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

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Acronyms and Abbreviations

AQCR	Air quality control region
BART	Best available retrofit technology
CAA	Clean Air Act
CFR	Code of Federal Regulations
FIP	Federal implementation plan
FR	Federal Register
MSA	Metropolitan statistical area
NAAQS	National ambient air quality standard
NDEP	Nevada Division of Environmental Protection
NAC	Nevada Administrative Code
NRS	Nevada Revised Statute
Pb	Lead
$PM_{2.5}$	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
SHL	Significant harm level
SIP	State implementation plan
USEPA	U.S. Environmental Protection Agency

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Introduction and Background

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

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

The federally enforceable applicable SIP for Nevada is compiled in Chapter 40 of the Code of Federal Regulations (CFR) Part 52 Subpart DD. This infrastructure SIP responds to USEPA's promulgation of the 2012 annual primary fine particulate matter ($PM_{2.5}$) NAAQS set at 12 $\mu g/m^3$ and addresses the Nevada Division of Environmental Protection's (NDEP) authority to implement, maintain and enforce the revised NAAQS for the NDEP's jurisdiction. The following table demonstrates how the NDEP, through its SIP and state programs, addresses each of the applicable requirements of section 110(a)(2). Although some of the SIP provisions cited may not be in state regulation, they are incorporated into title V operating permits and are thereby federally enforceable.

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

The following support documents are appended:

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

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

Nevada State Implementation Plan Provisions for the 2012 Annual Primary $PM_{2.5}$ NAAQS: Nevada Division of Environmental Protection Jurisdiction

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA 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.
Based on the 2011 NEI v2, the dominant source sectors for fine particulate matter ($PM_{2.5}$) emissions in Nevada are dust (30 percent), industrial processes such as cement and chemical manufacturing and mining (27 percent), and fire (23 percent).[2] Smaller sources (less than nine percent each) in Nevada in descending order include mobile, fuel combustion (e.g., boilers, electric generation), miscellaneous and solvent. Measures for controlling emissions of sulfur dioxide and nitrous oxides are applicable because they are precursors to $PM_{2.5}$. *The applicable Nevada SIP includes enforceable emission limits and other control measures, means, or techniques, as well as schedules for compliance to support element (A) in Nevada Administrative Code (NAC) Chapter 445B and in Air Quality Articles:* • *445B.075 "Fugitive dust" defined.* • *445B.109 "Nitrogen oxides" defined.* • *445B.121 "Opacity" defined.* • *445B.129 "Particulate matter" defined.* • *445B.135 "PM_{10} defined."* • *445B.1348 "$PM_{2.5}$" defined.* • *445B.145 "Process weight" defined.* • *LCB File No. R027-15 section 2 "$PM_{2.5}$ emissions" defined.* • *LCB File No. R027-15 section 3 "PM_{10} emissions" defined.* • *445B.22017 Visible emissions: Maximum opacity; determination.*	

[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 $PM_{2.5}$ infrastructure SIP.
[2] The NDEP will provide a link to the USEPA website where this information is available for the final submittal package.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	• *445B.2202 Visible emissions: Exceptions for stationary sources.* • *Article 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* • *Article 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.* • *Article 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 . . . (barite)* • *445.816 1. This section applies to those systems of the facilities described in subsection 2 . . . (precious metals)* • *Article 8.2.1 "No person shall cause, suffer, allow or permit the emission of sulfur compounds cause by the combustion of fuel in excess of...."* • *Article 8.2.2 "For the purpose of Article 8, "sulfur emission" means the sulfur portion of the sulfur compounds emitted."* • *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.22095 Emission limitation for BART.* • *445B.22096 Control measures constituting BART; limitations on emissions.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	• *445B.22097 Standards of quality for ambient air.* • *445B.259 Monitoring systems: Performance evaluations.* • *445B.260 Monitoring systems: Components contracted for before September 11, 1974.* • *445B.262 Monitoring systems: Measurement of opacity.* • *445B.263 Monitoring systems: Frequency of operation.* • *445B.264 Monitoring systems: Recordation of data.* • *445B.267 Alternative monitoring procedures or requirements.* • *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.* • *Article 13.1 General Provisions for the Review of New Sources* • *445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.* • *445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.* • *445B.346 Required contents of permit.* • *445B.3489 Required contents of permit.* • *445B.442 "Opacity" defined.* • *445B.460 Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location.* • *445B.449 "Smoke" defined.* • *445B.576 Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.* • *445B.577 Devices used on stationary rails: Restrictions on visible emissions.* • *445B.578 Exceptions to restrictions on visible emissions.* • *445B.582 Repair of vehicle; reinspection or retesting.* • *445B.587 Testing of certain motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity.* • *445B.589 Testing of certain motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap.* • *445B.727 Administrative fines and other penalties.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
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.2206 Allowable emissions of sulfur from specific sources: Unit Number 4 of Reid Gardner Power Station.* • *445B.22063 Allowable emissions of sulfur from specific sources: North Valmy Power Station.* • *445B.2208 Emission of hydrogen sulfide from certain facilities for generating electricity from geothermal brine.* • *445B.221 Adoption by reference and applicability of certain provisions of federal law and regulations.* • *445B.232 Excess emissions: Scheduled maintenance, testing or repairs; notification of Director; malfunction, upset, start-up, shutdown or human error.* • *445B.739 "Certification level" defined.* • *445B.756 "Opacity" defined.* • *445B.759 "Smokemeter" defined.* • *445B.762 "Test procedure" defined.* • *445B.7665 Standards of opacity; citation for violation; equipment for measurement.* • *445B.767 Specifications for equipment for measurement of smoke opacity; test procedure.* • *445B.7685 Missing emission control label: Replacement; effect on standard of opacity.* • *445B.771 Demonstration of correction of vehicle after issuance of citation; post-repair or inspection required by Director under certain circumstances.* • *445B.774 Waiver from standard of opacity.* *Finally, the NDEP does not have a SIP-based program to prevent significant deterioration of air quality; however, pursuant to 40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal prevention significant deterioration (PSD) program to the NDEP as it existed on August 13, 2012. The PSD program provides a permitting review system to assure that the best controls available are selected before construction of a new major stationary source or modification of an existing major stationary source.*	
(B)	<u>Ambient air quality monitoring/data system</u>: Each such plan shall [. . .] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to: (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
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. The NDEP operates a monitoring network that collects ambient air quality data that are compiled, analyzed, and reported to USEPA in accordance with 40 CFR 58. The network comprises federally-approved monitors that measure PM_{10}, $PM_{2.5}$ and ozone. The NDEP submitted its 2015 Annual Monitoring Network Plan to USEPA on June 24, 2015 (Appendix D). USEPA has not provided a review as of October 12, 2015.* *The NDEP commits to meeting any changes in monitoring requirements related to the new or revised NAAQS. USEPA's new monitoring requirements for $PM_{2.5}$ (78 FR 3086, January 15, 2013) do not require monitoring for $PM_{2.5}$ within the NDEP's jurisdiction. The general requirements for the $PM_{2.5}$ NAAQS stipulate no monitors are required for a Metropolitan Statistical Area (MSA) with a population of 50, 000-500,000, if the area has a design value less than 85 percent of the NAAQS or no design value, i.e., no monitors. 40 CFR 58, Appendix D, section 4.7.1. All MSAs in the NDEP's jurisdiction have a population less than 500,000. Because $PM_{2.5}$ monitoring is not required in the NDEP's jurisdiction, no monitors meeting USEPA's criteria were operating until 2013; therefore, there is currently no design value. However, based on data obtained through special study monitoring in Carson City and Gardnerville, the NDEP established a $PM_{2.5}$ monitoring network in 2013. These sites will allow the NDEP to establish credible data to ascertain $PM_{2.5}$ conditions within both areas. By the end of 2016 a valid design value will be available. The NDEP will continue to evaluate the program and determine if increased $PM_{2.5}$ monitoring is needed within the monitored areas.*	
(C)	<u>Programs for enforcement, PSD and new source review</u>: Each such plan shall [. . .] include a program to provide for the enforcement of the measures described in subparagraph [element] (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this Subchapter.
The applicable Nevada SIP contains the following provisions that provide enforcement authority.	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	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.225 Prohibited conduct: Concealment of emissions.* • *445B.227 Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure.* • *445B.229 Hazardous emissions: Order for reduction of emissions.* • *445B.250 Notification of planned construction or reconstruction.* • *445B.252 Testing and sampling.* • *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.* • *Article 13.1 General Provisions for the Review of New Sources.* • *445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.* • *445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.* *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.*

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

[3] *http://ndep.nv.gov/baqp/Public%20Involvement/regionalhazereport.html, last viewed 10/14/2015.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	sections 126 and 115 (relating to interstate and international pollution abatement).
CAA section 126 *The following provisions (NAC) of the applicable Nevada SIP address the CAA section 126(a) requirements regarding notification to affected nearby states of major proposed new or modified sources. [see also elements (J) and (M)]:* • *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.* *In addition, although the NDEP does not have a SIP-based program to prevent significant deterioration of air quality, pursuant to 40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal PSD program to the NDEP as it existed on August 13, 2012. The federal PSD program also addresses the section 126(a) notification requirements.* *The requirements of section 126 (b) and (c) do not apply, because no source or sources within the state are the subject of an active finding under section 126 of the CAA with respect to the particular NAAQS at issue. .* *CAA section 115* *The requirements of section 115 do not apply, because there are no final findings under section 115 of the CAA against this state with respect to the particular NAAQS at issue.*	
(E)	Adequate personnel, funding and authority: 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

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	requirements respecting State boards under section 128, and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision.

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 applicable Nevada SIP that deal with personnel, funding, authority to support SIP requirements, CAA section 128 requirements, and ultimate state responsibility for implementing the SIP include NRS:

- *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.*
- *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.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	• *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.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.* • *445B.570 Confidentiality and use of information obtained by Department; penalty.* • *445B.580 Officer of Department may inspect or search premises; search warrant.* • *445B.640 Levy and disposition of administrative fines; additional remedies available; penalty for failure to pay administrative fine.* • *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.* *Further, Section 12 of the applicable Nevada SIP, "Resources" (Appendix G), updated effective October 23, 2012 (77 FR 64737), provides information concerning funding and personnel supporting the functions of the three air pollution control agencies administering CAA programs in Nevada: the NDEP, Clark County Department of Air Quality, and Washoe County Health District Air Quality Management Division.* *The Nevada Legislature approves the NDEP air programs' funding and personnel resources requests every two years. The air programs receive funding from fees paid by regulated businesses, motor vehicle registration fees, and federal grants. The NDEP's State Fiscal Year 2015 budget is in excess of $8 million with 62 approved full-time equivalent staff positions in the air programs.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
(F)	Stationary source monitoring and reporting: 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:

- *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 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.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
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 http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf. Additionally, the state submits stationary source emissions data to USEPA for publication in the annual National Emission Inventory, which is also available for public inspection.*	
(G)	Emergency episodes: Each such plan shall […] provide for authority comparable to that in section 303 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 $PM_{2.5}$ 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. These classifications are still in effect with the exception of sulfur oxides, which is currently proposed for reclassification in two of Nevada's AQCRs (80 FR 28893). Priority I and II areas are required to develop a plan designed to prevent ambient*	

pollutant levels from reaching the pollutant's significant harm level (SHL), which is set by USEPA. Priority III areas do not have to prepare an emergency plan. USEPA has not set an SHL for the 2012 $PM_{2.5}$ NAAQS.

Nevada is divided into three AQCRs: the Northwest Nevada Intrastate AQCR is classified as a priority I area for PM, and the Nevada Intrastate AQCR is classified as a priority IA area for PM. The NDEP has jurisdiction over four of the five counties in the Northwest Nevada Intrastate region and the entire Nevada Intrastate region, which comprises 11 rural counties. Clark County is the third AQCR in Nevada.

The NDEP monitors for PM_{10} and $PM_{2.5}$ at seven sites in its jurisdiction (15 rural counties). 2012-2014 design values/expected exceedances, excluding exceptional events, for the NDEP's PM_{10} and $PM_{2.5}$ monitoring sites are shown in the following table.

Monitoring Sites (County)	2012-2014 PM_{10} 24-hour expected exceedances[a] (μ/m^3)	2012-2014 $PM_{2.5}$ 24-hour design value[b] (μ/m^3)	2012-2014 $PM_{2.5}$ annual design value[b] (μ/m^3)
Elko (Elko)	0	----	----
Church (Pahrump)	0	----	----
Manse (Pahrump)	0	----	----
Glen Oaks (Pahrump)	0	----	----
Linda (Pahrump)	0	----	----
Carson City[c]	----	22	8.7
Gardnerville (Douglas)	----	26	8.5

a. Exceptional events data from the following dates have been excluded from the expected exceedances calculation:
Elko: 10/25/2014 (to be submitted).
Manse (Pahrump): 3/6/2012 (submitted), 4/15/2013 (submitted) , 11/16 and 23/2014 (to be submitted).
Church/Glen Oaks/Linda (Pahrump): 4/15/2013 (submitted).
b. Excluding exceptional events data from the Rim Fire, 8/22 to 9/9/2013 (submitted) and the King Fire, 9/14-24/2014 (to be submitted).
c. This data is from mixed sites: East 5th Street and Carson City Armory (operating from 4/1/2013).

USEPA's 2013 Guidance (pp. 49-50) states that, ". . . if an air agency believes, based on its inventory of Pb or PM2.5 sources and historic ambient monitoring data, that it does not need a more specific contingency plan beyond having authority to restrain any source from causing or contributing to an imminent and substantial endangerment, then the air agency could provide such a

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

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	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.
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; delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited.*	
(I)	Nonattainment area plan or plan revision under Part D: 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).
USEPA considers this element of 110(a)(2) to be outside the scope of infrastructure SIP actions because it pertains to plan requirements for nonattainment areas. Therefore, USEPA does not expect infrastructure SIP submissions to address this element (USEPA, Memorandum to Regional Air Directors, 9/13/13. Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2), at 52. Stephen D. Page).	
(J)	Consultation with government officials, public notification, PSD and visibility protection: Each such plan shall [. . .] meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	protection).

CAA Section 121

Section 11 of the applicable Nevada SIP, "Intergovernmental Relations," describes the process for consultation among the three air pollution control agencies administering CAA programs in Nevada: NDEP, Clark County Department of Air Quality, and Washoe County Health District's Air Quality Management Division, as well as for regional planning and transportation agencies that also have certain air-quality-planning-related responsibilities. It identifies the applicable state and local provisions governing consultation; describes provisions relevant to consultation in permitting new or modified stationary sources; and, for Clark County, Washoe County and the Lake Tahoe Basin, addresses consultation's role in transportation planning and conformity to the applicable Nevada SIP.

Together with Section 11(Appendix H), 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; delegation of authority to determine violations and levy administrative penalties; cities and small counties; regulation of certain electric plants provided.*
- *445B.503 Local air pollution control board in county whose population is 400,000 or more: Cooperation with regional planning coalition and regional transportation commission; prerequisites to adoption or amendment of plan, policy or program.*
- *445B.510 Commission may require program for designated areas.*

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.*

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	• *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 Notice of adoption, amendment or repeal of permanent or temporary regulation; adoption of permanent regulation after adoption of temporary regulation.* • *233B.0603 Contents and form of notice of intent to adopt, amend or repeal permanent or temporary regulation; solicitation 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* *The NDEP maintains a web site, http://ndep.nv.gov/, which describes the state's air quality planning and air pollution control programs and includes public information pages with public notices and news releases. 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 (http://nvair.ndep.nv.gov/). The Nevada Air Quality Trend Report (http://ndep.nv.gov/baqp/monitoring/docs/trend.pdf) is published periodically and includes a discussion of air quality trends with respect to the NAAQS. Furthermore, the NDEP continues to be in compliance with USEPA monitoring requirements for the $PM_{2.5}$ NAAQS; see element (B) discussion.*

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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 PSD program to the NDEP as it existed on August 13, 2012. With respect to visibility protection, according to the USEPA's interpretation of the CAA, this sub-element of element (J) does not need to be addressed (USEPA, Memorandum to Regional Air Directors, 9/13/13. Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2), at 55. Stephen D. Page). For informational purposes, the NDEP submitted a regional haze SIP to USEPA on November 18, 2009. USEPA approved the entire regional haze SIP, with the exception of certain requirements for best available retrofit technology for nitrogen oxides at NV Energy's Reid Gardner Generating Station (77 FR 17334). On August 23, 2012, USEPA approved in part and disapproved in part the remaining portion of the regional haze SIP (77 FR 50936). In the same action, USEPA promulgated a FIP replacing the disapproved provisions of the State plan. It is noteworthy that the units at the Reid Gardner Generating Station subject to the FIP ceased operation on December 31, 2014 and have been disconnected from the grid. On November 18, 2011, the NDEP submitted the Nevada Regional Haze 5-Year Progress Report (http://ndep.nv.gov/baqp/Public%20Involvement/regionalhazereport.html), which concluded that Nevada's current regional haze plan strategies are adequate for Nevada to meet its 2018 visibility improvement goals.*	
(K)	Air quality 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.* • *Article 13.1 General Provisions for the Review of New Sources.* • *NAC 445B.310 Environmental evaluation: Applicable sources and other subjects; exemption.* • *NAC 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.* *Additionally, the NDEP does not have a SIP-based program to prevent significant deterioration of air quality; however, pursuant to*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
40 CFR 52.21(u), the USEPA has delegated its responsibility for implementation of the federal prevention significant deterioration (PSD) program to the NDEP as it existed on August 13, 2012.	
(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 action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter.
Element L provides that a separate program to satisfy the requirements of the element are required only until the Administrator approves a fee program under subchapter V of the CAA. USEPA approved the NDEP's permitting fee program under title V of the CAA December 5, 2001 (66 FR 63188). Thus, a separate program to satisfy element (L) is not required. *Nevertheless, the NDEP refers the reader to NAC 445B.327, which contains a schedule of fees for various activities including fees for operating permits and permits to construct for both non-PSD sources and PSD sources. Although this regulation is not in the applicable Nevada SIP, it does provide support for this element. In addition, Section 12 ("Resources") of the applicable Nevada SIP (Appendix G) provides information concerning funding and personnel supporting the functions of the three air pollution control agencies administering CAA programs in Nevada: the NDEP, Clark County Department of Air Quality, and Washoe County Health District Air Quality Management Division. It describes a variety of ways that the PSD program is funded. It points to NRS section 445B.300(2)(a), which requires the State Environmental Commission to provide for the issuance, renewal, modification, revocation, and suspension of operating permits, and to charge appropriate fees sufficient to pay the expenses of the permitting program. This NRS is part of Nevada's SIP. Section 12 also points to state and general funds as a source of funding for its PSD program. See also the discussion of funding in element (E).*	
(M)	Consultation/participation by affected local entities: 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.*	

SECTION 110(a)(2) ELEMENT	CURRENT PROGRAMS AND PROVISIONS IN THE APPLICABLE NEVADA SIP[1]
	• *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 11 of the applicable Nevada SIP, "Intergovernmental Relations" (Appendix H), describes the process for consultation among the three air pollution control agencies administering CAA programs in Nevada: NDEP, Clark County Department of Air Quality, and Washoe County Health District's Air Quality Management Division, as well as for regional planning and transportation agencies that also have certain air-quality-planning-related responsibilities. For each area, Section 11 identifies the applicable state and local provisions governing consultation and notification to affected entities, including for those parts of the SIP related to permitting new and modified major sources and transportation planning, as appropriate. By the very nature of delegating air program responsibilities to Clark County and Washoe County, and cooperating with the Tahoe Regional Planning Agency, while retaining SIP revision authority at the state level, Nevada has instilled a process for developing, implementing, and enforcing the SIP that relies upon the involvement of such local political subdivisions.* *The applicable Nevada SIP further provides authority and functionality to the primary agencies in Clark and Washoe counties to engage local political subdivisions in air quality planning. It also includes provisions to supersede a county program, if such program is found inadequate by the State Environmental Commission. These authorities are found in NRS:* • *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

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, AKM

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.**

[1] This is the 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, 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, including 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 10/21/14 FR actions and the 1/3, 5/8, 6/13, 11/2/07and 4/16/08 rescissions.

445.482	**Converter defined.**
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.**

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		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.

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	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

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	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)

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	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	77FR59321 9/27/2012

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		(b) A stationary spark ignition internal combustion engine subject to Subpart JJJJ; 5. Which is not subject to the requirements of 40 C.F.R. Part 61; 6. Which is not subject to the requirements of 40 C.F.R. Part 63, except for a stationary reciprocating internal combustion engine subject to Subpart ZZZZ and which does not exceed 750 horsepower; 7. Which is not a temporary source; 8. Which is not located at or a part of another stationary source; 9. Which does not operate a thermal unit that emits mercury, as defined in NAC 445B.3643; and 10. Whose owner or operator: (a) Is not seeking a limitation on emissions to avoid the requirements of 40 C.F.R. Part 63; or (b) Is not required to obtain an operating permit to operate the stationary source solely to comply with NAC 445B.22037 relating to surface area disturbances. (Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001; A by R189-05, 5-4-2006; R142-07, 4-17-2008; R076-08, 8-26-2008; R040-10, 7-22-2010)	
	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:	77FR59321 9/27/2012

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		(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 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	**"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	(c)(56)(i)(A) 71FR15040

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	445.488)	local air pollution control ordinances and regulations. [Environmental Comm'n, Air Quality Reg. § 1.19, eff. 11-7-75; renumbered as § 1.53, 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.488)	3/27/2006
	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	(c)(25)(i)(A)

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		portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility. [Environmental Comm'n, Air Quality Reg. 1.57, eff. 12-4-76]	
1.60		Effective date. Upon the filing of the regulations with the Secretary of State, or as specified in the exceptions contained in NRS 233B.070.	(c)(14)(vii)
	445B.055	**"Effective date of the program" defined.** "Effective date of the program" means the date on which the Administrator approves the program. (Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.4915)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.056	**"Emergency" defined.** "Emergency" means any situation arising from a sudden and reasonably unforeseeable event beyond the control of the owner or operator, including an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed an emission limitation contained in the operating permit which is based on a specific type of technology. The term does not include the failure to comply with emission limitations because of the improper design of the source, the lack of preventative maintenance, the careless or improper operation of the source, or any error by the operator. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4955)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.058 (Supersedes 445.499)	**"Emission" defined.** 1. "Emission" means the act of passing into the atmosphere a regulated air pollutant or a gas stream which contains, or may contain, a regulated air pollutant. 2. The term includes the material passed to the atmosphere. [Environmental Comm'n, Air Quality Reg. § 1.22, eff. 11-7-75; renumbered as § 1.65, 12-4-76]—(NAC A by R105-97, 3-5-98)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.059 (Supersedes 445.500)	**"Emission unit" defined.** "Emission unit" means a part of a stationary source which emits or has the potential to emit any regulated air pollutant. [Environmental Comm'n, Air Quality Reg. § 1.57.5, eff. 10-16-80]—(NAC A 10-22-87; 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.060	**"Enforceable" defined.** "Enforceable" means enforceable under federal, state or local law. (Added to NAC by Environmental Comm'n, eff. 10-14-82)—(Substituted in revision for NAC 445.5005)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.061	**"EPA" defined.** "EPA" means the United States Environmental Protection Agency. (Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5008)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.062 (Supersedes 445.501)	**"Equivalent method" defined.** "Equivalent method" means any method of sampling and analyzing for a regulated air pollutant which has been demonstrated to the director's satisfaction to have a consistent and quantitatively known relationship to the reference method under specified conditions. [Environmental Comm'n, Air Quality Reg. § 1.67, eff. 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.063	**"Excess emissions" defined.** "Excess emissions" means any emission which exceeds any applicable emission limitation	(c)(66)(i)(A)(3

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	(Supersedes 445.504)	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 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)	) 73FR19144 04/09/2008
	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	(c)(12)

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		operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a "new source".	
	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

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	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 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)	(c)(56)(i)(A) 71FR15040 3/27/2006
	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:	77FR59321 9/27/2012

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		H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack; H = height of nearby structures measured from the ground-level elevation at the base of the stack; and L = lesser dimension, height or projected width, of nearby structures. (Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)	
	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:	77FR59321 9/27/2012

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		(a) Is located on one or more contiguous or adjacent properties; (b) Is under the common control of the same person or persons; (c) Belongs to a single major industrial grouping as described in the *Standard Industrial Classification Manual*, as incorporated by reference in NAC 445B.221; and (d) Meets one of the following conditions: (1) Is located in a nonattainment area and is required to obtain an operating permit pursuant to 42 U.S.C. §§ 7501 to 7515, inclusive; (2) Directly emits or has the potential to emit: (I) One hundred tons per year or more of any regulated air pollutant, excluding particulate matter more than 10 microns in diameter; or (II) Ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants or a lesser quantity as established by the Commission; or (3) Is located in a particulate matter (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.	(c)(56)(i)(A) 71FR15040 3/27/2006

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		[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)	
	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. (Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.5435)	(c)(56)(i)(A) 71FR15040 3/27/2006
	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	77FR59321 9/27/2012

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		2. For the purpose of conducting demonstrations under paragraph (c) of subsection 1 of NAC 445B.083, not greater than one-half mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if the feature achieves a height one-half mile from the stack that is at least 40 percent of the good engineering practice stack height determined by using the equation set forth in subparagraph (2) of paragraph (b) of subsection 1 of NAC 445B.083 or 85 feet, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack. (Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)	
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	**"Odor" defined.** "Odor" means a characteristic of a regulated air pollutant which makes it perceptible to the sense of smell.	(c)(56)(i)(A)

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	(Superseded 445.555)	[Environmental Comm'n, Air Quality Reg. § 1.43, eff. 11-7-75; renumbered as § 1.118, 12-4-76]—(NAC A 10-30-95)	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 445.556)	**"One-hour period" defined.** "One-hour period" means any 60-minute period. [Environmental Comm'n, Air Quality Reg. § 1.119, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.556)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.121 (Superseded 445.557)	**"Opacity" defined.** "Opacity" means the property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray. 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

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	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. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)	77FR59321 9/27/2012
	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

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	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 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)	77FR59321 9/27/2012
	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 §	(c)(56)(i)(A) 71FR15040 3/27/2006

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		1.140, 8-28-79]—(NAC A 10-30-95)	
	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 as 1.141, 8-28-79]	(c)(25)(i)(A)
	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	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008

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		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)	
	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. (Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5915)	77FR59321 9/27/2012
	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)

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	445B.161 (Superseded 445.599)	**"Run" defined.** "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice. [Environmental Comm'n, Air Quality Reg. § 1.159, eff. 12-4-76]—(Substituted in revision for NAC 445.599)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.163 (Superseded 445.601)	**"Salvage operation" defined.** "Salvage operation" means any operation conducted in whole or in part for the salvaging or reclaiming of any product or material. [Environmental Comm'n, Air Quality Reg. § 1.157, eff. 11-7-75; renumbered as § 1.161, 12-4-76]—(Substituted in revision for NAC 445.601)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.167 (Superseded Article 1.166)	**"Shutdown" defined.** "Shutdown" means the cessation of operation of an affected facility for any purpose. [Environmental Comm'n, Air Quality Reg. § 1.166, eff. 12-4-76]—(Substituted in revision for NAC 445.606)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.168 (Superseded 445.612)	**"Single-chamber incinerator" defined.** "Single-chamber incinerator" means an incinerator with one chamber that serves for ignition, combustion and ash removal of a design approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources. [Environmental Comm'n, Air Quality Reg. § 1.98.1, eff. 3-31-77; A 12-27-77; A and renumbered as § 1.94.1, 8-28-79]—(Substituted in revision for NAC 445.612)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.171		Single source. All similar process operations located at a single premise which can technically and economically be replaced by a single process that performs the same function. Two or more pieces of equipment or processes that handle different materials or produce dissimilar products will be treated separately.	(c)(12)
	445B.172 (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	**"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

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	1.181)		
	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
	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.	(c)(25)(i)(A)

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		[Environmental Comm'n, Air Quality Reg. 1.64, eff. 11-7-75; renumbered as 1.191, 12-4-76]	
	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 445.649)	**"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. [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)	77FR59321 9/27/2012
	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	(c)(56)(i)(A) 71FR15040 3/27/2006

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

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	445B.2202 (Superseded Articles 4.3, 4.3.1-4.3.3, 4.3.5)	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)	) 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 the provision of Article 16.3 shall cause to be discharged into the atmosphere from any affect facility other than the kiln and clinker cooler any gases which exhibit 10% opacity or greater.	(c)(14)(viii)
	445.729	Process weight rate for calculating emission rates. For purposes of NAC 445.729 to 445.737, inclusive, the process weight rate to be used to calculate allowable emission rates must be the weight rates for single sources. [Environmental Comm'n, Air Quality Reg. 7.2.4, eff. 11-7-75; A 12-4-76]	(c)(25)(i)(A)
	445.730	Colemanite flotation processing plants. 1. The maximum amount of particulate matter which may be emitted in an hour by any colemanite flotation processing plant and the formulas by which the amount will be determined are: (a) For a crushing, screening or grinding plant, a maximum of 2.5 pounds (1.13 kilograms) per hour as calculated by: $E = 0.02 \times 10^{-3} P (0.04P)$. (b) For a storage bin for ore or an ore product, a maximum of 0.55 pounds (0.25 kilogram) per hour as calculated by: $E = 0.01 \times 10^{-3} P (0.02P)$. (c) For a dryer and calciner, a maximum of 10.50 pounds (4.75 kilograms) per hour as calculated by: $E = 0.31 \times 10^{-3} P (0.62P)$. 2. For the purposes of subsection 1: (a) "E" means the maximum emission rate allowed in pounds (kilograms) per hour. (b) "P" means the process weight rate in tons (kilograms) per hour. [Environmental Comm'n, Air Quality Reg. 7.2.8.1-7.2.8.3, eff. 11-17-78]	(c)(25)(i)(A)
	445B.22027	**Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates.** For purposes of NAC 445B.22027 to 445B.22037, inclusive, the maximum allowable throughput to be used to calculate allowable emission rates must be the maximum process weight for an emission unit.	(c)(56)(i)(A)(3) 72FR25972

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		[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)	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: $Y = 17.0X^{-0.568}$ 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)	(c)(56)(i)(A)(3) 72FR25972 5/8/2007
	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:	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

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		$E = 55P^{0.11} - 40$ 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)	
	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. 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)	(c)(56)(i)(A)(3) 72FR25972 5/8/2007
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.	(c)(26)(i)(A)

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		(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. 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)

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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 British thermal units per hour — Maximum sulfur emission, pounds per hour 10.....7. 100.....70. 1,000.....105. 10 ,000.....1050. 100,000.....10500.	(c)(14(vii)
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 $Y = 0.6X$	(c)(56)(i)(A) 71FR15040 3/27/2006

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		Combination Fuel $Y = \frac{L(0.4X) + S(0.6X)}{L + S}$ 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,	**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.	(c)(56)(i)(A) 71FR15040 3/27/2006

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	5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5 and 5.3)	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: (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	(c)(56)(i)(A) 71FR15040 3/27/2006

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		calculated using the following equation: $E = 0.6\ (40.7 \times 10^{-5} C)$ 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	(c)(56)(i)(A) 71FR15040 3/27/2006

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		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)	
	445B.22093 (Superseded 445.846 and Articles 9.2, 9.2.1, 9.2.1.1 and 9.2.1.2)	**Organic solvents and other volatile compounds.** 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)	(c)(66)(i)(A)(3) 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

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	445B.22096 Excluding the NO_x 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.	**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: (a) For power-generating units numbers 1 and 2 of NV Energy's Fort Churchill Generating Station, located in hydrographic area 108:	77FR17334 3/26/2012 (see 77FR 50936, 8/23/ 2012 for FIP)

UNIT (Boiler)	NO_x Emission Limit (lb/10^6 Btu, 12-month rolling average)	NO_x Control Type	SO_2 Emission Limit (lb/10^6 Btu, 24-hr average)	SO_2 Control Type	PM_{10} Emission Limit (lb/10^6 Btu, 3-hr average)	PM_{10} 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 Emission Limit (lb/10^6 Btu, 12-month rolling average)	NO_x Control Type	SO_2 Emission Limit (lb/10^6 Btu, 24-hr average)	SO_2 Control Type	PM_{10} Emission Limit (lb/10^6 Btu, 3-hr average)	PM_{10} 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

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hydrographic area 218:

UNIT (Boiler)	NO_x Emission Limit (lb/10^6 Btu, ~~12-month rolling average~~)	NO_x Control Type	SO_2 Emission Limit (lb/10^6 Btu, 24-hr average)	SO_2 Control Type	PM_{10} Emission Limit (lb/10^6 Btu, 3-hr average)	PM_{10} 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 Emission Limit (lb/10^6 Btu, 12-month rolling average)	NO_x Mass Emission Rate (lb/hr, 1-hr average)	NO_x Control Type	SO_2 Emission Limit (lb/10^6 Btu, 30-day rolling average)	SO_2 Control Type	PM_{10} Emission Limit (lb/10^6 Btu, 3-hr average)	PM_{10} 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

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		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, ➥ 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)		

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		Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m^3)	Gas phase chemilumine scence	53 ppb[G]	Same as primary	Gas phase chemilumi nescence	
			1 hour	100 ppb	--	100 ppb	None		
		Sulfur dioxide	Annual arithmetic mean	0.030 ppm (80 µg/m^3)	Ultraviolet Fluores-cence	0.03 ppm[H] (1971 standard)	None	Spectrophoto metry (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-	--	--	--	

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Notes:

Note A: The Director shall use the Nevada standards in considering whether to issue a permit for a stationary source and shall ensure that the stationary source will not cause the Nevada standards to be exceeded in areas where the general public has access. 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.

