.g. micro, neighborhood)	**Neighborhood**
Monitoring start date (MM/DD/YYYY)	**04/01/2013**
Current sampling frequency (e.g. 1:3, continuous)	**Continuous**

Local site name	**Ranchos Aspen Park**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**N/A**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**4 meters**
Distance from supporting structure (meters)	**4 meters**
Distance from obstructions on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**No obstructions on the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**Horizontal distance: tree to S = 11 meters Vertical distance above probe: tree to S = 1.5 meters**
Distance from tree drip-lines (meters)	**9 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2, O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls	**N/A**
Will there be changes within the next 18 months? (Y/N)	**Potential reclassification to SLAMS site**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**Yes**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**N/A**
Frequency of flow rate verification for automated PM analyzers	**Monthly**
Frequency of one-point QC check for gaseous instruments	**N/A**

Local site name	**Ranchos Aspen Park**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**04/11/2017, 10/02/17**

Figure 12: $PM_{2.5}$ Monitor located at Ranchos Aspen Park, 820 Lyell Way Gardnerville, NV.

IMPROVE Station: Detailed Site Information

According to 40 CFR Part 58 Appendix D 4.7.3, "each state shall install and operate at least one $PM_{2.5}$ site to monitor for regional background and regional transport." The NDEP-BAQP utilizes the Jarbidge site to meet this particular requirement.

Local site name	**Jarbidge Wilderness IMPROVE**
AQS ID (XX-XXX-XXXX)	**32-007-9000**
GPS coordinates (decimal degrees)	**+41.8926, -115.4261**
Street Address	**Jarbidge Wilderness, Mahoney Forest Service Station**
County	**Elko**
Distance to roadways (meters)	**30 meters**
Traffic count (AADT, year)	**Negligible (No traffic counts conducted)**
Groundcover (e.g. paved, vegetative, dirt, sand, gravel)	**Dirt/Grass**
Representative statistical area name (i.e. MSA, CBSA, other)	**Elko Micropolitan Statistical Area**
Pollutant, POC	**$PM_{2.5}$, 1**
Primary/QA Collocated/Other (provide for all $PM_{2.5}$, PM_{10}, $PM_{10-2.5}$, Pb, and NO_2 monitors. Non-PM, Pb, NO_2 monitors should be listed as "N/A")	**N/A**
Parameter code	**88502**
Basic monitoring objective(s)	**Research Support**
Site type(s)	**General/Background**
Monitor type	**EPA**
Network affiliation(s), if applicable (a monitor may have none, one, or multiple)	**IMPROVE**
Instrument manufacturer and model	**Crocker Nuclear Lab, IMPROVE Sampler Version II**
Method code	**707**
FRM/FEM/ARM/other	**Other**
Collecting Agency	**US Forest Service (USFS)**
Analytical Lab (i.e. weigh lab, toxics lab, other)	**Crocker Nuclear Lab**
Reporting Agency	**US Forest Service (USFS)**
Spatial scale (e.g. micro, neighborhood)	**Regional**
Monitoring start date (MM/DD/YYYY)	**01/1988**
Current sampling frequency (e.g. 1:3, continuous)	**1:3 Filters Collected Weekly**

Local site name	**Jarbidge Wilderness IMPROVE**
Required sampling frequency (e.g. 1:3 excluding exceptional events/1:1 including exceptional events)	**1:3**
Sampling season (MM/DD-MM/DD)	**01/01-12/31**
Probe height (meters)	**4 meters**
Distance from supporting structure (meters)	**2 meters**
Distance from obstructions on roof. Include horizontal dist. + vertical height above probe for obstructions nearby (meters)	**No obstructions on/near the roof**
Distance from obstructions not on roof. Include horizontal distance + vertical height above probe for obstructions nearby (meters)	**18 meters** **Unable to determine obstruction height above probe from AQS or site operator**
Distance from tree drip lines (meters)	**15 meters**
Distance to furnace or incinerator flue (meters)	**N/A**
Distance between monitors fulfilling a QA collocation requirement (meters)	**N/A**
Unrestricted airflow (degrees around probe/inlet or percentage of monitoring path)	**360 degrees**
Probe material for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls (e.g. Pyrex, stainless steel, Teflon)	**N/A**
Residence time for reactive gases $NO/NO_2/NO_y$, SO_2 O_3; PAMS: VOCs, Carbonyls	**N/A**
Will there be changes in the next 18 months? (Y/N)	**No**
Is it suitable for comparison against the annual $PM_{2.5}$? (Y/N)	**No**
Frequency of flow rate verification for manual PM samplers, including Pb samplers	**Unable to determine from AQS or site operator**
Frequency of flow rate verification for automated PM analyzers	**N/A**
Frequency of one-point QC check for gaseous instruments	**N/A**

Local site name	**Jarbidge Wilderness IMPROVE**
Date of Annual Performance Evaluation conducted in the past calendar year for gaseous parameters (MM/DD/YYYY)	**N/A**
Date of two semi-annual flow rate audits conducted in the past calendar year for PM monitors (MM/DD/YYYY, MM/DD/YYYY)	**Unable to determine from AQS or site operator**

Figure 13: Mahoney Forest Service IMPROVE Station, Jarbidge, NV

Appendix A

Comment Submittal Information

This 2018 Ambient Air Monitoring Network Plan was posted on the NDEP website for review and comment for thirty (30) days starting May 26, 2018 and ending June 25, 2018.

Comments may be emailed to
Sheryl Fontaine (sfontaine@ndep.nv.gov)

or mailed to,
Sheryl Fontaine
Ambient Monitoring Program
Bureau of Air Quality Planning
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

APPENDIX E

Interstate Transport Analysis for the 2015 8-Hour Primary Ozone National Ambient Air Quality Standard

NOTE TO READERS

The Nevada Division of Environmental Protection (NDEP) has chosen to link to websites on the internet for many references cited in this appendix. Electronic copies of reference documents are also available on the NDEP's server. If any of the links in this document do not work, please contact the NDEP Bureau of Air Quality Planning at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701 or by telephone at 775-687-9349 for assistance.

APPENDIX E

Interstate Transport Analysis for the 2015 8-Hour Primary Ozone National Ambient Air Quality Standard

E.1 INTRODUCTION

Section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA), also called the "good neighbor" provision, requires each state to prohibit emissions that contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any primary or secondary national ambient air quality standard (NAAQS). The Nevada Division of Environmental Protection (NDEP) analyzed the impact of transport of anthropogenic ozone and ozone precursor emissions from Nevada sources to nonattainment and maintenance receptor areas in nearby states, other western states and eastern states. The NDEP used the following U.S. Environmental Protection Agency (USEPA) resources to conduct this analysis.

- *Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I).* Memorandum from Peter Tsirigotis, Director, USEPA Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1-10. March 27, 2018. Available at: https://www.epa.gov/sites/production/files/2018-03/documents/transport_memo_03_27_18_1.pdf.
- *2015 Ozone NAAQS Interstate Transport Assessment Design Values and Contributions*. This file contains projected 2023 design values and 2023 ozone contributions at individual monitoring sites. Available at: https://www.epa.gov/airmarkets/march-2018-memo-and-supplemental-information-regarding-interstate-transport-sips-2015
- *Notice of Availability of the Environmental Protection Agency's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard (NAAQS)*, 82 FR 1733 (January 6, 2017). Available at: https://www.regulations.gov/document?D=EPA-HQ-OAR-2016-0751-0001
- *Supplemental Information on the Interstate Transport State Implementation Plan Submissions for the 2008 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I).* Memorandum from Stephen D. Page, Director, USEPA Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1-10. October 27, 2017. Available at: https://www.epa.gov/sites/production/files/2017-10/documents/final_2008_o3_naaqs_transport_memo_10-27-17b.pdf. This memorandum includes links to all supporting documentation, including modeling and emissions technical support documents.

The NDEP followed the USEPA's four-step framework[1] (also referred to as the CSAPR [Cross-State Air Pollution Rule] framework) to address the requirements of the good neighbor provision for ozone. The framework consists of:

1) identify downwind air quality problems;
2) identify upwind states that contribute enough to those downwind air quality problems to warrant further review and analysis;
3) identify the emissions reduction necessary (if any), considering cost and air quality factors, to prevent an identified upwind state from contributing significantly to those downwind air quality problems; and
4) adopt permanent and enforceable measures needed to achieve those emissions reductions.

The following sections address the four-step framework, beginning with the identification of 2023 nonattainment and maintenance monitors.

E.2 IDENTIFICATION OF DOWNWIND AIR QUALITY PROBLEMS

Step 1 of the CSAPR framework is identify downwind air quality problems. The USEPA uses modeling to identify potential future downwind air quality problems. For the 2015 ozone NAAQS, the USEPA selected 2023 as the analytic year in their modeling analysis, primarily because it aligns with the attainment year for Moderate ozone nonattainment areas. On March 27, 2018, the USEPA provided newly available contribution modeling results. The USEPA's goal in providing this information is to assist states' efforts to develop good neighbor State Implementation Plans (SIPs) for the 2015 ozone NAAQS to address their interstate transport obligations.[2]

"EPA identified nonattainment receptors as those monitoring sites with current measured values exceeding the NAAQS that also have projected (i.e., in 2023) average design values exceeding the NAAQS. USEPA identified maintenance receptors as those monitoring sites with maximum design values exceeding the NAAQS, This included sites with current measured values below the NAAQS with projected average and maximum design values exceeding the NAAQS, and monitoring sites with projected average design values below the NAAQS but with projected maximum design values exceeding the NAAQS."[3]

The USEPA contribution modeling identified twelve (the Tsirigotis memo misidentifies the number of nonattainment receptors as eleven) monitoring sites outside of California as 2023 potential nonattainment receptors and fourteen monitoring sites outside of California as potential

[1] Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I). Memorandum from Peter Tsirigotis, Director, USEPA Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1-10. March 27, 2018. Available at: https://www.epa.gov/sites/production/files/2018-03/documents/transport_memo_03_27_18_1.pdf. Pages 2-3.

[2] Ibid.

[3] Ibid, page 4

maintenance receptors scattered among eight states. The contribution modeling also identified a combination of forty-three nonattainment receptors and six maintenance receptors scattered across thirteen counties of California.[4] See Table E1 and Table E2.

Table E1. Nonattainment and Maintenance Receptors Outside of California.

State	County	Site ID	Nonattainment	Maintenance
Arizona	Maricopa	40130019		X
	Maricopa	40131004		X
Colorado	Arapahoe	80050002		X
	Douglas	80350004	X	
	Jefferson	80590006	X	
	Jefferson	80590011		X
	Larimer	80690011	X	
	Weld	81230009		X
Connecticut	Fairfield	90010017		X
	Fairfield	90013007	X	
	Fairfield	90019003	X	
	New Haven	90099002	X	
Maryland	Harford	240251001	X	
Michigan	Allegan	260050003		X
	Wayne	261630019		X
New York	Queens	360810124		X
	Richmond	360850067	X	
	Suffolk	361030002	X	
Texas	Brazoria	480391004	X	
	Denton	481210034		X
	Harris	482010024		X
	Harris	48011034		X
	Harris	482011039	X	
	Tarrant	484392003	X	
Wisconsin	Milwaukee	550790085		X
	Sheboygan	551170006		X

In summary, the USEPA's modeling has identified forty-five 2023 nonattainment monitors, forty-three in California and twelve in other states, and twenty 2023 maintenance monitors, six in California and fourteen in other states. The following section identifies upwind states contributing to 2023 nonattainment and maintenance receptors.