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		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; 10-30-95; 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	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

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		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)	
	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	**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:	(c)(67)(i)(A)(1)

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	Art. 2.16.1)	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. 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)	73FR20536 4/16/2008
	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	(c)(67)(i)(A) 73FR20536 4/16/2008

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		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. 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	**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	(c)(62)(i)(A)(1)

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	(Superseded 445.686)	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. 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)	72FR19801 4/20/2007
	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	(c)(56)(i)(A) 71FR71486 12/11/2006

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		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 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:	(c)(56)(i)(A) 71FR71486 12/11/2006

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		1. All continuous monitoring systems referred to in NAC 445B.259 and 445B.260 for measuring opacity of emissions must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 10-second period. 2. All continuous monitoring systems referred to in NAC 445B.259 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide or oxygen must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period. 3. All continuous monitoring systems referred to in NAC 445B.260, except opacity, must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 1-hour period. [Environmental Comm'n, Air Quality Reg. §§ 2.17.5-2.17.5.3, eff. 12-4-76]—(Substituted in revision for NAC 445.690)	
	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	(c)(56)(i)(A) 71FR71486 12/11/2006

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		the affected facility. (c) The nature and cause of any malfunction, if known, the corrective action taken or preventative measures adopted. (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	(c)(56)(i)(A) 71FR71486 12/11/2006

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		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. 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	(c)(66)(i)(A) 73FR19144 4/9/2008

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		(b) The design material or the construction itself is of such a nature that it patently cannot bring the stationary source into compliance with NAC 445B.001 to 445B.3791, inclusive. 2. A stop order may be issued at any time by the Director upon his determination that there has been a violation of any of the provisions of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of the operating permit. 3. A person served with a stop order: (a) Shall immediately stop all activities specified in the stop order. (b) May apply for its revocation at any time, setting forth the facts upon which he believes that the reasons for the issuance of the stop order no longer exist. If the Director finds that the reasons for the issuance of the stop order no longer exist, he shall withdraw the order promptly. If the Director finds that the reasons for the issuance of the stop order still exist, or that other reasons exist for continuing a stop order in effect, he shall, within 24 hours, serve a written statement of his reasons for so finding. [Environmental Comm'n, Air Quality Reg. §§ 3.3.1-3.3.5, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 12-13-93; 10-30-95; R189-05, 5-4-2006)	
	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	(c)(25)(i)(A)

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		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]	
	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.	77FR59321 9/27/2012

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		4. As used in this section: (a) "Permit to construct" means a document issued and signed by the Director before November 1, 1995, certifying that: (1) Adequate empirical data for a stationary source has been received and constitutes approval of location; or (2) All portions of NAC 445B.305 to 445B.314, inclusive, and 445B.3395, and any other provisions of NAC 445B.001 to 445B.3689, inclusive, have been complied with and constitute approval of location and for construction. [Environmental Comm'n, Air Quality Reg. §§ 3.1.1-3.1.3, eff. 11-7-75; A 12-15-77; § 3.1.9, eff. 11-7-75; A 12-4-76]—(NAC A 7-29-82; 10-22-87; 12-15-88; 12-13-93; 10-30-95; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R189-05, 5-4-2006; R162-06, 9-18-2006; R040-10, eff. 7-22-2010)	
	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:	77FR59321 9/27/2012

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		(1) Less than 250 horsepower; or (2) Equal to or greater than 250 horsepower if the engine operates less than 100 hours per calendar year. (h) An emergency generator. Except as otherwise provided in this paragraph, an emergency generator qualifies as an insignificant activity pursuant to this paragraph only if the emergency generator is an internal combustion engine that is used to generate electrical power to maintain essential operations during unplanned electrical power outages. An emergency generator that is owned or operated by a stationary source and whose potential to emit is calculated on the basis of less than 500 hours of operation does not qualify as an insignificant activity. 3. If an emission unit is considered an insignificant activity and is subject to a limitation on its hours of operation pursuant to subsection 2, the owner or operator of the emission unit shall maintain an operating log of the hours of operation of the emission unit. The operating log must be maintained at the site of the emission unit and made available to the Director upon his request. The owner or operator shall retain the operating log for not less than 5 years. 4. The Director may, upon written request and a satisfactory demonstration by an applicant, approve an emission unit as an insignificant activity if the emission unit is not otherwise subject to another specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 C.F.R. Part 60, 61 or 63. To be approved as an insignificant activity, an emission unit must meet the following criteria: (a) The operation of the emission unit, not considering controls or limits on production, type of materials processed, combusted or stored, or hours of operation, will not result in: (1) Emissions of a hazardous air pollutant that exceed 1 pound per hour or 1,000 pounds per year, as appropriate; (2) Emissions of regulated air pollutants that exceed 4,000 pounds per year; (3) Emissions of regulated air pollutants that exceed any other limitation on emissions pursuant to any other applicable requirement; or (4) Emissions of regulated air pollutants that adversely impact public health or safety, or exceed any ambient air quality standards; and (b) The emissions from the emission unit are not relied on to avoid any other applicable requirements. ➥ If there are multiple emission units, the Director may, after considering the impact of the combined emissions of multiple emission units, determine whether to approve one or more of the specific emission units as an insignificant activity. 5. Except as otherwise provided in NAC 445B.094, emissions from insignificant activities, as determined pursuant to this section, must be included in any determination of whether a stationary source is a major source. 6. A stationary source is not required to obtain an operating permit pursuant to NAC 445B.001 to 445B.3689, inclusive, for any emission unit determined to be an insignificant activity in accordance with this section, as long as the stationary source is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in NAC 445B.001 to 445B.3689, inclusive, relating to the operation of the emission unit determined to be an insignificant activity. 7. A stationary source which consists solely of insignificant activities as determined pursuant to this section and which is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act is not required to obtain	

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		an operating permit to operate as a stationary source. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in NAC 445B.001 to 445B.3689, inclusive, relating to the operation of the stationary source or any insignificant activity that is a part of the stationary source. 8. The provisions of this section do not apply to a thermal unit that emits mercury. 9. As used in this section, "thermal unit that emits mercury" has the meaning ascribed to it in NAC 445B.3643. [Environmental Comm'n, Air Quality Reg. § 3.1.8, eff. 11-7-75]—(NAC A 10-22-87; 12-8-89; 9-19-90; 11-23-92; 12-13-93, eff. 11-15-94; 3-29-94, eff. 11-15-94; 10-30-95; R117-00, 6-1-2001; R189-05, 5-4-2006; R142-07, 4-17-2008)	
	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-	77FR59321 9/27/2012

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		2006; R139-06, 9-18-2006)	
	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; 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)	77FR59321 9/27/2012
	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	79FR62846 10/21/2014

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		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 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	(c)(18)(i)

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		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.	
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	79FR62846 10/21/2014

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		types of activities to be performed; (d) A map showing the location of the stationary source and the topography of the area, including existing principal streets, roads and highways within 3 miles of the stationary source; (e) A site plan showing the location and height of buildings on the site; (f) Any additional information or documentation which the Director deems necessary to determine the effect of the stationary source on the quality of the ambient air, including measured data on the quality of the ambient air and meteorological conditions at the proposed site before construction or modification; and (g) 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:	

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		(I) The nearest significant terrain features; (II) The receptor grid or grids; and (III) Restrictions on public access to the stationary source; and (c) Valid meteorological information pursuant to the provisions of Appendix W of 40 C.F.R. Part 51, as adopted by reference in NAC 445B.221, which: (1) For sources that are not subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221: (I) Is site specific, if the information exists pursuant to subsection 1 of this section or subsection 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	77FR59321 9/27/2012

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		determined by using the appropriate method of ASTM International; or 2. An alternative method specified by the Director as a condition contained in the operating permit of the Class I source. [Environmental Comm'n, Air Quality Reg. § 13.3.4, eff. 12-15-77; renumbered as § 13.2.4, 8-28-79]—(NAC A 9-19-90; 3-29-94, eff. 1-11-96; 10-30-95; R040-01, 10-25-2001; R103-02, 12-17-2002; R142-07, 4-17-2008; R126-10, 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.	77FR59321 9/27/2012

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		(g) The operating permit does not convey any property rights or any exclusive privilege. (h) The holder of the operating permit shall provide the Director, in writing and within a reasonable time, with any information that the Director requests to determine whether cause exists for revising, revoking and reissuing, reopening and revising, or terminating the operating permit, or to determine compliance with the conditions of the operating permit. (i) The holder of the operating permit shall pay fees to the Director in accordance with the provisions set forth in NAC 445B.327 and 445B.331. (j) The holder of the operating permit shall allow the Director or any authorized representative, upon presentation of credentials, to: (1) Enter upon the premises of the holder of the operating permit where: (I) The stationary source is located; (II) Activity related to emissions is conducted; or (III) Records are kept pursuant to the conditions of the operating permit; (2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the operating permit; (3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the operating permit; and (4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the operating permit or applicable requirements. (k) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the operating permit are true, accurate and complete. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R103-02, 12-17-2002; R189-05, 5-4-2006)	
	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-	77FR59321 9/27/2012

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	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: (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)	77FR59321 9/27/2012
	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	**Request for change of location of emission unit.** A request for a change of the location of an emission unit must be made in	77FR59321

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	(Superseded 445.716)	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)	9/27/2012
		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	77FR59321 9/27/2012

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		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)	
	445B.3363	**Operating permit to construct: Application.** 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,	77FR59321 9/27/2012

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		inclusive, all information required by 42 U.S.C. § 7503. (c) For a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive: (1) All information required by 40 C.F.R. § 63.43(e); and (2) Any other information that the Director determines is necessary to process the application. (d) For a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.50 to 63.56, inclusive: (1) All information required by 40 C.F.R. § 63.53; and (2) Any other information that the Director determines is necessary to process the application. 3. Except as otherwise provided in NAC 445B.33637, in addition to the information required pursuant to subsections 1 and 2, an application for a Class I operating permit to construct for a modification at an existing major stationary source that is not a major modification must contain: (a) All applicable information required to determine whether the project or modification will result in a significant emissions increase or a significant net emissions increase in accordance with 40 C.F.R. § 52.21(a)(2); (b) A description of the project or modification, including all emission units; (c) A description of the applicable procedures used to determine that the project or modification is not a major modification pursuant to the provisions of 40 C.F.R. § 52.21(a)(2); (d) All calculations associated with the procedures required to make the determinations pursuant to 40 C.F.R. § 52.21(a)(2), including detailed information for expected and highest projections of any business activities in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(a); (e) Calculations of emissions in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(b); and (f) Detailed information used to demonstrate that emissions increases associated with any increased utilization that an emission unit could have accommodated during the baseline emission period is unrelated to the proposed project or modification, including any increased utilization due to product demand growth, in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(c). ➥ In lieu of paragraphs (d), (e) and (f), the application must contain information on the potential of the unit to emit in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(d). 4. Except for a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive, or 40 C.F.R. §§ 63.50 to 63.56, inclusive, in addition to the information required pursuant to subsections 1, 2 and 3, an application for an operating permit to construct must include an environmental evaluation pursuant to NAC 445B.308, 445B.310 and 445B.311. 5. As used in this section, "project" has the meaning established in 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R139-06 & R151-06, 9-18-2006; A by R147-09, eff. 1-28-2010)	
	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:	77FR59321 9/27/2012

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		(a) All the information required pursuant to 40 C.F.R. § 52.21(aa)(3) and all the information necessary to establish the plantwide applicability limitation in accordance with the requirements of 40 C.F.R. § 52.21(aa)(4); (b) A description of each pollutant for which the owner or operator is requesting a plantwide applicability limitation; (c) For each pollutant described in paragraph (b), the proposed plantwide applicability limitation for the entire major stationary source; (d) A monitoring plan that will be used to make an accurate determination of the plantwide emissions subject to the plantwide applicability limitation as specified in 40 C.F.R. § 52.21(aa)(12). The monitoring plan must identify, without limitation: (1) The monitoring approach proposed for each emission unit; (2) The minimum performance requirements of each such approach; (3) The basis for any emissions factors proposed; and (4) Any emission unit for which the owner or operator cannot demonstrate a correlation between the monitored parameters and the plantwide applicability limitation at all operating points; (e) If the owner or operator cannot demonstrate a correlation between the monitored parameters and the plantwide applicability limitation at all operating points as identified in paragraph (d) and the owner or operator requests to establish default values for determining compliance with the plantwide applicability limitation, any proposed default values to be used for determining compliance with the plantwide applicability limitation based on the highest potential emissions potentially operated for each emission unit; (f) A description of the calculation procedures that the source will use to convert monitored data into monthly emissions on a 12-month rolling period; (g) A description of any emission units that were permanently shut down after the baseline actual emissions period and the associated emissions; (h) A description of any emission units for which construction began after the baseline actual emissions period and the associated emissions; and (i) Any other requirements or information that the Director determines is necessary to implement and enforce the plantwide applicability limitation. 2. An application for a Class I operating permit to construct to allow a plantwide applicability limitation to expire and not be renewed must contain: (a) A description of the proposed distribution of the emissions allowed by the plantwide applicability limitation for each emission unit or group of emission units at the major stationary source; and (b) A description of the proposed methods for complying with the distribution of the allowable emissions provided in paragraph (a). 3. In addition to the information required pursuant to subsection 1, an application for a Class I operating permit to construct for the renewal of a plantwide applicability limitation must contain the information required pursuant to 40 C.F.R. § 52.21(aa)(10) for each plantwide applicability limitation pollutant. 4. In addition to the information required pursuant to subsection 1, an application for a Class I operating permit to	

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		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 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.	77FR59321 9/27/2012

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		4. For the submittal of an application for a Class I operating permit to construct for the approval of a plantwide applicability limitation, within 30 days after the date of receipt of such an application, the Director shall determine if the application is complete. If substantial additional information is required, the Director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the Director shall determine the application to be complete. Unless the Director determines that the application is incomplete within 30 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the Director determines that the application is complete or the 31st day after the date of receipt, whichever is earlier. Within 120 days after the official date of submittal, the Director shall make a preliminary determination to issue or deny the Class I operating permit to construct for the approval of a plantwide applicability limitation. 5. If, after the official date of submittal, the Director discovers that additional information is required to act on an application, the Director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.3689, inclusive. The applicant must provide in writing any additional information that the Director requests within the time specified in the request of the Director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the Director on the application submitted to the Director. 6. The Director's review and preliminary intent to issue or deny an operating permit to construct or a revision of an operating permit to construct and the proposed conditions for the operating permit to construct must be made public and maintained on file with the Director during normal business hours at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249 and in the air quality region where the source is located for 30 days to enable public and EPA participation and comment. 7. The Director shall: (a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the stationary source is located or in a state publication designed to give general public notice; (b) Provide written notice to persons on a mailing list developed by the Director, including those persons who request in writing to be included on the list; (c) Provide notice by other means if necessary to ensure that adequate notice is given to the public; (d) Provide a copy of the Director's preliminary intent to issue or deny the operating permit to construct and the proposed operating permit to construct to the Administrator; (e) Provide a copy of the Director's preliminary intent to issue or deny the operating permit to construct to each affected local air pollution control agency; (f) Establish a 30-day period for comment from the public and the EPA; and (g) If the application is for an administrative revision to a Class I operating permit, provide written notice to each affected state. 8. In addition to the requirements set forth in subsection 7, the notice required for a Class I operating permit to construct or for a revision of a Class I operating permit to construct must: (a) Identify the affected facility and the name and address of the applicant;	

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		(b) Identify the name and address of the authority processing the Class I operating permit to construct; (c) Identify the activity or activities involved in the Class I operating permit to construct and the change of emissions involved in any revision of the Class I operating permit to construct; (d) State that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable; (e) Include the name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the proposed conditions for the Class I operating permit to construct, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the Class I operating permit to construct and which are relevant to the determination of the issuance of the Class I operating permit to construct; (f) Include a brief description of the procedures for public comment and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing; and (g) If applicable, include a description of any revisions to a Class I operating permit resulting from an administrative revision to the Class I operating permit. 9. All comments concerning the Director's review and the preliminary intent for the issuance or denial of a Class I operating permit to construct or of a revision of a Class I operating permit to construct must be submitted in writing to the Director within 30 days after the public announcement. The Director shall give notice of any public hearing at least 30 days before the date of the hearing. The Director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation. 10. Except as otherwise provided in subsections 11 to 14, inclusive, within 180 days after the official date of submittal of an application for an operating permit to construct or for the revision of an operating permit to construct, the Director shall issue or deny the new Class I operating permit to construct or the new revision of a Class I operating permit to construct. The Director shall make his decision by taking into account: (a) Written comments from the public; (b) Comments made during public hearings concerning the application and the Director's preliminary determination for issuance or denial; (c) Information submitted by proponents of the project; and (d) The effect of such a facility on the maintenance of the state and national ambient air quality standards contained in NAC 445B.22097 and the applicable state implementation plan. 11. Except as otherwise provided in subsection 12, for sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 12 months after the official date of submittal of an application for an operating permit to construct or for the revision of an operating permit to construct, the Director shall issue or deny the new Class I operating permit to construct or the new revision of a Class I operating permit to construct. 12. The Director shall issue or deny a Class I operating permit to construct for the approval of a plantwide applicability limitation within 30 days after the close of the period for public participation or 30 days after the hearing, if a hearing is scheduled pursuant to this section, whichever occurs later. 13. For a source, or proposed source, subject to the requirements of 40 C.F.R. §§ 63.40 to 63.44, inclusive, or 40 C.F.R.	

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		§§ 63.50 to 63.56, inclusive, within 12 months after the official date of submittal of an application for an operating permit to construct or for the revision of an operating permit to construct, the Director shall issue or deny the new Class I operating permit to construct or the new revision of a Class I operating permit to construct. 14. The Director shall not issue an administrative revision to a Class I operating permit if the Administrator objects to the issuance of the administrative revision in writing within 45 days after the Administrator's receipt of the proposed revision conditions for the Class I operating permit and the necessary supporting information. 15. Any person may petition the Administrator to request that the Administrator object to the issuance of an administrative revision to a Class I operating permit as provided in 40 C.F.R. § 70.8(d). 16. If, on his own or pursuant to a request by a person pursuant to subsection 15, the Administrator objects to the issuance of an administrative revision to a Class I operating permit, the Director shall submit revised proposed conditions for the Class I operating permit in response to the objection within 90 days after the date on which he is notified of the objection. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R198-03, 4-26-2004; R125-04, 9-24-2004; R139-06 & R151-06, 9-18-2006; R142-07, 4-17-08; R147-09, 1-28-2010)	
	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	77FR59321 9/27/2012

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		to construct, or to determine compliance with the conditions of the operating permit to construct. (i) The holder of the operating permit to construct shall allow the Director or any authorized representative of the Director, upon presentation of credentials, to: (1) Enter upon the premises of the holder of the operating permit to construct where: (I) The stationary source is located; (II) Activity related to emissions is conducted; or (III) Records are kept pursuant to the conditions of the operating permit to construct; (2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the operating permit to construct; (3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the operating permit to construct; and (4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the operating permit to construct or applicable requirements. (j) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the operating permit to construct are true, accurate and complete. 3. An operating permit to construct must contain: (a) All applicable requirements, emission limits and standards; (b) Monitoring methods adequate to show compliance; (c) Adequate recordkeeping and reporting requirements as deemed by the Director; and (d) Any other requirements deemed necessary by the Director. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R189-05, 5-4-2006; R139-06, 9-18-2006)	
	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:	77FR59321 9/27/2012

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		(1) An action for noncompliance; (2) The revoking and reissuing, or the terminating, of the Class I operating permit to construct by the Director; or (3) The reopening or revising of the Class I operating permit to construct by the holder of the Class I operating permit to construct as directed by the Director. (e) The need to halt or reduce activity to maintain compliance with the conditions of the Class I operating permit to construct is not a defense to noncompliance with any condition of the Class I operating permit to construct. (f) The Director may revise, revoke and reissue, reopen and revise, or terminate the Class I operating permit to construct for cause. (g) The Class I operating permit to construct does not convey any property right or exclusive privilege. (h) The holder of the Class I operating permit to construct shall provide the Director, in writing and within a reasonable time, with any information that the Director requests to determine whether cause exists for revoking or terminating the Class I operating permit to construct, or to determine compliance with the conditions of the Class I operating permit to construct. (i) The holder of the Class I operating permit to construct shall allow the Director or any authorized representative of the Director, upon presentation of credentials, to: (1) Enter upon the premises of the holder of the Class I operating permit to construct where: (I) The stationary source is located; (II) Activity related to emissions is conducted; or (III) Records are kept pursuant to the conditions of the Class I operating permit to construct; (2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the Class I operating permit to construct; (3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the Class I operating permit to construct; and (4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the Class I operating permit to construct or applicable requirements. (j) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the Class I operating permit to construct are true, accurate and complete. 3. In addition to the requirements established in subsections 1 and 2, a Class I operating permit to construct for the approval of a plantwide applicability limitation must contain the information set forth in 40 C.F.R. § 52.21(aa)(7) as adopted by reference in NAC 445B.221. (Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004; A by R189-05, 5-4-2006; R139-06, 9-18-2006)	
	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	77FR59321 9/27/2012

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		that the extension is justified. 2. If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the Director. An operating permit to construct expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the Director. The Director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified. 3. An operating permit to construct issued to a new major stationary source or issued for a major modification to an existing stationary source that is subject to the permitting requirements set forth in 40 C.F.R. § 52.21 is subject to the expiration requirements established in 40 C.F.R. § 52.21(r)(2). 4. Except as otherwise provided in this subsection, an operating permit to construct expires if a complete application for a Class I operating permit or modification of an existing Class I operating permit is not submitted within 12 months after the date of initial start-up. The provisions of this subsection do not apply to a Class I operating permit to construct for the approval of a plantwide applicability limitation. 5. A plantwide applicability limitation expires at the end of the plantwide applicability limitation effective period in accordance with 40 C.F.R. § 52.21(aa)(9), unless the plantwide applicability limitation is renewed pursuant to subsection 3 of NAC 445B.33637. If the owner or operator is not going to renew the plantwide applicability limitation, the operating permit for the Class I stationary source must be revised to incorporate the redistribution of the emissions allowed by the plantwide applicability limitation that is expiring in accordance with subsection 2 of NAC 445B.33637. For the purposes of this subsection, "plantwide applicability limitation effective period" means the "PAL effective period" as that term is defined in 40 C.F.R. § 52.21(aa)(2)(vii). (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R139-06, 9-18-2006)	
	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.	77FR59321 9/27/2012

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		(e) The calculations on which the information in this subsection and subsection 1 are based. (f) Citations to and a description of all applicable requirements. (g) A reference to any applicable test method used for determining compliance with each applicable requirement. (h) A compliance plan that contains the following: (1) A description of the compliance status of the stationary source with respect to all applicable requirements. (2) A description that includes the following: (I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements. (II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis. (III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a narrative description of how the stationary source will achieve compliance with each such requirement. (3) Schedules of compliance as follows: (I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements. (II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis, unless the applicable requirement expressly requires a more detailed schedule for compliance. (III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a schedule of compliance for each applicable requirement. Such a schedule must include a schedule of remedial measures, including, without limitation, an enforceable sequence of actions with milestones, leading to compliance with the applicable requirements with which the stationary source is not in compliance. If the stationary source is subject to a judicial consent decree or an administrative order regarding its noncompliance, the schedule must resemble and be at least as stringent as any schedule contained in the decree or order. Such a schedule of compliance must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based. (4) A schedule for the submission of certified progress reports at least once every 6 months for a schedule of compliance to remedy a violation. Such progress reports must contain the following: (I) Dates for performing activities or achieving milestones or compliance required in the schedule of compliance, and the dates when the activities, milestones or compliance occurred or were achieved; and (II) An explanation as to why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted. ➥ The content requirements of the compliance plan specified in this paragraph apply and must be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations adopted pursuant to Title IV of the Act with regard to the schedule and methods the source will use to achieve compliance with the emissions limitations relating to acid rain. (i) Requirements for compliance certification, including:	

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		(1) A certification of compliance with all applicable requirements by a responsible official, consistent with this section and 42 U.S.C. § 7414(a)(3); (2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and methods of testing; (3) A schedule for submission of certifications of compliance during the term of the permit to be submitted not less frequently than annually, or more frequently if so specified by the underlying applicable requirement or the permitting authority; and (4) A statement indicating the status of compliance by the stationary source with any applicable enhanced monitoring and compliance certification requirements of the Act. 3. In addition to the information required pursuant to subsections 1 and 2, a Class I-B application for a Class I operating permit must contain: (a) For a proposed new major stationary source or a proposed major modification to an existing stationary source: (1) All information required pursuant to 40 C.F.R. § 52.21; (2) A description of all emissions of each regulated pollutant for which the source is a major stationary source or that will increase by a significant amount as a result of the major modification; (3) A description of all emissions of each regulated pollutant associated with the major modification; (4) A description of each hydrographic area that may be triggered for increment consumption; and (5) Any other information that the Director determines is necessary to process the application. (b) For a proposed new major source or a proposed significant revision to an existing stationary source: (1) All information required by NAC 445B.308 to 445B.313, inclusive; (2) Any other information that the Director determines is necessary to process the application; and (3) For stationary sources subject to the provisions regarding new source review set forth in 42 U.S.C. §§ 7501 to 7515, inclusive, all information required by 42 U.S.C. § 7503. (c) For a proposed new major source or a proposed significant revision to an existing stationary source which is subject to the requirements of 42 U.S.C. § 7412 regarding hazardous air pollutants: (1) All information required by NAC 445B.308 to 445B.313, inclusive; (2) For a source subject to the requirements of 42 U.S.C. § 7412(g), all information required by 40 C.F.R. § 63.43(e); (3) For a source subject to the requirements of 42 U.S.C. § 7412(j), all information required by 40 C.F.R. § 63.53; and (4) Any other information that the Director determines is necessary to process the application. (d) For a revision to a Class I operating permit for a modification at an existing major stationary source that is not a major modification: (1) All applicable information required to make the determinations pursuant to 40 C.F.R. § 52.21(a)(2); (2) A description of the project or modification, including all emission units; (3) A description of the applicable procedures used to determine that the project or modification is not a major modification pursuant to the provisions of 40 C.F.R. § 52.21(a)(2); (4) All calculations associated with the procedures required to make the determinations pursuant to 40 C.F.R. § 52.21(a)(2),	

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		including detailed information for expected and highest projections of any business activities in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(a); (5) Calculations of emissions in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(b); and (6) Detailed information used to demonstrate that emissions increases associated with any increased utilization that an emission unit could have accommodated during the baseline emission period is unrelated to the proposed project or modification, including any increased utilization due to product demand growth, in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(c). ➥ In lieu of subparagraphs (4), (5) and (6), the application must contain information on the potential of the unit to emit in accordance with 40 C.F.R. § 52.21(b)(41)(ii)(d). 4. As used in this section, "project" has the meaning established in 40 C.F.R. § 52.21 as adopted by reference in NAC 445B.221. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R125-04, 9-24-2004; R147-09, eff. 1-28-2010)	
	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	77FR59321 9/27/2012

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		application to the applicant. If substantial additional information is not required, the Director shall determine that the application is complete. Unless the Director determines that the application is incomplete within 60 days after the date of receipt, the official date of submittal shall be deemed to be the date on which the Director determines that the application is complete or 61 days after the date of receipt, whichever is earlier. 2. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 30 days after the date of receipt of an application for a Class I operating permit or for the revision of a Class I operating permit, the Director shall determine whether the application contains adequate information to process the application. The official date of submittal of the application shall be deemed to be 31 days after the date of receipt, unless the Director determines before that date that substantial additional information is required. If the Director determines that substantial additional information is required, the Director shall return the application to the applicant. The Director shall require the applicant to submit a new application or the applicant may formally withdraw the application. 3. If, after the official date of submittal, the Director discovers that additional information is required to act on the application, the Director may request such additional information that is necessary to determine whether the proposed operation will comply with all the requirements set forth in NAC 445B.001 to 445B.3689, inclusive. The applicant must provide in writing any additional information that the Director requests within the time specified in the request of the Director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the Director on the application submitted to the Director pursuant to subsection 1 or 2. 4. Except as otherwise provided in this section, within 180 days after the official date of submittal of an application for a Class I operating permit or for the revision of a Class I operating permit, the Director shall make a preliminary determination to issue or deny the Class I operating permit or the revision of the Class I operating permit. The Director shall give preliminary notice of his intent to issue or deny the Class I operating permit or the revision of the Class I operating permit within 180 days after the official date of submittal. 5. Within 10 working days after the receipt of an application for a minor revision of a Class I operating permit, the Director shall determine whether the application is complete. If substantial additional information is required, the Director shall determine the application to be incomplete and return the application to the applicant. If substantial additional information is not required, the Director shall determine the application to be complete. Unless the Director determines that the application is incomplete within 10 working days after the date on which the Director receives the application, the official date of submittal is the date on which the Director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. 6. The Director's review and preliminary intent to issue or deny a Class I operating permit or the revision of a Class I operating permit and the proposed conditions for the Class I operating permit must be made public and maintained on file with the Director during normal business hours at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249 and in the air quality region where the source is located for 30 days to enable public participation and comment and a review by any affected states. 7. The Director shall: (a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the Class I	

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		stationary source is located or in a state publication designed to give general public notice; (b) Provide written notice to: (1) Persons on a mailing list developed by the Director, including those persons who request in writing to be included on the list; (2) Any affected state; and (3) Any affected local air pollution control agency; (c) Provide notice by other means if necessary to ensure that adequate notice is given to the public and affected states; (d) Provide a copy of the Director's review of the application, the Director's preliminary intent to issue or deny the Class I operating permit or the revision of a Class I operating permit, and the proposed Class I operating permit to the Administrator; and (e) Establish a 30-day period for public comment. 8. The provisions of subsections 6 and 7 do not apply to: (a) An administrative amendment to a Class I operating permit made pursuant to NAC 445B.319; (b) A change without revision to a Class I operating permit made pursuant to NAC 445B.342; or (c) A minor revision of a Class I operating permit made pursuant to NAC 445B.3425, if the Director determines that the minor revision does not result in a significant change in air quality at any location where the public is present on a regular basis. 9. The notice required for a Class I operating permit or for a revision of a Class I operating permit pursuant to subsection 7 must: (a) Identify the affected facility and the name and address of the applicant; (b) Identify the name and address of the authority processing the Class I operating permit; (c) Identify the activity or activities involved in the Class I operating permit and the emissions change involved in any revision of the Class I operating permit; (d) State that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable; (e) Include the name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the proposed conditions for the Class I operating permit, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the Class I operating permit and which are relevant to the determination of the issuance of the Class I operating permit; and (f) Include a brief description of the procedures for public comment and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing. 10. All comments on the Director's review and preliminary intent for the issuance or denial of a Class I operating permit or a revision of a Class I operating permit must be submitted in writing to the Director within 30 days after the public announcement. The Director shall give notice of any public hearing at least 30 days before the date of the hearing. The Director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation. 11. Except as otherwise provided in subsection 12 and NAC 445B.319, 445B.342 and 445B.3425, within 12 months after	

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		the official date of submittal of a Class I-B application for an operating permit or revision of an operating permit, the Director shall issue or deny the operating permit or revision of the operating permit. The Director shall make his decision by taking into account: (a) Written comments from the public, affected states and the Administrator; (b) Comments made during public hearings concerning the application and the Director's preliminary determination for issuance or denial; (c) Information submitted by proponents of the project; and (d) The effect of such a facility on the maintenance of the state and national ambient air quality standards contained in NAC 445B.22097 and the applicable state implementation plan. ➥ The Director shall send to the Administrator a copy of the final operating permit issued by the Director after approving the Class I-B application. 12. For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, adopted by reference pursuant to NAC 445B.221, the Director shall issue or deny an application for a Class I operating permit, or the revision or renewal of a Class I operating permit, within 12 months after the official date of submittal of an application for a new Class I operating permit or the revision of a Class I operating permit. The application shall be deemed to be complete for the purposes of 40 C.F.R. § 52.21 on the date that the Director makes the preliminary determination to issue or deny the Class I operating permit or the revision of the Class I operating permit. 16. If construction will occur in one phase, a Class I operating permit or the revision of a Class I operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The Director may extend the date on which the construction may be commenced upon a showing that the extension is justified. 17. If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the Director. A Class I operating permit or the revision of a Class I operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the Director. The Director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified. [Environmental Comm'n, Air Quality Reg. § 3.2.1, eff. 11-7-75; A 12-4-76; § 3.2.2, eff. 11-7-75; A 12-15-77; 8-28-79; §§ 3.2.3 & 3.2.4, eff. 11-7-75; § 3.2.5, eff. 11-7-75; A 12-4-76; § 3.2.6, eff. 11-7-75; + § 13.1.2, eff. 11-7-75; A 12-4-76; 8-28-79]—(NAC A 10-22-87; 12-15-88; 12-8-89; 9-19-90; 9-13-91; 11-23-92; 12-13-93, eff. 1-11-96; 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R022-99, 9-27-99; R040-01, 10-25-2001; R103-02, 12-17-2002; R198-03, 4-26-2004; R125-04, 9-24-2004; R151-06, 9-18-2006; R142-07, 4-17-2008)	
	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:	77FR59321 9/27/2012

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		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)	
	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 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)	77FR59321 9/27/2012
	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;	77FR59321 9/27/2012

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		(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. 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;	

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		(2) Determine whether the proposed conditions of the operating permit are adequate; and (3) If the Director determines that the proposed modification does not meet the criteria for a minor revision, deny the proposed revision and notify the applicant and the Administrator. (g) If the Director determines that the applicant's proposed conditions of the operating permit are not adequate, draft appropriate conditions for the operating permit. Proposed conditions drafted by the Director must be submitted to the Administrator for review. (h) Notify the Administrator of any recommendations from an affected state which the Director does not accept. 4. The Director may issue the minor revision upon notification by the Administrator that the Administrator does not object to the minor revision. If the Administrator does not notify the Director within 45 days after the date on which the Administrator received the notification pursuant to this section or within 45 days after the date on which the Administrator receives the Director's proposed conditions, whichever is later, the Administrator shall be deemed to have not objected to the minor revision. 5. If the Administrator objects to the minor revision, the Director shall: (a) Deny the application for the minor revision; (b) Determine whether the minor revision should be reviewed under the procedures for a significant revision; or (c) Revise the proposed revision of the operating permit and forward it to the Administrator for review. 6. The Director shall take action pursuant to subsection 4 or 5 within 90 days after the official date of submittal of an application for a minor revision or within 15 days after the Administrator's 45-day review period ends, whichever is later. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; 5-3-96; R105-97, 3-5-98; R036-98, 4-17-98; R103-02, 12-17-2002; R198-03, 4-26-2004; R125-04, 9-24-2004)	
	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	77FR59321 9/27/2012

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		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)	
	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. 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)	77FR59321 9/27/2012
	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,	77FR59321 9/27/2012

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		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)	
	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 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)	77FR59321 9/27/2012
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.	77FR59321 9/27/2012

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		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)	
	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 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	77FR59321 9/27/2012

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		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: (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	

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		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 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	77FR59321 9/27/2012

Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR 52.1490 and or FR[2]
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		(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)	
	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; (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)	77FR59321 9/27/2012
	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:	77FR59321 9/27/2012

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		(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)	
	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 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	77FR59321 9/27/2012

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		give notice of any public hearing scheduled pursuant to this section at least 30 days before the hearing. The Director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation. 5. The Director may issue the Class II general permit after considering: (a) Written comments from the public; (b) The comments made during public hearings concerning the proposed Class II general permit; (c) Information submitted by proponents of the Class II general permit; and (d) The effect of the Class II general permit on the maintenance of the state and national ambient air quality standards contained in NAC 445B.22097 and the applicable state implementation plan. 6. A Class II general permit must set forth the criteria by which stationary sources may qualify for the Class II general permit. 7. After the effective date of a Class II general permit, the owner or operator of any stationary source that meets the criteria set forth in the Class II general permit may request authority to operate under the Class II general permit. The request must be in writing and must include all the information required by the Class II general permit. 8. The Director shall grant or deny authority to operate under a Class II general permit within 30 days after his receipt of a request for such authority. The Director's decision to grant or deny an application for authority to operate under the terms of a Class II general permit is not subject to the requirements of NAC 445B.3457. 9. A person may challenge the provisions of a Class II general permit only at the time the Class II general permit is issued. The Director's grant or denial of authority to operate under a Class II general permit to a stationary source or stationary sources does not provide an opportunity for an administrative review or a judicial review of the Class II general permit. 10. The Director shall not grant authority to operate under a Class II general permit to an affected source. 11. The term of a Class II general permit is 5 years. 12. The authority to operate under a Class II general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a Class II general permit shall apply to renew his authority to operate under the Class II general permit at least 30 days before his authorization expires. 13. A stationary source which obtains authorization to operate under a Class II general permit but is later determined not to qualify under the conditions of the Class II general permit may be subject to an action enforcing the prohibition against operating without a permit. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; R142-07, 4-17-2008)	
Class III Operating Permits			
	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	77FR59321 9/27/2012

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		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)	
	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 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)	77FR59321 9/27/2012
	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	77FR59321 9/27/2012

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		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)	
	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: (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)	77FR59321 9/27/2012
	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	77FR59321 9/27/2012

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		stationary source may continue to operate under the conditions of the existing Class III operating permit until the permit is renewed or the application for the renewal of the Class III operating permit is denied. If an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the Class III operating permit expires and may not recommence the operation until the Class III operating permit is renewed. 5. If an application for the renewal of a Class III operating permit is not submitted in accordance with subsection 2: (a) The stationary source may be required to cease operation when the Class III operating permit expires; and (b) The owner or operator of the stationary source: (1) Must apply for the issuance of a new Class III operating permit pursuant to NAC 445B.3485; and (2) May not recommence the operation until the new Class III operating permit is issued. 6. The fee for the issuance of a new Class III operating permit or the renewal of a Class III operating permit is specified in NAC 445B.327. (Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002; A by R198-03, 4-26-2004; R191-08, 12-17-2008)	

APPENDIX B

Applicable Nevada State Implementation Plan
NEVADA REVISED STATUTES

[Does not include "Mobile Sources" regulations.]