E.3 IDENTIFICATION OF UPWIND CONTRIBUTING STATES

Step 2 of the CSAPR framework is identify upwind states that contribute enough to those downwind air quality problems to warrant further review and analysis. In this analysis, the

[4] Ibid, Attachment B.

NDEP has used the USEPA's contribution modeling to identify and quantify contributions greater than 0.5 percent of the 2015 ozone NAAQS resulting from Nevada's anthropogenic emissions to: all receptors in Nevada, non-violating (attainment) receptors in other states, and nonattainment and maintenance receptors in other states. Although the NDEP has analyzed contributions greater than 0.5 percent, neither the USEPA nor the NDEP has identified a contribution threshold to define contribute enough to warrant further review and analysis for the 2015 ozone NAAQS.

Table E2. Nonattainment and Maintenance Receptors in California.

County	Nonattainment	Maintenance
Fresno	5	--
Imperial	2	--
Kern	5	1
Kings	1	--
Los Angeles	7	--
Madera	1	--
Merced	--	1
Riverside	9	--
Sacramento	1	1
San Bernardino	9	--
Stanislaus	1	--
Tulare	2	2
Ventura	--	1

E.3.1 Contribution Threshold

Although the NDEP does not support its use in the western United States, CSAPR used a screening threshold (1 percent of the NAAQS) to identify contributing upwind states warranting further review and analysis. States whose air quality impact (for ozone the impacts would include those from volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) and from all sectors) to at least one downwind problem receptor was greater than or equal to the threshold were identified as needing further evaluation for action to address transport. States whose air quality impacts to all downwind problem receptors were below this threshold were identified as states not requiring further evaluation for actions to address transport—that is, these states had no emissions reduction obligation under the "Good Neighbor" Provision.[5]

The USEPA recently released guidance on significant impact levels (SILs) for ozone, identified at 1.0 parts per billion (ppb), in the Prevention of Significant Deterioration (PSD) permitting program. The USEPA believes that the application of this SIL in the manner described in the

[5] Information on the Interstate Transport "Good Neighbor" Provision for the 2008 Ozone NAAQS under the CAA Section 110(a)(2)(D)(i)(I). Memorandum from Steven D. Page, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1-10. January 22, 2015. Available at: http://www.epa.gov/sites/production/files/2015-11/documents/goodneighborprovision2008naaqs.pdf.

guidance would be sufficient in most situation for a permitting authority to conclude that a proposed source will not cause or contribute to a violation of an ozone NAAQS, while noting that the document is guidance and not a final determination. The USEPA also notes a permitting authority can reasonably conclude that emission of a proposed sources that have a projected impact below the SIL are not the reason for, responsible for, or the "but for" cause of a NAAQS violation. [6]

The NDEP believes the application of the CSAPR threshold to the western United States is a very conservative approach since interstate contributions in the West are relatively small, especially given the large contributions from background and intrastate emissions. The ozone SIL, as a compliance demonstration tool in the PSD program, provides further evidence that the CSAPR screening threshold is a conservative approach to identify contributing upwind states.

E.3.2 Reliance on U.S. EPA Contribution Modeling

The NDEP's transport analysis utilized EPA's 2023 contribution modeling results to determine Nevada's contributions to nonattainment and maintenance receptors in other states. The NDEP has previously commented on the USEPA's ozone NAAQS rulemaking, characterization of ozone background, modeling platforms, and implementation guidance, as well as supporting comments from the Western States Air Resources (WESTAR) Council. See Attachment A, Table E-A4.

Although models can always be refined and there may be differences in certain approaches to technical issues as the NDEP has commented, it is the NDEP's position that the USEPA's modeling is state-of-the-science given the USEPA's constraints. It is also the NDEP's position that the USEPA's contribution modeling is the best available data with which to conduct Nevada's transport analysis.

E.3.3 Contribution Analysis

The USEPA has identified 2023 nonattainment and maintenance receptors in three western states, Arizona, California, and Colorado based on observational data and modeling. The NDEP has analyzed the contribution of 2023 base case anthropogenic NO_X and VOC emissions from sources within Nevada to projected 2023 ozone concentrations at each air quality receptor site. See Tables E-A1, E-A2, and E-A3 in Attachment A, which are based on *2015 Ozone NAAQS Interstate Transport Assessment Design Values and Contributions* (see page E-1).

These tables show:

- the monitor identifier;
- state and county of the monitor location;

[6] Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program. Memorandum from Peter Tsirigotis, Director, USEPA Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1-10. April 17, 2018. Available at: https://www.epa.gov/nsr/significant-impact-levels-ozone-and-fine-particles.

- 2009-2013 average and maximum design values in parts per billion (ppb) based on observational data;
- 2023 modeled average and maximum design values in ppb (the monitor and model design values are used to determine which monitors are nonattainment and which are maintenance);
- the percentage contribution (as percentage of the NAAQS) to 2023 design values resulting from Nevada's anthropogenic emissions (sorted from most to least contribution); and
- the intrastate (from within the state), interstate (from other states), and background contribution (the sum of contributions from Canada and Mexico, Offshore, Fire, Initial and Boundary Conditions, and Biogenic) in ppb and percentage of the NAAQS.

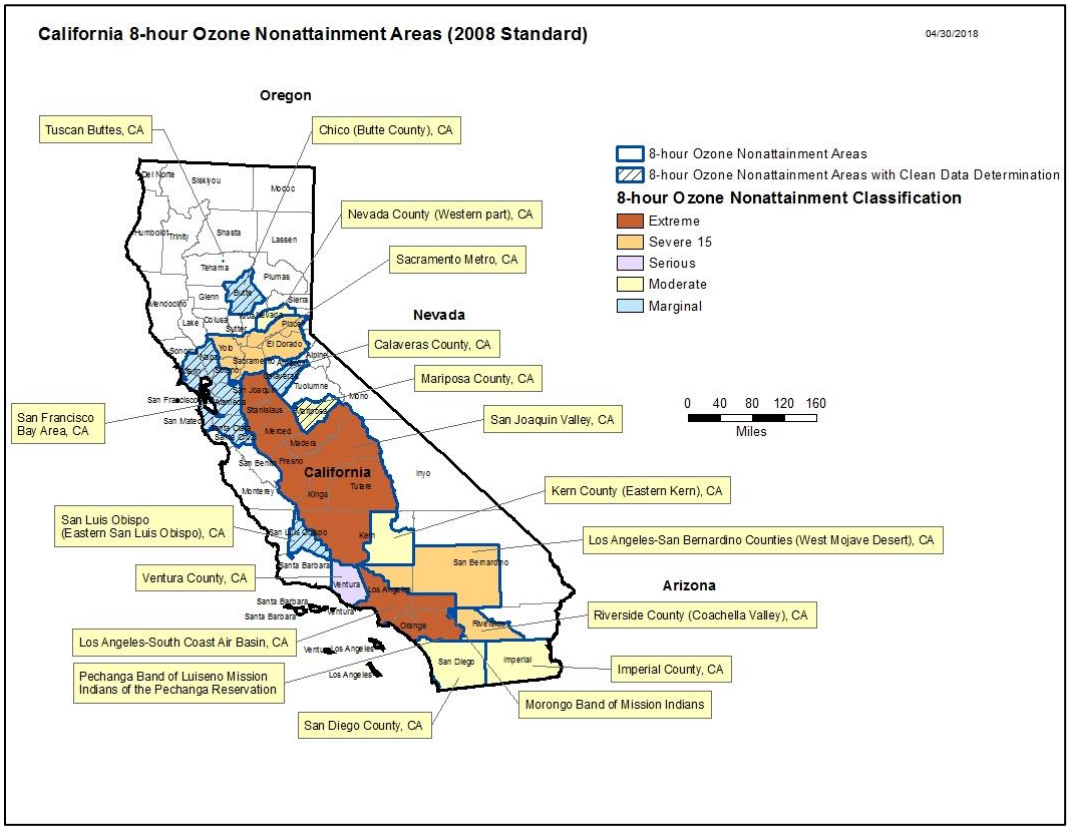
The contribution modeling reveals Nevada emissions contribute from approximately 1 to 15 percent to 2023 design values for monitors located in Nevada (Table E-A1), while contributing a maximum of 1.7 percent to 2023 design values for non-violating (attainment) monitors located outside of Nevada (Table E-A2). Nevada's largest contribution to a 2023 nonattainment or maintenance receptor located outside of Nevada is 0.9 percent (Table E-A3). Tables E-A2 and E-A3 show contributions to any nonattainment or maintenance receptor resulting from Nevada emissions greater than 0.5 percent of the 2015 ozone NAAQS.

Table E-A3 shows Nevada's contributions to nonattainment and maintenance receptors located outside the State greater than 0.5 percent. These contributions are limited to receptors located only in California and Colorado.

Nevada's contributions to 2023 nonattainment and maintenance receptors in California ranges from 0.5 to 0.9 percent, while intrastate contributions to these monitors ranges from 41 to 51 percent. Interstate contributions to these California monitors range from 1 to 2 percent, with background contributing from 49 to 65 percent. These data confirm that local California sources and background each contribute about half to these nonattainment and maintenance monitors with very little contribution resulting from the transport of out-of-state anthropogenic precursor emissions.

All but one of these California nonattainment and maintenance monitors, 60675003 in Sacramento County, are located in the San Joaquin Valley. The monitor in Sacramento is located in the Sacramento Metro area. Figure E-1 shows the location and classification of 2008 ozone nonattainment areas in California. The Sacramento Metro area is classified as a Severe-15 Nonattainment Area and the San Joaquin Valley is classified as an Extreme Nonattainment Area for the 2008 ozone NAAQS. Figure E-2 shows both of these areas are designated nonattainment

for the 2015 ozone NAAQS, with the San Joaquin Valley classified as Extreme and the Sacramento Metro area classified as Moderate[7].



<u>Figure E-1. 8-Hour Ozone (2008) California Nonattainment Area Map.</u>
Available from: https://www3.epa.gov/airquality/greenbook/ca8_2008.html.

Nevada's contributions to 2023 nonattainment and maintenance receptors in Colorado is 0.5 percent, while intrastate contributions to these monitors ranges from 31 to 35 percent. Interstate contributions to these Colorado monitors range from 9 to 10 percent, with background contributing from 56 to 61 percent. These data show that local Colorado sources contribute roughly a third while background contributes from half to nearly two thirds to these nonattainment and maintenance monitors. However, interstate contributions, resulting from the transport of out-of-state anthropogenic precursor emissions, are nearly 10 percent, representing contributions greater than 0.1 percent from 17 (Larimer County receptor) to 21 (Jefferson County receptor) states. Notably, California, Utah, and Wyoming all contribute greater than 1 percent of the NAAQS to both of these Colorado receptors. Texas contributes greater than 1 percent only to the Jefferson County receptor. See Table E3.

[7] *Nonattainment and Unclassifiable Area Designations for the 2015 Ozone Standards – April 30, 2018*. Available at: https://www.epa.gov/sites/production/files/2018-04/documents/placeholder_1.pdf

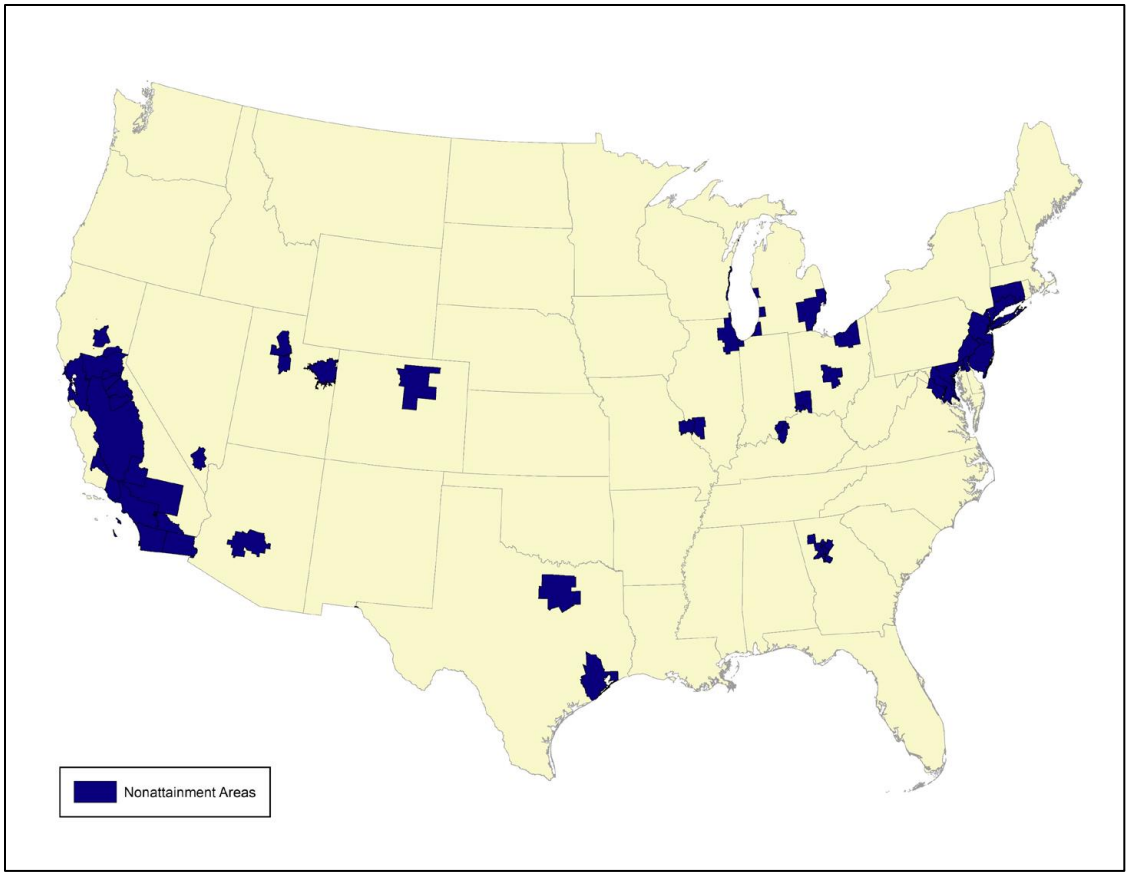


Figure E-2. Nonattainment Area Designations for the 2015 Ozone Standards April 30, 2018.

Available at: https://www.epa.gov/sites/production/files/2018-04/documents/placeholder_3.pdf.

These Colorado monitors are located in the Denver-Boulder-Greeley-Ft. Collins-Loveland Moderate Nonattainment Area for the 2008 ozone NAAQS (Figure E-3) and Denver Metro/North Front Range Marginal Nonattainment Area for the 2015 ozone NAAQS[8] (see Figure E-2).

[8] Ibid.

Table E3. Interstate Contributions to Nonattainment and Maintenance Monitors in Colorado.

	80590011		80690011			80590011		80690011	
	Jefferson		Larimer			Jefferson		Larimer	
State	ppb	%	ppb	%	State	ppb	%	ppb	%
AL	0.01	0.01%	--	--	NC	--	--	--	--
AR	0.02	0.03%	--	--	ND	--	--	--	--
AZ	0.30	0.43%	0.46	0.66%	NE	0.36	0.51%	0.25	0.36%
CA	1.50	2.14%	1.55	2.21%	NH	--	--	--	--
CO	24.72	35.31%	21.74	31.06%	NJ	--	--	--	--
CT	--	--	--	--	NM	0.38	0.54%	0.52	0.74%
DC	--	--	--	--	NV	0.38	0.54%	0.37	0.53%
DE	--	--	--	--	NY	--	--	--	--
FL	--	--	--	--	OH	--	--	--	--
GA	--	--	--	--	OK	0.18	0.26%	0.05	0.07%
IA	--	--	--	--	OR	0.10	0.14%	0.10	0.14%
ID	0.12	0.17%	0.13	0.19%	PA	--	--	--	--
IL	--	--	--	--	RI	--	--	--	--
IN	--	--	--	--	SC	--	--	--	--
KS	0.32	0.46%	0.10	0.14%	SD	0.02	0.03%	0.03	0.04%
KY	--	--	--	--	TN	--	--	--	--
LA	0.04	0.06%	0.02	0.03%	Tribal	0.16	0.23%	0.25	0.36%
MA	--	--	--	--	TX	0.94	1.34%	0.40	0.57%
MD	--	--	--	--	UT	1.04	1.49%	1.05	1.50%
ME	--	--	--	--	VA	--	--	--	--
MI	--	--	--	--	VT	--	--	--	--
MN	--	--	--	--	WA	0.03	0.04%	0.10	0.14%
MO	0.02	0.03%	--	--	WI	--	--	--	--
MS	0.01	0.01%	--	--	WV	--	--	--	--
MT	0.02	0.03%	0.07	0.10%	WY	1.03	1.47%	0.88	1.26%

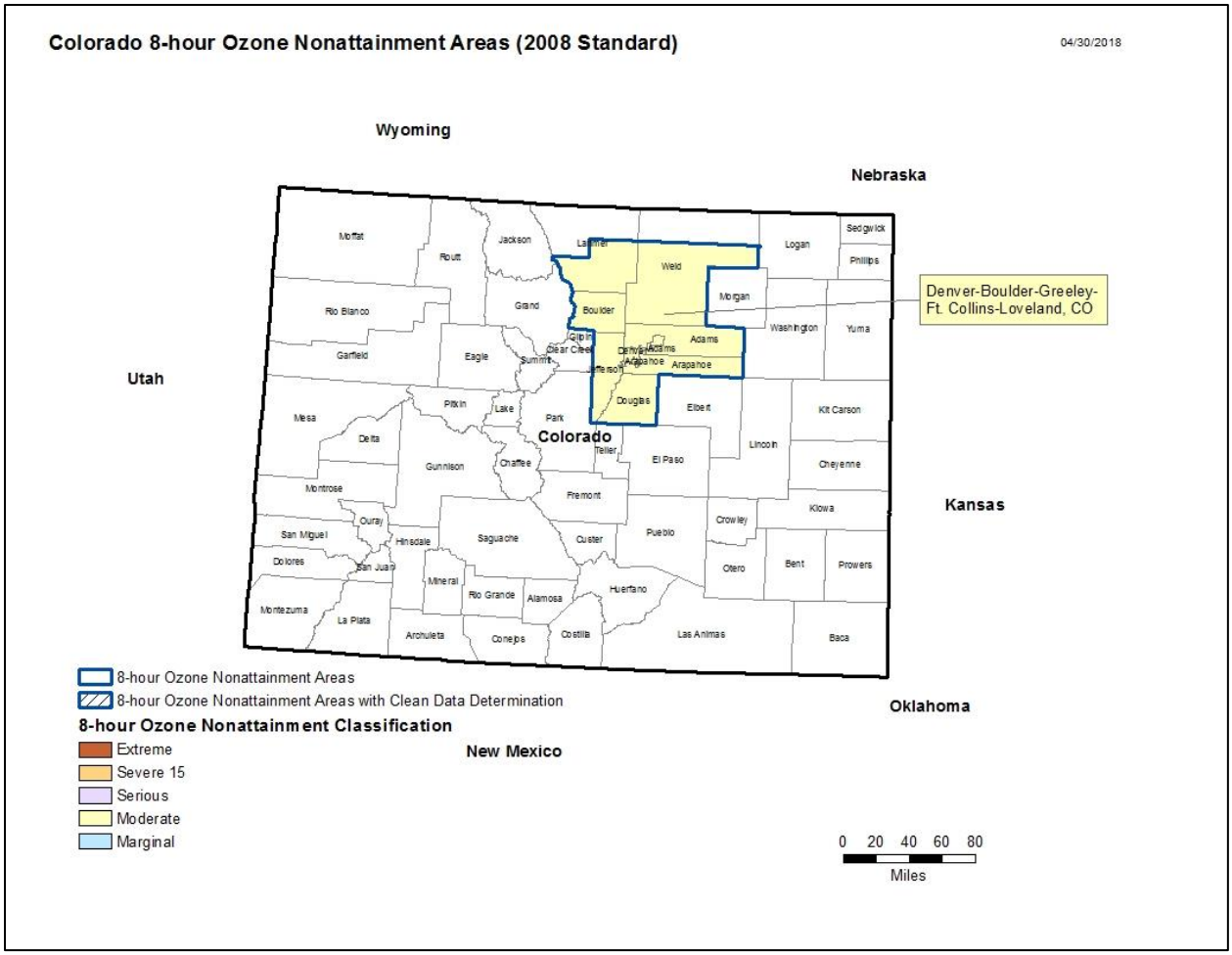


Figure E-3. 8-Hour Ozone (2008) California Nonattainment Area Map.
Available from: https://www3.epa.gov/airquality/greenbook/co8_2008.html.

In summary, the contribution of 2023 base case anthropogenic NO_X and VOC emissions from sources within Nevada to any projected 2023 nonattainment or maintenance receptor at greater than 0.5 percent of the NAAQS is limited to two states, California and Colorado. Nevada's contribution to these receptors is less than one percent of the 2015 ozone NAAQS. This section has addressed Step 2 of the CSAPR framework, identify upwind states that contribute enough to those downwind air quality problems to warrant further review and analysis.

The following section identifies the emissions reductions necessary (if any), considering cost and air quality factors, to prevent an identified upwind state from contributing significantly to those downwind air quality problems.

E.4 IDENTIFICATION OF NECESSARY EMISSIONS REDUCTIONS

Step 3 of the CSAPR framework is to identify the emissions reduction necessary (if any), considering cost and air quality factors, to prevent an identified upwind state from contributing significantly to those downwind air quality problems. The USEPA contribution modeling has quantified the contribution to nonattainment and maintenance receptors resulting from 2023 base case anthropogenic NO_X and VOC emissions from sources within Nevada to projected 2023 ozone concentrations at each air quality receptor site.

The analysis of Nevada's contributions above demonstrate that Nevada's emissions do not contribute significantly to any 2023 nonattainment or maintenance receptor for 2015 ozone NAAQS. Contributions to nonattainment and maintenance receptors where Nevada has the largest contributions (less than 1 percent of the NAAQS), intrastate and background contributions are sub-equal with maximum interstate contributions of approximately 2 percent. At the Colorado nonattainment and maintenance receptors the interstate contribution is nearly 10 percent but Nevada's contribution is just over 0.5 percent.

The USEPA's quantification of the 2023 contributions resulting from Nevada's emissions to nonattainment and maintenance receptors documents that the emissions from Nevada do not contribute significantly to nonattainment areas, or interfere with maintenance, in any other state. Therefore, the NDEP has determined the identification of emissions reductions necessary to prevent Nevada from contributing significantly to downwind air quality problems is moot.

E.5 CONCLUSION

In conclusion, no emissions reductions are needed from Nevada sources to prevent significant contributions to downwind air quality problems. Therefore, the NDEP will not address Step 4 of the CSAPR framework, adopt permanent and enforceable measures needed to achieve those emissions reductions, as no emissions reductions are needed from Nevada based on analysis of all relevant information.

Attachment A

Table E-A1. Nevada's Contributions to 2023 Ozone Design Values for Monitors in Nevada.