Applicable Nevada 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.**
445B.120 **Commission 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, including 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.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
	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: (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)	77FR64737 10/23/2012

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	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
	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.	77FR64737 10/23/2012

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	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. ➥ 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;	

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	(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. 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	77FR64737 10/23/2012

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	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 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:	77FR64737 10/23/2012

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	(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: (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;	

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	(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)	
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	**"Department" defined.** "Department" means the State Department of Conservation and Natural Resources.	71FR51766

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(Supersedes 445.424)	(Added to NRS by 1973, 1808; A 1973, 1406; 1977, 1142)—(Substituted in revision for NRS 445.424)	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. (Added to NRS by 1993, 2849)—(Substituted in revision for NRS 445.438)	71FR51766 8/31/2006
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

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	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. 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)	72FR11 01/03/2007
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

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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 (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)	73FR38124 07/03/2008
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,	72FR11 01/03/2007

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	inclusive. 5. Prohibit as specifically provided in NRS 445B.300 and 445B.320 and as generally provided in NRS 445B.100 to 445B.640, inclusive, the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution. 6. Require the submission of such preliminary plans and specifications and other information as it deems necessary to process permits. 7. Enter into and inspect at any reasonable time any premises containing an air contaminant source or a source under construction for purposes of ascertaining compliance with NRS 445B.100 to 445B.640, inclusive. 8. Specify the manner in which incinerators may be constructed and operated. 9. Institute proceedings to prevent continued violation of any order issued by the Director and to enforce the provisions of NRS 445B.100 to 445B.640, inclusive. 10. Require access to records relating to emissions which cause or contribute to air pollution. 11. Take such action in accordance with the rules, regulations and orders promulgated by the Commission as may be necessary to prevent, abate and control air pollution. (Added to NRS by 1973, 1808)—(Substituted in revision for NRS 445.473)	
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.	72FR11 01/03/2007

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	(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)	
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.	71FR51766 8/31/2006

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	(Added to NRS by 1971, 1195; A 1973, 1816)—(Substituted in revision for NRS 445.486)	
	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. 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	74FR15219 04/03/2009

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	(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, ➥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)	72FR11 01/03/2007

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	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
	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	77FR64737 10/23/2012

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	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 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	

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	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: (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)	77FR64737 10/23/2012
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	71FR51766 8/31/2006

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	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)	
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 (Supersedes 445.566)	**Restoration of superseded local program; continuation of existing local program.** 1. A county or area whose local jurisdiction over air pollution control has been superseded may establish or restore a local air pollution control program if such program is approved as adequate by the Commission. 2. A district, county or city which has an air pollution control program in operation on July 1, 1971, may continue its program if within 1 year after July 1, 1971, the program is approved as adequate by the Commission. Such approval shall be deemed granted unless the Commission specifically disapproves the program after a public hearing. Nothing in NRS 445B.100 to 445B.640, inclusive, is to be construed as invalidating any rule, regulation, enforcement action, variance, permit, cease and desist order, compliance schedule, or any other legal action taken by any existing air pollution control authority pursuant to former NRS 445.400 to 445.595, inclusive, on or before July 1, 1971, unless it is specifically repealed, superseded or disapproved, pursuant to NRS 445B.215. (Added to NRS by 1971, 1200)—(Substituted in revision for NRS 445.566)	71FR51766 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	71FR51766 8/31/2006

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	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)	
445B.570 (Supersedes 445.576)	**Confidentiality and use of information obtained by Department; penalty.** 1. Any information which the Department obtains in the course of the performance of its duties pursuant to the provisions of this chapter is public information unless otherwise designated as confidential information pursuant to the provisions of this section. 2. The emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by regulation of the Commission cannot be certified as being confidential. 3. Any confidential information received by the Commission, the Director or any local control authority which is certified in writing to the recipient as confidential by the owner or operator disclosing the information and verified and approved in writing as confidential by the recipient must, unless the owner expressly agrees to its publication or availability to the public, be used only: (a) In the administration or formulation of air pollution controls; (b) In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any owner or operator or reveal any confidential information; or (c) In complying with federal statutes, rules and regulations. 4. This section does not prohibit the use of confidential information in a prosecution for the violation of any statute, ordinance or regulation for the control of air pollution. 5. A person who discloses or knowingly uses confidential information in violation of this section is guilty of a misdemeanor, and is liable in tort for any damages which may result from such disclosure or use. 6. As used in this section, “confidential information” means information or records which: (a) Relate to dollar amounts of production or sales;	72FR11 01/03/2007

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	(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)	
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 445.586)	**Governmental sources of air contaminants to comply with state and local provisions regarding air pollution; permit to set fire for training purposes; planning and zoning agencies to consider effects on quality of air.** 1. Except as otherwise provided by subsection 2, all governmental sources of air contaminants shall comply with all local and state air pollution laws, regulations and ordinances. 2. A fire department, county fire protection district, fire protection training academy or training center may, after obtaining a permit for a specific site, set a fire at that site for training purposes so long as the site is not within an area in which an air pollution episode or emergency constituting, or likely to constitute, an imminent and substantial danger to the health of persons exists. The permit must be obtained from: (a) The county air pollution control agency, if one has been designated pursuant to NRS 445B.500; or (b) The Director, if an agency has not been so designated. 3. All planning commissions, zoning boards of adjustment, and governing bodies of unincorporated towns, incorporated cities and counties shall in the performance of their duties imposed by chapter 278 of NRS or other statutes relating to planning and zoning consider the effects of possible air pollution and shall submit to the Department for evaluation a concise statement of the effects on air quality by complex sources. (Added to NRS by 1971, 1202; A 1973, 1822; 1975, 1406; 1989, 584)—(Substituted in revision for NRS 445.586)	71FR51766 8/31/2006
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	**Provisions for transition in administration.** 1. All rules, regulations and standards promulgated by the State Commission of Environmental Protection pertaining to air	72FR11 01/03/2007

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445.598)	pollution control in force on July 1, 1973, shall remain in effect until such time as revised by the State Environmental Commission pursuant to NRS 445B.100 to 445B.640, inclusive. 2. Any and all action taken by the State Commission of Environmental Protection, including but not limited to existing orders, notices of violation, variances, permits, cease and desist orders and compliance schedules, shall remain in full force and effect and binding upon the State Environmental Commission, the Director, the Department and all persons to whom such action may apply on or after July 1, 1973. 3. In the event that a local air pollution control program described in NRS 445B.500 is transferred in whole or in part from an existing air pollution control agency to another agency, all rules and regulations adopted by the existing agency may be readopted as amended to reflect the transfer of authorities by the new agency immediately upon such transfer, and the provisions of NRS 445B.215 shall not apply to such readoption. 4. If a transfer of local authority as described in subsection 3 occurs, all orders, notices of violation, variances, cease and desist orders, compliance schedules and other legal action taken by the existing air pollution control board, control officer, or hearing board shall remain in full force and effect, and shall not be invalidated by reason of such transfer. (Added to NRS by 1973, 1810)—(Substituted in revision for NRS 445.598)	
	PENALTIES	
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,	77FR59321 9/27/2012

Approved Reference: NRS #	State Implementation Plan Text of Statutes	FR
	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)	
	TITLE 58, CHAPTER 704 - REGULATION OF PUBLIC UTILITIES GENERALLY **CONSTRUCTION OF UTILITY FACILITIES: UTILITY ENVIRONMENTAL PROTECTION ACT[2]**	
704.820	**Short title.** (Added to NRS by 1971, 554)	47FR15790 4/13/1982
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

[2] 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
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
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 C

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

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APPENDIX C

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

Nevada Administrative Code

Chapter 445B, Air Controls (August 2015 codification):

NAC 445B.1348 "$PM_{2.5}$" defined. (NRS 445B.210) "$PM_{2.5}$" means any particulate matter in the atmosphere with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an approved reference method or equivalent method based on 40 C.F.R. Part 50, Appendix L, and designated in accordance with 40 C.F.R. Part 53.
(Added to NAC by Environmental Comm'n by R038-12, eff. 9-14-2012)

NAC 445B.22057 Allowable emissions of sulfur from specific sources: Units Numbers 1, 2 and 3 of Reid Gardner Power Station. (NRS 445B.210) The allowable emission of sulfur from fossil fuel-fired power generating units Numbers 1, 2 and 3 of NV Energy's Reid Gardner Station, located in Air Quality Control Region 13, Basin 218, California Wash, must not be greater than 0.275 pounds per million Btu's (0.495 kilograms per million kg-cal).
[Environmental Comm'n, Air Quality Reg. § 8.2.1.3 + § 16.1.3.5, eff. 1-1-83]—(NAC A 9-19-90; R065-03, 10-30-2003; R096-05, 10-31-2005)

NAC 445B.2206 Allowable emissions of sulfur from specific sources: Unit Number 4 of Reid Gardner Power Station. (NRS 445B.210) The allowable emission of sulfur from fossil fuel-fired power generating unit Number 4 of NV Energy's Reid Gardner Station, located in Air Quality Control Region 13, Basin 218, California Wash, must not be greater than 0.145 pounds per million Btu's (0.261 kilograms per million kg-cal). The efficiency of the capture of sulfur must be maintained at a minimum of 85 percent, based on a 30-day rolling average.
(Added to NAC by Environmental Comm'n, eff. 8-22-86; A by R096-05, 10-31-2005)

NAC 445B.22063 Allowable emissions of sulfur from specific sources: North Valmy Power Station. (NRS 445B.210) The allowable emission of sulfur from fossil fuel-fired power generating unit Number 2 NV Energy's North Valmy Station, located in Air Quality Control Region 147, Basin 64, Clovers Area, must not be greater than 0.3 pounds per million Btu's (0.540 kilograms per million kg-cal). The efficiency of the capture of sulfur must be maintained at a minimum of 70 percent, based on a 30-day rolling average.
(Added to NAC by Environmental Comm'n, eff. 8-22-86; A 9-25-87; R096-05, 10-31-2005)

NAC 445B.2208 Emission of hydrogen sulfide from certain facilities for generating electricity from geothermal brine. (NRS 445B.210) The emission of hydrogen sulfide from the facilities for generating electricity from geothermal brine at the Oxbow Geothermal Corporation's geothermal power plant in Air Quality Control Region 147, Basin 128, Dixie Valley, may not exceed 249 short tons (225.9 metric tons) per year.
(Added to NAC by Environmental Comm'n, eff. 10-18-88)—(Substituted in revision for NAC 445B.387)

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, 2013.
2. Title 40 C.F.R. § 51.165 is hereby adopted by reference as it existed on July 1, 2002.
3. Appendices M and W of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2013.
4. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, 2013.
5. Appendix E of 40 C.F.R. Part 52 is hereby adopted by reference as it existed on July 1, 2013.
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, 2013;

(b) Section 60.21 of Subpart B, as it existed on July 1, 2013; and

(c) Subparts C, Cb, Cc, Cd, Ce, 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, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, CCCC, DDDD, EEEE, FFFF, IIII, JJJJ, KKKK and OOOO as they existed on July 1, 2013.

7. Appendices A, B and F of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 2013.

8. Subparts A, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB and FF of 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 2013.

9. Appendix B of 40 C.F.R. Part 61 is hereby adopted by reference as it existed on July 1, 2013.

10. Subparts A, B, C, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, SSSSS, UUUUU, WWWWW, YYYYY, 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 of 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, 2013.

11. Appendix A of 40 C.F.R. Part 63 is hereby adopted by reference as it existed on July 1, 2013.

12. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 2013. 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, 2013. 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 from the National Technical Information Service of the United States Department of Commerce at the Internet address http://www.ntis.gov, for the price of $42.

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 and Archives of the Department of Administration for 10 cents per page.

(b) Government Printing 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 $50.40.

(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 $50.40.

(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 $57.60.

(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 $48.

(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 $58.

(f) ASTM D3286, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter," dated July 10, 1996. A copy of ASTM D3286 is available for purchase at the IHS Standards Store, 15 Inverness Way East, Englewood, Colorado 80112, or at the Internet address http://global.ihs.com, for the price of $58.

(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 $58.

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)

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) Class III operating permit..... 300

(o) Revision of a Class III operating permit..... 200

(p) Renewal of a Class III operating permit..... 250

(q) Surface area disturbance permit..... 500

(r) Revision of a surface area disturbance permit..... 200

(s) Administrative amendment of an operating permit..... 200

(t) Replacement of a lost or damaged operating permit to construct or an operating permit 200

(u) Request for change of location of an emission unit..... 100

(v) Administrative revision to a Class I operating permit..... 500

(w) Class I operating permit to construct for the approval of a plantwide applicability 20,000

limitation.....

(x) Class IV operating permit..... 50

➥ An applicant must pay the entire fee when the applicant submits an 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 an 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. 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; and

(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.

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

11. 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.

12. 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.

13. 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)

NAC 445B.739 "Certification level" defined. (NRS 445B.210, 445B.780) "Certification level" means the maximum allowable level of opacity for a diesel engine with a 1970 or newer model year, as set by the Commission 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)

NAC 445B.756 "Opacity" defined. (NRS 445B.210, 445B.780) "Opacity" means the percentage of light obstructed from passing through the exhaust plume of a motor vehicle.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9474)

NAC 445B.759 "Smokemeter" defined. (NRS 445B.210, 445B.780) "Smokemeter" means a detection device used to measure the opacity of smoke by percentage.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9477)

NAC 445B.762 "Test procedure" defined. (NRS 445B.210, 445B.780) "Test procedure" means the processes of the preconditioning sequence and the measurement of the opacity of smoke to determine whether a vehicle meets the relevant 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)

NAC 445B.7665 Standards of opacity; citation for violation; equipment for measurement. (NRS 445B.210, 445B.780)

1. Except as otherwise provided in this section and NAC 445B.774, no owner or driver of a heavy-duty motor vehicle powered by:

(a) A 1991 or newer model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 40 percent.

(b) A 1977 to 1990 model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 55 percent.

(c) A 1970 to 1976 model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 70 percent.

2. A vehicle will not be cited as violating any smoke opacity standard listed in subsection 1 unless the opacity reading is at least 1 full percentage point greater than the relevant standard.

3. Before July 1, 2003, the Director may authorize opacity testing that uses equipment for the measurement of smoke opacity without the built-in capability to adjust the opacity readings to take ambient conditions into consideration as required by the Society of Automotive Engineers Procedure, SAE J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles." If the smoke opacity of a heavy-duty motor vehicle is tested using equipment authorized for use by the Director pursuant to this subsection, the owner or driver of a heavy-duty motor vehicle is not in violation of the provisions of subsection 1 unless the discharge into the atmosphere of engine exhaust is of an opacity greater than 70 percent. On and after July 1, 2003, only equipment that has the built-in capability to adjust the opacity readings to take ambient conditions into consideration as required by the Society of Automotive Engineers Procedure, SAE J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles," may be used to measure smoke opacity.

4. A family of engines that has been exempted by the California Air Resources Board pursuant to section 2182(b) of Title 13 of the *California Code of Regulations* is not subject to the standards set forth in subsection 1. Such a family of engines is subject to the technologically appropriate less stringent opacity standard identified by the Executive Director of the California Air Resources Board pursuant to section 2182(b) of Title 13 of the *California Code of Regulations* for that family of engines, plus 5 percentage points.

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

NAC 445B.767 Specifications for equipment for measurement of smoke opacity; test procedure. (NRS 445B.210, 445B.780)

1. Equipment for the measurement of smoke opacity must meet the specifications set forth in section 6 of the Society of Automotive Engineers Procedure, SAE J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles."

2. The test procedure must comply with the provisions of section 5 of SAE J1667, including the preparation phase and preconditioning phase set forth in subsections 1, 2 and 3 of section 5 of SAE J1667.

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

NAC 445B.7685 Missing emission control label: Replacement; effect on standard of opacity. (NRS 445B.210, 445B.780)

1. If the owner of a heavy-duty motor vehicle powered by a diesel engine receives written notification from the Department that the emission control label was missing during an inspection of the emission control system of the vehicle, the owner shall replace the emission control label and provide the identification number of the engine of the vehicle to the Department within 30 days after the date on which the owner receives the written notification.

2. If, after the end of the 30-day period, the vehicle undergoes a smoke opacity test and the owner has not replaced the emission control label, the vehicle is subject to the 40 percent standard of opacity set forth in subsection 1 of NAC 445B.7665 unless, at the time of the subsequent test, it is plainly evident from a visual inspection that the vehicle is powered by a 1990 or older model-year engine. If it is plainly evident from a visual inspection that the vehicle is powered by a 1990 or older model-year engine, the vehicle is subject to the applicable standard set forth in paragraph (b) or (c) of subsection 1 of NAC 445B.7665.

(Added to NAC by Environmental Comm'n by R102-02, eff. 10-18-2002)

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)

NAC 445B.774 Waiver from standard of opacity. (NRS 445B.210, 445B.780, 445B.825)

1. The Director may grant a waiver from a standard of opacity set forth in NAC 445B.7665.

2. Except as otherwise provided in this section, an application for a waiver must include a receipt or receipts or other evidence that at least $1,000 has been spent on parts other than a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve, fuel cap or particulate matter trap system, or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

3. If the vehicle is repaired by the owner, the application must include a receipt or receipts or other evidence that at least $750 has been spent on parts other than a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve, fuel cap or particulate matter trap system and that the parts were purchased within 15 days after the initial test or inspection. No allowance will be made toward the $750 requirement for labor on a vehicle repaired by its owner.

4. The Director shall deny an application for a waiver if the parts have not been installed or the repairs have not been performed as indicated on the receipt or receipts presented to the Director.

5. A vehicle that qualifies for repairs under a warranty is not eligible for a waiver.

6. A waiver is valid for 1 year after the date it is issued.

(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:

NRS 233B.060 Notice of adoption, amendment or repeal of permanent or temporary regulation; adoption of permanent regulation after adoption of temporary regulation.

1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:

(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations.

(Added to NRS by 1965, 964; A 1973, 621; 1975, 1157, 1413; 1977, 1386, 1547, 1549; 1981, 186; 1983, 1123, 1244; 1995, 130; 1997, 1973; 2007, 871; 2009, 2284)

NRS 233B.0603 Contents and form of notice of intent to adopt, amend or repeal permanent or temporary regulation; solicitation of comments from public or affected businesses.

1. The notice of intent to act upon a regulation required pursuant to NRS 233B.060 must:

(a) Include:

(1) A statement of the need for and purpose of the proposed regulation.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(I) Both adverse and beneficial effects; and

(II) Both immediate and long-term effects.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(b) If the proposed regulation is a temporary regulation, state each address at which the text of the proposed regulation may be inspected and copied.

(c) Include an exact copy of the provisions of subsection 2 of NRS 233B.064.

(d) Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.

(e) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.

(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to NRS 233B.0653. The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).

2. The Attorney General may by regulation prescribe the form of notice to be used.

3. In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(Added to NRS by 1983, 1124; A 1995, 130, 239; 1997, 184, 1390; 2005, 1479; 2007, 872)

NRS 233B.061 Proposed permanent or temporary regulation: Public comment; workshop; public hearing; applicability of Open Meeting Law.

1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

(Added to NRS by 1983, 1125; A 1989, 571; 1997, 185; 2005, 1407; 2007, 873; 2009, 2284)

Title 40 Chapter 445B, Air Pollution:

NRS 445B.100 Declaration of public policy.

1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State:

(a) To provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances; and

(b) Periodically to retire a portion of the emission credits or allocations specified in NRS 445B.235 that may otherwise be available for banking or for sale pursuant to that section.

(Added to NRS by 1971, 1191; A 1993, 2851; 2007, 1023, 3311)

APPENDIX D

Ambient Air Monitoring Network Plan
2015

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AMBIENT AIR MONITORING NETWORK PLAN

2015

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

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Acronyms and Abbreviations

AADT:	Annual Average Daily Traffic
AQS:	Air Quality System
BAQP:	Bureau of Air Quality Planning
BAM:	Beta Attenuation Monitor
CFR:	Code of Federal Regulations
CO:	Carbon Monoxide
DCNR:	Department of Conservation and Natural Resources
FEM:	Federal Equivalent Method
FRM:	Federal Reference Method
IMPROVE:	Interagency Monitoring of Protected Visual Environments
MOU:	Memorandum of Understanding
MSA:	Metropolitan Statistical Area
NAAQS:	National Ambient Air Quality Standard
NAC:	Nevada Administrative Code
NDEP:	Nevada Division of Environmental Protection
O_3:	Ozone
Pb:	Lead
PM:	Particulate Matter (2.5 or 10 microns)
POC:	Pollutant Occurrence Code
PWEI:	Population Weighted Emission Index
QAPP:	Quality Assurance Project Plan
QMP:	Quality Management Plan
SLAMS:	State and Local Air Monitoring Station
SPMS:	Special Purpose Monitoring Station
USEPA:	United States Environmental Protection Agency

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Overview

The monitoring program of the Nevada Division of Environmental Protection Bureau of Air Quality Planning (NDEP-BAQP) operates an ambient air quality monitoring network of gaseous and particulate pollutant monitors. The monitors are located in small communities throughout rural Nevada. In the metropolitan areas of Reno and Las Vegas, the Washoe County District Health Department, Air Quality Management Division and the Clark County Department of Air Quality and Environmental Management operate and maintain their respective monitoring networks separate from the NDEP-BAQP. Those agencies submit their Network Plans independently to the United States Environmental Protection Agency (USEPA). Also, there are several federally recognized tribes that conduct air monitoring within Nevada and submit their own Annual Network Plans to the USEPA.

The NDEP Bureaus of Air Quality Planning and Air Pollution Control regulate air quality to protect public health and the environment. Monitoring data is a crucial component of regulations used to determine compliance with the USEPA primary and secondary air quality standards. Other important uses of these monitors include support 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, 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 defines the levels of air quality necessary to protect human health and welfare. An area is considered to be in nonattainment for

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

Background

The State of Nevada has four jurisdictions that independently manage their own air programs as designated by statute: Department of Conservation and Natural Resources (DCNR), 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 BAQP quality assurance plan was developed to form the framework for planning, implementing, assessing and reporting work performed by the BAQP and for implementing quality assurance and quality control protocols.

The Ambient Air Monitoring Program Quality Assurance Project Plan (QAPP) was developed to address quality management as well as quality assurance. The QAPP defines the policies, procedures, specifications, standards, and documentation necessary to 1) provide data of adequate quality to meet monitoring objectives, and 2) minimize loss of air quality data due to malfunctions or out-of-control conditions. 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 and the QMP have been submitted to the USEPA for approval. The QMP was approved by USEPA on April 20, 2015.

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

Ambient air quality monitoring data must be certified on an annual basis as accurate and complete. The certification process begins with the complete submittal of all SLAMS data to the federal Air Quality System (AQS) for the calendar year. The 2013 data was submitted for certification in April, 2014 and the 2014 data will be submitted by May 1, 2015. Submittal of precision and accuracy data into AQS for 2013 was accomplished on January, 2014. Submittal of precision and accuracy data into AQS for calendar year 2014 was accomplished by January, 2015.

Network Design

Air quality monitoring is represented by ten SLAMS and one SPMS for a total of eleven ambient air quality monitoring stations in Nevada under the jurisdiction of the NDEP-BAQP. The ozone monitoring conducted by the NDEP-BAQP is done on a seasonal basis from April 1st to October 31st of each year. The USEPA's approval of a seasonal ozone monitoring schedule for the NDEP is documented in Appendix A. However, NDEP-BAQP will change to a year-around monitoring schedule for Ozone beginning in April of 2015. There are three meteorological stations, one in Carson City, one in Pahrump, and one mobile tower that is deployed at various locations within the State. These meteorological stations are used to confirm the local meteorological data from the monitoring stations.

In addition to the four independent monitoring networks, air quality monitoring is conducted through the Interagency Monitoring of Protected Visual Environments (IMPROVE) network by the federal land management agencies. There are two IMPROVE monitoring sites in Nevada. One is at the Jarbidge Wilderness area and the other is 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.

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

Table 1: NDEP'S Ambient Air Monitoring Network

Location	Ozone	PM10	PM2.5
Elko		1 (SLAMS)	
Fallon	1 (SLAMS)		
Fernley	1 (SLAMS)		
Carson City Armory	1 (SLAMS)		2 (SLAMS)
Pahrump-Church Site		1 (SLAMS)	
Pahrump-Manse Elementary		1 (SLAMS)	
Pahrump-Glen Oaks		1 (SLAMS)	
Pahrump-Linda Street		1 (SLAMS)	
Gardnerville Ranchos			1 (SPMS)
Total	3	5	3

SLAMS – State and Local Air Monitoring Station

SPMS – Special Purpose Monitor Station

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 required in the NDEP-BAQP monitoring network by the USEPA are located in Carson City (O_3), Fallon (O_3), Fernley (O_3) and Pahrump (PM_{10}). The four PM_{10} monitoring sites in Pahrump are required through a Memorandum of Understanding (MOU) 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 Ambient Air Monitoring Requirements (75 FR 81126 (Dec. 27, 2010)), 2010 SO_2 NAAQS Final Rule (75 FR 35520 (June 22, 2010)), and the 2010 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. Based on the latest Census Bureau population estimates and SO_2 emissions for each county, the calculated Population Weighted Emission Index (PWEI) (based on the proposed data requirement rule) does not warrant any SO_2 monitoring in the NDEP's jurisdiction. Changes to the proposed rule may change NDEP-BAQP's requirement for SO_2 monitoring.

As a result of the elimination of lead (Pb) from gasoline, Pb concentrations in the ambient air are generally so low in the 15 rural counties (within the NDEP-BAQP's jurisdiction) that monitoring for Pb is not necessary. In addition, 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 Nevada's 15 rural counties, 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.

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 will allow the NDEP-BAQP to establish credible data to ascertain $PM_{2.5}$ conditions within both areas. By the end of 2016, a valid design value will be available. The NDEP-BAQP will continue to evaluate the program and determine if increased $PM_{2.5}$ monitoring is needed within the SPMS areas.

Based on 40 CFR 58 Appendix D, the NDEP-BAQP understands that it is not required to have certain monitors (PM10, PM2.5) in the network. However, based on preliminary data from the various monitoring sites, the NDEP-BAQP believes that it is important to have these monitors for the well-being of the public's health. The following table outlines the monitors within the NDEP ambient air monitoring network.

Table 2: Minimum Monitoring Requirements by Pollutant

Pollutant	Minimum # of Monitors Required	# of Monitors Active	# of Monitors needed	Location	MSA	County	County Pop. (2014)	Design Values
Ozone	3	3	0	Carson City	Reno-Carson City-Fernley CSA and Carson City Metropolitan Statistical Area (MSA)	Carson City	54,522	68 ppb (2012-2014)
				Fallon	Fallon Micropolitan Statistical Area (MSA)	Churchill	23,989	60 ppb (2012-2014)
				Fernley	Reno-Carson City-Fernley Combined Statistical Area (CSA) and Fernley Micropolitan Statistical Area (MSA)	Lyon	51,789	67 ppb (2012-2014)
Lead	0	0	0	N/A	N/A	N/A	N/A	N/A
SO_2	0	0	0	N/A	N/A	N/A	N/A	N/A
NO_2	0	0	0	N/A	N/A	N/A	N/A	N/A
PM_{10}	4	5	0	Elko (1)	Elko Micropolitan Statistical Area (MSA)	Elko	52,766	0.3 (2012-2014)
				Pahrump (4)	Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area (MSA)	Nye	42,282	Manse = 1.3 Church = 0.3 Glen Oaks = 0.3 Linda Street = 0.3 (2012-2014)
$PM_{2.5}$	0-1	2	0	Carson City	Reno-Carson City-Fernley CSA and Carson City Metropolitan Statistical Area (MSA)	Carson City	54,522	New Site (Available 2016)
$PM_{2.5}$	0-1	1	0	Gardnerville	Reno-Carson City-Fernley CSA and Gardnerville Ranchos Micropolitan Statistical Area (MSA)	Douglas	47,536	New Site (Available 2016)
Total	7-9	11	0					

ppb: parts per billion

Changes in Monitoring Network

After careful review of our monitoring network, NDEP-BAQP will be changing from seasonal Ozone monitoring to year-around monitoring. This will allow for better understanding of our Ozone challenges within the state. This change will take affect beginning in April 2015. Also, over the next five years (as part of the 5-year Network Assessment), the NDEP-BAQP will evaluate the current network to determine if any new sites or monitors are required to be added to the existing monitoring network. In the event that a review of changes to the monitoring network were required, the annual network plan and five year network assessment would be used to provide for this review. The 5-year Network Assessment is due July 1st, 2015.

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: Carbon Monoxide (CO), Lead (Pb), Nitrogen Dioxide (NO_2), Ozone (O_3), coarse and fine particulate matter (PM_{10} and $PM_{2.5}$), and Sulfur Dioxide (SO_2). By measuring pollutant concentrations in outdoor air and comparing the measured concentrations to corresponding standards, the NDEP-BAQP is able to identify the ambient air quality status of an area 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, which 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.

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

Ozone (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.

Particulate Matter (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.

Fine Particulate Matter ($PM_{2.5}$)

Fine particulate matter with a diameter of 2.5 microns or less is created primarily from industrial processes and fuel combustion. 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.

Site Map

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

Elko: Detailed Site Information

Prior to 1992, the location for this sampler was the fire station at 723 Railroad Street (ID #32-007-003) in a commercial area. In November of 1992, this continuous 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

Site Name	**Elko**
AQS ID	**32-007-0005**
GIS Coordinates	**Lat +40.838350** **Long -115.766029**
Location	**Elko Grammar School #2**
Address	**1055 7th Street**
County	**Elko**
Distance to Road	**18 Meters**
Traffic Count	**2,400 AADT (2012) Station #0070208**
Groundcover	**Asphalt**
Representative Area	**Elko Micropolitan Statistical Area**

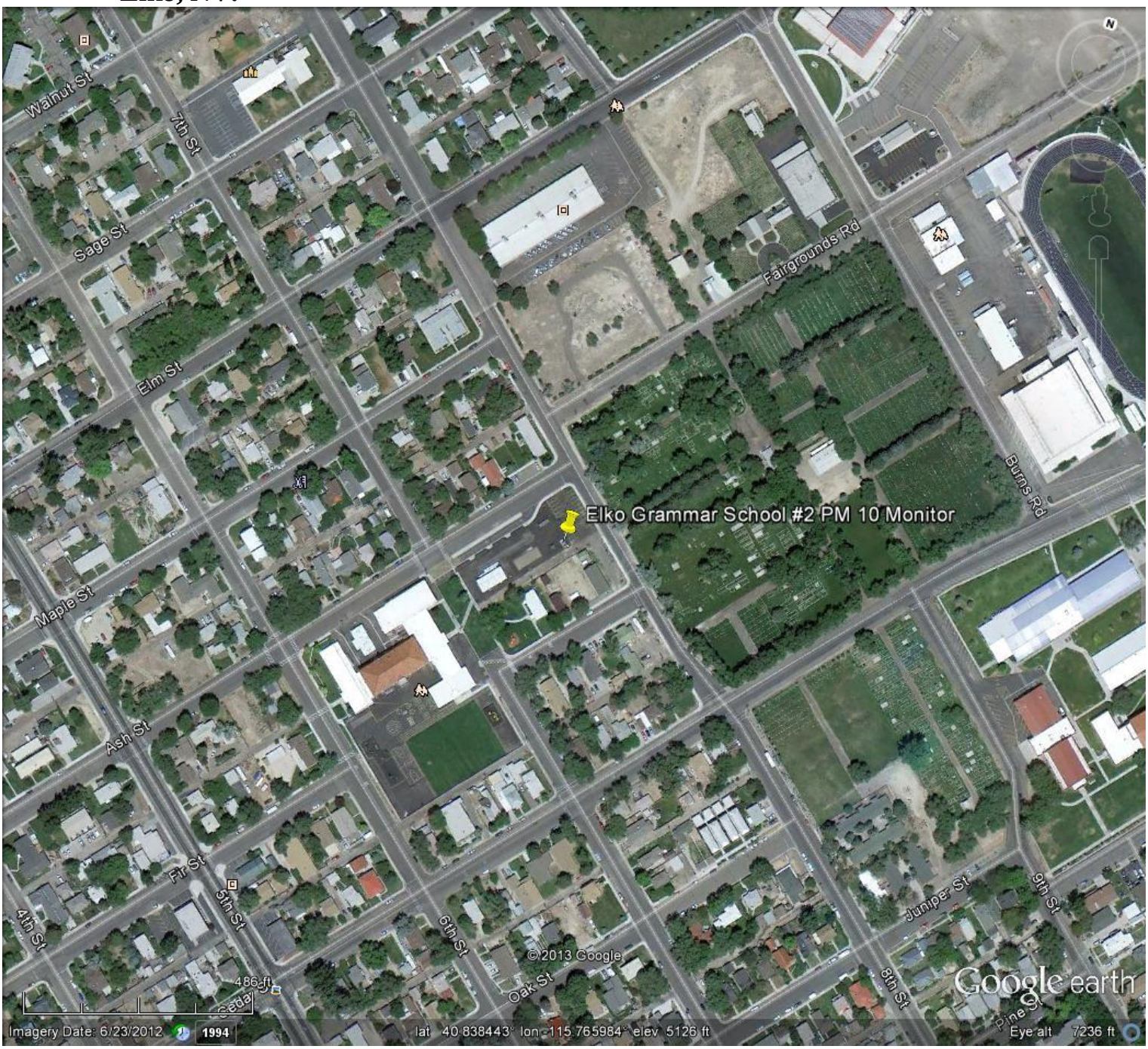
new BAM 1020 monitor was sited at the Elko Grammar School #2.

Pollutant, POC	**PM_{10}, 1**
Parameter Code	**81102**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Population exposure**
Monitoring type(s)	**SLAMS**
Instrumental manufacturer and model	**Met One BAM 1020**
Method Code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Neighborhood**
Monitoring start date	**09/25/2008**
Current sampling frequency	**Continuous**
Calculated sampling frequency	**N/A**
Sampling season	**01/01-12/31**
Analysis Method	**EQPM-0798-122**
Probe Height	**2.6 Meters**
Dist. fm. supporting structure	**Vertical Distance =1.2 meters**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**N/A**
Dist. fm. trees	**27 Meters**
Distance to furnace or incinerator flue	**N/A**
Distance between collocated monitors in (meters)	**N/A**
Unrestricted air flow	**360 degrees**
Probe material	**Aluminum**
Residence time	**N/A**

Elko: Detailed Site Information (Cont.)

Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**N/A**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**Monthly**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**05/13/2014, 10/20/2014**

Figure 2: 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 Elementary School in a residential neighborhood that may be affected by agricultural operations surrounding the City of Fallon. The monitoring objective is to determine typical concentration/population oriented. PM_{10} sampling commenced at this site in May 1993 and was discontinued at the end of June 1998. Monitoring for ozone began in October 1999 as an ozone transport site downwind of Reno and Fernley.