Site ID	State	County	2009-2013 Avg DV	2009-2013 Max DV	2023 Avg DV	2023 Max DV	Nevada Contributions as % of NAAQS	Intrastate Contributions	Intrastate Contributions as % of NAAQS	Interstate Contributions	Interstate Contributions as % of NAAQS	Background Contributions	Background Contributions as % of NAAQS
320032002	Nevada	Clark	71.7	73.0	63.4	64.5	14.87%	10.41	14.87%	7.34	10.49%	45.52	65.03%
320030075	Nevada	Clark	76.0	77.0	67.4	68.3	14.09%	9.86	14.09%	7.60	10.86%	49.81	71.16%
320030071	Nevada	Clark	75.3	76.0	68.7	69.4	13.34%	9.34	13.34%	7.09	10.13%	52.12	74.46%
320030073	Nevada	Clark	74.7	76.0	68.2	69.4	13.24%	9.27	13.24%	7.05	10.07%	51.73	73.90%
320030043	Nevada	Clark	74.7	76.0	67.7	68.8	12.19%	8.53	12.19%	6.91	9.87%	52.12	74.46%
320030538	Nevada	Clark	71.0	72.0	62.9	63.8	12.19%	8.53	12.19%	7.61	10.87%	46.63	66.61%
320030540	Nevada	Clark	71.0	71.0	62.9	62.9	12.19%	8.53	12.19%	7.61	10.87%	46.63	66.61%
320190006	Nevada	Lyon	68.5	69.0	62.1	62.5	5.90%	4.13	5.90%	3.56	5.09%	54.33	77.61%
320311005	Nevada	Washoe	67.3	68.0	59.9	60.5	5.49%	3.84	5.49%	4.28	6.11%	51.71	73.87%
320030601	Nevada	Clark	72.0	72.0	65.7	65.7	3.21%	2.25	3.21%	7.37	10.53%	55.93	79.90%
320310020	Nevada	Washoe	67.0	68.0	60.1	61.0	3.04%	2.13	3.04%	3.83	5.47%	54.08	77.26%
320310016	Nevada	Washoe	66.0	67.0	59.2	60.1	3.00%	2.10	3.00%	3.77	5.39%	53.26	76.09%
320312009	Nevada	Washoe	67.0	68.0	60.1	61.0	2.89%	2.02	2.89%	4.18	5.97%	53.84	76.91%
320312002	Nevada	Washoe	61.7	62.0	55.2	55.5	1.96%	1.37	1.96%	5.45	7.79%	48.30	69.00%
320310025	Nevada	Washoe	66.3	67.0	60.0	60.6	1.57%	1.10	1.57%	3.72	5.31%	55.12	78.74%
325100002	Nevada	Carson City	66.0	66.0	60.2	60.2	1.53%	1.07	1.53%	3.90	5.57%	55.15	78.79%
320330101	Nevada	White Pine	72.0	74.0	65.8	67.7	1.50%	1.05	1.50%	4.74	6.77%	59.86	85.51%
320031019	Nevada	Clark	74.3	75.0	66.8	67.4	1.11%	0.78	1.11%	9.28	13.26%	56.58	80.83%

Table E-A2. Nevada's Contributions to 2023 Ozone Design Values for Attainment Monitors Outside of Nevada.

Site ID	State	County	2009-2013 Avg DV	2009-2013 Max DV	2023 Avg DV	2023 Max DV	Nevada Contributions as % of NAAQS	Intrastate Contributions	Intrastate Contributions as % of NAAQS	Interstate Contributions	Interstate Contributions as % of NAAQS	Background Contributions	Background Contributions as % of NAAQS
490352004	Utah	Salt Lake	74.0	76.0	65.4	67.1	1.71%	14.70	21.00%	5.51	7.87%	45.04	64.34%
490530006	Utah	Washington	67.0	67.0	61.4	61.4	1.57%	0.99	1.41%	8.06	11.51%	52.21	74.59%
490353006	Utah	Salt Lake	76.0	76.0	65.8	65.8	1.56%	11.23	16.04%	5.94	8.49%	48.49	69.27%
490570002	Utah	Weber	71.7	72.0	64.0	64.3	1.39%	10.07	14.39%	4.90	7.00%	48.90	69.86%
490110004	Utah	Davis	69.3	71.0	60.0	61.5	1.31%	11.17	15.96%	4.48	6.40%	44.21	63.16%
490571003	Utah	Weber	72.7	74.0	65.3	66.5	1.20%	8.80	12.57%	4.85	6.93%	51.50	73.57%
490490002	Utah	Utah	70.0	73.0	62.7	65.4	1.16%	4.59	6.56%	5.49	7.84%	52.50	75.00%
490530130	Utah	Washington	71.7	73.0	65.8	67.0	0.97%	0.63	0.90%	7.96	11.37%	57.06	81.51%
60390004	California	Madera	79.3	81.0	68.6	70.1	0.80%	27.63	39.47%	1.27	1.81%	39.59	56.56%
490131001	Utah	Duchesne	68.0	68.0	62.0	62.0	0.80%	1.50	2.14%	4.22	6.03%	56.12	80.17%
490071003	Utah	Carbon	69.0	69.0	61.1	61.1	0.79%	2.54	3.63%	3.99	5.70%	54.48	77.83%
560370300	Wyoming	Sweetwater	66.0	66.0	60.0	60.0	0.79%	1.77	2.53%	6.50	9.29%	51.58	73.69%
60570005	California	Nevada	77.7	79.0	62.3	63.3	0.69%	21.10	30.14%	1.27	1.81%	39.86	56.94%
60570007	California	Nevada	76.0	78.0	60.7	62.3	0.60%	21.41	30.59%	1.25	1.79%	37.97	54.24%
60610004	California	Placer	74.0	75.0	58.9	59.7	0.57%	23.36	33.37%	1.18	1.69%	34.30	49.00%
490370101	Utah	San Juan	68.7	69.0	63.6	63.9	0.57%	0.65	0.93%	6.43	9.19%	56.38	80.54%
60610006	California	Placer	84.0	86.0	68.6	70.2	0.54%	31.66	45.23%	1.32	1.89%	35.53	50.76%
60670002	California	Sacramento	76.7	77.0	64.8	65.0	0.53%	28.01	40.01%	1.39	1.99%	35.30	50.43%
80013001	Colorado	Adams	76.0	76.0	70.8	70.8	0.51%	24.78	35.40%	6.84	9.77%	38.99	55.70%
80590002	Colorado	Jefferson	74.0	74.0	66.7	66.7	0.51%	23.25	33.21%	6.58	9.40%	36.70	52.43%

Table E-A3. Nevada's Contributions to 2023 Ozone Design Values for Nonattainment and Maintenance Monitors Outside of Nevada.

Site ID	State	County	2009-2013 Avg DV	2009-2013 Max DV	2023 Avg DV	2023 Max DV	Nevada Contributions as % of NAAQS	Intastate Contributions	Intrastate Contributions as % of NAAQS	Interstate Contributions	Interstate Contributions as % of NAAQS	Background Contributions	Background Contributions as % of NAAQS
60392010	California	Madera	85.0	86.0	72.1	72.9	0.93%	28.39	40.56%	1.44	2.06%	42.17	60.24%
60190242	California	Fresno	91.7	95.0	79.4	82.2	0.91%	31.98	45.69%	1.47	2.10%	45.83	65.47%
60296001	California	Kern	84.3	86.0	70.9	72.4	0.83%	28.50	40.71%	1.07	1.53%	41.25	58.93%
60190007	California	Fresno	94.7	95.0	79.2	79.4	0.73%	35.68	50.97%	1.17	1.67%	42.24	60.34%
60190011	California	Fresno	93.0	96.0	78.6	81.2	0.63%	35.20	50.29%	1.10	1.57%	42.20	60.29%
60675003	California	Sacramento	86.3	88.0	69.9	71.3	0.63%	34.18	48.83%	1.03	1.47%	34.62	49.46%
60470003	California	Merced	82.7	84.0	69.9	71.0	0.56%	28.52	40.74%	0.98	1.40%	40.32	57.60%
60195001	California	Fresno	97.0	99.0	79.6	81.2	0.54%	35.79	51.13%	0.88	1.26%	42.83	61.19%
60290014	California	Kern	87.7	89.0	74.1	75.2	0.54%	31.54	45.06%	0.94	1.34%	41.52	59.31%
80590011	Colorado	Jefferson	78.7	82.0	70.9	73.9	0.54%	24.72	35.31%	6.98	9.97%	39.01	55.73%
80690011	Colorado	Larimer	78.0	80.0	71.2	73.0	0.53%	21.74	31.06%	6.33	9.04%	42.96	61.37%

Table E-A4. Summary of NDEP Comment Letters Applicable to Ozone NAAQS, 2014-2017.

Federal Register Notice	Rule Description	Subject	Docket and Document ID (link to comments)
2017			
81 FR 391894	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements	2/9/2017 NDEP comments on USEPA's Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements	EPA-HQ-OAR-2016-0202-0069
81 FR 391894	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements	2/13/2017 WESTAR comments on USEPA's Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements	EPA-HQ-OAR-2016-0202-0080
2016			
NA	Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM2.5 & Regional Haze	3/12/2016 NDEP comments on Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM2.5 & Regional Haze	submitted to Brian Timin, USEPA, AQMG
NA	Implementation of the 2015 Primary Ozone NAAQS: Issues Associated with Background Ozone	5/11/2016 WESTAR comments on USEPA's Implementation of the 2015 Primary Ozone NAAQS: Issues Associated with Background Ozone White Paper for Discussion	EPA-HQ-OAR-2016-0097-0034

Table E-A4. Summary of NDEP Comment Letters Applicable to Ozone NAAQS, 2014-2017 (continued).

Federal Register Notice	Rule Description	Subject	Docket and Document ID (link to comments)
2015			
79 FR 75234	National Ambient Air Quality Standards for Ozone	3/12/2015 NDEP comments on National Ambient Air Quality Standards for Ozone	EPA-HQ-OAR-2008-0699-1741
79 FR 75234	National Ambient Air Quality Standards for Ozone	3/16/2015 WESTAR comments on National Ambient Air Quality Standards for Ozone	EPA-HQ-OAR-2008-0699-1990
80 FR 45340	Revisions to the Guideline on Air Quality Models: Enhancement to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter	10/16/2015 NDEP comments on USEPA's Proposed Rule Regarding AERMOD	EPA-HQ-OAR-2015-0310-0080
2014			
78 FR 70935	Notice of Availability of the Environmental Protection Agency's 2011 Emissions Modeling Platform	3/31/2014 NDEP comments on USEPA's 2011 NEI emissions modeling platform (for use in ozone transport modeling and more)	EPA-HQ-OAR-2013-0743-0047
78 FR 70935	Notice of Availability of the Environmental Protection Agency's 2011 Emissions Modeling Platform	4/9/2014 WESTAR comments on USEPA's 2011 and 2018 Modeling Platforms	Comment Letter
78 FR 70935	Notice of Availability of the Environmental Protection Agency's 2011 Emissions Modeling Platform	6/11/2014 WESTAR comments on USEPA's emissions modeling platform	Comment Letter

APPENDIX F

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

ALLEN BIAGGI
Director

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JIM GIBBONS
Governor

KAY SCHERER
Deputy Director

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,

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 G

AIR QUALITY IMPLEMENTATION PLAN FOR THE STATE OF NEVADA

Section 12 - Resources

APPENDIX G

AIR QUALITY IMPLEMENTATION PLAN FOR THE STATE OF NEVADA

Section 12 - Resources

12.0 Purpose

The purposes of this section of the Nevada State Implementation Plan (SIP) are to update and replace section 12 ("Resources") of the Nevada SIP as approved by U.S. Environmental Protection Agency (USEPA) in 2012 [77 FR 64737 (October 23, 2012)] and to provide the necessary assurances that the State of Nevada, Clark County, and Washoe County have adequate personnel and funding under State law to carry out the SIP as required under the relevant portions of section 110(a)(2)(E)(i) of the Federal Clean Air Act (CAA), as amended in 1990, and the applicable SIP regulations in 40 CFR part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans").

12.1 Statutory and Regulatory Requirements

CAA section 110(a)(2)(E)(i) requires SIPs to provide:

> *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, ... under State (and, as appropriate, local) law to carry out such implementation plan … .*

The federal regulations in title 40, part 51, subpart O of the Code of Federal Regulations (40 CFR part 51, subpart O) ("Miscellaneous Plan Content Requirements") include requirements for SIPs pertaining to funding and personnel. Specifically, 40 CFR 51.280 ("Resources") requires:

> *Each plan must include a description of the resources available to the State and local agencies at the date of submission of the plan and of any additional resources needed to carry out the plan during the 5-year period following its submission. The description must include projections of the extent to which resources will be acquired at 1-, 3-, and 5-year intervals.*

12.2 State of Nevada

Outside Clark County and Washoe County, the primary organization responsible for developing, implementing, and enforcing the SIP is the State Department of Conservation and Natural Resources (DCNR). Within DCNR, air pollution control responsibilities have been assigned to the Nevada Division of Environmental Protection (NDEP).

The Nevada Legislature has created an account, the "Account for the Management of Air Quality," within the State General Fund that is to be administered by the NDEP. Specifically, Nevada Revised Statutes (NRS) section 445B.590 ("Account for the Management of Air

Quality: Creation and administration; use; interest; payment of claims") provides that money in the account must be expended to carry out and enforce the statutory air pollution control program and any regulations adopted pursuant to that program. Among other functions, money from the account is to be used to defray the direct and indirect costs of preparing regulations and recommendations for legislation regarding those provisions, reviewing and acting upon applications for permits, enforcing the terms and conditions in permits, monitoring emissions and ambient air quality, preparing inventories and tracking emissions, and performing modeling, analyses and demonstrations.

The Account for the Management of Air Quality is replenished from various sources, including permit fees. NRS section 445B.300(2)(a) requires the State Environmental Commission (SEC) to provide by regulation for the issuance, renewal, modification, revocation, and suspension of operating permits, and to charge appropriate fees for their issuance in an amount sufficient to pay the expenses of administrating the statutory air pollution control program and any regulations adopted to implement that program. Per NRS 445B.300(4), all administrative fees collected by the SEC pursuant to NRS section 445B.300(2) must be accounted for separately and deposited in the State General Fund for credit to the Account for the Management of Air Quality. The SEC has adopted a fee regulation that imposes one-time fees, e.g., for permit application review, and annual fees on permit holders. See Nevada Administrative Code (NAC) section 445B.327 ("Fees; late penalty").

The Nevada Legislature has created a second account within the State General Fund, the Pollution Control Account, to provide funding for air quality management and control. See NRS section 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"). Under NRS section 445B.830, the Department of Motor Vehicles charges fees in connection with administration of the State's motor vehicle inspection and maintenance (I/M) program and deposits the fees into the Pollution Control Account. Such fees are then allotted to various State and local agencies, including the NDEP, for air pollution control purposes.

A third source of funding for the NDEP's air programs is CAA section 103 under which USEPA is authorized to make grants to air pollution control agencies for research and development activities, and section105 under which USEPA is authorized to make grants to air pollution control agencies to defray a portion of the costs associated with implementation of programs for the prevention and control of air pollution and achievement of the national ambient air quality standards. To qualify for section 105 grants in a given year, air pollution control agencies must at least maintain the same level of funding from non-Federal funds for air pollution control programs as for the preceding year. See CAA section 105(c).

With respect to air quality matters, the NDEP is organized into two bureaus: the Bureau of Air Quality Planning (BAQP) and the Bureau of Air Pollution Control (BAPC). BAQP is responsible for such activities as ambient air quality monitoring, emissions inventory preparation, and air quality planning and modeling studies. BAPC is responsible for such activities as air quality permitting, compliance and enforcement. The Nevada Legislature approves the funding and

personnel resources for BAQP and BAPC every two years. BAQP/BAPC receives funding from permit fees, Nevada Department of Motor Vehicle fees, and federal grants, as described above. The budget allocated to the BAQP/BAPC varies from year to year but has been in the $6 to $8 million range over the past four years. The most recent budget (State Fiscal Year 2018) exceeds $8 million with 61 approved full-time equivalent staff positions in the air programs.

12.3 Clark County

State law provides that 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 (excluding certain types of power plants), and administer the program within its jurisdiction unless superseded. See NRS 445B.500. For Clark County, the Nevada Governor has designated the Clark County Board of County Commissioners (BOCC) as the regulatory, enforcement and permitting authority for implementing applicable provisions of the Federal Clean Air Act, any amendments to that Act, and any regulations adopted pursuant to that Act within Clark County. The Nevada Governor has also designated the Board of County Commissioners of Clark County as the lead agency responsible for coordinating the preparation of implementation plans for Clark County. With respect to air pollution control, the BOCC acts through the Clark County Department of Air Quality (DAQ).

The state laws establishing local air pollution control agencies in certain counties also provide for similar powers and responsibilities to those agencies as provided to the SEC and the NDEP, including the power and duty to charge appropriate permit fees. See NRS 445B.500(1)(d). Clark County fees are set forth in Clark County Air Quality Regulations Section 18 ("Permit and Technical Service Fees"). In addition to fees charged for permits and technical services, Clark County DAQ relies on grants issued by USEPA under CAA sections 103 and 105, state grants from the Pollution Control Account per NRS section 445B.830, regional transportation commission tax revenues as established by NRS section 377A.090, and funds from the Federal Congestion Mitigation and Air Quality Program. The BOCC approves the budgets for Clark County DAQ on an annual basis. The Clark County DAQ has a budget for State Fiscal Year 2018 of approximately $23.6 million and has approximately 87 full-time equivalent staff.

12.4 Washoe County

As noted above, State law provides that 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 (excluding certain types of power plants) and administer the program within its jurisdiction unless superseded. For Washoe County, the Nevada Governor has designated the District Board of Health of the Washoe County Health District (WCDBOH) as the regulatory, enforcement and permitting authority for implementing applicable provisions of the Federal Clean Air Act, any amendments to that Act, and any regulations adopted pursuant to that Act within Washoe County. With respect to air pollution control, the WCDBOH acts through the Washoe County Health District's Air Quality Management Division (AQMD).

As discussed above in connection with Clark County, the WCDBOH has the authority and duty under state law to charge appropriate fees and WCDBOH does so through District Board of Health Regulations Governing Air Quality Management section 030.300 *et. seq.* ("Fees and Fee

Schedules"). In addition to permit fees, Washoe County AQMD relies on grants issued by USEPA under CAA sections 103 and 105, Nevada Department of Motor Vehicle fees, and funds from the City of Reno, the City of Sparks, and Washoe County via an inter-local agreement ("Interlocal Agreement Concerning the Washoe County District Health Department") among the WCDBOH, City of Reno, City of Sparks, and Washoe County. The Washoe County Board of County Commissioners is responsible for approving the budget for the Washoe County AQMD. Washoe County AQMD has a State Fiscal Year 2018 budget of approximately $3 million and has 19 allocated full-time staff.

12.5 Evaluation of Resource Requirements

The NDEP, Clark County DAQ, and Washoe County AQMD have been administering, implementing, and enforcing air programs designed to meet the CAA's SIP requirements for over 40 years, and the funding and personnel described above for each of the three agencies is adequate to meet the needs of these programs. Over the next five years, current funding and personnel levels are expected to remain stable via the funding mechanisms described above and to be sufficient to meet the resource needs of the agencies for air pollution control purposes over that period.

APPENDIX H

AIR QUALITY IMPLEMENTATION PLAN FOR THE STATE OF NEVADA

Section 11 - Intergovernmental Consultation

APPENDIX H

AIR QUALITY IMPLEMENTATION PLAN FOR THE STATE OF NEVADA

Section 11 - Intergovernmental Consultation

11.0 Purpose

The purposes of this section of the Nevada State Implementation Plan (SIP) are to update and replace section 11 ("Intergovernmental Relations") of the Nevada SIP as approved by the U.S. Environmental Protection Agency (USEPA) in 2012 [77 FR 64737 (October 23, 2012)] and to provide for intergovernmental consultation as required under the relevant portions of section 110(a)(2)(J) and section 110(a)(2)(M) of the Federal Clean Air Act (CAA), as amended in 1990, and the applicable SIP regulations in 40 CFR part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans").

11.1 Statutory and Regulatory Requirements

CAA section 110(a)(2)(J) requires SIPs to meet the applicable requirements of section 121 (relating to consultation). CAA section 121 in turn requires that:

> *In carrying out the requirements of this Act requiring applicable implementation plans to contain—*
>
> *(1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of air pollution, or*
>
> *(2) any measure referred to—*
>
> *(A) in part D (pertaining to nonattainment requirements), or*
>
> *(B) in part C (pertaining to prevention of significant deterioration),*
>
> *and in carrying out the requirements of section 113(d) (relating to certain enforcement orders),[1] the State shall provide a satisfactory 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 State plan applies, effective with respect to any such requirement which is adopted more than one year after the date of enactment of the Clean Air Act Amendments of 1977 as part of such plan. Such process shall be in accordance with regulations promulgated by the Administrator to assure adequate consultation. The Administrator shall update as necessary the original regulations required and promulgated under this section (as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990) to ensure adequate consultation. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of the Administrator approving any portion of a plan referred to in this subsection may petition for judicial review of such action on the basis of a violation of the requirements of this section.*

[1] Sections 113(d) and 121 were added to the CAA in 1977. The CAA was significantly amended in 1990, and a process in the SIP for consultation in connection with state enforcement orders under section 113(d) is no longer required because section 113(d), as amended in 1990, no longer relates to state enforcement orders.

CAA section 110(a)(2)(M) requires SIPs to:

> *(M) provide for consultation and participation by local political subdivisions affected by the plan.*

The federal regulations at 40 CFR 51 Subpart M ("Intergovernmental Consultation") include requirements pertaining to consultation. 40 CFR 51.240 ("General Plan Requirements") requires states to identify relevant implementing organizations. It reads as follows:

> *Each State implementation plan must identify organizations, by official title, that will participate in developing, implementing, and enforcing the plan and the responsibilities of such organizations. The plan shall include any related agreements or memoranda of understanding among the organizations.*

40 CFR 51.241(a) ("Nonattainment areas for carbon monoxide and ozone") requires Governors to certify the organization responsible for developing the revised plan for a carbon monoxide or ozone nonattainment area. It reads as follows:

> *For each AQCR or portion of an AQCR in which the national primary standard for carbon monoxide or ozone will not be attained by July 1, 1979, the Governor (or Governors for interstate areas) shall certify, after consultation with local officials, the organization responsible for developing the revised implementation plan or portions thereof for such AQCR.*

11.2 Statewide Overview

Under state law, the State Department of Conservation and Natural Resources (DCNR) is designated as the Air Pollution Control Agency of the State of Nevada for the purposes of the Federal Clean Air Act insofar as it pertains to state programs. See Nevada Revised Statutes (NRS) section 445B.205.[2] The State Environmental Commission (SEC) has been established within the DCNR to, among other purposes, adopt regulations to prevent, abate and control air pollution.