Site Name	**Fallon**
AQS ID	**32-001-0002**
GIS Coordinates	**Lat +39.472471** **Long -118.783624**
Location	**West End Facility**
Address	**280 South Russell Street**
County	**Churchill**
Distance to Road	**65 Meters**
Traffic Count	**200 AADT (2012) Station #0010135**
Groundcover	**Dirt and Gravel**
Representative Area	**Fallon Micropolitan Statistical Area**

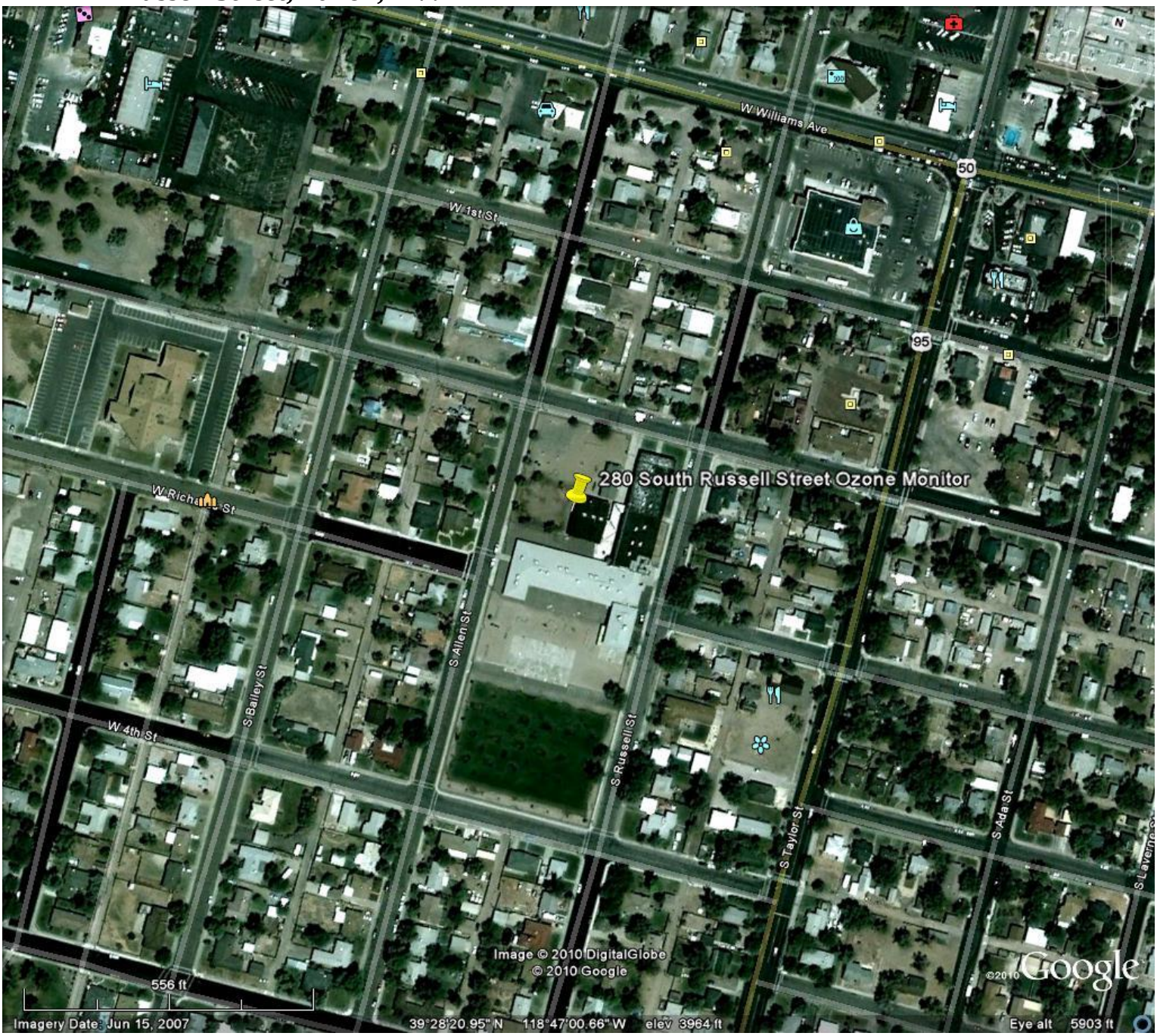
Pollutant, POC	**Ozone, 1**
Parameter Code	**44201**
Basic monitoring objective(s)	**NAAQS**
Site type(s)	**Population Exposure**
Monitor type(s)	**SLAMS**
Instrument manufacturer and model	**Teledyne API Model 400 Series**
Method Code	**087**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Neighborhood**
Monitoring start date	**10/01/1999**
Current sampling frequency	**Seasonal**
Calculated sampling frequency	**N/A**
Sampling season	**04/01-10/31**
Analysis Method	**EQOA-0992-087**
Probe Height	**2.5 Meters**
Dist. fm. supporting structure	**2 meters from wall**
Dist. fm. obstructions on roof	**N/A**
Distance from obstruction not on roof (meters)	**22 Meters**
Distance fm. trees	**Greater than 10 meters**
Distance to furnace or incinerator flue	**N/A**
Distance between collocated monitors (meters)	**N/A**
Unrestricted airflow	**180 Degrees ***
Probe material	**Teflon**

Fallon: Detailed Site Information (Cont.)

Residence time	**4.99 seconds**
Changes in the next 18 months?	**No**
Suitable for PM 2.5 comparison?	**N/A**
Frequency of flow rate verification Manual PM	**N/A**
Frequency of flow rate verification automated PM	**N/A**
Frequency of one point QC check (gaseous)	**Every two weeks during sampling season**
Last Annual Performance Evaluation (Gaseous)	**09/30/2014**
Last two semi-annual flow rate audits for PM	**N/A**

*Monitoring path (arc) is located on the predominant windward side of the building and is at least 1 meter away from the supporting structure. The path has an unrestricted airflow of at least 180 degrees.

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



Fernley Intermediate School: Detailed Site Information

Ozone monitoring is done at the Fernley Intermediate School, which is located at 320 Hardie Lane. This is an area of mainly residential and agricultural use. There has recently been a large growth of industry both upwind and downwind of this site. Monitoring for 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. Ozone monitoring began at this site in July 2007. However, ozone monitoring (SPMS) was previously conducted at the Fernley Volunteer Fire Department starting in October 1997 and discontinued in October 2003.

Site Name	**Fernley**
AQS ID	**32-019-0006**
GIS Coordinates	**Lat +39.602787** **Long -119.247741**
Location	**Fernley Intermediate School**
Address	**320 Hardie Lane**
County	**Lyon**
Distance to Road	**119 Meters**
Traffic Count	**7,500 AADT (2012) Station # 0190022**
Groundcover	**Paved, cement, gravel and dirt**
Representative Area	**Reno-Carson City-Fernley Combined Statistical Area (CSA) and Fernley Micropolitan Statistical Area**

Pollutant, POC	**Ozone, 1**
Parameter Code	**44201**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Population Exposure**
Monitoring type(s)	**SLAMS**
Instrumental manufacturer and model	**Teledyne API Model 400 Series**
Method Code	**087**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Neighborhood**
Monitoring start date	**07/06/2007**
Current sampling frequency	**Seasonal**
Calculated sampling frequency	**N/A**
Sampling season	**04/01-10/31**
Analysis Method	**EQOA-0992-087**
Probe Height	**7 meters**
Dist. fm. supporting structure	**Vertical Distance above 2.1 meters**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**N/A**
Dist. fm. trees	**15 Meters**
Distance to furnace or incinerator flue	**N/A**

Fernley Intermediate School: Detailed Site Information (Cont.)

Distance between collocated monitors in (meters)	**N/A**
Unrestricted air flow	**360 Degrees**
Probe material	**Teflon**
Residence time	**10.0 Seconds**
Changes in the next 18 months?	**No**
Suitable for PM 2.5 comparison?	**N/A**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**N/A**
Frequency of one point QC check (gaseous)	**Every two weeks during sampling season.**
Last Annual Performance Evaluation (gaseous)	**09/30/2014**
Last two semi-annual flow rate audits for PM	**N/A**

Figure 4: 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 new SLAMS monitoring site is now adjacent to Hwy 395, in a residential neighborhood and a light industrial area. The new collocated $PM_{2.5}$ and ozone monitoring site is located at 2601 S. Carson Street where the old Army National Guard site used to reside. 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.

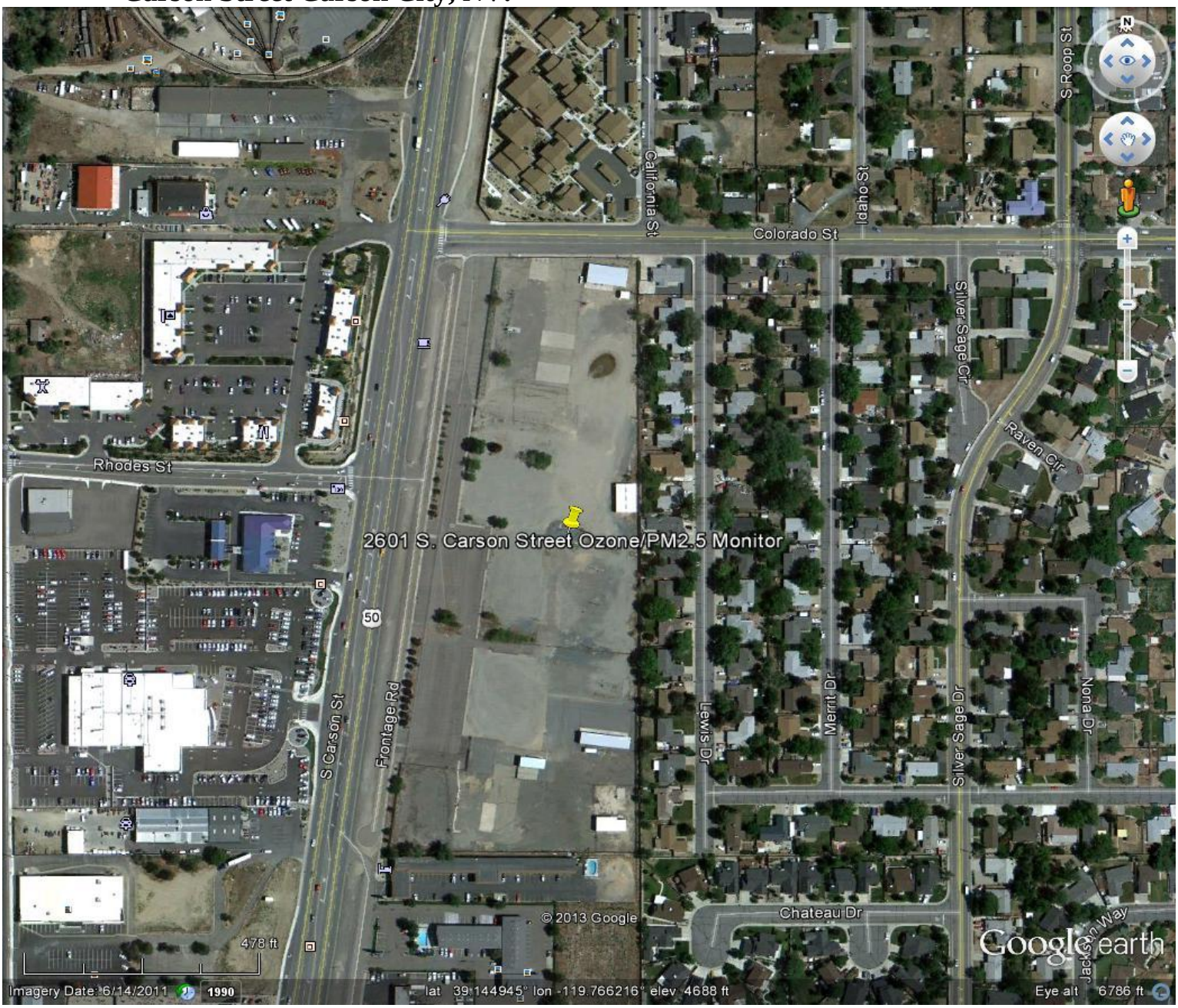
Site Name	**Carson City Armory**
AQS ID	**32-510-0020**
GIS Coordinates	**Lat +39.1447** **Long -119.7661**
Location	**Carson City**
Address	**2601 S. Carson Street**
County	**Carson City**
Distance to Road	**109 Meters**
Traffic Count	**48,500 AADT (2012) Station #0250148**
Groundcover	**Gravel**
Representative Area	**Reno-Carson City-Fernley CSA and Carson City Metropolitan Statistical Area (MSA)**

Pollutant, POC	**$PM_{2.5}$, 1**	**$PM_{2.5}$, 2**	**Ozone, 1**
Parameter Code	**88101**	**88101**	**44201**
Basic monitoring objective(s)	**NAAQS**	**NAAQS**	**NAAQS**
Site type(s)	**Max concentration**	**Max concentration**	**Max Concentration**
Monitor type(s)	**SLAMS**	**SLAMS**	**SLAMS**
Instrument manufacturer and model	**MET ONE BAM 1020**	**BGI PQ200, VSCC**	**TELEDYNE 400 Series**
Method Code	**170**	**116**	**087**
FRM/FEM/ARM/other	**FEM**	**FRM**	**FEM**
Collecting Agency	**NDEP-BAQP**	**NDEP-BAQP**	**NDEP-BAQP**
Analytical Lab	**N/A**	**Desert Research Institute**	**N/A**
Spatial Scale	**Neighborhood**	**Neighborhood**	**Neighborhood**
Monitoring start date	**04/01/2013**	**04/01/2013**	**04/01/2013**
Current sampling frequency	**Continuous**	**1:6**	**Seasonal**
Calculated sampling frequency	**N/A**	**N/A**	**N/A**
Sampling season	**01/01-12/31**	**01/01-12/31**	**04/01-10/31**
Analysis Method	**EQPM-0308-170**	**RFPS-0498-116**	**EQOA-0992-087**
Probe Height	**4.9 Meters**	**4.9 Meters**	**4 Meters**
Dist. fm. supporting structure	**1.5 Meters**	**1.5 Meters**	**1 Meter**

2601 S. Carson Street: Detailed Site Information (Cont.)

Dist. fm. obstructions on roof	**N/A**	**N/A**	**N/A**
Distance from obstruction not on roof (meters)	**N/A**	**N/A**	**N/A**
Distance fm. trees	**37 Meters to West**	**37 Meters to the West**	**37 Meters to the West**
Distance to furnace or incinerator flue	**N/A**	**N/A**	**N/A**
Distance between collocated monitors (meters)	**3 Meters**	**3 Meters**	**N/A**
Unrestricted airflow	**360 Degrees**	**360 Degrees**	**360 Degrees**
Probe material	**N/A**	**N/A**	**Teflon**
Residence time	**N/A**	**N/A**	**4.6 Seconds**
Changes in the next 18 months?	**No**	**No**	**No**
Suitable for $PM_{2.5}$ comparison?	**Yes**	**Yes**	**N/A**
Frequency of flow rate verification Manual PM		**Monthly**	**N/A**
Frequency of flow rate verification automated PM	**Monthly**		**N/A**
Frequency of one point QC check (gaseous)	**N/A**	**N/A**	**Every two weeks during sampling season.**
Last Annual Performance Evaluation (Gaseous)	**N/A**	**N/A**	**06/23/2014**
Last two semi-annual flow rate audits for PM	**05/12/2014, 09/03/2014**	**05/12/2014, 09/03/2014**	**N/A**

Figure 5: Ozone/$PM_{2.5}$ Monitors located at Carson City Armory, 2601 S. Carson Street 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 beta attenuated monitor located in the southeast corner of the Catholic Church. 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.

Site Name	**Church**
AQS ID	**32-023-0013**
GIS Coordinates	**Lat + 36.159639** **Long -115.996263**
Location	**Pahrump**
Address	**781 E. Gamebird**
County	**Nye**
Distance to Road	**100 Meters**
Traffic Count	**1,200 AADT (2012) Station #0230010**
Groundcover	**Desert**
Representative Area	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**

Pollutant, POC	**PM_{10}, 1**
Parameter Code	**81102**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Population exposure – Dry lake bed 6 miles to the south**
Monitoring type(s)	**SLAMS**
Instrumental manufacturer and model	**Met One BAM 1020**
Method Code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Urban**
Monitoring start date	**02/14/2004**
Current sampling frequency	**Continuous**
Calculated sampling frequency	**N/A**
Sampling season	**01/01-12/31**
Analysis Method	**EQPM-0798-122**
Probe Height	**4 Meters**
Dist. fm. supporting structure	**Vertical distance above 2 meters**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**14 Meters**
Dist. fm. trees	**50 Meters**
Distance to furnace or incinerator flue	**N/A**
Distance between collocated monitors in (meters)	**N/A**

Church: Detailed Site Information (Cont.)

Unrestricted air flow	**360 Degrees**
Probe material	**Aluminum**
Residence time	**N/A**
Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**N/A**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**Monthly**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**05/28/2014, 11/13/2014**

Figure 6: 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, 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 beta attenuation monitor. 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.

Site Name	**Manse Elementary**
AQS ID	**32-023-0014**
GIS Coordinates	**Lat +36.212787** **Long -115.994802**
Location	**Pahrump**
Address	**1020 E. Wilson Road**
County	**Nye**
Distance to Road	**50 Meters**
Traffic Count	**10,500 AADT (2012) Station #0230006**
Groundcover	**Gravel Schoolyard**
Representative area	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**
Pollutant, POC	**PM_{10}, 1**
Parameter Code	**81102**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Highest Concentration**
Monitoring type(s)	**SLAMS**
Instrumental manufacturer and model	**Met One BAM 1020**
Method Code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Middle**
Monitoring start date	**11/17/2005**
Current sampling frequency	**Continuous**
Calculated sampling frequency	**N/A**
Sampling season	**01/01-12/31**
Analysis Method	**EQPM-0798-122**
Probe Height	**6.0 Meters**
Dist. fm. supporting structure	**Vertical distance above 1 meter**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**N/A**
Dist. fm. trees	**10 Meters**
Distance to furnace or incinerator flue	**N/A**

Manse Elementary: Detailed Site Information (Cont.)

Distance between collocated monitors in (meters)	**N/A**
Unrestricted air flow	**360 Degrees**
Probe material	**Aluminum**
Residence time	**N/A**
Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**N/A**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**Monthly**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**05/28/2014, 11/13/2014**

Figure 7: 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 beta attenuation monitor. 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.

Site Name	**Glen Oaks**
AQS ID	**32-023-0015**
GIS Coordinates	**Lat +36.193469** **Long -116.007584**
Location	**Pahrump**
Address	**145 Glen Oaks St.**
County	**Nye**
Distance to Road	**200 Meters**
Traffic Count	**10,500AADT (2012) Station #0230006**
Groundcover	**Grass/Gravel**
Representative Area	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**

Pollutant, POC	**PM_{10}, 1**
Parameter Code	**81102**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Population Exposure**
Monitoring type(s)	**SLAMS**
Instrumental manufacturer and model	**Met One BAM 1020**
Method Code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Neighborhood**
Monitoring start date	**07/10/2009**
Current sampling frequency	**Continuous**
Calculated sampling frequency	**N/A**
Sampling season	**01/01-12/31**
Analysis Method	**EQPM-0798-122**
Probe Height	**2.7 Meters**
Dist. fm. supporting structure	**Vertical Distance above 1 meter**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**15 Meters**
Dist. fm. trees	**12 Meters**
Distance to furnace or incinerator flue	**N/A**
Distance between collocated monitors in (meters)	**N/A**

Glen Oaks: Detailed Site Information (Cont.)

Unrestricted air flow	**360 Degrees**
Probe material	**Aluminum**
Residence time	**N/A**
Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**N/A**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**Monthly**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**05/28/2014, 11/13/2014**

Figure 8: PM_{10} Monitor located at 145 Glen Oaks St., Pahrump, NV.

Linda Street: Detailed Site Information

Monitoring at the Linda Street site was started in 2003. The site is located at 8825 North Linda Street. The beta attenuation monitor is located on the roof of an old railroad box car and represents not only the northern-most site in the Pahrump monitoring network, but the most rural area. There is some residential surrounding this site, but mainly native desert vegetation with little or no surface disturbances. The monitoring objective for this site is upwind background levels of PM_{10} in Pahrump.

Site Name	**Linda Street**
AQS ID	**32-023-0011**
GIS Coordinates	**Lat +36.349408** **Long -116.031976**
Location	**Pahrump**
Address	**8825 N. Linda**
County	**Nye**
Distance to Road	**20 Meters**
Traffic Count	**22,000 AADT (2012) Station #0230008**
Groundcover	**Desert**
Representative Area	**Las Vegas – Henderson, NV-AZ CSA and Pahrump Micropolitan Statistical Area**
Pollutant, POC	**PM_{10}, 1**
Parameter Code	**81102**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Upwind Background**
Monitoring type(s)	**SLAMS**
Instrumental manufacturer and model	**Met One BAM 1020**
Method Code	**122**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Urban**
Monitoring start date	**05/03/2003**
Current sampling frequency	**Continuous**
Calculated sampling frequency	**N/A**
Sampling season	**01/01-12/31**
Analysis Method	**EQPM-0798-122**
Probe Height	**6.7 Meters**
Dist. fm. supporting structure	**Vertical Distance above 3 meters**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. obstructions not on roof (meters)	**21 Meters**
Dist. fm. trees	**10 Meters**
Distance to furnace or incinerator flue	**N/A**

Linda Street: Detailed Site Information (Cont.)

Distance between collocated monitors in (meters)	**N/A**
Unrestricted air flow	**360 Degrees**
Probe material	**Aluminum**
Residence time	**N/A**
Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**N/A**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**Monthly**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**05/28/2014, 11/14/2014**

Figure 9: PM_{10} Monitor located at 8825 N. Linda Pahrump, NV.

Ranchos Aspen Park: Detailed Site Information

The Ranchos Aspen Park site is a Special Purpose Monitoring (SPM) site within the NDEP network. The monitoring objective is to determine typical concentration/population exposure.

Site Name	**Ranchos Aspen Park**
AQS ID	**32-005-0007**
GIS Coordinates	**Lat +38.897557** **Long -119.732507**
Location	**Gardnerville**
Address	**820 Lyell Way**
County	**Douglas**
Distance to Road	**20 Meters**
Traffic Count	**5,600 AADT (2012) Station #0050066**
Groundcover	**Gravel**
Representative Area	**Reno-Carson City-Fernley CSA and Gardnerville Ranchos Micropolitan Statistical Area**
Pollutant, POC	**$PM_{2.5}$, 1**
Parameter Code	**88101**
Basic monitor objective(s)	**NAAQS**
Site type(s)	**Population exposure**
Monitoring type(s)	**SPMS**
Instrumental manufacturer and model	**Met One BAM 1020**
Method Code	**170**
FRM/FEM/ARM/other	**FEM**
Collecting Agency	**NDEP-BAQP**
Analytical Lab	**N/A**
Spatial Scale	**Neighborhood**
Monitoring start date	**04/01/2013**
Current sampling frequency	**Continuous**
Calculated sampling frequency	**NA**
Sampling season	**01/01-12/31**
Analysis Method	**EQPM-0308-170**
Probe Height	**3.0 Meters**
Dist. fm. supporting structure	**Vertical Distance above 2 meters**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**7 Meters**
Dist. fm. trees	**10 Meters**
Distance to furnace or incinerator flue	**N/A**
Distance between collocated monitors in (meters)	**N/A**
Unrestricted air flow	**360 Degrees**
Probe material	**Aluminum**

Ranchos Aspen Park: Detailed Site Information (Cont.)

Residence time	**N/A**
Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**Yes**
Frequency of flow rate verification manual PM	**N/A**
Frequency of flow rate verification automated PM	**Monthly**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**04/30/2014, 10/28/2014**

Figure 10: $PM_{2.5}$ Monitor located at Ranchos Aspen Park, 820 Lyell Way Gardnerville, NV.

Site Name	**Jarbidge Wilderness IMPROVE**
AQS ID	**32-007-9000**
GIS Coordinates	**Lat +41.8926** **Long -115.4261**

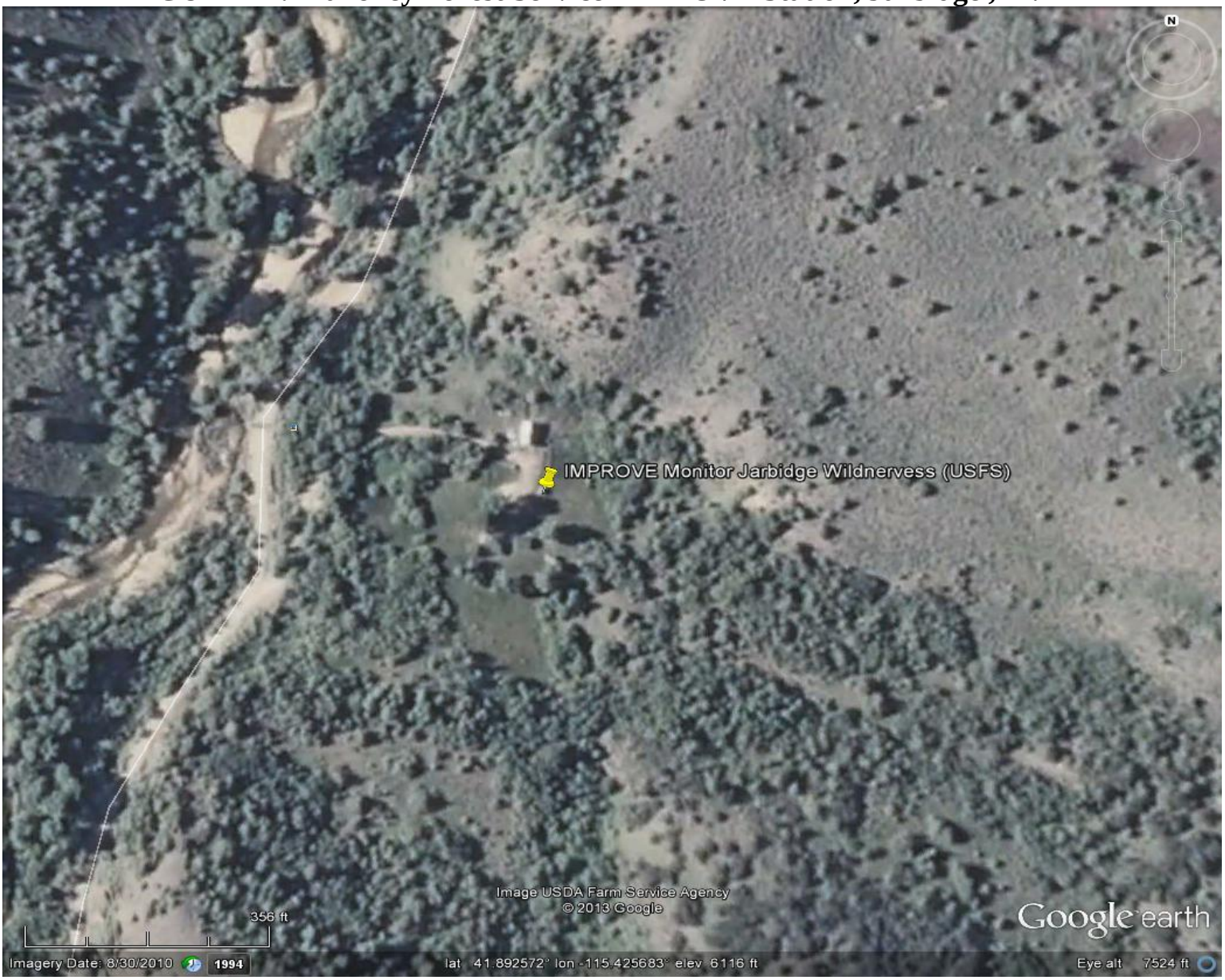
IMPROVE Station: Detailed Site Information

Location	**Mahoney Forest Service Station**
Address	**Jarbidge Wilderness**
County	**Elko**
Distance to Road	**100 Feet**
Traffic Count	**N/A**
Groundcover	**Dirt/Grass**
Representative Area	**Rural (Not in an urban area)**
Pollutant, POC	**$PM_{2.5}$, 1**
Parameter Code	**88101**
Basic monitor objective(s)	**Other**
Site type(s)	**General/Background**
Monitoring type(s)	**IMPROVE**
Instrumental manufacturer and model	**Crocker Nuclear Lab, IMPROVE Sampler Version II**
Method Code	**N/A**
FRM/FEM/ARM/other	**Other**
Collecting Agency	**US Forest Service (USFS)**
Analytical Lab	**Crocker Nuclear Lab**
Spatial Scale	**Regional**
Monitoring start date	**01/1988**
Current sampling frequency	**1:3 Filters Collected Weekly**
Calculated sampling frequency	**N/A**
Sampling season	**01/01-12/31**
Analysis Method	**N/A**
Probe Height	**4 Meters**
Dist. fm. supporting structure	**2 Meters**
Dist. fm. obstructions on roof	**N/A**
Dist. fm. Obstructions not on roof (meters)	**18 Meters**
Dist. fm. trees	**15 Meters**
Distance to furnace or incinerator flue	**N/A**
Distance between collocated monitors in (meters)	**N/A**
Unrestricted air flow	**Yes**
Probe material	**Aluminum**
Residence time	**N/A**

Changes in the next 18 months?	**No**
Suitable for $PM_{2.5}$ comparison?	**No**
Frequency of flow rate verification manual PM	**Unable to Determine**
Frequency of flow rate verification automated PM	**N/A**
Frequency of one point QC check (gaseous)	**N/A**
Last Annual Performance Evaluation (gaseous)	**N/A**
Last two semi-annual flow rate audits for PM	**Unable to Determine**

IMPROVE Station: Detailed Site Information (Cont.)

FIGURE 11: Mahoney Forest Service IMPROVE Station, Jarbidge , NV



Appendix A.

Ozone Seasonality Approval Letter

STEVE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

FEBRUARY 6, 2002

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

Dear Mr. ~~Sergent~~ Chet:

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

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

Sincerely,

Robert S. Pallarino
Technical Support Office
Air Division

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

Appendix B.

Manse PM_{10} Monitor Relocation Approval

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 22 2011

RECEIVED
MAR 25 2011
ENVIRONMENTAL PROTECTION

Nevada
Environmental Protection
MAR 25 2011
BAPC/BAQP

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

RE: Response to discontinuation and relocation request of Manse Elementary SLAMS PM_{10} monitor (AQS ID: 32-023-0014-81102-1)

Dear Mr. ~~Winkelman~~ Daren:

On February 24, 2011 we received your official request for the discontinuation of the PM_{10} monitor at Manse Elementary School (AQS ID: 32-023-0014-81102-1) and the subsequent relocation of the PM_{10} monitor to the nearby Nye County School District office.

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

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

Sincerely,

Matthew Lakin, Manager
Air Quality Analysis Office

Appendix C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 11, 2012

Mr. Rob Bamford
Chief, Bureau of Air Quality Planning
Nevada Division of Environmental Protection
901 S. Stewart St., Ste 4001
Carson City Nevada 89701

Dear Mr. Bamford:

This letter is in response to the Nevada Division of Environmental Protection's (NDEP's) request for approval for the relocation of SLAMS (State/Local Air Monitoring Station) ozone monitoring at 3300 E. 5th Street (Site ID: 32-510-0002) to 2601 S. Carson Street in Carson City, NV. NDEP has also documented the proposed change to the network in the most recent *Ambient Air Monitoring Network Plan* for 2012 (Page 5). NDEP made the plan available for public inspection prior to its submittal to EPA and received no public comments on this proposed monitoring network change.

Per 40 CFR 58.14, monitoring agencies are required to obtain EPA approval for the discontinuation of SLAMS monitors. In a letter to EPA dated May 2, 2012, NDEP explained that the Carson City Public Works requested the 5th Street monitoring site be moved to a new location, and that continued operation at the site would not be possible. NDEP later followed up with additional information in support of the proposed S. Carson Street location, including verification that the new site would meet 40 CFR 58 Appendix D and E siting requirements and be located in a more densely populated area (compared to the 5th Street site) of Carson City.

In addition to the supporting information provided by NDEP for the site relocation, EPA evaluated the comparability of ozone concentrations in the nearby Carson City area, including those coming from monitors along the Carson City predominant wind direction (i.e. from the southwest towards the northeast). Monitors evaluated included:

- *Incline* (Site ID: 32-031-2002): North Tahoe region.
- *Little Norway/ Echo Summit* (Site ID: 06-017-0012): South Tahoe region.
- *Long St.* (Site ID: 32-510-0004): Carson City monitor in operation until 2007.
- *5th St.* (Site ID: 32-510-0002): Current Carson City monitor in operation since 2008.
- *Fernley* (Site ID: 32-019-0006): Closest downwind monitor, northeast of Carson City.
- *Fallon* (Site ID: 32-001-0002): 2nd Closest downwind monitor, northeast of Carson City.

Specifically, EPA examined 8-hour 4th maximum ozone yearly trends for 2001-2011, along with 8-hour daily maximum ozone concentrations for 2011. EPA's analysis indicated that it is unlikely that a major shift in ozone concentrations would occur for this relatively small scale ozone site relocation within the Carson City Metropolitan Statistical Area (MSA). Furthermore, since the relocation is less than four kilometers away, the site would remain within the same neighborhood spatial scale of representation. On a larger scale, EPA's analysis showed that a gradient may be present between South Tahoe and northeast of Carson City (i.e. in the Fernley and Fallon direction). On this larger scale, higher ozone

concentrations were generally observed coming from the South Tahoe upwind direction and decreasing as they passed through Carson City and on to Fernley/Fallon. This gradient is unlikely to have major implications for the proposed small scale ozone site relocation within Carson City. Enclosed are plots of the yearly and daily trends examined during EPA's analysis, as well as a maps showing the ozone monitor locations.

Based on the weight of the evidence and pursuant to 40 CFR 58.14(c)(6), EPA approves NDEP's relocation of SLAMS ozone monitoring at 3300 E. 5th Street to 2601 S. Carson Street in Carson City, NV. Upon installation and operation of the Carson Street site, EPA recommends that NDEP evaluate whether the new site reports concentrations consistent with the previous site and take appropriate action if lower ozone concentrations are observed. An appropriate forum to report the analysis of ozone concentrations would be NDEP's next 5-year air monitoring network assessment, due in 2015.

If there are any questions regarding this letter, please feel free to contact me at (415) 972-3851 or Elfego Felix of my staff at (415) 947-4141.

Sincerely,

/s/

Matthew Lakin, Manager
Air Quality Analysis Office

Enclosures
Attachment A: Map of Larger Carson City Area Ozone monitors.
Attachment B: Map of Carson City Ozone monitors.
Attachment C: Plot of 2001-2011 Carson City Area 8-hour Ozone 4th maximum values.
Attachment D: Plot of 2011 Carson City Area Daily maximum 8-hour Ozone.

cc: Daren Winkelman, Monitoring Supervisor, NDEP-BAQP

Appendix D.

Comment Submittal Information

The proposed 2015 Ambient Air Monitoring Network Plan is posted on the NDEP website for review and comment for thirty (30) days.

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

APPENDIX E

Interstate Transport Analysis for the 2012 Annual Primary Fine Particle National Ambient Air Quality Standard

NOTE TO READERS

Nevada has chosen to link to websites on the internet for many references cited in this appendix. We have backed up these links by putting electronic copies of reference documents on the Nevada Division of Environmental Protection's (NDEP) server. If any of the links in this document do not work for you, you may 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 2012 Annual Primary Fine Particle National Ambient Air Quality Standard

E.1 INTRODUCTION

Section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA) 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) evaluated the impact of transport of fine particle ($PM_{2.5}$) emissions from Nevada sources to sensitive receptor areas in nearby states, other western states and eastern states. The NDEP used the following U.S. Environmental Protection Agency (USEPA) resources to identify sensitive receptor areas, i.e., air quality planning areas that are nonattainment or maintenance for the 2012 or previous $PM_{2.5}$NAAQS or areas that have monitored values approaching the NAAQS:

- Additional Air Quality Designations and Technical Amendment to Correct Inadvertent Error in Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). 80 FR 18535, April 7, 2015.
- Air Quality Designations for the 2012 Primary Annual Fine particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). 80 FR 2206, January 15, 2015.
- USEPA map of 2012 Annual $PM_{2.5}$ Designations (*see* Figure E-1); and
- USEPA 2013 Design Value Report for $PM_{2.5}$.[1]

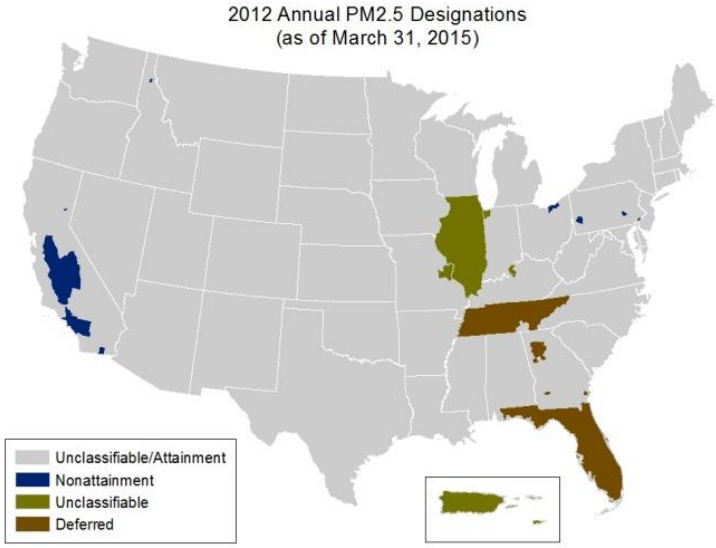
Figure E-1 presents a map of 2012 annual $PM_{2.5}$ area designations, while Table E-1 presents a list of nonattainment areas for the 2012 annual $PM_{2.5}$ NAAQS. Figure E-1 and Table E-1 show nonattainment areas in two nearby states, California and Idaho, and two distant eastern states, Ohio and Pennsylvania.

Because a list of maintenance receptors was not available, the NDEP used the USEPA 2013 Design Value Report to identify other sensitive receptors across the western States. Nonattainment receptors are those sites with design values greater than 12 $\mu g/m^3$ for the period 2011 to 2013. Receptors with design values greater than or equal to 12 $\mu g/m^3$ for the periods 2009 to 2011 and 2010 to 2012, but equal to or less than 12 $\mu g/m^3$ for the period 2011 to 2013 were identified as sensitive or "maintenance" receptors for the purpose of this analysis. Table E-2 presents the nonattainment and "maintenance" receptors that will be addressed in this transport analysis. In addition to the nonattainment areas identified in Table E-1, Table E-2 identifies six additional "maintenance" receptors in Arizona, California, Idaho, and New Mexico. The NDEP did not attempt to identify "maintenance" receptors in more distant states.

[1] Available from: http://www.epa.gov/airtrends/values.html

Figure E-1

2012 Annual $PM_{2.5}$ Designations



Source: **http://www.epa.gov/airquality/particlepollution/designations/2012standards/final/us_map_final2.png**

Table E-1. Nonattainment Areas for the 2012 $PM_{2.5}$ NAAQS (April 15, 2015)

State	Area Name	Designated Nonattainment Counties
CA	Imperial County, CA	Imperial, CA (p)
	San Joaquin Valley Air Basin, CA	Fresno, CA
		Kern, CA (p)
		Kings, CA
		Madera, CA
		Merced, CA
		San Joaquin, CA
		Stanislaus, CA
		Tulare, CA
	Los Angeles-South Coast Air Basin, CA	Los Angeles, CA (p)
		Orange, CA
		Riverside, CA (p)
		San Bernardino, CA (p)
	Plumas County, CA	Plumas, CA (p)
ID	West Silver Valley, ID	Shoshone, ID (p)
OH	Cleveland, OH	Cuyahoga, OH
		Lorain, OH
PA	Delaware County, PA	Delaware, PA
	Lebanon County, PA	Lebanon, PA
	Allegheny, PA	Allegheny, PA
4 states	9 areas	13 full counties, 7 partial counties

Source: Email from Scott Mathias, AQPD, USEPA to Frank Forsgren, NDEP dated 4/3/2015. (p)=partial

Table E-2. $PM_{2.5}$ Site Design Value History 2009 – 2011 through 2011 – 2013

State	County[1]	Site ID	Annual Standard Design Values and Attainment Status [2]						Receptor Type [3]
			2009-2011		2010-2012		2011-2013		
Arizona	Pinal	40213013	13.3	DV>'12STD	13.5	DV>'12STD	….		Maintenance
California: *Imperial County Nonattainment Area (part)*									
	Imperial (part) [4]	60250005	13.9	DV>'12STD	14.1	DV>'12STD	14.3	NA'12STD	Nonattainment*
California: *Los Angeles-South Coast Nonattainment Area*									
	Riverside (part)	60658005	16.2	DV>'12STD	15.6	DV>'12STD	15.1	NA'12STD	Nonattainment*
	San Bernardino (part)	60710025	13.7	DV>'12STD	12.9	DV>'12STD	12.6	NA'12STD	Nonattainment*
	Los Angeles (part)	60371103	13.5	DV>'12STD	13.1	DV>'12STD	13.0	NA'12STD	Nonattainment*
California: *Plumas Country Nonattainment Area*									
	Plumas (part)	60631010					12.8	NA'12STD	Nonattainment
California: *San Joaquin Valley Nonattainment Area*									
	Fresno	60195001	17.0	DV>'12STD	16.0	DV>'12STD	16.4	NA'12STD	Nonattainment*
	Kern (part)	60290016	18.2	DV>'12STD	15.6	DV>'12STD	17.3	NA'12STD	Nonattainment*
	Kings	60311004	16.3	inc	15.8	DV>'12STD	17.0	NA'12STD	Nonattainment*
	Madera	60392010	20.5	inc	19.0	DV>'12STD	18.1	NA'12STD	Nonattainment*
	Merced	60470003	18.2	DV>'12STD	14.3	DV>'12STD	13.3	NA'12STD	Nonattainment*
	San Joaquin	60771002	11.1	DV<'12STD	11.4	DV<'12STD	13.8	NA'12STD	Nonattainment
	Stanislaus	60990006	15.3	DV>'12STD	14.9	DV>'12STD	15.7	NA'12STD	Nonattainment*
	Tulare	61072002	15.2	DV>'12STD	14.8	DV>'12STD	16.6	NA'12STD	Nonattainment
California: *"Maintenance" and incomplete data areas*									
	San Bernardino	60719004	12.1	DV>'12STD	11.7	DV<'12STD	11.8	DV<'12STD	Maintenance
	San Diego	60730003	11.8	DV<'12STD	12.1	DV>'12STD	10.6	DV<'12STD	Maintenance
	San Diego	60731002	10.7	inc	12.3	DV>'12STD	10.7	DV<'12STD	Maintenance
Idaho	Lemhi	160590004	10.9	DV<'12STD	14.7	DV>'12STD	12.0	DV<'12STD	Maintenance
Idaho	**Shoshone (part)**	160790017	12.0	DV<'12STD	12.1	DV>'12STD	12.8	NA'12STD	Nonattainment*
New Mexico	Dona Ana	350130017	11.9	DV<'12STD	13.5	DV>'12STD	….		Maintenance

Key: DV<'12STD= Design values less than 2012 standard; DV>'12STD=Design value exceeds 2012 standard; NA'12STD=nonattainment for 2012 standard; inc = incomplete data

*****=This county contains nonattainment receptors for the 2012 standard based on the 2011-2013 design value and (1) receptors that exceeded the 2012 standard based on the 2009-2011 and 2010-2012 design values and/or (2) nonattainment receptors for the 2006 standard.

NOTES:

1. Counties shown in bold font were designated nonattainment for the 2012 annual primary PM2.5 NAAQS by EPA in 80 FR 2206.
2. The design values in this table were obtained from the US EPA *2013 Design Value Reports* for PM2.5 located at http://www.epa.gov/airtrends/values.html. Data for western States were extracted from worksheet, "Table 6, PM2.5 Site Design Value History, 2001-2003 through 2011-2013." US EPA last updated the table on 2014-08-14.
3. Nonattainment receptors are those sites designated as nonattainment by the USEPA for the period 2011-2013 (see Note 1). Receptors with values greater than or equal to 12 $\mu g/m^3$ for the periods 2009-2011 or 2010-2012, but equal to or less than 12 $\mu g/m^3$ for the period 2011-2013 were identified as sensitive receptors or "maintenance".
4. Design value based on all valid data, including data in 2011 and 2013 that were submitted to, but are not currently in, AQS. EPA considers these data valid for use per 40 CFR Part 50 and 58 (see Memorandum 'Data Used for the Calculation of the Imperial County Design Value' found in Docket No. EPA-HQ-OAR-2012-0918).

In evaluating the possible impact of $PM_{2.5}$ transport from Nevada sources, the NDEP reviewed other states' state implementation plan (SIP) submittals, 2012 $PM_{2.5}$ NAAQS designation requests and responses and associated technical support documents, Interagency Monitoring of Protected Visual Environments (IMROVE, http://vista.cira.colostate.edu/improve/Default.htm) monitoring data (Attachment E1), $PM_{2.5}$ monitor data from nonattainment and "maintenance" receptors (Attachment E2), wind rose plots (Attachment E3), and 2011 National Emissions Inventory (NEI) data (Attachment E4).

IMPROVE sites are located in areas where urban influences are minimal; they are considered representative of regional background $PM_{2.5}$ levels. The NDEP reviewed five years (2009-2013) of IMROVE data from sites proximal to nonattainment or other sensitive receptors in Arizona, California, Idaho, and New Mexico (*see* Attachment E1).[2] IMPROVE monitors measure the composition and concentration of $PM_{2.5}$; including ammonium sulfate, ammonium nitrate, soil, and elemental carbon or light absorbing carbon, as well as coarse mass (PM_{10}). Attachment E1 only presents the $PM_{2.5}$ species and concentrations. The $PM_{2.5}$ IMROVE data generally show a pronounced seasonal pattern of elevated $PM_{2.5}$ concentrations during the summer months and lower $PM_{2.5}$ concentrations during the winter months. The $PM_{2.5}$ monitor data from nonattainment and "maintenance" receptors generally also show a pronounced seasonal pattern (*see* Attachment E2). However, this pattern shows elevated $PM_{2.5}$ concentrations during the winter months and lower concentrations during the summer months, suggestive of local source contributions.

To evaluate potential transport of $PM_{2.5}$ emissions or their precursor emissions that may contribute significantly to nonattainment in, or interfere with maintenance by, any other state, the NDEP prepared wind roses based on 2009 to 2013 National Weather Service meteorological data for sites in Nevada's major metropolitan areas: Las Vegas and Reno (*see* Attachment E3). The Las Vegas wind rose indicates that winds almost always blow from the south-southwest in Clark County, away from the most proximal nonattainment receptors in both California and Idaho, as well as the "maintenance" receptors in Arizona, California, Idaho, and New Mexico. Winds from Las Vegas are also unlikely to transport $PM_{2.5}$ emissions to eastern nonattainment or "maintenance" areas due to the great distance.

The Reno wind rose indicates dominant winds from the west-northwest but with strong northerly and southerly components and clearly shows the strong pre-frontal southerly winds that precede winter storms. This wind rose also indicates transport away from the most proximal nonattainment and "maintenance" receptors in California and Idaho, as well as the "maintenance" receptors in Arizona, California, Idaho, and New Mexico. Winds from Reno are unlikely to impact the very distance eastern nonattainment or "maintenance" receptors due to the great distance.

Attachment E4 presents $PM_{2.5}$ emissions by source sector based on the 2011 NEI v2 at both the state and county level for those areas identified with either nonattainment or "maintenance" receptors. Relative emission densities are also presented for each potentially impacted state. Review of the emissions density map for Nevada shows that the areas with the highest emission densities are the metropolitan areas of Las Vegas (Clark County) and Reno/Carson City (Washoe, Storey, Carson City, and Douglas Counties).

In order to further evaluate potential transport of $PM_{2.5}$ emissions or their pre-cursors, SO_2 and NO_x, to eastern "maintenance" receptors the NDEP evaluated Nevada's annual emissions in light

[2] Available from: http://vista.cira.colostate.edu/TSS/Results/HazePlanning.aspx.

of other states' emissions based on the 2011 NEI (*see* Table E-3). Annual emissions of $PM_{2.5}$ from Nevada sources in 2011 are 38,184 tons per years, while $PM_{2.5}$ precursor emissions of NO_x and SO_2 from Nevada sources for 2011 are 108,756 tons per year and 13,578 tons per year, respectively. Note that Nevada's annual emissions of $PM_{2.5}$, SO_2, and NO_x are well below half of, and more often three to 10 or more times lower than, the annual emissions of the listed states, which are the western-most of the eastern states. Given the large distances to the eastern states (more than 500 miles from Nevada to the closest listed state) and Nevada's relatively low annual emissions compared to the other states listed in Table E-3, it is unlikely that emissions from Nevada contribute significantly to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in any eastern state.

Table E-3. Annual $PM_{2.5}$, NO_x, and SO_2 Emissions from Select States

	$PM_{2.5}$ (tpy)	NO_x (tpy)	SO_2 (tpy)
Nevada	38,184	108,756	13,578
Minnesota	203,306	344,217	70,880
Iowa	123,467	274,665	130,829
Nebraska	100,213	269,996	76,213
Kansas	239,733	398,612	60,378
Oklahoma	196,704	468,105	133,250
Texas	574,110	1,420,740	559,804

Note: Downloaded from: http://www.epa.gov/air/emissions/index.htm 19-May-2015 by Frank Forsgren, BAQP. The NDEP recognizes this link is not currently (15-Oct-2015) function due to USEPA website update activities, but will provide an updated link for the final submittal package.

Review of the monitoring data and source sector emissions data suggests that in the rural nonattainment or "maintenance" areas the dominant emission sources are fires and dust, while in the urban nonattainment or "maintenance" areas the dominant emissions sources are mobile sources, fuel combustion, and industrial processes. The nature of the dominant source sectors in both urban and rural areas supports the conclusion that elevated $PM_{2.5}$ levels at nonattainment and "maintenance" receptors is predominantly caused by local sources.

The NDEP fully realizes that no single piece of information or factor can by itself fully address the transport issue, but rather the total weight of all the evidence taken together is used to evaluate significant contributions to nonattainment or interference with maintenance of the 2012 annual $PM_{2.5}$ NAAQS in another state. However, there are four general factors that support a finding that emissions from Nevada do not contribute significantly to nonattainment or interfere with maintenance of the 2012 annual $PM_{2.5}$ NAAQS in Arizona, California, Idaho, or New Mexico, or to the more distant eastern States: 1) the significant distance from the state of Nevada to the nonattainment or "maintenance" receptors in these states; 2) technical information indicating that elevated $PM_{2.5}$ levels at nonattainment or "maintenance" receptors in these states are predominantly caused by local emissions sources; 3) air quality data indicating that regional

background levels of $PM_{2.5}$ are generally low during the time periods of elevated $PM_{2.5}$ at these receptors; and 4) meteorology.

In summary, USEPA has identified nonattainment receptors in two adjacent states, California and Idaho, as well as two distance eastern states, Ohio and Pennsylvania (*see* Table E-1). The NDEP has identified other sensitive or "maintenance" receptors in three nearby states, Arizona, California, and Idaho, as well as one other western state, New Mexico (*see* Table E-2).

E.2 TRANSPORT TO NONATTAINMENT RECEPTORS IN NEARBY STATES

The USEPA identified two nearby states with 2012 annual $PM_{2.5}$ NAAQS nonattainment receptors, California and Idaho (*see* Table E-1).

E.2.1 California

There are four nonattainment areas in California, listed here by proximity, from closest to most distant from Nevada: Plumas County, San Joaquin Valley, Los Angeles–South Coast Air Basin, and Imperial Valley. Each of these nonattainment areas is discussed separately below. The NDEP believes technical information indicating that elevated $PM_{2.5}$ levels at the nonattainment receptors are predominantly caused by local emission sources supports a finding that emissions from Nevada do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ NAAQS at nonattainment receptors in California

E.2.1.1 Plumas County

The nearest nonattainment receptors to Nevada are located in Plumas County, California. USEPA has designated portions of Plumas County in the vicinity of Portola nonattainment for the 2012 primary annual fine particle NAAQS.[3] The Northern Sierra Air Quality Management District Annual Air Monitoring Report 2005 identified major contributors to $PM_{2.5}$ levels as woodstoves, forestry management burns, residential open burning, vehicle traffic, and windblown dust, which they further state "…can be relieved or exacerbated by meteorology, e.g. winds dispersing or temperature inversions concentrating air pollutants. … Portola … is subject to strong inversions and stagnant conditions in the wintertime. These conditions, coupled with intensive residential wood burning, can result in very high episode $PM_{2.5}$ levels."[4]

The report goes on to say that all wood burning communities could register violations of the NAAQS for $PM_{2.5}$, but Portola was identified as one of the most vulnerable. It notes, "PM_{10} and $PM_{2.5}$ exceedances of the ambient air quality standards appear to be generated locally by woodstoves, open burning, vehicle traffic induced dust entrainment and windblown dust." *Id. at 8.* The report also describes transport of smoke from wildfires and agricultural burning in the Sacramento Valley as consistently contributing to seasonal elevated particulate levels in addition to prescribed fire contributions.

[3] Available from: http://www.gpo.gov/fdsys/pkg/FR-2015-01-15/pdf/2015-00021.pdf.
[4] Available from: http://myairdistrict.com/Annual_Report__Full_version.pdf, at 1.

The Northern Sierra Air Quality Management District issued an Air Quality Health Advisory – Smoke and Ozone for the period August 28 to September 3, 2013 for the Rim Fire near Yosemite and the American Fire in Placer County. The Advisory notes that the Rim Fire was among the largest fires in California history, producing smoke blanketing tens of thousands of square miles.[5] Figure E2-12 in Attachment E1 shows the impacts from these fires in the fourth quarter of 2013.

IMPROVE data for remote northern California sites representing the Caribou Wilderness Area (Figure E1-10) and Desolation Wilderness Area (Figure E1-11) show distinctive annual patterns with increased $PM_{2.5}$ concentrations in the summer months and decreased concentrations in the winter months. The monitoring results from the Portola monitors also show a distinctive annual pattern although the timing in reversed, with highest concentrations recorded in the winter months and lower concentrations observed in the summertime. This pattern is consistent with residential wood burning for home heating during the wintertime. Wind rose data from Reno-Tahoe International Airport, Attachment E3, shows winds in northern Nevada with strong westerly components, directing Nevada's emissions away from California. Emission inventory data for California and Plumas County, Attachment E2, show that fires are the largest source of $PM_{2.5}$ emissions in California and, specifically in Plumas County.

In Plumas County, monitored exceedances of the $PM_{2.5}$ standard likely reflect localized sources occurring during wintertime temperature inversions with low winds that persist for several days in an area that traps emissions with complex topography. Additional contributions to monitored exceedances of the $PM_{2.5}$ annual standard likely result from large fire events such as the 2013 Rim Fire, as well as local and regional prescribed fire activity. The USEPA has noted the lack of large sources in the area and that the likely source contributing the most to the 2012 annual $PM_{2.5}$ NAAQS violations are residential burning activities.[6] Given the local characteristics of the elevated $PM_{2.5}$ levels at the Plumas County locations, which result from both wintertime residential wood burning and summertime fire emissions, it is reasonable to conclude that emissions from Nevada sources do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ standard at these locations.

E.2.1.2 San Joaquin Valley Nonattainment Area

The USEPA designated the San Joaquin Valley Air Basin nonattainment for the 2012 annual $PM_{2.5}$ NAAQS, including the entirety of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties as well as a portion of Kern County.[7] There are 12 monitors located within the San Joaquin Valley nonattainment area, many of which have persistently

[5] Available from: http://myairdistrict.com/index.php?Itemid=103.
[6] California: Imperial County, Los Angeles-South Coast Air Basin, Plumas County, San Joaquin Valley Area Designations for the 2012 Primary Annual $PM_{2.5}$ National Ambient Air Quality Standard Technical Support Document at 108. Available from: http://www.epa.gov/pmdesignations/2012standards/final/CA_FinalNAATSD_Final.pdf.
[7] See supra n. 3.

shown violations of the 2009-2011, 2010-2012, and 2011-2013 design values.[8] The USEPA noted "…organic carbonaceous mass (OM) is the predominant species contributing over fifty percent of the total mass throughout the year. Nitrates are the second largest component in the annual mean, contributing 21 percent followed by sulfates contributing 14 percent."[9] "The primary sources of $PM_{2.5}$ in the region are diesel engines (nitrate), gasoline engines (nitrate), and agricultural activities (ammonium) which contribute regionally. Wood smoke (organic carbon) and diesel engines (elemental carbon) contribute to elevated levels of $PM_{2.5}$ in urban areas."[10] Kernal Density Estimation plots representing Hybrid Singe-Particle Lagrangian Integrated Trajectory backward trajectories and local wind rose data suggest the greatest potential contribution of emissions is from the regions immediately to the west-northwest of the monitors.[11] As noted by the San Joaquin Valley Unified Air Pollution Control District, "…the surrounding mountains trap pollution and block air flow, and the mild climate keeps pollutant-scouring winds at bay most of the year. Temperature inversions, while present to some degree throughout the year, can last for days during the winter, holding in nighttime accumulations of pollutants, including wood smoke. It is during the winter that these days of stagnant weather lead to the most Valley exceedances of $PM_{2.5}$ concentrations."[12]

Review of background $PM_{2.5}$ data from IMPROVE monitors representing the Ansel Adams Wilderness, Dome Land Wilderness, Emigrant Wilderness, and Kings Canyon National Park (*see* Attachment E1, Figures E1-6 thought E1-9, respectively) reveal a seasonal pattern consistent with other IMPROVE monitor sites, higher observed concentrations during the summer months and lower concentrations during the wintertime. At Kings Canyon the higher summertime concentrations extend through the fall months reflecting fall agricultural burning. This contrasts with the seasonal patterns recorded by the violating receptors (*see* Attachment E2, Figures E2-13 though E2-24), where the highest $PM_{2.5}$ concentrations are recorded during the wintertime with lower summertime concentrations punctuated by high concentration spikes. Wind rose data from Las Vegas and Reno show transport is predominantly away from California (*see* Attachment E3). Emissions data from the counties within the San Joaquin Valley nonattainment area (*see* Attachment E4) show significant contributions from dust and fires, and overwhelming emissions from 2011 fires in Tulare County likely account for the high fourth quarter 2011 $PM_{2.5}$ means at monitors throughout the nonattainment area.

As the USEPA concluded, "The San Joaquin Valley has long suffered from some of the United States' worst air pollution. This pollution, exacerbated by stagnant weather, comes mainly from

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[8] See supra n. 6 at 116.
[9] See supra n. 6 at 120.
[10] USEPA, 2012, Technical Support Document for EPA's Proposed Action on the State of Nevada's 2009 Infrastructure State Implementation Plan (Transport Portion) for the 2006 24-Hour Fine Particulate (PM2.5) National Ambient Air Quality Standard, Appendix B – Nonattainment Receptors, at 15. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006.
[11] See supra n. 6 at 150.
[12] San Joaquin Valley Unified Air Pollution Control District, 2012 PM2.5 Plan, Executive Summary at ES-8. Available from: http://www.valleyair.org/Air_Quality_Plans/PM25Plans2012.htm.

diesel- and gasoline-fueled vehicles, residential wood burning, and agricultural operations such as dairies and field-tilling that occur widely throughout the counties in the nonattainment area."[13] For these reasons, the NDEP concludes that emissions from Nevada sources do not contribute significantly to nonattainment of the annual $PM_{2.5}$ standard at receptors in the San Joaquin Valley nonattainment area.

E2.1.3 Los Angeles–South Coast Air Basin

The USEPA has designated Los Angeles–South Coast Air Basin nonattainment for the 2012 annual $PM_{2.5}$ NAAQS including all of Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties.[14] The South Coast Air Quality Management District noted, "The higher $PM_{2.5}$ concentrations in the Basin are mainly due to the secondary formation of smaller particulates resulting from mobile, stationary and area source emissions of precursor gases (i.e., NO_x, SO_x, NH_4, and VOC) that are converted to PM in the atmosphere."[15] USEPA concurs with these statements, "$PM_{2.5}$ in Southern California is essentially a combustion generated pollutant due to the volume of traffic flow and numbers of sources (both point and area) located in the region. It is important to note that the areas with the highest concentrations are directly downwind of an area with major ammonia sources associated with dairies and poultry farming."[16]

The USEPA also observed in their area designations technical support document, "Major point sources in the nonattainment area contribute to the monitored violations, and due to topography and meteorology, it is unlikely that those outside of the Los Angeles–South Coast Air Basin nonattainment area contribute to the monitored violations."[17] Given the local characteristics of the elevated $PM_{2.5}$ concentrations and the location of the nonattainment area generally upwind from Nevada emissions sources, together with the large distances between these nonattainment receptors and Nevada, the NDEP concludes that emissions from Nevada sources do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ standards in the Los Angeles–South Coast Air Basin.

E2.1.4 Imperial County

The nonattainment receptor in Imperial County is the most distant in California from Nevada emission sources. The USEPA has designated portions of Imperial County, including the communities of Brawley, El Centro, and Calexico, as nonattainment for the 2012 annual $PM_{2.5}$

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[13] See supra n. 6 at 157.
[14] See supra n. 3.
[15] Final 2012 Air Quality Management Plan, South Coast Air Quality Management District, February 2013, at 2-14. Available from: http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan.
[16] USEPA, 2012, Technical Support Document for EPA's Proposed Action on the State of Nevada's 2009 Infrastructure State Implementation Plan (Transport Portion) for the 2006 24-Hour Fine Particulate (PM2.5) National Ambient Air Quality Standard at 16. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006.
[17] See supra n. 6 at 72.

NAAQS.[18] The nonattainment area border is coincident with the international boundary between the US and Mexico. "The high monitored levels of $PM_{2.5}$ are limited to the Calexico-Ethel Street monitoring site, which is located near the Mexican Border. The elevated $PM_{2.5}$ levels occur primarily in the winter months during stagnation conditions, when long distance transport is unlikely. . . . The $PM_{2.5}$ appears to be from a local source near the California/Mexico Border."[19] As noted by the Imperial County Air Pollution Control District in its 2006 $PM_{2.5}$ SIP, "As is demonstrated in this SIP, the primary reason for elevated $PM_{2.5}$ levels in Imperial County is transport from Mexico. Essentially, this 2013 $PM_{2.5}$ SIP demonstrates attainment of the 2006 $PM_{2.5}$ NAAQS 'but-for' transport of international emissions from Mexicali, Mexico."[20]

Examination of the background $PM_{2.5}$ data as represented by IMPROVE monitoring sites for the Aqua Tibia Wilderness, Cucamonga Wilderness, Joshua Tree National Park, and San Gorgonio Wilderness in southern California (*see* Attachment E1, Figures E1-12 to E1-15, respectively), shows seasonal patterns of $PM_{2.5}$ concentrations with the highest concentrations recorded during the summertime and lower concentrations observed during the winter months. This seasonal pattern contrasts with the more chaotic and episodic pattern observed at the Calexico-Ethel Street monitor, where generally lower wintertime and higher summertime concentrations are punctuated by higher concentration spikes and the hint of elevated concentrations during the Spring and Fall months (*see* Attachment E2, Figure E2-24). Wind rose data indicate transport of pollutants from Nevada's major metropolitan areas away from California (*see* Attachment E3). The $PM_{2.5}$ emissions data from Imperial County shows 69 percent of the county's total $PM_{2.5}$ emissions are dust and fires (3,141 tons per year from dust and smoke of the total county-wide emissions of 4,558 tons per year) (*see* Attachment E4). These source sectors are generally considered uncontrollable.

Given the local characteristics of the elevated $PM_{2.5}$ concentrations at this receptor, regional and local air flow patterns, and the location of California nonattainment areas generally upwind of Nevada emission sources, the NDEP concludes that emissions from Nevada sources do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ standards at this location.

E.2.1 Idaho

The nearest nonattainment receptors to Nevada beyond California are located in Shoshone County, Idaho. The USEPA has designated a portion of Shoshone County in the vicinity of Pinehurst, West Silver Valley, as nonattainment for the 2012 primary annual $PM_{2.5}$ NAAQS.[21] The USEPA has noted, "Information from the state of Idaho indicates that emissions from woodstoves contribute to primary $PM_{2.5}$ that violates the standard during stable weather events associated with strong inversions. These emissions and the related effects are limited to the city

[18] See supra n. 3.
[19] See supra n. 16 at 20.
[20] Imperial County 2013 State Implementation Plan for the 2006 24-Hour PM2.5 Moderate Nonattainment Area, Imperial County Air Pollution Control District, December 2, 2014 at 2. Available from: http://www.arb.ca.gov/planning/sip/planarea/imperial/Final_PM2.5_SIP_%28Dec_2,_2014%29_Approved.pdf.
[21] See supra n. 3.

of Pinehurst airshed, as they are trapped there due to temperature inversions, low wind and local topography."[22]

Review of IMPROVE monitor data representative of the Cabinet Mountains Wilderness Area in nearby Montana reveals a pronounced season pattern to background $PM_{2.5}$ with the higher concentrations recorded during the summertime and lower concentrations in the wintertime (*see* Figure E1-18, Attachment E1). This contrasts with the $PM_{2.5}$ data recorded by the Pinehurst monitor, which also has a pronounced seasonal pattern reversed from that of the background monitor with higher concentrations during the wintertime and lower concentrations in the summertime (Figure E2-25, Attachment E2). Wind rose data for Nevada's major metropolitan areas, Las Vegas and Reno, indicates that transport of $PM_{2.5}$ or $PM_{2.5}$ precursors from Nevada is generally away from northern Idaho (*see* Attachment E3). 2011 NEI data shows fires are the dominant source sector for $PM_{2.5}$ emissions in all of Idaho and specifically in Shoshone County (*see* Attachment E4).

These data support USEPA's conclusion, "Residential wood combustion in the cold, winter months is most responsible for elevated particulate matter in the area, while prescribed burning in the late autumn and in spring also contributes substantially. Smoke from wildfires can affect the area in the summer."[23] Low wind speeds and low mixing heights can exacerbate $PM_{2.5}$ concentrations resulting from local emission sources. Given the local characteristics of the elevated $PM_{2.5}$ levels at the Shoshone County locations, which result from both wintertime residential wood burning and summertime fire emissions, it is reasonable to conclude that emissions from Nevada sources do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ standard at this location.

E.3 TRANSPORT TO NONATTAINMENT RECEPTORS IN WESTERN STATES

The USEPA has identified nonattainment receptors in California, Idaho, Ohio, and Pennsylvania. There are no nonattainment receptors in other western states beyond those discussed above, California and Idaho.

E.4 TRANSPORT TO MAINTENANCE RECEPTORS IN NEARBY STATES

The NDEP identified "maintenance" receptors in three nearby states: Arizona, California, and Idaho. Recall that receptors with design values greater than or equal to 12 $\mu g/m^3$ for the periods 2009 to 2011 and 2010 to 2012, but equal to or less than 12 $\mu g/m^3$ for the period 2011 to 2013 were identified as sensitive or "maintenance" receptors as identified in Table E-2. "Maintenance" receptors were identified in Pinal County, Arizona; San Bernardino County and

[22] See supra n. 16 at 18.

[23] Idaho: West Silver Valley Nonattainment Area – Area Designations for the 2012 Primary Annual $PM_{2.5}$ National Ambient Air Quality Standard Technical Support Document at 5. Available from: http://www.epa.gov/pmdesignations/2012standards/final/ID_FinalNAATSD_Final.pdf.

San Diego County, California; and Lemhi County, Idaho. Each of these areas is discussed below. In addition, the NDEP suspects the presence of maintenance receptors in the large nonattainment areas of central and southern California, the San Joaquin Valley Air Basin and the Los Angeles-South Coast Air Basin and will discuss these areas as well.

E.4.1 Arizona

The NDEP identified Pinal County, Arizona as the location of a sensitive or "maintenance" receptor based on a 2010-2012 design value greater than 12 µg/m^3 and invalid data to calculate a 2011-2013 design value (*see* Table E-2). In the USEPA's technical support document for the 2006 $PM_{2.5}$ area designations, the USEPA noted "that emission inventory data, combined with speciation and source apportionment data, point to agricultural activities and cattle feedlots, as well as other nearby sources of $PM_{2.5}$, as primary sources contributing to $PM_{2.5}$ levels at the Cowtown monitor on days with exceedances of the 24-hour $PM_{2.5}$ NAAQS."[24] The USEPA goes on to state, "EPA agrees with ADEQ's conclusion that the $PM_{2.5}$ concentrations monitored at Cowtown are strongly influenced by local sources."[25]

Review of the background $PM_{2.5}$ conditions in central Arizona as represented by IMPROVE monitors for the Mazatal Wilderness, Saguaro National Monument, and Superstition Wilderness show a seasonal pattern typical of rural background sites, elevated $PM_{2.5}$ concentrations during the summertime and lower concentrations during the wintertime (*see* Attachment E1, Figure E1-1 through E1-5, respectively). The Phoenix and Queen Valley IMPROVE monitors are more representative of urban areas, but still exhibit a similar seasonal pattern of elevated concentrations during the summertime. Contrast this with the observations at the violating monitor, which are very episodic, but suggest a subtle pattern of elevated concentrations during the springtime and summertime (*see* Attachment E2, Figure E2-26).

Wind rose data for Las Vegas and Reno do not suggest transport of particles from Nevada sources to sensitive receptors in Arizona (*see* Attachment E3). The 2011 emissions data show Pinal County is the source of nearly 12 percent of the state-wide $PM_{2.5}$ emissions from dust and nearly 40 percent of the state-wide emissions from agriculture (*see* Attachment E4). These data support the USEPA's conclusion that the violating monitor "is the only site in the area with a pronounced diurnal pattern, with high PM in the morning and evening hours, further suggesting the influence of local sources."[26]

Given the local characteristics of the elevated $PM_{2.5}$ concentrations at this receptor and the distance to the location of the Arizona nonattainment area, the NDEP concludes that emissions from Nevada sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ standards at this location.

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[24] Technical Support Document: December 2010 Addendum to Pinal County, Arizona, Area Designation for the 2006 24-hour Fine Particle National Ambient Air Quality Standard at 3. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2010-0163-0025.
[25] See supra n. 24 at 6.
[26] See supra n. 16 at 21.

E4.2 California

The NDEP identified "maintenance" receptors in San Bernardino County and San Diego County. Table E2 shows one "maintenance" monitor in San Bernardino County and two "maintenance" receptors in San Diego County. Nevada's contribution to these sites is discussed below. As noted above, because of the suspected presence of maintenance receptors in the San Joaquin Valley Nonattainment Area and Los Angele-South Coast Air Basin, Nevada's contribution to these sites will also be discussed.

E4.2.1 San Bernardino County

The NDEP identified one "maintenance" monitor in San Bernardino County, located in the community of San Bernardino and within the Los Angeles-South Coast Air Basin $PM_{2.5}$ nonattainment area. As noted in section E2.1.3, Los Angeles-South Coast Air Basin, $PM_{2.5}$ in Southern California is essentially a combustion-generated pollutant due to the volume of traffic flow and numbers of sources (both point and area) located in the region. Given the local characteristics of the elevated $PM_{2.5}$ levels at this receptor and the location of this "maintenance" area generally upwind of Nevada emission sources, it is reasonable to conclude that emissions from Nevada sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ standards at this receptor location.

E4.2.2 San Diego County

The NDEP identified two "maintenance" monitors in San Diego County; one is located in El Cajon and the other in Escondido. The El Cajon monitor was temporarily relocated in 2014 to Gillespie Field and stopped collecting data in late February 2014, while the Escondido monitor is proposed for relocation in the 2015/2016 timeframe.[27] The El Cajon site represents a major population center located in an inland valley, downwind of the heavily populated coastal zone. It is impacted by the transportation corridor of Interstate 8 and its major arteries. *Id. at Appendix 7: Site Description El Cajon at 1* The Escondido site represents a major population center located in the inland North County along the Interstate 15/Highway 78 section of the County. It is impacted by the transportation corridor from the communities along these two highways. *Id. At Appendix 8: Site Description Escondido at 1* "Fine PM air quality is improving in San Diego County as a result of emission control regulations addressing combustion sources, the major source of fine particles."[28]

Given the local characteristics of the elevated $PM_{2.5}$ levels at these receptors and the location of this "maintenance" area generally upwind of Nevada emissions sources, it is reasonable to conclude that emissions from Nevada emission sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ standards at these receptor locations.

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[27] San Diego Air Pollution Control District, Annual Network Plan 2013 at 16-17. Available from: http://www.sdapcd.org/air/reports/2013_network_plan.pdf.

[28] San Diego County Air Pollution Control District, Measures to Reduce Particulate Matter in San Diego County, December 2005 at 1-1. Available from: http://www.sdapcd.org/planning/PM-Measures.pdf.