Within the DCNR, the Division of Environmental Protection (NDEP) has the responsibility to manage the air quality planning and air pollution control programs for the State of Nevada. The Director of the DCNR has selected the NDEP Administrator as the official designee for the purposes of the CAA, including, but not limited to, adoption, revision and submittal of state implementation plans. See the letter from Allen Biaggi, Director, Nevada DCNR, to Wayne Nastri, Regional Administrator, USEPA Region IX, dated May 30, 2007 and included herein as Exhibit 11-1.

State law provides that 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.

[2] Approved by USEPA at 72 Fed. Reg. 11 (January 3, 2007).

See NRS section 445B.500.[3] Two counties, Clark and Washoe, meet the population threshold and have developed their own air programs. Outside these two counties, the NDEP is responsible for developing, implementing, and enforcing the SIP. In addition, state law provides one exception to the general assignment of air program responsibilities to counties whose populations are 100,000 or more. The exception is for plants that burn fossil fuels in a boiler to produce steam for the production of electricity. Boilers at such power plants, regardless of their location within the state, are subject to exclusive NDEP jurisdiction. See NRS section 445B.500, subsections (5) and (6). Lastly, the DCNR, through the SEC and the NDEP, retains the authority to administer air programs in Clark and Washoe Counties if such county-administered programs are found by the SEC to be inadequate. See NRS section 445B.520.[4]

In carrying out the State's air programs, the NDEP is authorized to 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. See NRS section 445B.235.[5] As authorized under state law, the NDEP has taken the initiative to coordinate with local governments concerning air quality planning matters outside of Clark and Washoe Counties. The Pahrump Valley Clean Air Action Plan Memorandum of Understanding is an example of NDEP coordination with local governmental agencies in addressing air pollution issues that arise.

Permits for New or Modified Stationary Sources

Under a delegation agreement with USEPA Region IX, the NDEP has agreed to implement and enforce the federal regulations for the Prevention of Significant Deterioration (PSD) found in title 40, part 52, section 21 of the Code of Federal Regulations (40 CFR 52.21). Under the delegation agreement, the NDEP provides for early notice to, and consultation with, federal land managers of proposed new major sources or major modifications that could impact "Class I" areas, i.e., areas for which the ambient air quality standards have traditionally been met and for which the least amount of deterioration is allowed under CAA requirements for PSD. See 40 CFR 52.21(p). For other PSD sources, the NDEP provides notice and opportunity to comment on draft permits for new major sources and major modifications to affected county air pollution control districts and city and county agencies where the proposed source would be located and to any comprehensive regional land use planning agency and any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification. See 40 CFR 52.21(q) and 40 CFR 124.10.

With respect to proposed stationary sources and modifications that are not subject to PSD requirements, the NDEP provides notice and opportunity to comment to the county air pollution control districts if the proposed source or modification would be located within the respective counties. See NAC 445B.3395 and NAC 445B.3457.

11.3 Clark County

As noted above, State law provides that 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

[3] Approved by USEPA at 71 Fed. Reg. 51,766 (August 31, 2006).
[4] See supra n. 3.
[5] See supra n. 3.

establish a program for the control air pollution and administer the program within its jurisdiction unless superseded. For Clark County, the Nevada Governor has designated the Clark County Board of County Commissioners (BOCC) as the regulatory, enforcement and permitting authority for implementing applicable provisions of the CAA, any amendments to that Act, and any regulations adopted pursuant to that Act within Clark County. The Nevada Governor has also designated the Clark County BOCC as the lead agency responsible for coordinating the preparation of implementation plans for Clark County. See Letter from Governor Kenny C. Guinn, dated June 21, 2001, which is included herein as Exhibit 11-2. With respect to air pollution control, the BOCC acts through the Clark County Department of Air Quality (DAQ).

Under State law, certain specific consultation requirements apply to county agencies in Nevada that establish and implement their own air pollution control programs where the population in the county is 700,000 or more. See NRS section 445B.503, which is included herein as Exhibit 11-3. Clark County meets this population threshold, and thus, under NRS 445B.503, the BOCC must cooperate with the regional planning coalition and the regional transportation commission in Clark County to ensure that the plans, policies, and programs adopted by each of them are consistent to the greatest extent possible. Specifically, before adopting or amending an air quality plan, policy or program, the BOCC must consult with the regional planning coalition and the regional transportation commission. See NRS section 445B.503(2). Within Clark County, the regional planning coalition is the Southern Nevada Regional Planning Coalition and the regional transportation commission is the Regional Transportation Commission (RTC) of Southern Nevada. Members on the Southern Nevada Regional Planning Coalition include representatives from Clark County, the cities of Boulder City, Henderson, Las Vegas, and North Las Vegas, and Clark County School District. Membership on the Southern Nevada RTC is set by State statute and consists of two members from the BOCC, two members from the city council of the largest incorporated city (Las Vegas) and one member from the city council of every other incorporated city in the county (Boulder City, Henderson, Mesquite, and North Las Vegas).

Permits for New or Modified Stationary Sources

Clark County regulations provide for notice to, and consultation with, federal land managers of proposed new major sources or major modifications that could impact "Class I" areas. See Clark County Air Quality Regulations (AQR) section 12.2.15. For proposed permit actions involving minor sources, Clark County DAQ provides notice and opportunity for comment to officials and agencies having jurisdiction over the location where the proposed source or modification would be located. See Clark County AQR section 12.1 (effective April 1, 2014), subsection 5.3. For major sources, Clark County DAQ specifically provides notice to the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency; any state, federal land manager, and Indian governing body whose lands may be affected by emissions from the source or modification. See Clark County AQR section 12.2 (effective April 1, 2014), subsection 12.2.16.2; and section 12.3 (effective April 1, 2014), subsection 12.3.8.

Transportation Planning and Conformity to the SIP

Federal law requires that regional planning officials prepare both a transportation plan to benefit public mobility and an air quality plan to benefit public health. Under the CAA, transportation activities that receive federal funding or approval must be fully consistent with the plan developed to meet federal clean air standards, i.e., the SIP. Specifically, the CAA prohibits

federal agencies and metropolitan planning organizations (MPOs) from approving any transportation plan, program, or project that fails to conform to the SIP. See CAA section 176(c). The "transportation conformity" requirements apply within all "nonattainment" and "maintenance" areas (i.e., former nonattainment areas that have been redesignated to "attainment") for a national ambient air quality standard, for the pollutant for which the area is either "nonattainment" or "maintenance."

The transportation conformity requirements apply in Clark County based on the status of portions of the county as a "maintenance" area for the national ambient air quality standard for carbon monoxide, particulate matter less than 10 microns in diameter (PM_{10}), and the 1997 national ambient air quality standard for ozone. [6]

The MPO in Clark County is the Southern Nevada RTC. The Southern Nevada RTC has established an interagency process to ensure that transportation and air quality issues are addressed by the various organizations involved in transportation and air quality planning and to meet the specific requirements for interagency consultation set forth in 40 CFR 93.105. Consultation is required when the Southern Nevada RTC develops or revises a regional transportation plan or program or makes a conformity determination and when the Clark County DAQ develops or revises the SIP.

Within Clark County, interagency consultation is implemented through the Conformity Working Group, which comprises stakeholder federal, state, and regional agencies. Specifically, the Conformity Working Group in Clark County consists of representatives from the USEPA Region IX, Federal Highway Administration, Federal Transit Administration, NDEP, Nevada Department of Transportation, the Southern Nevada RTC, the Clark County Public Works Department, Clark County DAQ, Clark County Department of Aviation, and the cities of Las Vegas, North Las Vegas, Henderson, and Boulder City. USEPA has approved Clark County DAQ's *Clark County Transportation Conformity Plan* (January 2008), which provides specific criteria and procedures for interagency consultation for conformity purposes, as part of the Nevada SIP. See 73 Fed. Reg. 66,182 (November 7, 2008).

11.4 Lake Tahoe Basin

Lake Tahoe lies in a basin between crests of the Sierra Nevada and Carson ranges on the California-Nevada border at a surface elevation of approximately 6,260 feet above sea level. The Lake Tahoe Basin comprises portions of El Dorado and Placer Counties on the California side, and State hydrographic area 90 on the Nevada side. Hydrographic area 90 includes the southwestern corner of Washoe County and the western-most portions of Carson City and Douglas County. The NDEP administers and enforces state air pollution regulations within the Carson City and Douglas County portions of the Lake Tahoe Basin, and Washoe County Health

[6] *See* 75 Fed. Reg. 59090 (September 27, 2010)(USEPA approval of redesignation request for Las Vegas Valley from nonattainment to attainment for the carbon monoxide standard); 79 Fed. Reg. 60078 (October 6, 2014)(USEPA approval of redesignation request for Las Vegas Valley from nonattainment to attainment for the PM_{10} standard); 78 Fed. Reg. 1149 (January 8, 2013) (USEPA approval of redesignation request for Clark County from nonattainment to attainment for the 1997 8-hour ozone standard). CAA designations for Nevada with respect to the national ambient air quality standards are contained in 40 CFR § 81.329.

District administers and enforces District Board of Health air pollution regulations within the Washoe County portion of the basin.

In 1969, to protect and restore the Lake Tahoe environment in the wake of development pressures, Congress ratified a compact between the States of California and Nevada and created the Tahoe Regional Planning Agency (TRPA). The compact, as revised in 1980 (http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf), gave TRPA authority to adopt environmental quality standards, called thresholds, and to enforce ordinances designed to achieve the thresholds. Seven of TRPA's Governing Board are from California; seven are from Nevada; and there is one non-voting Presidential appointee. The Nevada delegation on TRPA's Governing Board includes appointees by the boards of county commissioners of Douglas and Washoe Counties, by the board of supervisors of Carson City, and by the Governor, and includes the secretary of State of Nevada (or designee), and the director of the DCNR (or designee), and one appointee by the six other members of the Nevada delegation. In 1978, the Governor of Nevada designated TRPA as the agency to prepare the 1979 nonattainment plan for oxidants and carbon monoxide for the Lake Tahoe Basin. The NDEP and California Air Resources Board worked with TRPA to develop the 1979 nonattainment area plan for the Basin; however, thereafter the NDEP has taken the lead for air planning matters on the Nevada side of the Basin.

Transportation Planning and Conformity to the SIP

As noted above in connection with Clark County, federal law requires that regional planning officials prepare both a transportation plan to benefit public mobility and an air quality plan to benefit public health and that certain "transportation conformity" requirements, including those related to interagency consultation, apply within nonattainment and maintenance areas.

The transportation conformity requirements apply within Lake Tahoe Basin based on the status of the Basin as a "maintenance" area for the national ambient air quality standard for carbon monoxide. See 68 Fed. Reg. 69,611 (final rule redesignating the Nevada side of the Lake Tahoe Basin from nonattainment to attainment for the carbon monoxide standard). Although the Nevada side of the Basin qualifies as a "limited" maintenance area, transportation conformity determinations are still required for transportation plans, programs and projects.

The MPO in the Lake Tahoe Basin is the Tahoe Metropolitan Planning Organization ("TMPO"). The jurisdiction of the TMPO covers all areas within the watershed that drains into Lake Tahoe. The TMPO board is made up of 16 members. Fifteen of these members are the same members that make up the board of the TRPA and there is one representative of the U.S. Forest Service, in recognition of the major role this agency plays in transportation provision in the Basin. Six members, who are locally elected officials or their designees, represent the units of local government.