E4.2.3 San Joaquin Valley

The USEPA designated the San Joaquin Valley Air Basin nonattainment for the 2012 annual $PM_{2.5}$ NAAQS, including the entirety of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties as well as a portion of Kern County.[29] There are 12 monitors located within the San Joaquin Valley nonattainment area, many of which have persistently shown violations of the 2009-2011, 2010-2012, and 2011-2013 design values.[30] The USEPA noted "…organic carbonaceous mass (OM) is the predominant species contributing over fifty percent of the total mass throughout the year. Nitrates are the second largest component in the annual mean, contributing 21 percent followed by sulfates contributing 14 percent."[31] "The primary sources of $PM_{2.5}$ in the region are diesel engines (nitrate), gasoline engines (nitrate), and agricultural activities (ammonium) which contribute regionally. Wood smoke (organic carbon) and diesel engines (elemental carbon) contribute to elevated levels of $PM_{2.5}$ in urban areas."[32] Kernal Density Estimation plots representing Hybrid Singe-Particle Lagrangian Integrated Trajectory backward trajectories and local wind rose data suggest the greatest potential contribution of emissions is from the regions immediately to the west-northwest of the monitors.[33] As noted by the San Joaquin Valley Unified Air Pollution Control District, "…the surrounding mountains trap pollution and block air flow, and the mild climate keeps pollutant-scouring winds at bay most of the year. Temperature inversions, while present to some degree throughout the year, can last for days during the winter, holding in nighttime accumulations of pollutants, including wood smoke. It is during the winter that these days of stagnant weather lead to the most Valley exceedances of $PM_{2.5}$ concentrations."[34]

Review of background $PM_{2.5}$ data from IMPROVE monitors representing the Ansel Adams Wilderness, Dome Land Wilderness, Emigrant Wilderness, and Kings Canyon National Park (*see* Attachment E1, Figures E1-6 thought E1-9, respectively) reveal a seasonal pattern consistent with other IMPROVE monitor sites, i.e., higher observed concentrations during the summer months and lower concentrations during the wintertime. At Kings Canyon the higher summertime concentrations extend through the fall months reflecting fall agricultural burning. This contrasts with the seasonal patterns recorded by the violating receptors (*see* Attachment E2, Figures E2-13 though E2-24), where the highest $PM_{2.5}$ concentrations are recorded during the wintertime with lower summertime concentrations punctuated by high concentration spikes. Wind rose data from Las Vegas and Reno show transport is predominantly away from California (*see* Attachment E3). Emissions data from the counties within the San Joaquin Valley

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[29] See supra n. 3.
[30] See supra n. 6 at 116.
[31] See supra n. 6 at 120.
[32] USEPA, 2012, Technical Support Document for EPA's Proposed Action on the State of Nevada's 2009 Infrastructure State Implementation Plan (Transport Portion) for the 2006 24-Hour Fine Particulate (PM2.5) National Ambient Air Quality Standard, Appendix B – Nonattainment Receptors, at 15. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006.
[33] See supra n. 6 at 150.
[34] San Joaquin Valley Unified Air Pollution Control District, 2012 PM2.5 Plan, Executive Summary at ES-8. Available from: http://www.valleyair.org/Air_Quality_Plans/PM25Plans2012.htm.

nonattainment area (*see* Attachment E4) show significant contributions from dust and fires, and overwhelming emissions from 2011 fires in Tulare County likely account for the high fourth quarter 2011 $PM_{2.5}$ means at monitors throughout the nonattainment area.

As the USEPA concluded, "The San Joaquin Valley has long suffered from some of the United States' worst air pollution. This pollution, exacerbated by stagnant weather, comes mainly from diesel- and gasoline-fueled vehicles, residential wood burning, and agricultural operations such as dairies and field-tilling that occur widely throughout the counties in the nonattainment area."[35] For these reasons, the NDEP concludes that emissions from Nevada sources do not interfere with maintenance of the annual $PM_{2.5}$ standard at receptors in the San Joaquin Valley nonattainment area.

E4.2.4 Los Angeles-South Coast Air Basin

The USEPA has designated the Los Angeles–South Coast Air Basin nonattainment for the 2012 annual $PM_{2.5}$ NAAQS including all of Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties.[36] The South Coast Air Quality Management District noted, "The higher $PM_{2.5}$ concentrations in the Basin are mainly due to the secondary formation of smaller particulates resulting from mobile, stationary and area source emissions of precursor gases (i.e., NO_x, SO_x, NH_4, and VOC) that are converted to PM in the atmosphere."[37] USEPA concurs with these statements, "$PM_{2.5}$ in Southern California is essentially a combustion generated pollutant due to the volume of traffic flow and numbers of sources (both point and area) located in the region. It is important to note that the areas with the highest concentrations are directly downwind of an area with major ammonia sources associated with dairies and poultry farming."[38]

The USEPA also observed in their area designations technical support document, "Major point sources in the nonattainment area contribute to the monitored violations, and due to topography and meteorology, it is unlikely that those outside of the Los Angeles–South Coast Air Basin nonattainment area contribute to the monitored violations."[39] Given the local characteristics of the elevated $PM_{2.5}$ concentrations and the location of the nonattainment area generally upwind from Nevada emissions sources, together with the large distances between these nonattainment receptors and Nevada, the NDEP concludes that emissions from Nevada sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ standards in the Los Angeles–South Coast Air Basin.

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[35] See supra n. 6 at 157.
[36] See supra n. 3.
[37] Final 2012 Air Quality Management Plan, South Coast Air Quality Management District, February 2013, at 2-14. Available from: http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan.
[38] USEPA, 2012, Technical Support Document for EPA's Proposed Action on the State of Nevada's 2009 Infrastructure State Implementation Plan (Transport Portion) for the 2006 24-Hour Fine Particulate (PM2.5) National Ambient Air Quality Standard at 16. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006.
[39] See supra n. 6 at 72.

E4.3 Idaho

The NDEP identified Lemhi County, Idaho as the location of a sensitive or "maintenance" receptor from a 2010-2012 design value greater than 12 µg/m^3 and a 2011-2013 design value equal to or less than 12 µg/m^3 (*see* Table E-2) and the Idaho Department of Environmental Quality identifies Lemhi County including Salmon as an area of concern for $PM_{2.5}$.[40] Examination of the IMPROVE monitors representing the Anaconda-Pintler Wilderness and Sawtooth Wilderness shows relatively low concentrations with a the seasonal pattern typical of rural background conditions, i.e., concentrations that are higher in the summertime extending into the fall months and lower in the wintertime, including spikes of very high $PM_{2.5}$ concentrations that punctuate the fall months (Attachment E1, Figures E1-16 and Figure E1-17). The violating monitor shows a seasonal pattern of higher concentrations in the wintertime and lower concentrations during the summertime, also with the very high concentration spikes during the fall months (Attachment E2, Figure E2-30). The 2011 emissions data for Lemhi County shows 19,000 tons per year of $PM_{2.5}$ emissions from fires, which are roughly a third of the statewide PM2.5 emissions from fires (*see* Attachment E4).

The Idaho Department of Environmental Quality (IDEQ), in an exceptional events demonstration package, noted the severity of the 2012 fire season in Idaho. "The smoke from these fires was ubiquitous throughout the Pacific Northwest from August through early-October and Salmon, Idaho was severely impacted as a result of its proximity to the Mustang Complex and Halstead fire, as well as, the large number of other fires in the central Idaho Region. During the 2012 wildfire season, Salmon experienced 16 "Moderate" AQI days, 11 "Unhealthy for Sensitive Groups," 21 "Unhealthy," 6 "Very Unhealthy," and 1 "Hazardous." Pinehurst experienced 22 "Moderate" days and 1 "Unhealthy for Sensitive Groups" day."[41] The IDEQ goes on to state, "The broad regional pattern ($PM_{2.5}$ and OC temporal/spatial patterns), along with the emissions comparison in Figure 4, demonstrates that typical crop residue burning, wildland prescribed burning, industrial point sources, and nonpoint sources including residential wood combustion and all other forms of open burning are very small in comparison to the 2012 wildfire emissions and not capable of producing such a region-wide increase in the level of $PM_{2.5}$." *Id. at 22*

The factors described above, combined with the large distance of this receptor from Nevada sources, suggest Nevada sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ NAAQS in Salmon, Idaho.

40 Available from: http://deq.idaho.gov/media/662796-nonattainment_map.pdf .
41 Request for EPA Concurrence as Exceptional Events for 2012 Wildfire Impacts on PM2.5 Monitor Values at Salmon and Pinehurst Idaho Final, State of Idaho Department of Environmental Quality, December 6, 2013, available from: http://deq.idaho.gov/media/1187/exceptional-events-request-pinehurst-salmon-final.pdf at xi.

E.5 TRANSPORT TO MAINTENANCE RECEPTORS IN WESTERN STATES

The NDEP identified a "maintenance" receptor in one distant western state: New Mexico.

E.5.1 New Mexico

The NDEP has identified Doña Ana County, New Mexico as an area with a "maintenance" or sensitive receptor, based on analysis of the USEPA's 2013 Design Value Report for $PM_{2.5}$.[42] *See* Table E-2. However, this monitor does not meet the siting criteria for comparison to the NAAQS as noted by the USEPA, "The Sunland Park site $PM_{2.5}$ data is not comparable to the $PM_{2.5}$ NAAQS and is not eligible for representation of area-wide air quality and does not meet the $PM_{2.5}$ area-wide requirement."[43] The 2010 to 2013 $PM_{2.5}$ data for this monitor has been invalidated by the USEPA for comparison to the NAAQS.[44]

Given that the $PM_{2.5}$ data from this monitor is invalid for comparison to the NAAQS, this receptor does not meet the NDEP's criteria for a "maintenance" or sensitive site. For this reason, NDEP concludes $PM_{2.5}$ emissions from Nevada sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ NAAQS at this receptor.

E.6 TRANSPORT TO NONATTAINMENT AND MAINTENANCE RECEPTORS IN EASTERN STATES

The NDEP also considered potential $PM_{2.5}$ and precursor transport from Nevada emission sources to the nearest nonattainment receptors located in the eastern states of Ohio and Pennsylvania. The nonattainment receptors nearest to Nevada are in the Cleveland, Ohio area. The USEPA has designated Cuyahoga County and Lorain County in Ohio as nonattainment for the 2012 annual $PM_{2.5}$ NAAQS.[45] Cleveland, Ohio is approximately 1,650 miles from the closest point of the Nevada border, and more than 1,800 miles from Nevada's major metropolitan areas, Las Vegas and Reno. The NDEP did not attempt to identify maintenance receptors in eastern states. However, it suspects the presence of maintenance receptors in these states and also addresses contributions to eastern state maintenance receptors.

The NDEP evaluated the relative magnitude of $PM_{2.5}$ emissions in Nevada compared to $PM_{2.5}$ emissions in Ohio. The 2011 NEI indicates that $PM_{2.5}$ emissions in Nevada are approximately 24 percent of the $PM_{2.5}$ emissions from Ohio.[46] Specifically, the 2011 NEI v2 shows 38,183 tons of $PM_{2.5}$ from Nevada sources, compared to 158,871 tons of $PM_{2.5}$ from Ohio sources.

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[42] Available from: http://www.epa.gov/airtrends/values.html.
[43] Letter from USEPA Region 6 to Ms. Donna Intermott, New Mexico Environment Department, May 16, 2014
[44] Email from Roman Szkoda, Monitoring Staff Manager, NMEDAQB to Frank Forsgren, NDEP, May 6, 2015
[45] Available from: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2012-0918-0426.
[46] Available from: http://www.epa.gov/air/emissions/index.htm. The NDEP recognizes this link is not currently (15-Oct-2015) function due to USEPA website update activities, but will provide an updated link for the final submittal package.

The NDEP believes the following factors support a finding that emissions from Nevada do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ NAAQS at the Cuyahoga County or Lorain County, Ohio receptors: (1) the relatively small magnitude of the emissions inventory of $PM_{2.5}$ in Nevada compared to Ohio, combined with (2) the relatively long distance of the state of Nevada from these receptors. These factors also support a qualitative conclusion that emissions from Nevada sources do not contribute significantly to nonattainment or interfere with the maintenance of these NAAQS at any of the other receptors in these states or states farther east.

E.7 CONCLUSION

The preceding analysis indicates that $PM_{2.5}$ nonattainment (current for the 2012 NAAQS) and "maintenance" areas in nearby states, as well as other western and eastern states are generally the result of documented local emission sources, which in some cases have ceased operation since the time of designation. Furthermore, the receptor areas the NDEP identified for the 2012 $PM_{2.5}$ NAAQS transport analysis are a considerable distance from Nevada sources. Based on these factors and the above evaluation, the State of Nevada concludes that $PM_{2.5}$ emissions from Nevada do not contribute significantly to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ standard or the previous $PM_{2.5}$ standards in any other state. Nevada commits to continue to review new air quality information as it becomes available to ensure that this negative declaration is still supported by such information.

Attachments

Attachment E1
IMPROVE $PM_{2.5}$ Data for the Period 2009-2013

Central Arizona

Mazatal Wilderness and Pine Mountain Wilderness (IKBA1)
Phoenix (PHOE1)
Queen Valley (QUVA1)
Saguaro National Monument (SAGU1)
Superstition Wilderness (TONT1)

Central California

Ansel Adams Wilderness, John Muir Wilderness, and Kaiser Wilderness (KAIS1)
Dome Land Wilderness (DOME1)
Emigrant Wilderness and Yosemite National Park (YOSE1)
Kings Canyon National Park and Sequoia National Park (SEQU1)

Northern California

Caribou Wilderness, Lassen Volcanic NP, and Thousand Lakes Wilderness (LAVO)
Desolation Wilderness and Mokelumne Wilderness (BLIS1)

Southern California

Agua Tibia Wilderness (AGTI1)
Cucamonga Wilderness and San Gabriel Wilderness (SAGA1)
Joshua Tree National Park (JOSH1)
San Gorgonio Wilderness and San Jacinto Wilderness (SAGO1)

Central Idaho

Anaconda-Pintler Wilderness, MT and Selway-Bitterroot Wilderness, MT (SULA1)
Sawtooth Wilderness, ID (SAWT1)

Northern Idaho

Cabinet Mountains Wilderness (CABI1)

Southern New Mexico

Bosque del Apache National Wildlife Refuge (BOAP1)
Carlsbad Caverns National Park and Guadalupe Mountains National Park (GUMO1)
Gila Wilderness (GICL1)
White Mountains Wilderness (WHIT1)

Data can be downloaded from http://vista.cira.colostate.edu/TSS/Results/HazePlanning.aspx

Central Arizona

Figure E1-1

Central Arizona, Mazatzal Wilderness Station

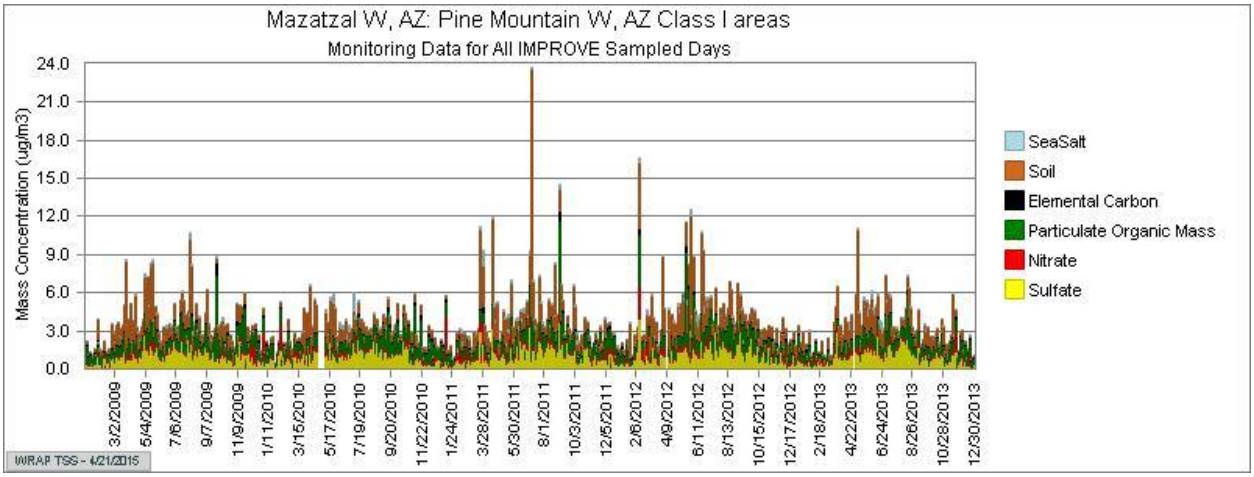


Figure E1-2

Central Arizona, Phoenix Station

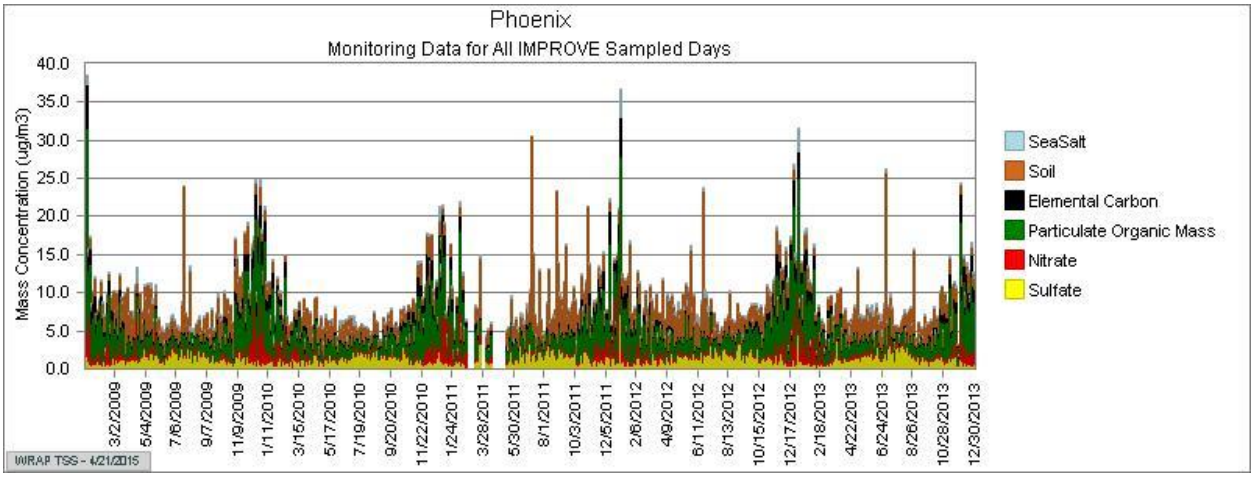


Figure E1-3

Central Arizona, Queen Valley Station

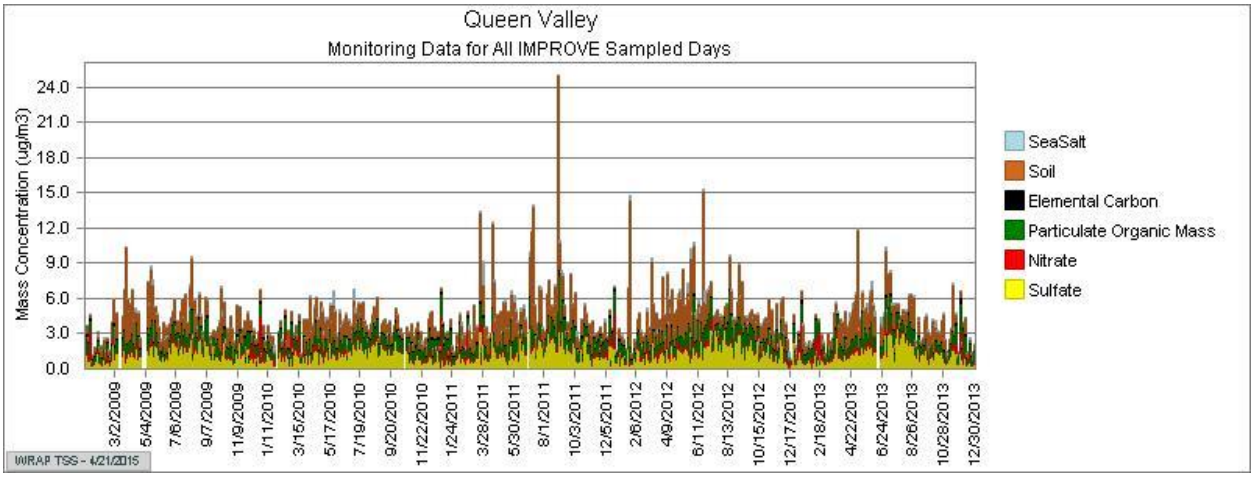


Figure E1-4

Central Arizona, Saguaro Nation Monument Station

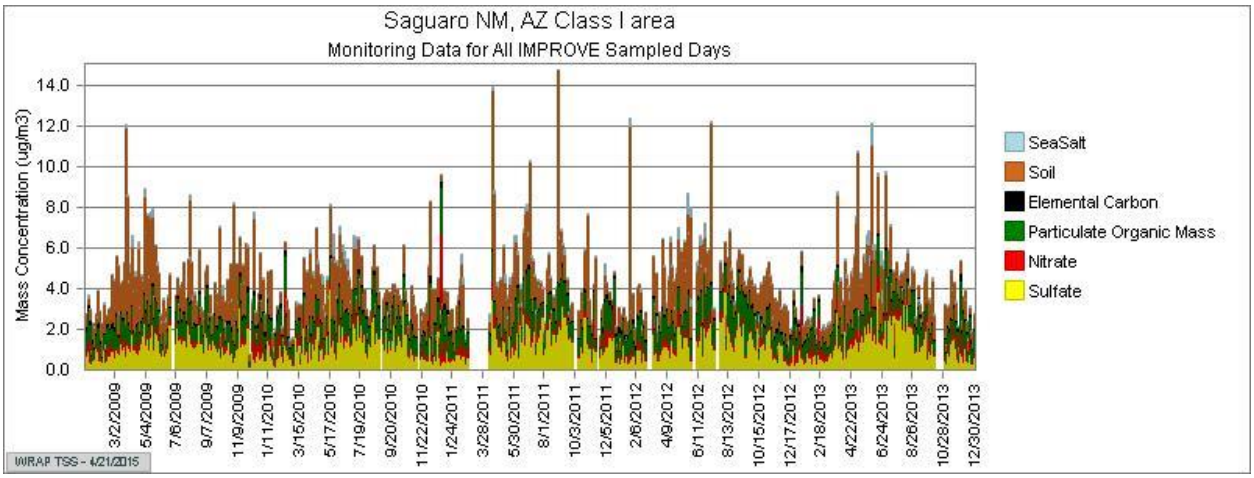
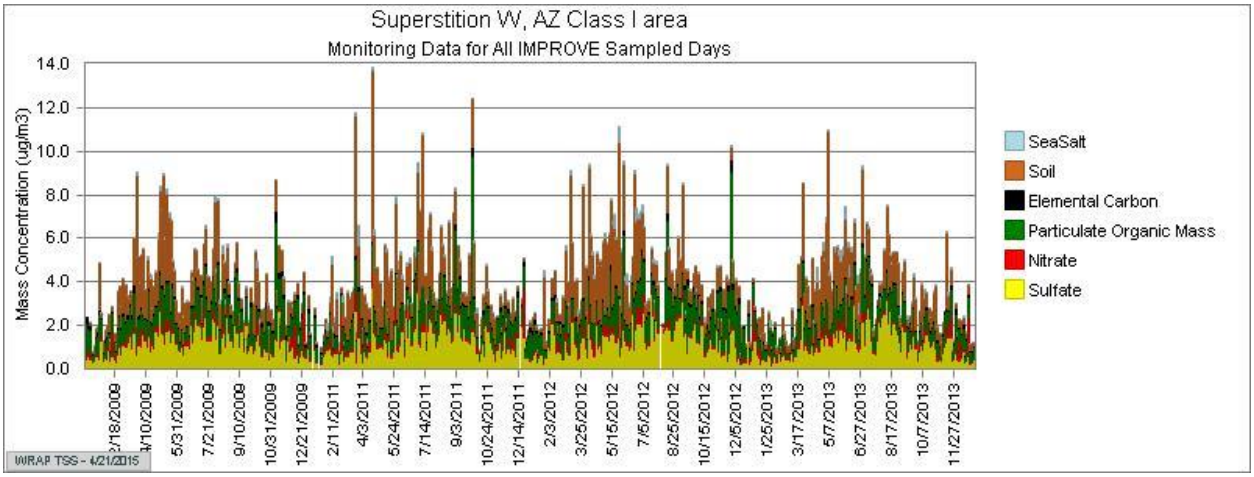


Figure E1-5

Central Arizona, Superstition Wilderness Station



Central California

Figure E1-6

Central California, Ansel Adams Wilderness Station

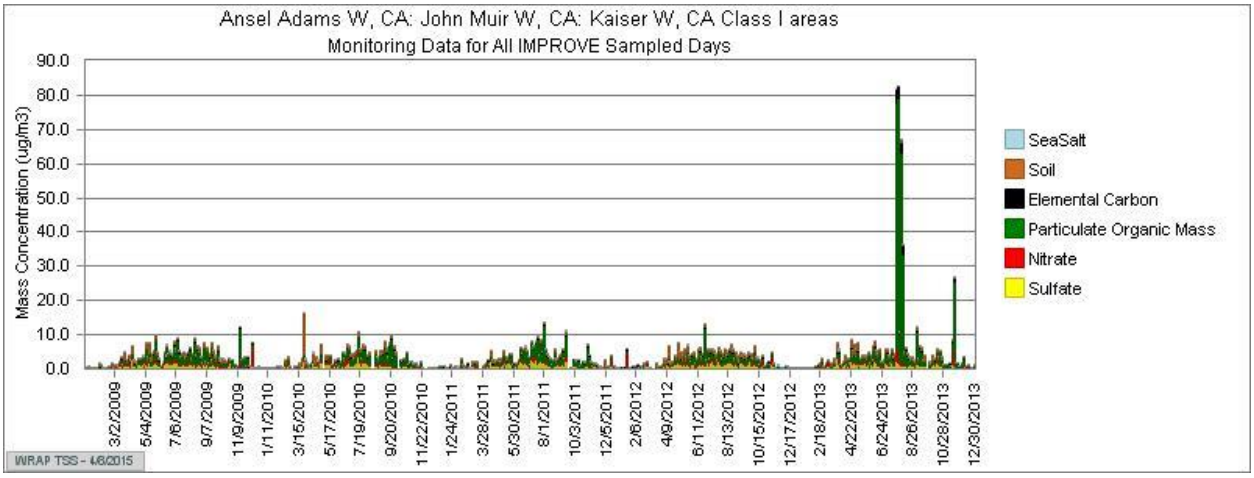


Figure E1-7

Central California, Dome Land Wilderness Station

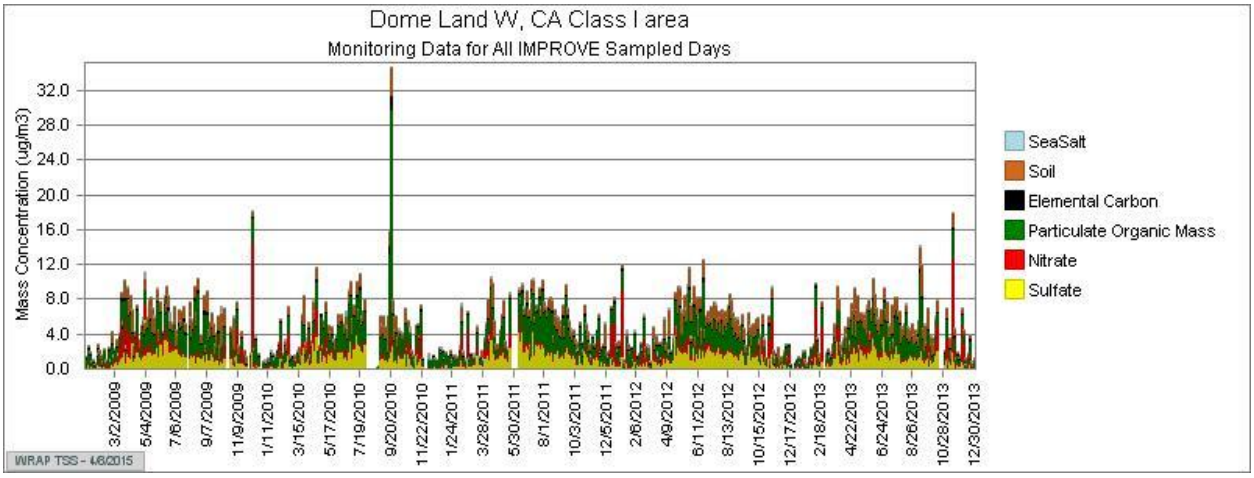


Figure E1-8

Central California, Emigrant Wilderness Station

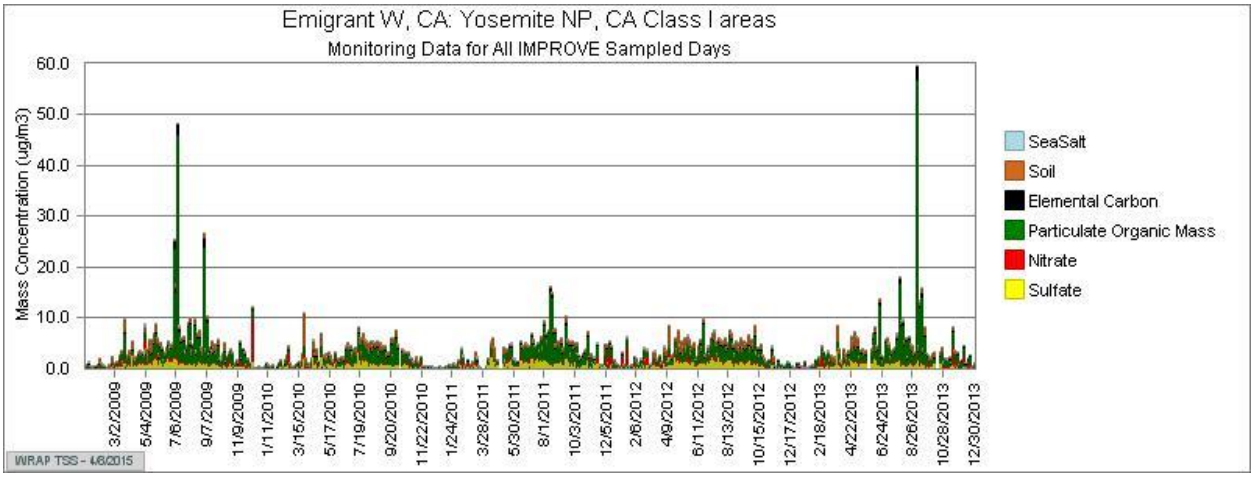
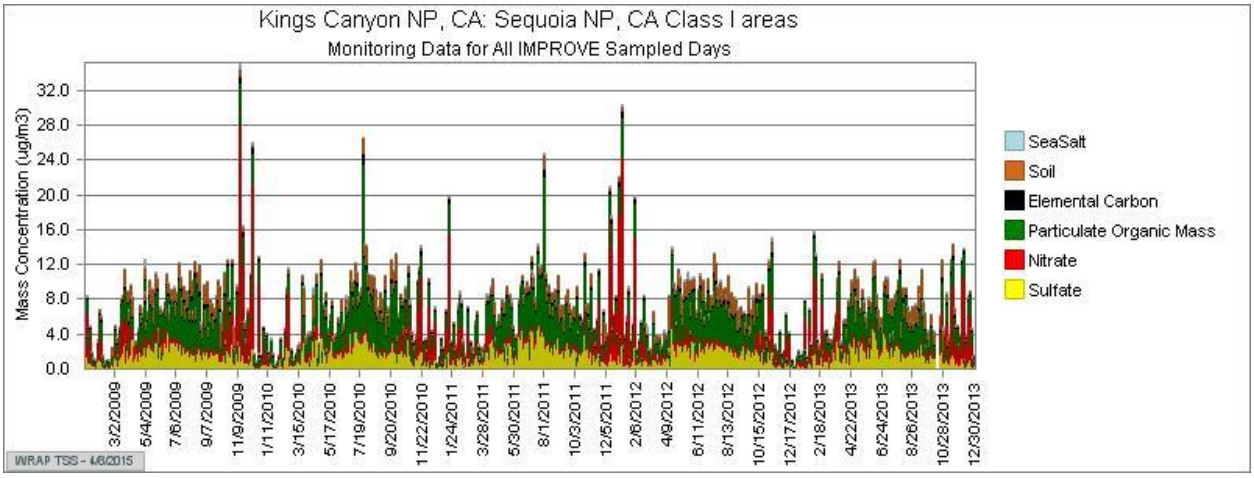


Figure E1-9

Central California, Kings Canyon National Park Station



Northern California

Figure E1-10

Northern California, Caribou Wilderness Station

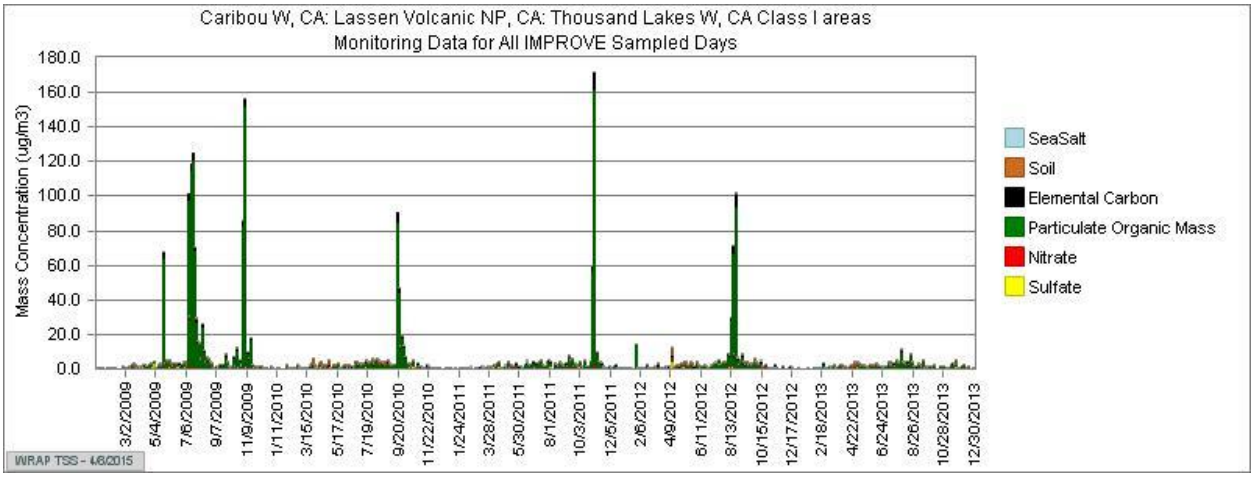
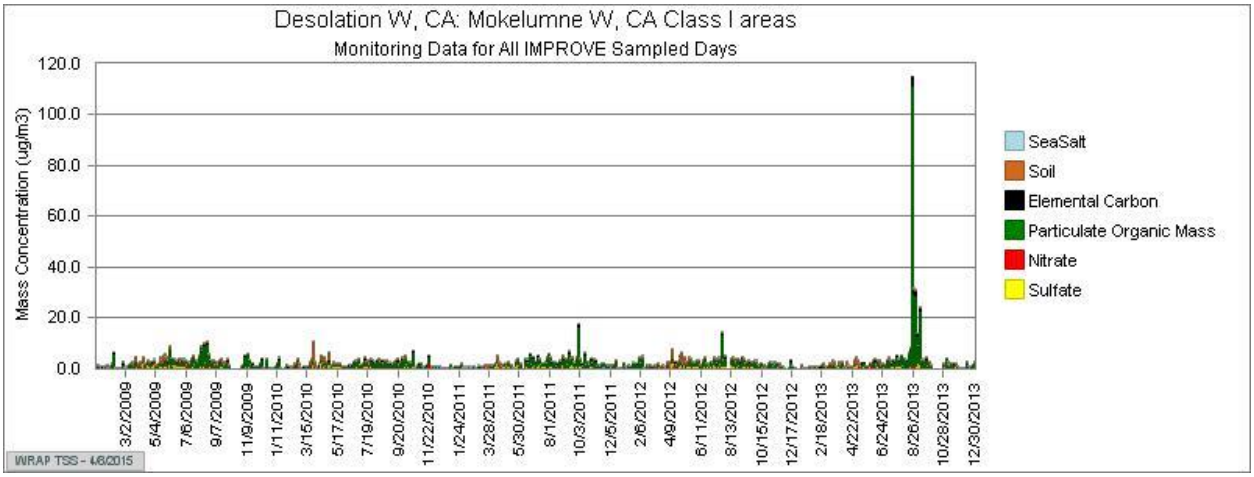