In developing the Regional Transportation Plan (RTP) and the Transportation Improvement Plan, the TMPO works very closely with other agencies responsible for planning activities within the Tahoe Area. Since the TMPO shares its board and staff with the TRPA, there is a close linkage between local planning, environmental protection, and the transportation planning that goes into the RTP. The TMPO has established an interagency process to ensure that transportation and air quality issues are addressed by the various organizations involved in transportation and air

quality planning and to meet the specific requirements for interagency consultation set forth in 40 CFR 93.105.

Within the Lake Tahoe Basin, interagency consultation is implemented through the Conformity Task Force, which comprises stakeholder federal, state, and regional agencies. Specifically, the Conformity Task Force in the Lake Tahoe Basin consists of representatives from the USEPA Region IX, Federal Highway Administration, Federal Transit Administration, NDEP, California Air Resources Board, Eldorado Air Pollution Control District, Placer County Air Pollution Control District, Washoe County Health District, Nevada Department of Transportation, California Department of Transportation, Eldorado County Department of Transportation, Placer County Public Works Department, Douglas County Community Development, Washoe County RTC, TRPA and TMPO.

11.5 Washoe County

As noted above, State law provides that the district board of health, country 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 air pollution and administer the program within its jurisdiction unless superseded. For Washoe County, the Nevada Governor has designated the District Board of Health of the Washoe County Health District (WCDBOH) as the regulatory, enforcement and permitting authority for implementing applicable provisions of the CAA, any amendments to that Act, and any regulations adopted pursuant to that Act within Washoe County. With respect to air pollution control, the WCDBOH acts through the Washoe County Health District's Air Quality Management Division (AQMD).

Under state law, a district board of health must consist of two members from each county, city or town that participated in establishing the district, to be appointed by the governing body of the county, city or town in which they reside, together with one additional member to be chosen by the six members so appointed. See NRS 439.390, included herein as Exhibit 11-4. The additional member must be a physician licensed to practice medicine in the State of Nevada. Accordingly, the WCDBOH comprises seven members, two each that (one elected official and one non-elected official) represent the city of Reno, the city of Sparks, and Washoe County, and one who is a licensed physician.

Permits for New or Modified Stationary Sources

Under a delegation agreement with USEPA Region IX, the AQMD has agreed to implement and enforce the federal PSD regulations found in 40 CFR 52.21.Under the delegation agreement, AQMD provides for early notice to, and consultation with, federal land managers of proposed new major sources or major modifications that could impact "Class I" areas. See 40 CFR 52.21(p). For other PSD sources, the AQMD provides notice and opportunity to comment on draft permits for new major sources and major modifications to affected county air pollution control districts and city and county agencies where the proposed source would be located and to any comprehensive regional land use planning agency and any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification. See 40 CFR 52.21(q) and 40 CFR 124.10.

For new major sources and major modifications that are "major" for a nonattainment pollutant within a nonattainment area, AQMD specifically provides for early consultation with any federal land manager whose lands may be affected by a proposed source or modification and provides for notice to the NDEP, the regional planning authority of Washoe County, local government offices, and any Indian governing body whose lands may be affected by the proposed permitting action. See WCDBOH Regulations Governing Air Quality Management section 030.506 (revised October 25, 1995), paragraphs (D) and (F).

Transportation Planning and Conformity to the SIP

As noted above in connection with Clark County, federal law requires that regional planning officials prepare both a transportation plan to benefit public mobility and an air quality plan to benefit public health and that certain "transportation conformity" requirements, including those related to interagency consultation, apply within nonattainment and maintenance areas. The "transportation conformity" requirements apply within all "nonattainment" and "maintenance" areas (i.e., former nonattainment areas that have been redesignated to "attainment") for the national ambient air quality standards.

The transportation conformity requirements apply in Washoe County based on the status of the Truckee Meadows portion of the county (i.e., State hydrographic area 87) as a "maintenance" area for the national ambient air quality standard for carbon monoxide and as a "maintenance" area for the national ambient air quality standard for particulate matter (PM_{10}).[7]

The MPO in Washoe County is the Regional Transportation Commission of Washoe County ("Washoe County RTC"). The Washoe County RTC has established an interagency process to ensure that transportation and air quality issues are addressed by the various organizations involved in transportation and air quality planning and to meet the specific requirements for interagency consultation set forth in 40 CFR 93.105. In Washoe County, interagency consultation is implemented through the Conformity Working Group, which comprises stakeholder federal, state, and regional agencies. Specifically, the Conformity Working Group consists of representatives from the USEPA Region IX, Federal Highway Administration, Federal Transit Administration, NDEP, Nevada Department of Transportation, Washoe County RTC, Washoe County District Health Department – Air Quality Management Division, and the Truckee Meadows Regional Planning Agency.[8]

[7] *See* 73 Fed. Reg. 38124 (July 3, 2008)(USEPA approval of redesignation request for Truckee Meadows from nonattainment to attainment for the carbon monoxide standard); See 80 Fed. Reg. 76232 (December 8, 2015)(USEPA approval of redesignation request for Truckee Meadows from nonattainment to attainment for the PM_{10} standard); CAA designations for Nevada with respect to the national ambient air quality standards are contained in 40 CFR § 81.329.

[8] On behalf of the Washoe County AQMD, the NDEP submitted the *Washoe County Transportation Conformity Plan* to USEPA March 12, 2013.

EXHIBITS TO SECTION 11, INTERGOVERNMENTAL CONSULTATION, OF THE NEVADA STATE IMPLEMENTATION PLAN

October 2018

EXHIBIT 11-1

ALLEN BIAGGI
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

JIM GIBBONS
Governor

KAY SCHERER
Deputy Director

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,

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

EXHIBIT 11-2

Jun 21 01 04:08p

OFFICE OF THE GOVERNOR

KENNY C. GUINN
Governor

June 21, 2001

VIA FACSIMILE
702/383-6041

Mr. Dario Herrera, Chairman
Clark County Commission
P. O. Box 551601
Las Vegas, NV 89155-1601

Dear Chairman Herrera:

I would like to reaffirm designation of the Board of County Commissioners of Clark County as the lead agency responsible for coordinating the preparation of implementation plans for Clark County. In addition, I would like to designate the Board of County Commissioners as the regulatory, enforcement and permitting authority for implementing applicable provisions of the federal Clean Air Act, any amendments to that Act, and any regulations adopted pursuant to that Act within Clark County.

Our staff will work with the County as you consolidate these functions and work toward full compliance with the SIPA. The consequences for Clark County, and indeed the State, dictate that we work cooperatively and quickly toward implementation and attainment.

Sincerely,

KENNY C. GUINN
Governor

MB/fm

cc: Mike Turnbaugh, Director, DCNR
Allen Biaggi, Administrator, DEP
Jolaine Johnson, Deputy Administrator, DEP
Colleen Cripps, Chief, BAQ

101 N. CARSON STREET • CARSON CITY, NEVADA 89701 • TELEPHONE (775) 684-5670 • FAX: (775) 684-5683

EXHIBIT 11-3
June 2018

TITLE 40 — PUBLIC HEALTH AND SAFETY

CHAPTER 445B - AIR POLLUTION

PROGRAM FOR CONTROL OF AIR POLLUTION

NRS 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.

1. In addition to the duties set forth in NRS 445B.500, the local air pollution control board in a county whose population is 700,000 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 277A of NRS.

(Added to NRS by 1999, 1975; A 2011, 1264)

EXHIBIT 11-4
June 2018

TITLE 40 — PUBLIC HEALTH AND SAFETY

CHAPTER 439 - ADMINISTRATION OF PUBLIC HEALTH

District Board of Health and District Health Officer in Counties Whose Population is Less Than 700,000

NRS 439.390 District board of health: Composition; qualifications of members.

1. A district board of health must consist of two members from each county, city or town which participated in establishing the district, to be appointed by the governing body of the county, city or town in which they reside, together with one additional member to be chosen by the members so appointed.
2. The additional member must be a physician licensed to practice medicine in this State.
3. If the appointive members of the district board of health fail to choose the additional member within 30 days after the organization of the district health department, the additional member may be appointed by the Chief Medical Officer.

[Part 35:199:1911; added 1939, 297; 1931 NCL § 5268.01] — (NRS A 1959, 104; 1963, 941; 1991, 1379)

APPENDIX I

EVIDENCE OF PUBLIC PARTICIPATION

NOTICE OF PUBLIC COMMENT PERIOD BEGINNING JULY 20, 2018 AND A PUBLIC HEARING ON August 29, 2018, 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 and is taking comment on a proposal to certify that the existing Nevada State Implementation Plan (SIP) is adequate for implementation of the 2015 8-hour ozone national ambient air quality standards (NAAQS).

On October 26, 2015, the United States Environmental Protection Agency (USEPA) revised the 8-hour primary and secondary ozone NAAQS to a level of 0.070 parts per million (ppm) (80 FR 65292). When the USEPA promulgates a new standard or revises an existing standard, Clean Air Act (CAA) section 110(a)(1) requires each state to submit a plan showing it has the authority and programs needed to implement, maintain, and enforce the standard, regardless of designation status; section 110(a)(2) lists the elements that must be addressed in the plan. Because 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 110(a) plans are generally referred to as "infrastructure SIPs." Nevada's 2015 ozone NAAQS infrastructure SIP is a compilation of Nevada's existing authorities and programs to demonstrate that Nevada has a plan in place to address the 2015 ozone NAAQS. Nevada's ozone infrastructure SIP will be submitted to the USEPA by October 1, 2018.

The NDEP is responsible for developing and implementing state plans 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 adopted the revised 2015 ozone NAAQS as the State air quality standard and prepared a draft ozone plan demonstrating that with the adoption of the federal standard Nevada's existing authority and programs meet the requirements of the Clean Air Act. The NDEP's portion of the Nevada ozone infrastructure SIP and related materials are available on the NDEP website at https://ndep.nv.gov/posts. Access to the draft document may also be obtained by contacting Sig Jaunarajs at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701; (775) 687-9392; or e-mail to sjaunara@ndep.nv.gov.

Persons wishing to comment on the proposed Nevada Clean Air Act section 110(a)(2) submittal or to request a public hearing should submit their comments or request **in writing** either in person or by mail to Sig Jaunarajs at the above address. ***A request for a hearing must be received by August 21, 2018. Written comments will be received by the NDEP until 5:00 PM PST, August 29, 2018 and will be retained and considered.***

Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City with video conference to Las Vegas on:

August 29, 2018
9:00 a.m. to 12:00 p.m.

Great Basin Conference Room **4th Floor** **901 S. Stewart Street** **CARSON CITY**	**Video Conference to** **NDEP Red Rock Conference Room** **2030 E. Flamingo Road, Ste. 230** **LAS VEGAS**

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 August 21, 2018, the hearing will be cancelled. Persons may check on the status of the hearing on the NDEP web site at https://ndep.nv.gov/posts or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349.

This notice 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 hearing are requested to notify Sig Jaunarajs (775-687-9392) or Ann McKnight (775-687-9349) no later than 3 working days before the hearing.

07/06/2018

NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

Public Notice

Memorandum

To: File

From: Brenda Harpring Website Content Manager, BAPC/BAQP

Date: 7/19/2018

Re: Website Update – Public Notice

This memorandum is to serve as an official record demonstrating the publication of a public notice on the Nevada Division of Environmental Protection Website. A screenshot of the public notice webpage is attached. The publication details of the public notice is as follows:

FIN:

Permit #:

Air Quality Case #:

Proposed Action: Notice of Public Comment and Request for Hearing – NV Ozone Infrastructure State Implementation Plan

Publication URL: https://ndep.nv.gov/posts/notice-of-public-comment-and-request-for-hearing-nv-ozone-infrastructure-state-implementation-plan

Date of Publication: 7/19/2018 **Time of Publication:** 2:30 PM

Beginning of Public Comment Period: 7/20/2018

End of Public Comment Period: 8/29/2018

Publication Expiration Date: 9/5/2018 **Time of Expiration:** 11:59 PM

Screenshot of Public Notice:

Notice of Public Comme ×

Secure | https://ndep.nv.gov/posts/notice-of-public-comment-and-request-for-hearing-nv-ozone-infrastructure-state-implementation-plan

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

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Notice of Public Comment and Request for Hearing - NV Ozone Infrastructure State Implementation Plan

July 19, 2018

Notice of public comment period from July 20, 2018 to August 29, 2018. A public hearing will be held on August 29, 2018, if requested.

The NDEP is seeking public comment on a proposal to demonstrate that the existing Nevada SIP is adequate for implementation of the 2015 8-hour ozone national ambient air quality standards (NAAQS). Nevada's ozone infrastructure SIP will be submitted to USEPA by October 1, 2018.

Special Note — If no request for a public hearing is received by August 21, 2018, the hearing will be cancelled. Persons may check on the status of the hearing on this website or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349.

- Download Public Notice of 2015 Ozone Infrastructure State Implementation Plan
- Download Draft Nevada 2015 Ozone Infrastructure State Implementation Plan
- Download Draft Nevada 2015 Ozone Infrastructure State Implementation Plan Appendices A-H

See All News and Updates

You May Be Interested In...

Notice of Proposed Action BMRR Grass Valley Infiltration Project

READ MORE

Notice of Proposed Action BMRR Pine Valley Infiltration Project

READ MORE

Notice of Proposed Action BWPC Ponderosa Dairies 1, 2, & 3

READ MORE

Administrative Regulation Notices

Meetings and Workshops

AB252 of the 77th Session (http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB252_EN.pdf)

Add a New Notice (/App/Notice/A/Submit)

Today is Thursday, July 19, 2018

07/19/2018 9:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/PublicHearing.07192018.234.pdf)

Department of Education (http://www.doe.nv.gov/)

State Board of Education

Dept of Ed, 700 E. Fifth St, Carson City boardroom and Dept of Ed, 9890 S. Maryland Pkwy, Las Vegas boardroom

07/19/2018 9:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/PublicHearings.07192018.210.pdf)

Nevada Department of Education (http://www.doe.nv.gov/)

Nevada State Board of Education

Dept of Ed, 700 E. Fifth St, Carson City boardroom and Dept of Ed, 9890 S. Maryland Pkwy, Las Vegas boardroom

07/26/2018 11:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/R14218CombinedNoticeProposedRegs.07262018.721.pdf)

Department of Motor Vehicles

Public Workshop

State Legislative Building, Room 2134, 401 S. Carson St., Carson City, NV, Videoconferenced to Grant Sawyer Building, Room 4406, 555 E. Washington Ave., Las Vegas, NV and McMullen Hall, Great Basin College, Room 102, 1500 College Pkwy., Elko, NV

07/30/2018 10:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/17-07020p0001p0016.07302018.974.pdf)

Public Utilities Commission of Nevada (http://puc.nv.gov)

Workshop

07/30/2018 2:00PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/1607032p0001p0009.07302018.82.pdf)

Public Utilities Commission of Nevada (http://puc.nv.gov)

Workshop

07/31/2018 11:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/17-07020p0001p0016.07312018.671.pdf)

Public Utilities Commission of Nevada (http://puc.nv.gov)

Hearing

07/31/2018 1:00PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/NAC338NoticeofIntenttoAdoptandHearingNotice.07312018.438.pdf)

The State of Nevada, Department of Business and Industry, Office of the Labor Commissioner (http://labor.nv.gov)

Notice of Hearing for the Adoption, Amendment, or Repeal of Regulations of the Department of Businsess and Industry, Office of the Labor Commissioner

Carson City: Division of Insurance Conference Room - 151 Floor 1818 College Parkway Carson City, Nevada 89706; Las Vegas: Nevada State Business Center Office of the Labor Commissioner Nevada Room - 41h Floor 3300 W. Sahara Avenue Las Vegas, Nevada 89102

07/31/2018 2:00PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/1607032p0001p0009.07312018.573.pdf)

Public Utilities Commission of Nevada (http://puc.nv.gov)

Hearing

08/02/2018 1:30PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/2018.07.13_NoticingPacket-Workshop_R001-18.08022018.983.pdf)

Department of Business and Industry, Division of Insurance (http://doi.nv.gov)

Regulation Workshop: LCB File No. R001-18

1818 E. College Pkwy. Ste. 103, Carson City, NV (1st Floor Hearing Room) -- Videoconferenced to 3300 W. Sahara Ave. Ste. 275, Las Vegas, NV (4th Floor Nevada Room)

08/02/2018 1:30PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/WorkshopNoticeNAC581.08022018.744.pdf)

Nevada Department of Agriculture, Division of Consumer Equitability (http://agri.nv.gov/)

Workshop Notice for NAC 581

Nevada Department of Agriculture, Sparks, Las Vegas and Elko

08/05/2018 3:00PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/PublicHearingAgendaNotice2018August.08052018.13.pdf)

Nevada State Barbers' Health and Sanitation Board (http://www.barber.state.nv.us)

Regular Board Meeting and Public Hearing

3510 East Bonanza Road, Las Vegas, Nevada, 89110

08/15/2018 9:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/August2018HearingNotices.08152018.461.pdf)

Department of Education (http://www.doe.nv.gov/Boards_Commissions_Councils/Commission_on_Professional_Standards/Meeting_Materials/)

August 15, 2018 - Public Hearings

NDE, 9890 S Maryland Pkwy, Las Vegas, NV 89183, NDE 700 E. Fifth St, Carson City, NV, Great Basin College, 1500 College Pkwy, Elko, NV

08/15/2018 9:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/R_108-18_V4.08152018.75.pdf)

Nevada Commission on Ethics (http://www.ethics.nv.gov)

Public Meeting including Public Hearing for Comments and Meeting to Adopt Proposed Regulations

401 S. Carson St. Room 3138 Carson City NV 89701

08/15/2018 1:30PM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/2018.07.13_NoticingPacket-Hearing_R001-18.08152018.516.pdf)

Department of Business and Industry, Division of Insurance (http://doi.nv.gov)

Regulation Hearing: LCB File No. R001-18

1818 E. College Pkwy. Ste. 103, Carson City, NV (1st Floor Hearing Room) -- Videoconferenced to 3300 W. Sahara Ave. Ste. 275, Las Vegas, NV (4th Floor Nevada Room)

08/16/2018 10:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/AmendedNoticeofIntenttoActUponaRegulation.08162018.442.pdf)

Subsequent Injury Account for the Associations of Self-insured Public or Private Employers

08/20/2018 10:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/SIENoticeofIntentforRegs.08202018.435.pdf)

Subsequent Injury Account for Self-insured Employers

08/29/2018 8:30AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/R154-17NAC555Hearing8.29.18PartB.08292018.64.pdf)

Nevada Department of Agiculture, Plant Industry Division (http://www.agri.nv.gov)

NAC555 Hearing - Part B of the agenda

405 S. 21st Street Sparks, NV 89431

08/29/2018 8:30AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/R154-17NAC555Hearing8.29.18PartA.08292018.851.pdf)

Nevada Department of Agiculture, Plant Industry Division (http://www.agri.nv.gov)

NAC555 Hearing - Part A of the agenda

405 S. 21st Street Sparks, NV 89431

NEW

08/29/2018 9:00AM

Meeting Notice (http://www.leg.state.nv.us/App/Notice/Doc/PublicNoticeOzoneiSIP.08292018.427.pdf)

Nevada Division of Environmental Protection - Bureau of Air Quality Planning (http://ndep.nv.gov)

Notice of Public Comment Period and Request for Hearing

Public Notice

Public Body

Dayton Valley Conservation District

Division of Environmental Protection

Division of Forestry

Division of State Lands

Division of Water Resources

Status

All

Draft

Scheduled

Rescheduled

Revised

Results for Division of Environmental Protection

Notice	Date	Status	Type
Notice of Public Comment Period and Request for Hearing (notice/edit/51240)	8/29/2018	Scheduled	Hearing

Post New Notice (/Notice/Create)

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NEVADA DIVISION OF
ENVIRONMENTAL
PROTECTION

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

NOTICE OF CANCELLATION OF PUBLIC HEARING ON AUGUST 29, 2018

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:

August 29, 2018
9:00 a.m. to 12:00 p.m.

Great Basin Conference Room
4th Floor
901 S. Stewart Street
CARSON CITY

Video Conference to
NDEP Red Rock Conference Room
2030 E. Flamingo Road, Ste. 230
LAS VEGAS

The NDEP's Portion of the Nevada State Implementation Plan for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) and related materials are available on the NDEP website at https://ndep.nv.gov/posts. Persons may also check on the status of Nevada's Ozone Infrastructure SIP revision by telephone at (775) 687-9392.

NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

Public Notice

Memorandum

To: File

From: Brenda Harpring Website Content Manager, BAPC/BAQP bh

Date: 8/28/2018

Re: Website Update – CANCELLATION of Public Hearing for NV Ozone i-SIP

This memorandum is to serve as an official record demonstrating the publication of a public notice on the Nevada Division of Environmental Protection Website. A screenshot of the public notice webpage is attached. The publication details of the public notice is as follows:

Proposed Action: Public Hearing CANCELLED – NV Ozone Infrastructure State Implementation Plan

Publication URL: https://ndep.nv.gov/posts/notice-of-public-comment-and-request-for-hearing-nv-ozone-infrastructure-state-implementation-plan

Date of Publication: 8/28/2018 **Time of Publication:** 9:10 AM

Publication Expiration Date: 9/29/2017 **Time of Expiration:** 5:00 PM

Screenshot of Public Notice:

Public Hearing CANCELL ×

Secure https://ndep.nv.gov/posts/notice-of-public-comment-and-request-for-hearing-nv-ozone-infrastructure-state-implementation-plan

Public Hearing CANCELLED - NV Ozone Infrastructure State Implementation Plan

July 19, 2018

Notice of public comment period from July 20, 2018 to August 29, 2018. A public hearing will be held on August 29, 2018, if requested.

The NDEP is seeking public comment on a proposal to demonstrate that the existing Nevada SIP is adequate for implementation of the 2015 8-hour ozone national ambient air quality standards (NAAQS). Nevada's ozone infrastructure SIP will be submitted to USEPA by October 1, 2018.

Special Note — No request for a public hearing was received as of August 21, 2018 for the NV Ozone Infrastructure State Implementation Plan. The NDEP Bureau of Air Quality Planning will therefore CANCEL the public hearing tentatively planned for August 29, 2018. If you have any questions on this matter, you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349.

- Download Public Notice of 2015 Ozone Infrastructure State Implementation Plan
- Download Draft Nevada 2015 Ozone Infrastructure State Implementation Plan
- Download Draft Nevada 2015 Ozone Infrastructure State Implementation Plan Appendices A-H
- Download CANCELLATION of Public Hearing Nevada 2015 Ozone Infrastructure SIP

See All News and Updates

You May Be Interested In...

Notice of Proposed Action - BMRR Argentum/Columbus Salt Marsh Project

READ MORE

Notice Of Proposed Action - BWPC ORNI 39, LLC

READ MORE

Notice of Decision - BMRR - Grass Valley Infiltration Project

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Public Comments and Nevada's Responses

(No comments were received)