Figure E1-11

Northern California, Desolation Wilderness Station



Southern California

Figure E1-12

Southern California, Agua Tubia Wilderness Station

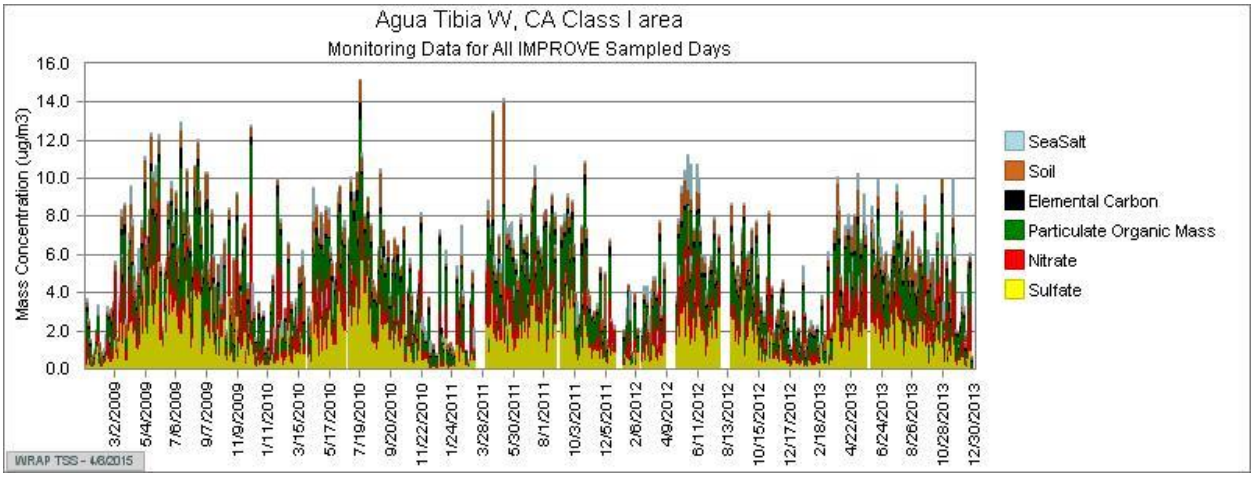


Figure E1-13

Southern California, Cucamonga Wilderness Station

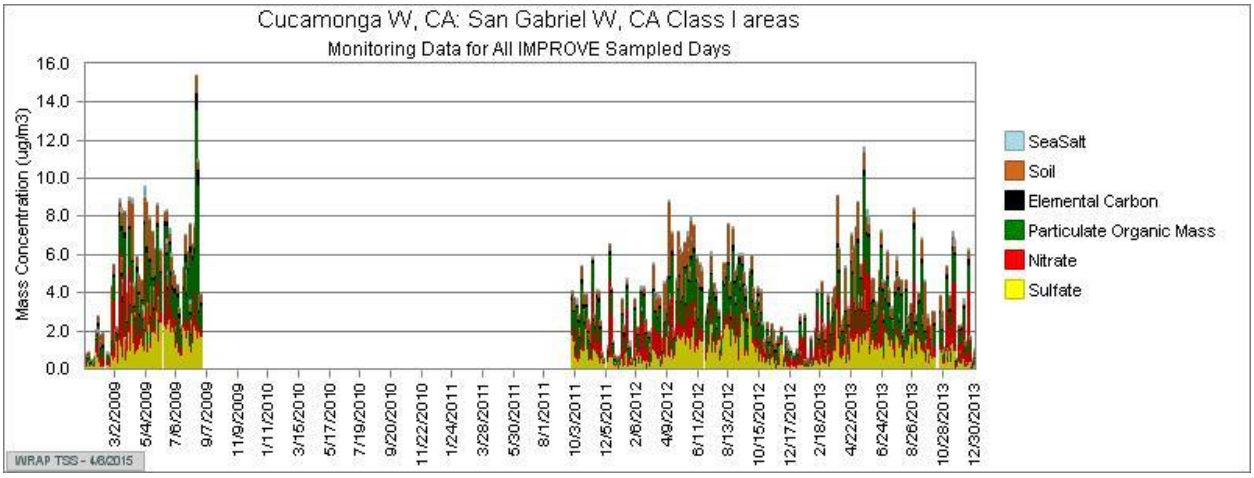


Figure E1-14

Southern California, Joshua Tree National Park Station

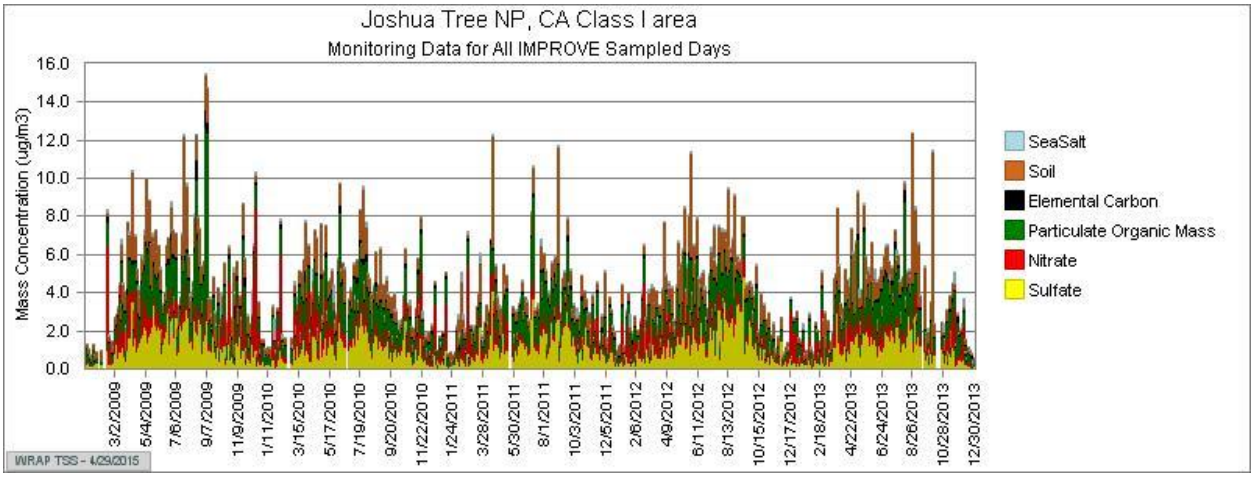
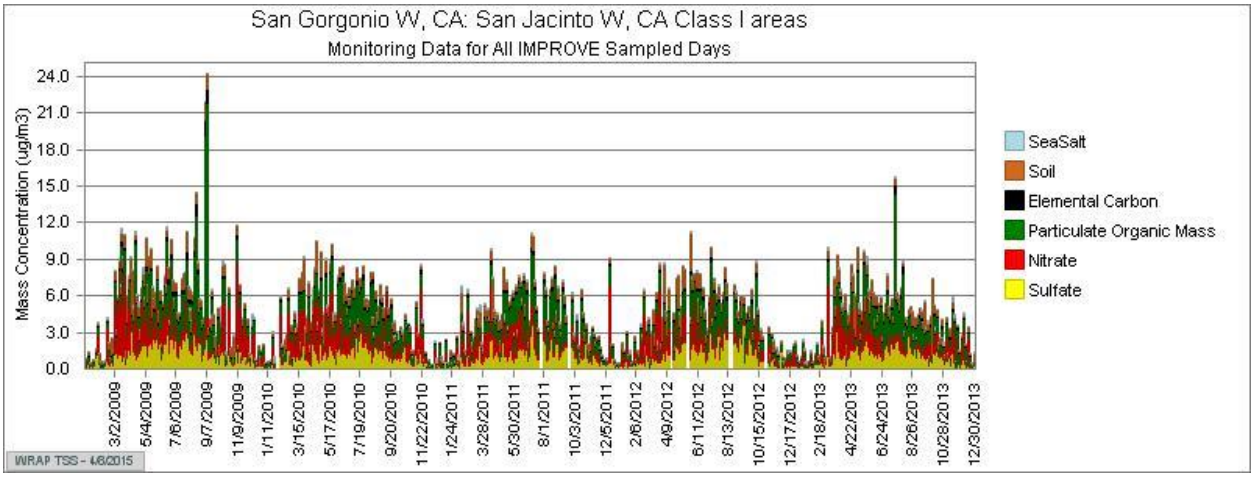


Figure E1-15

Southern California, San Gorgonio Wilderness Station



Central Idaho

Figure E1-16

Central Idaho, Anaconda-Pintler Wilderness Station

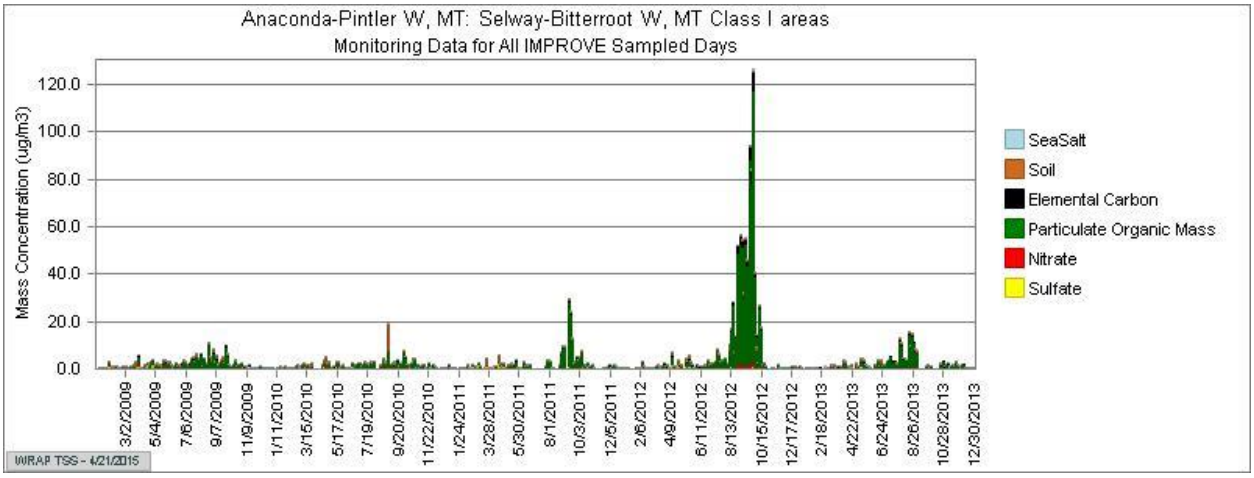
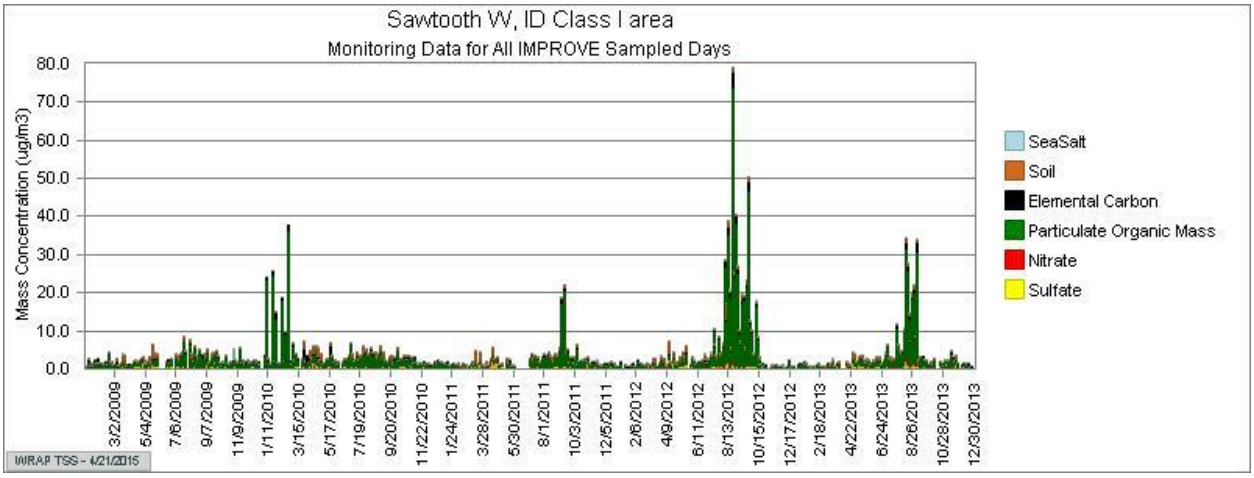


Figure E1-17

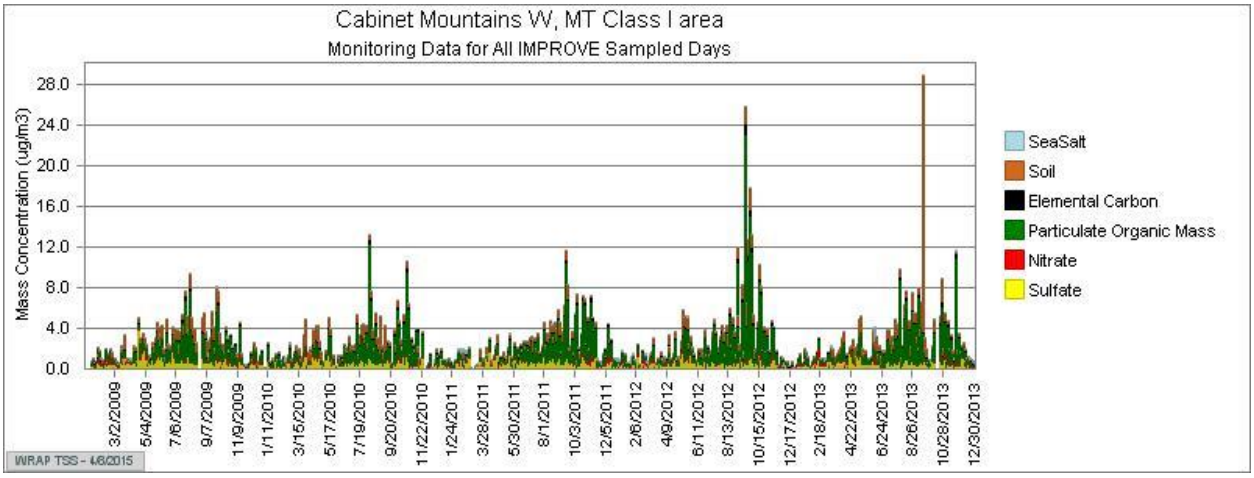
Central Idaho, Sawtooth Wilderness Station



Northern Idaho

Figure E1-18

Northern Idaho, Cabinet Mountains Wilderness Station



Southern New Mexico

Figure E1-19

Southern New Mexico, Bosque del Apache National Wildlife Refuge Station

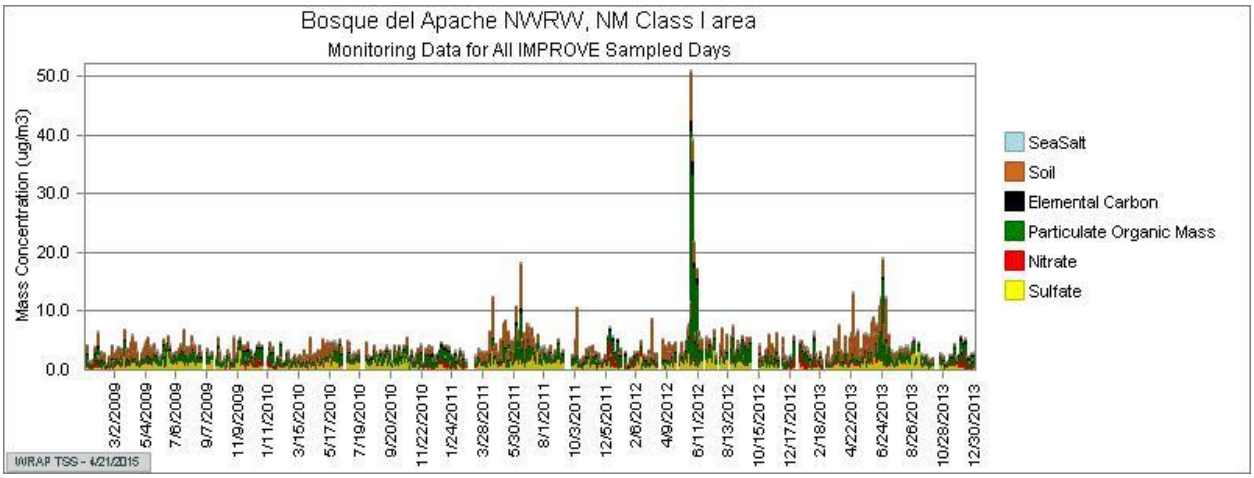


Figure E1-20

Southern New Mexico, Carlsbad Caverns Station

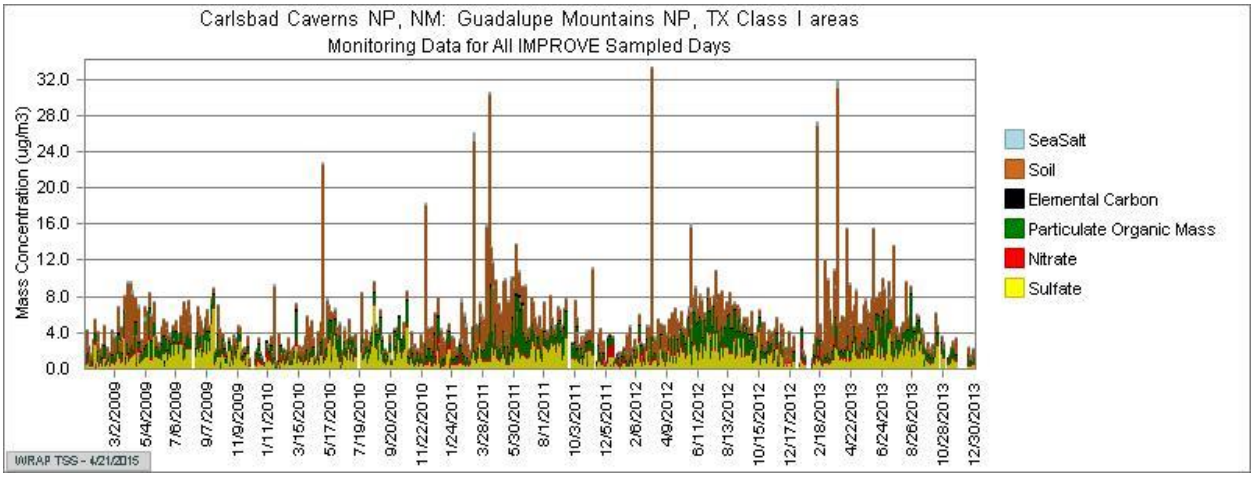


Figure E1-21

Southern New Mexico, Gila Wilderness Station

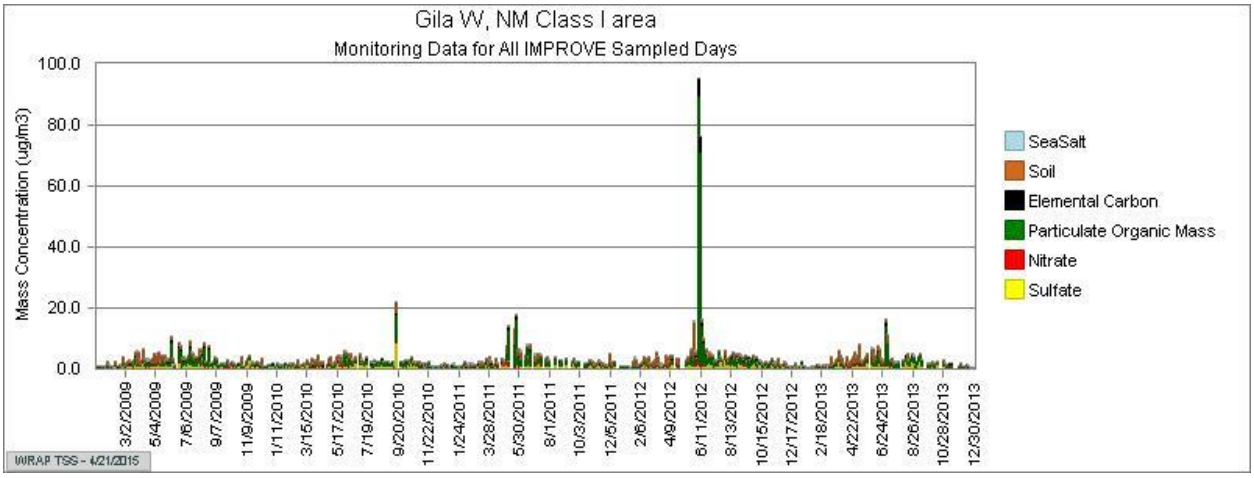
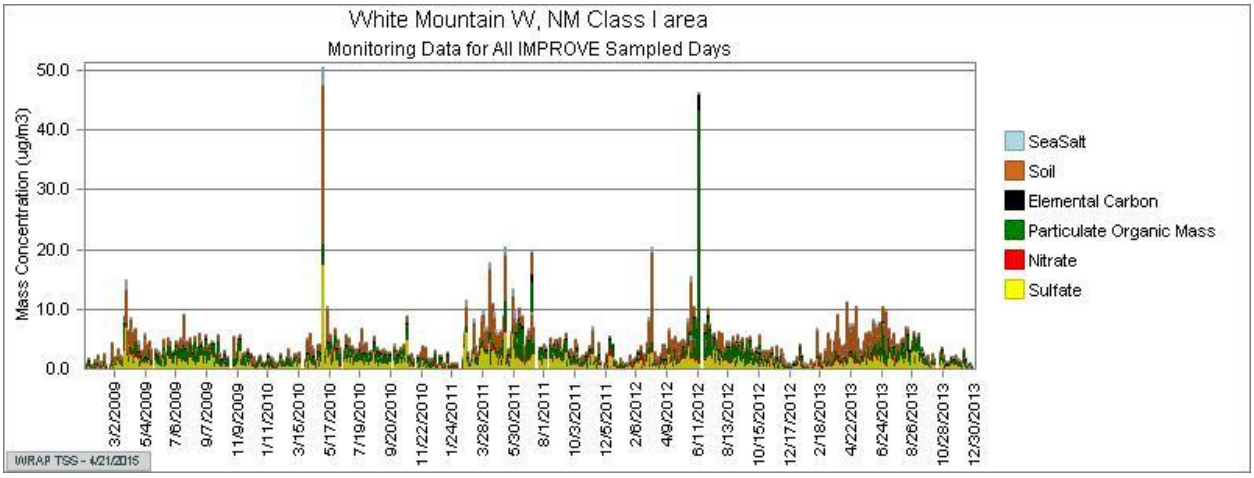


Figure E1-22

Southern New Mexico, White Mountain Wilderness Station



Attachment E2
$PM_{2.5}$ Monitor Data for the Period 2009-2014

Nonattainment Receptors

Imperial County, CA	60250005
Los Angeles – South Coast Air Basin, CA	
Los Angeles County	60371002, 60371103, 60371302, and 60371602
Riverside County	60658001 and 60658005
San Bernardino County	60710025 and 60712002
Plumas County, CA	60631009 and 60631010
San Joaquin Valley Air Basin, CA	
Fresno County	60190011 and 60195001
Kern County	60290014 and 60290016
Kings County	60311004
Madera County	60392010
Merced County	60470003
San Joaquin County	60771002
Stanislaus County	60990005 and 60990006
Tulare County	61072002
Shoshone County, ID	160790017

Other Sensitive Receptors (i.e., "Maintenance" Receptors)

Pinal County, AZ	40213013
San Bernardino County, CA	60719004
San Diego County, CA	60730003 and 60731002
Lemhi County, ID	160590004
Doña Ana County, NM	350130017

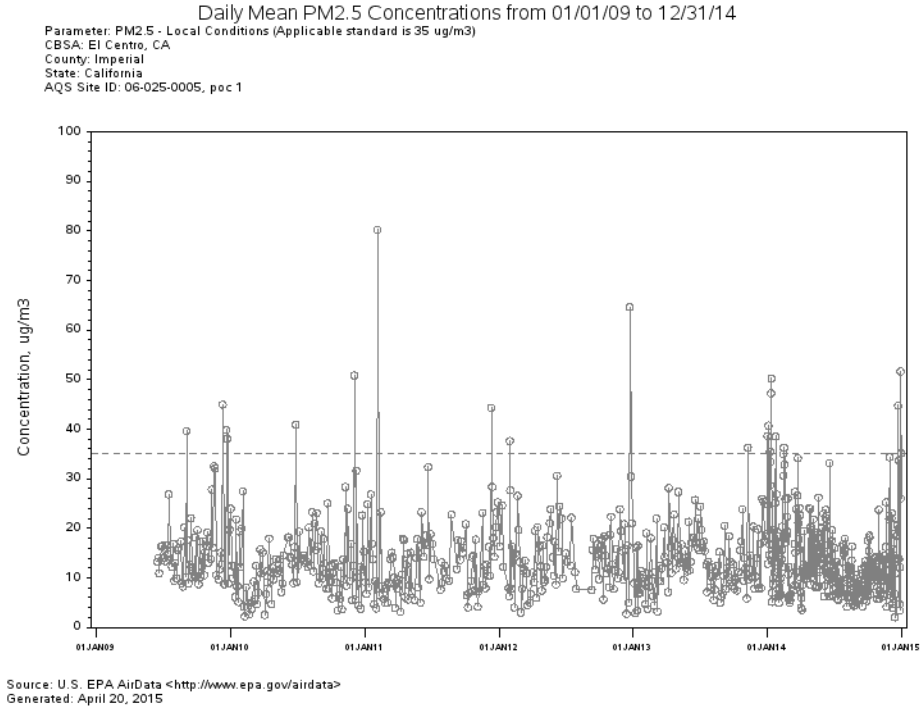
Data can be downloaded from AirData website: http://www.epa.gov/airdata/ad_viz_plotval.html

Nonattainment Receptors

Imperial County, CA

Figure E2-1

$PM_{2.5}$ Data for 60250005 Site, Imperial County, CA



Los Angeles–South Coast Air Basin, CA

Los Angeles County

Figure E2-2

$PM_{2.5}$ Data for 60371002 Site, Los Angeles County, CA

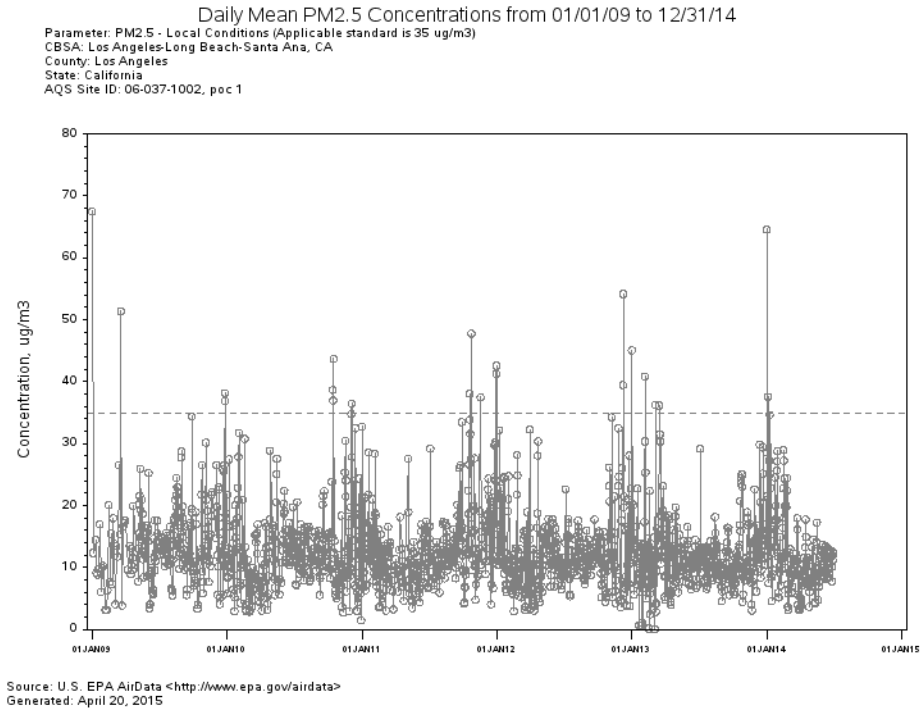


Figure E2-3

$PM_{2.5}$ Data for 60371103 Site, Los Angeles County, CA

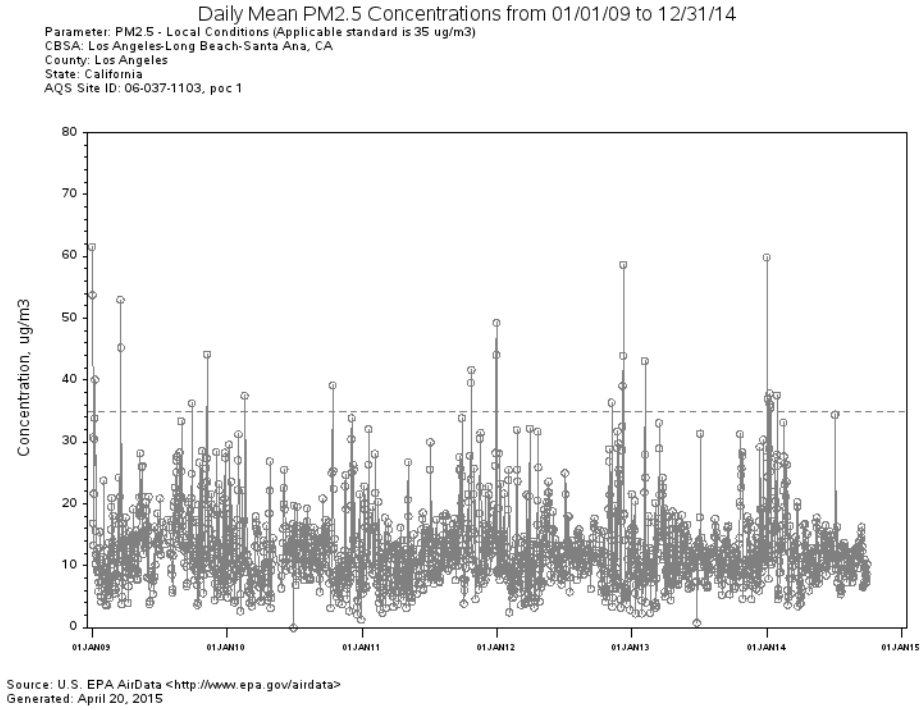


Figure E2-4

$PM_{2.5}$ Data for 60371302 Site, Los Angeles County, CA

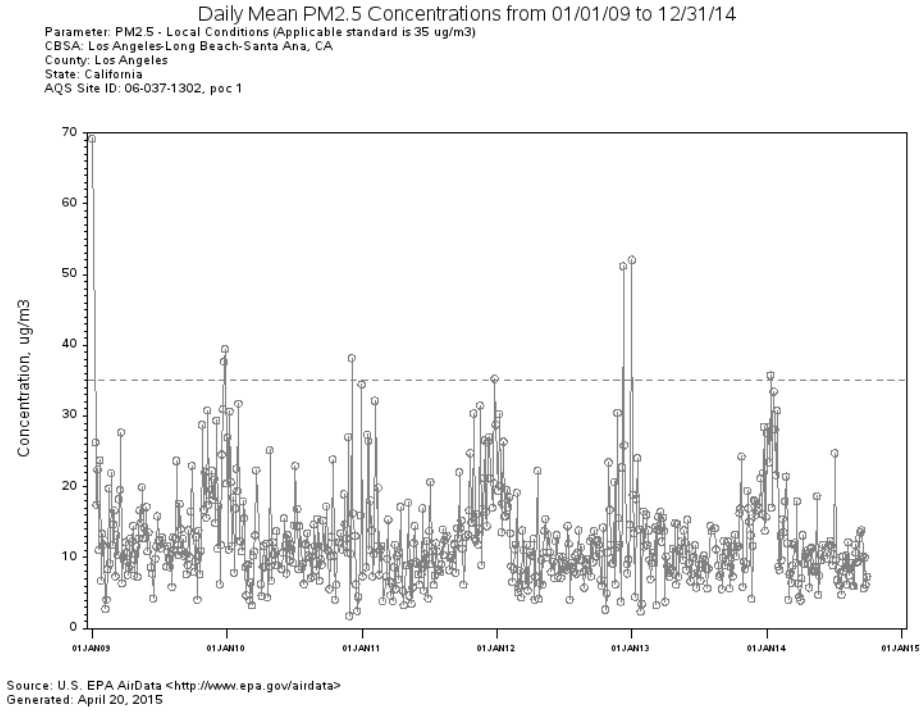


Figure E2-5

$PM_{2.5}$ Data for 603371302 Site, Los Angeles County, CA

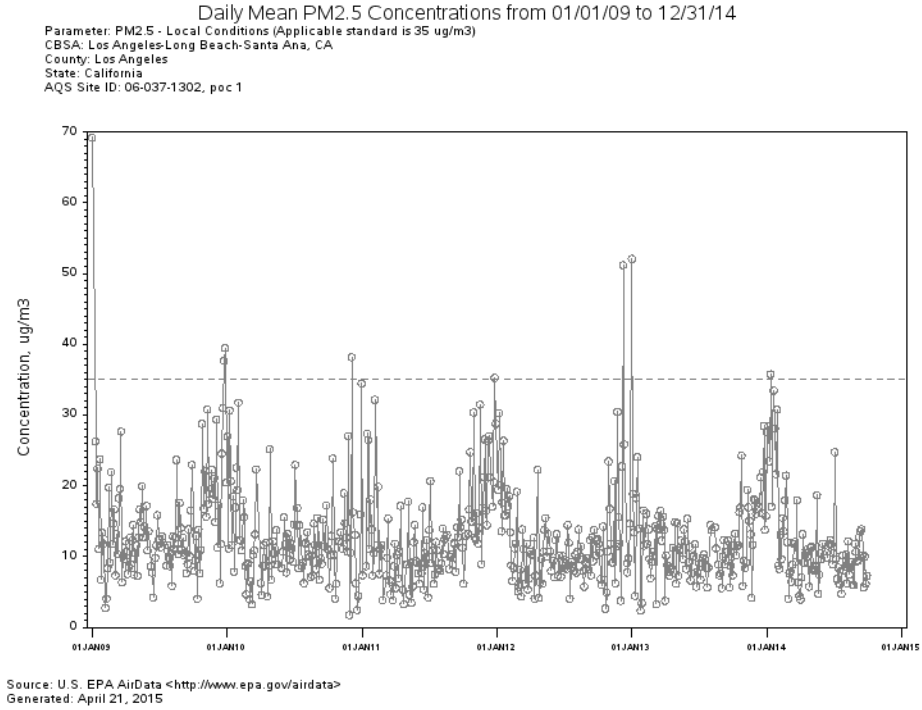
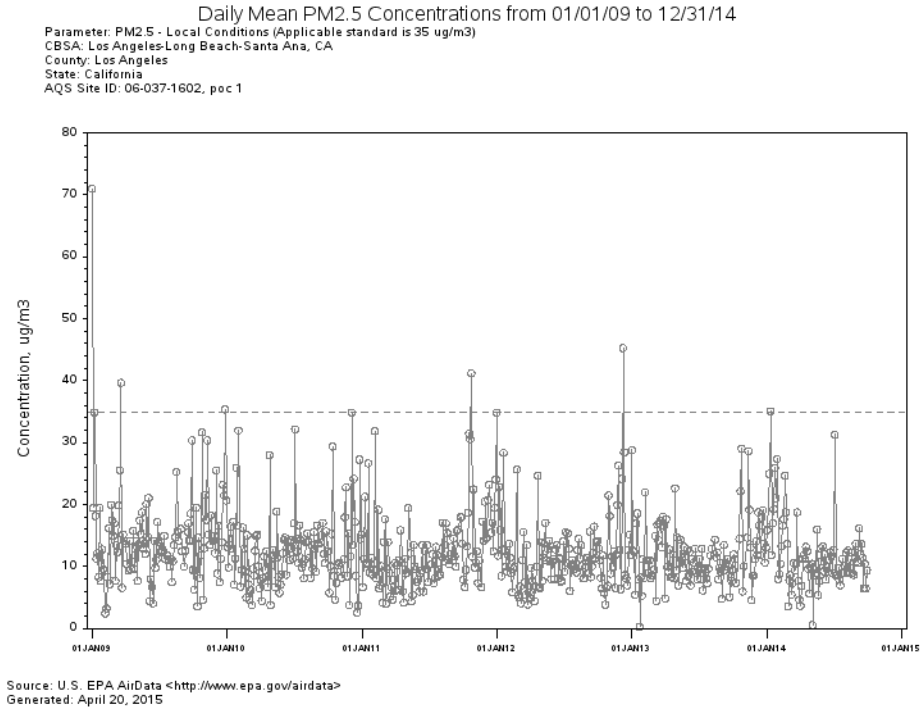


Figure E2-6

$PM_{2.5}$ Data for 60371602 Site, Los Angeles County, CA



Riverside County

Figure E2-7

PM$_{2.5}$ Data for 60658001 Site, Riverside County, CA

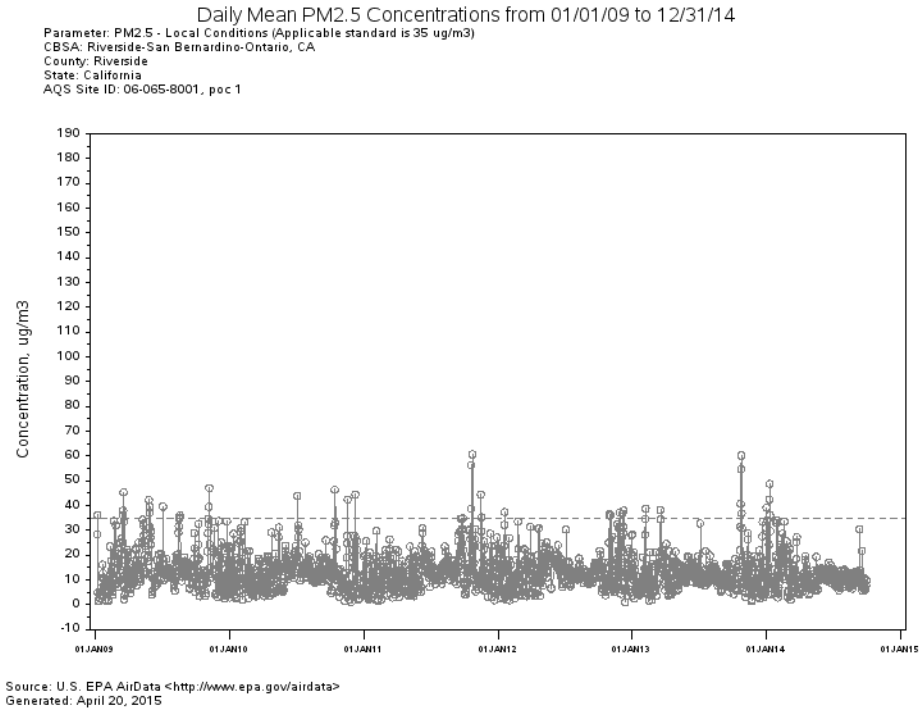
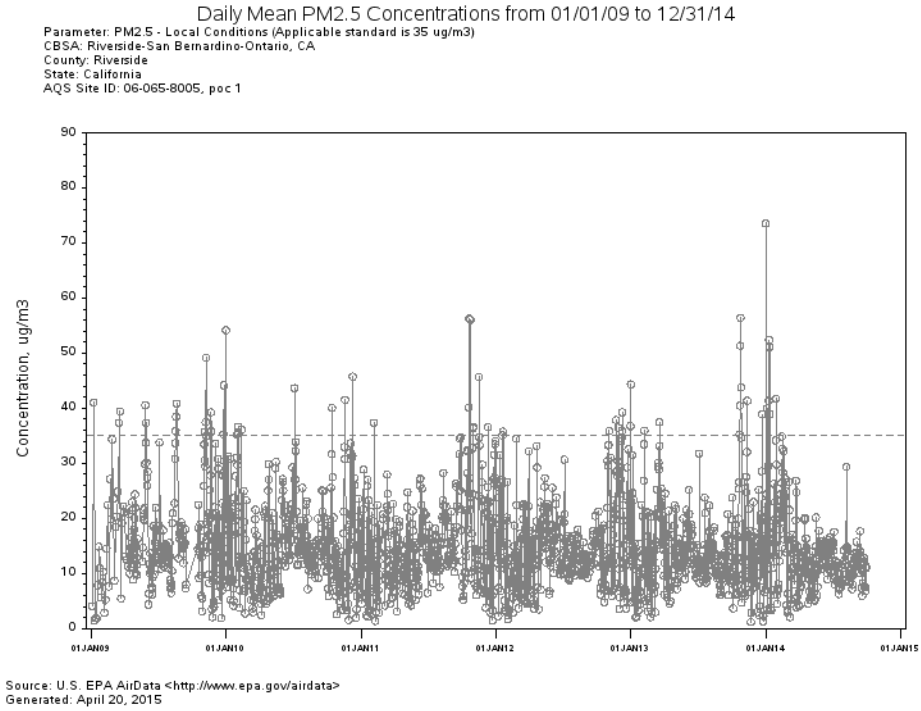


Figure E2-8

PM$_{2.5}$ Data for 60658005 Site, Riverside County, CA



San Bernardino County

Figure E2-9

$PM_{2.5}$ Data for 60710025 Site, San Bernardino County, CA

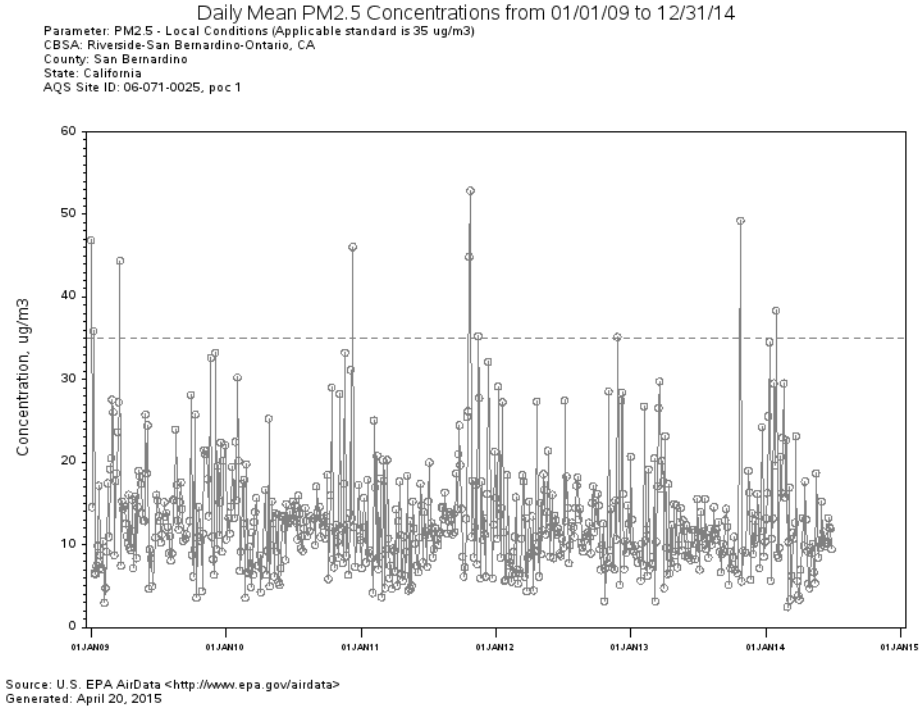
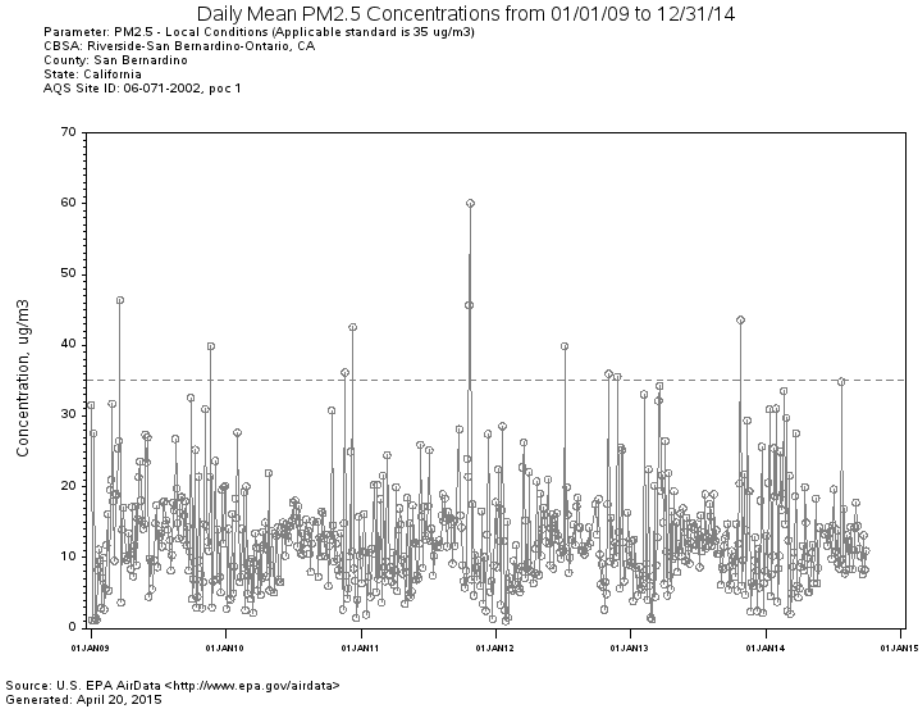


Figure E2-10

$PM_{2.5}$ Data for 60712002 Site, San Bernardino County, CA



Plumas County, CA

Figure E2-11

PM2.5 Data for 060631009 Site, Plumas County, CA

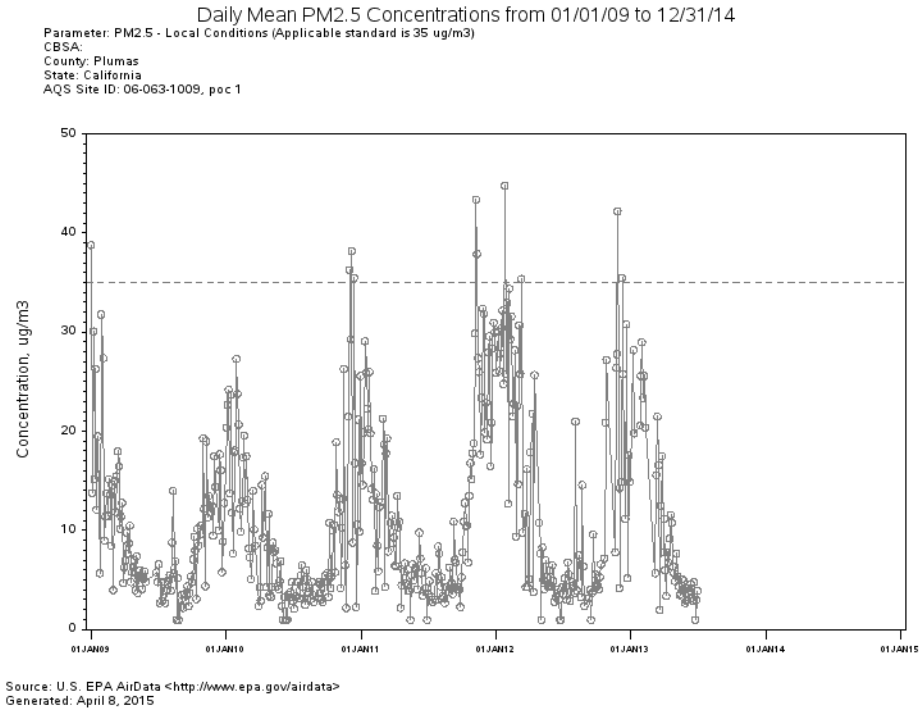
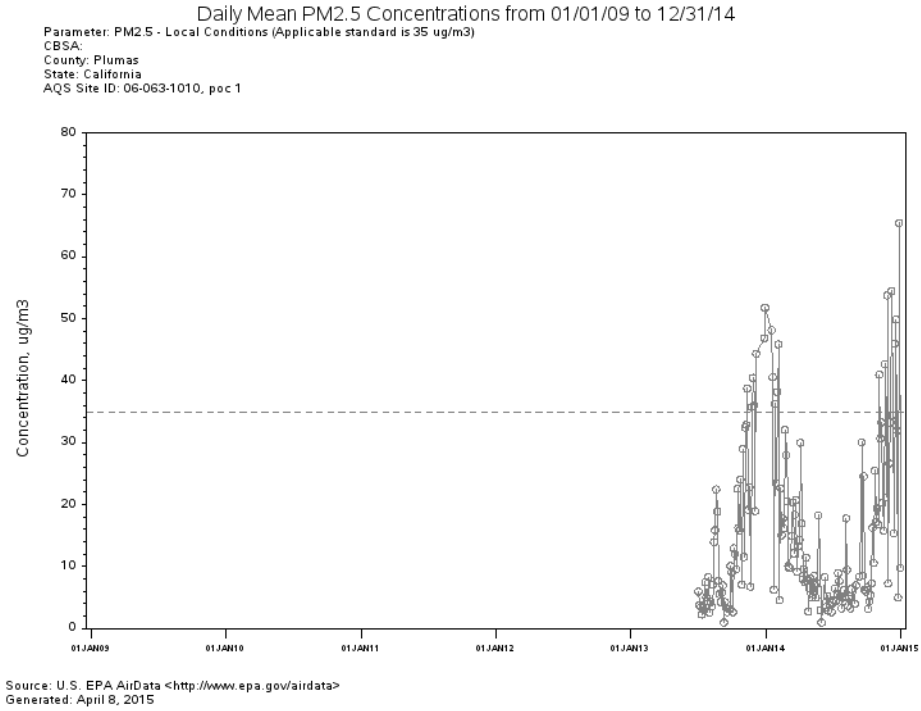


Figure E2-12

PM2.5 Data for 060631010 Site, Plumas County, CA



San Joaquin Valley Air Basin, CA

Fresno County

Figure E2-13

$PM_{2.5}$ Data for 060190011 Site, Fresno County, CA

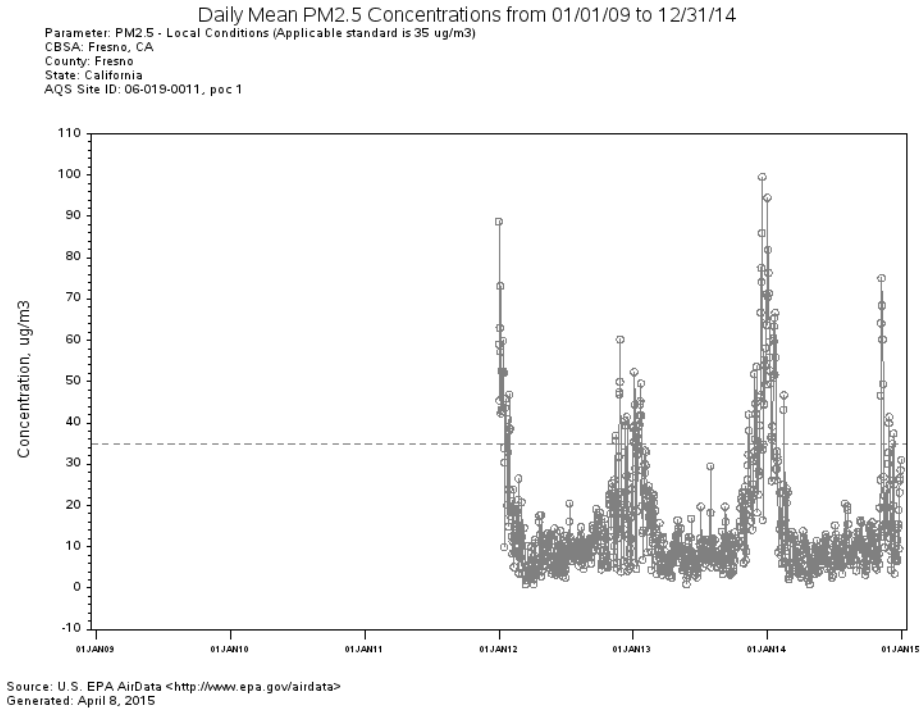
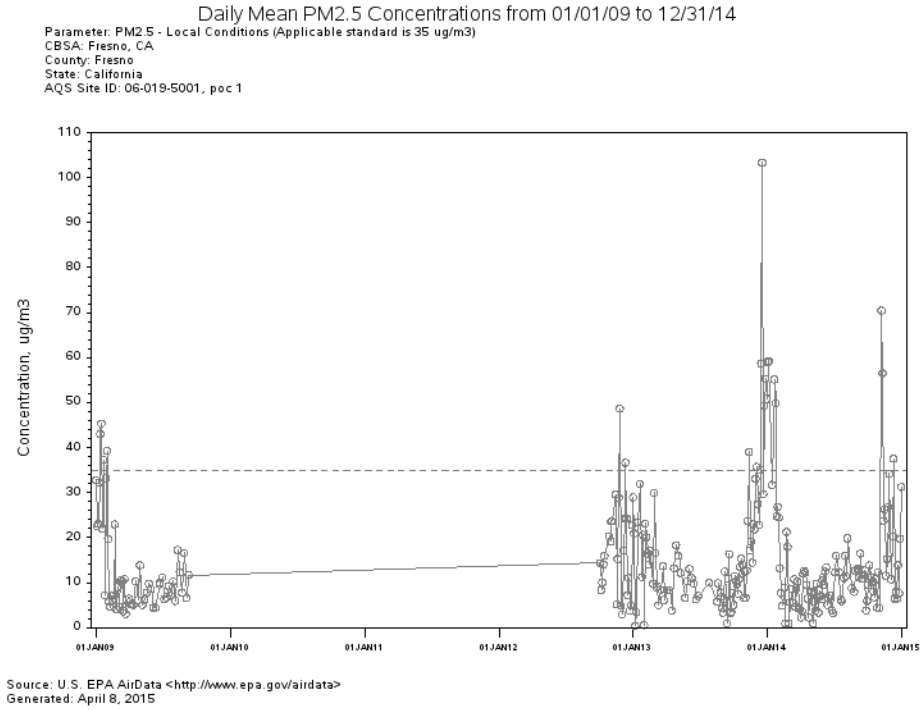


Figure E2-14

$PM_{2.5}$ Data for 060195001 site, Fresno County, CA



Kern County

Figure E2-15

PM$_{2.5}$ Data for 60290014 Site, Kern County, CA

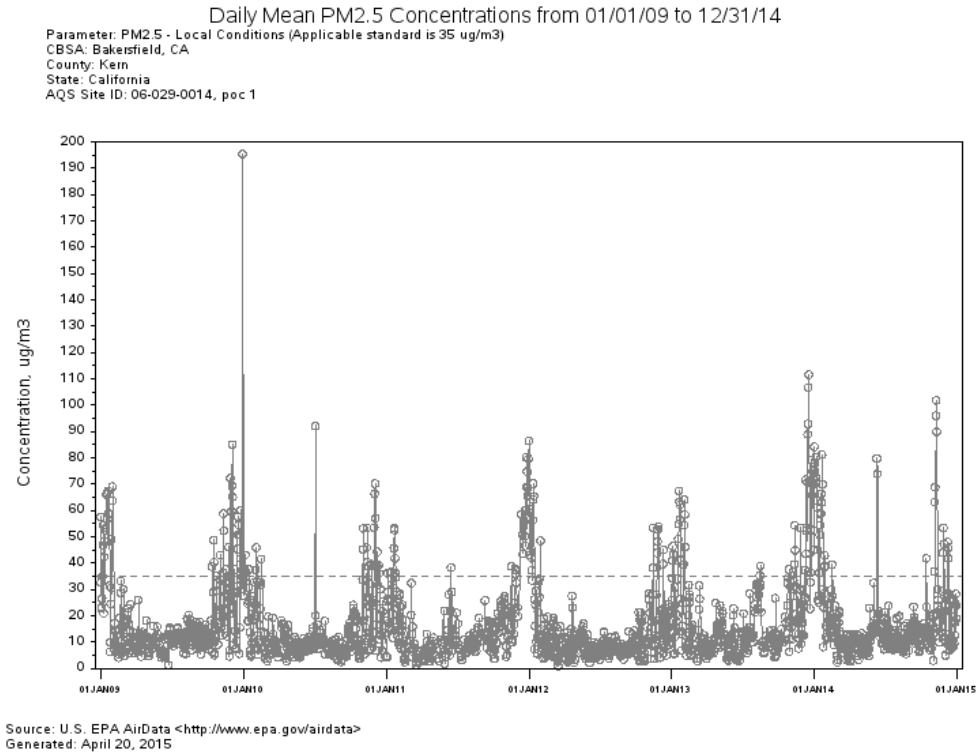
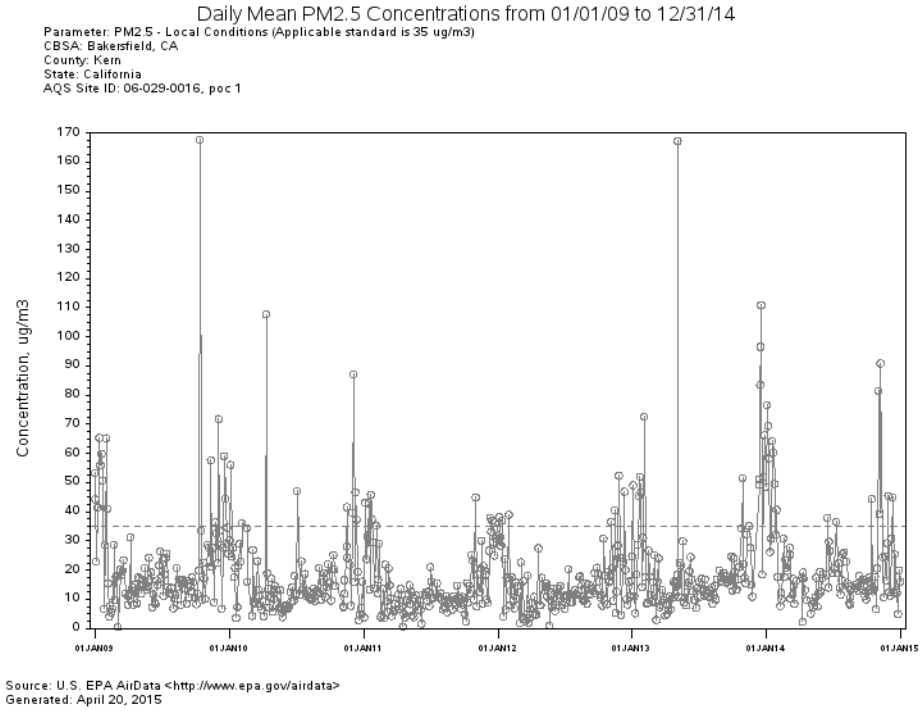


Figure E2-16

PM$_{2.5}$ Data for 60290016 Site, Kern County, CA



Kings County

Figure E2-17

PM$_{2.5}$ Data for 60310004 Site, Kings County, CA

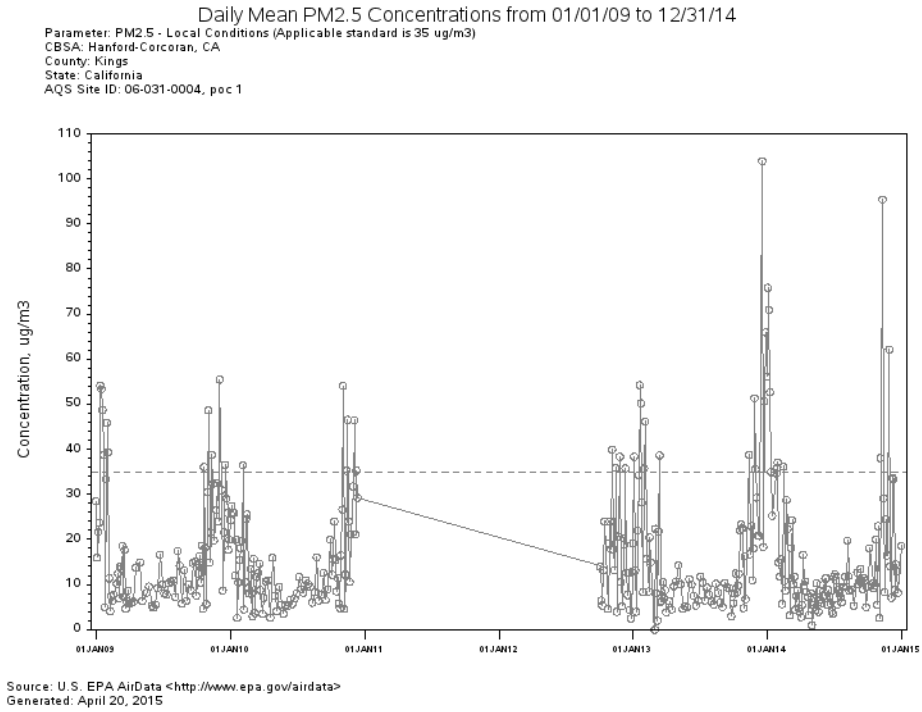
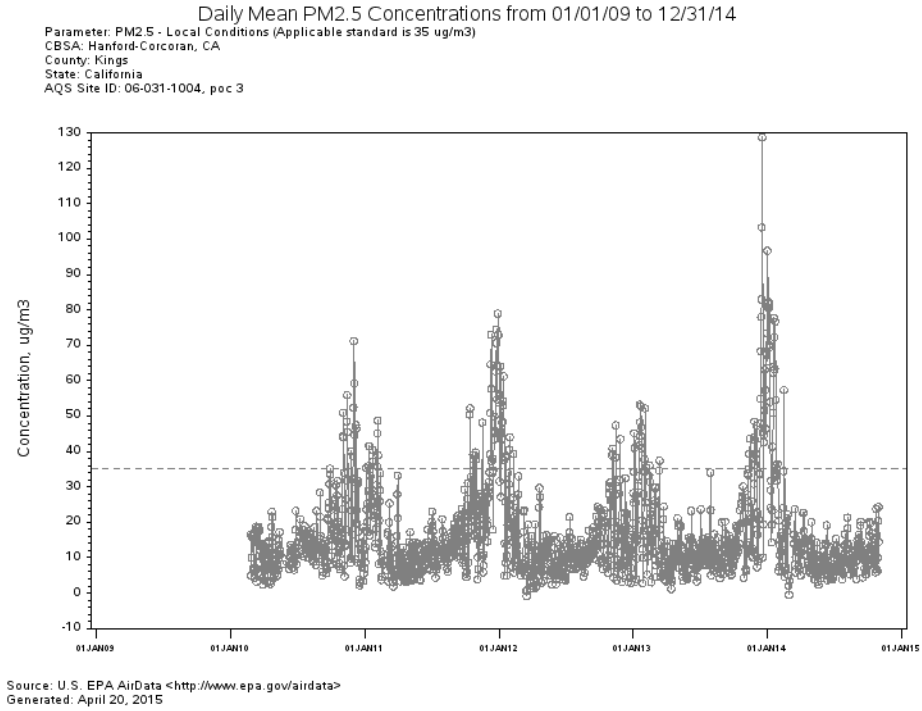


Figure E2-18

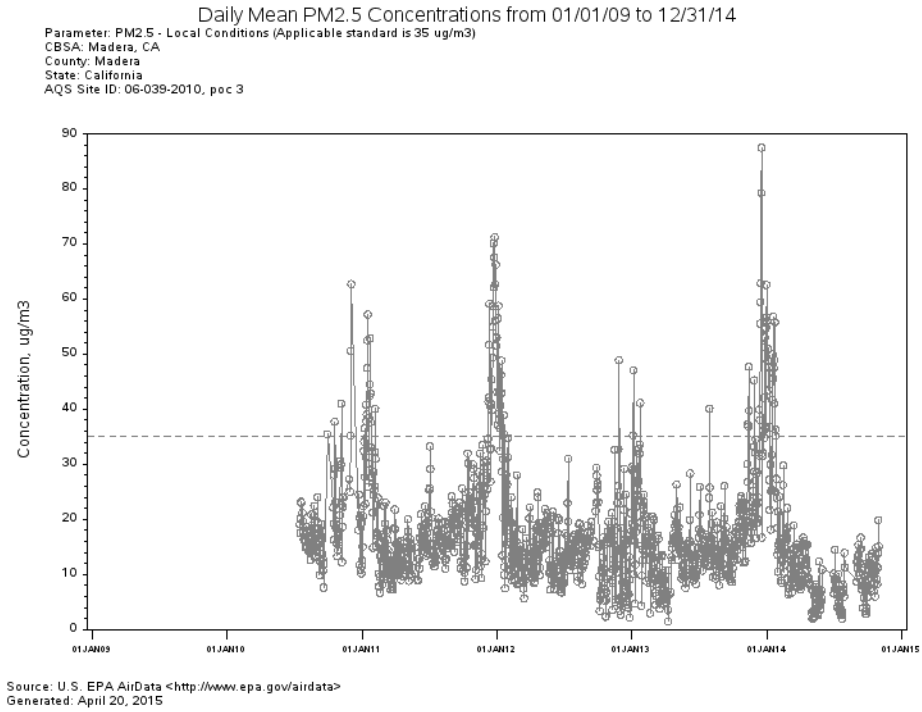
PM$_{2.5}$ Data for 60311004 Site, Kings County, CA



Madera County

Figure E2-19

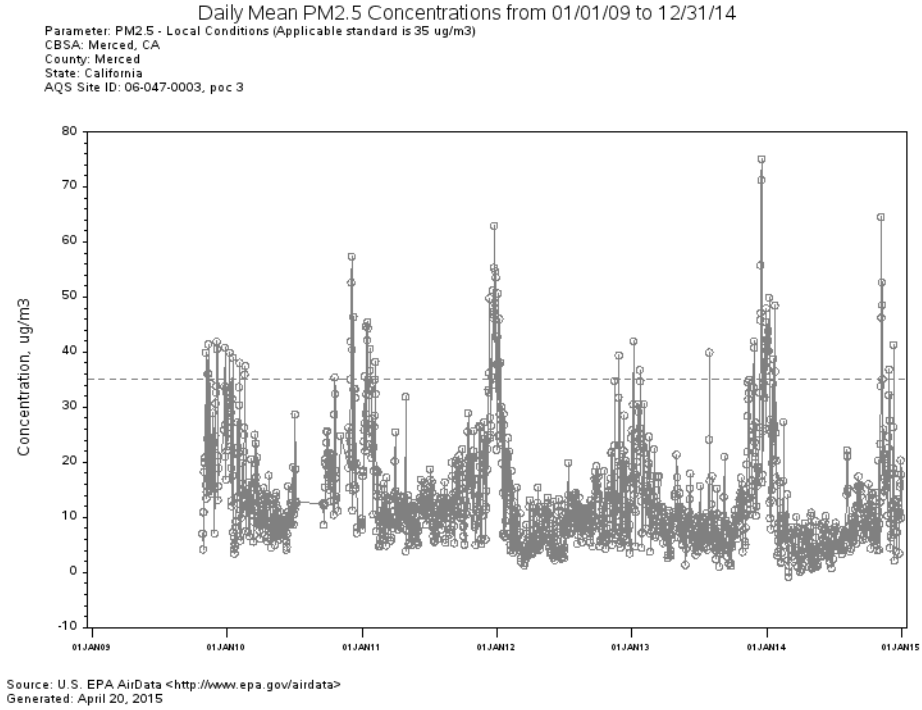
$PM_{2.5}$ Data for 60392010 Site, Madera County, CA



Merced County

Figure E2-20

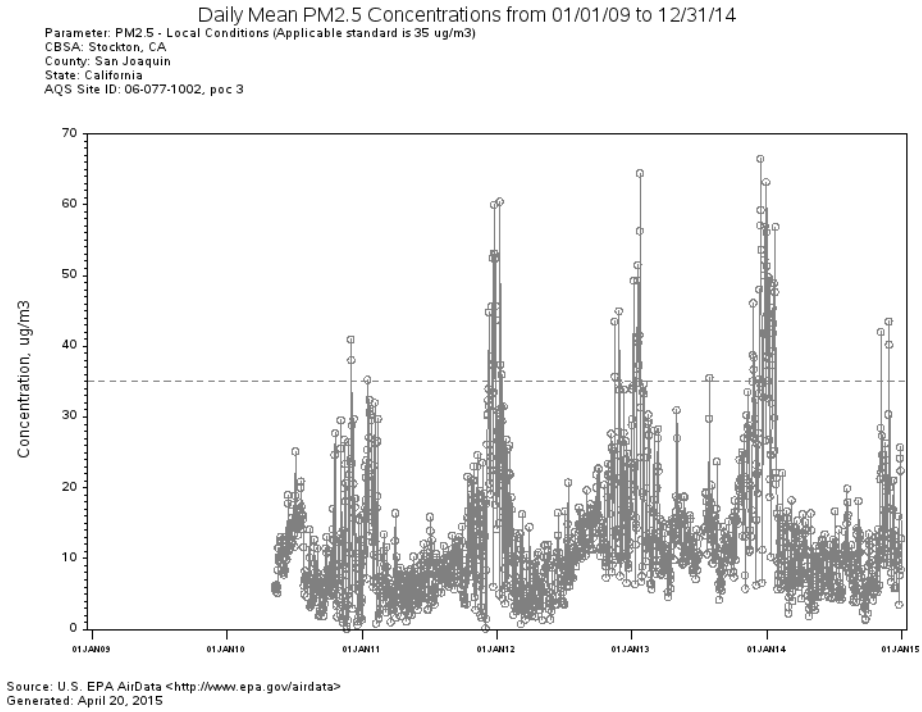
$PM_{2.5}$ Data for 60470003 Site, Merced County, CA



San Joaquin County

Figure E2-21

$PM_{2.5}$ Data for 60771002 Site, San Joaquin County, CA



Stanislaus County

Figure E2-22

$PM_{2.5}$ Data for 60990005 Site, Stanislaus County, CA

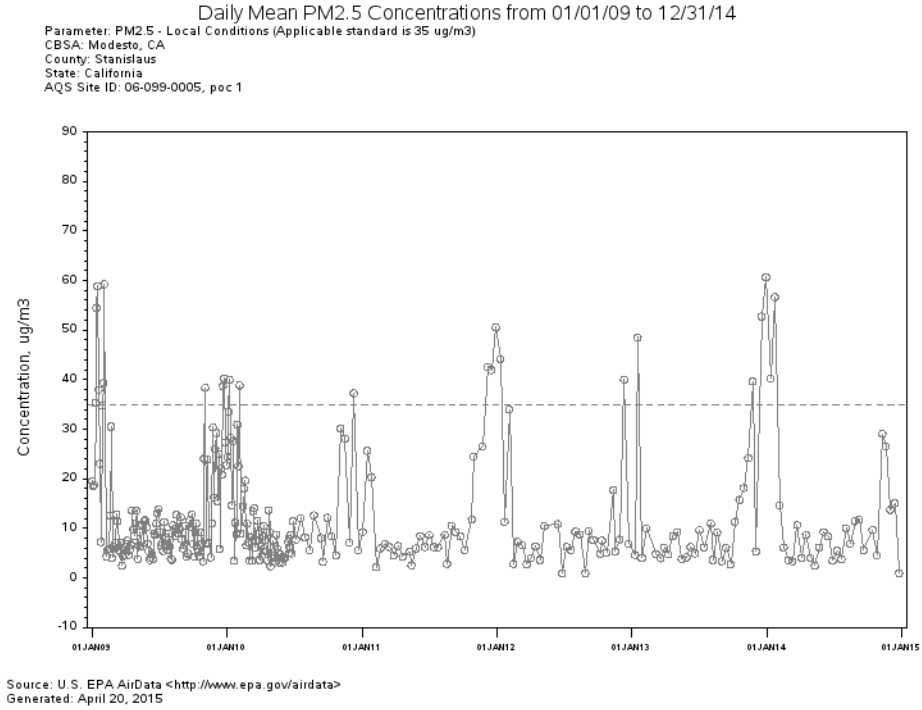
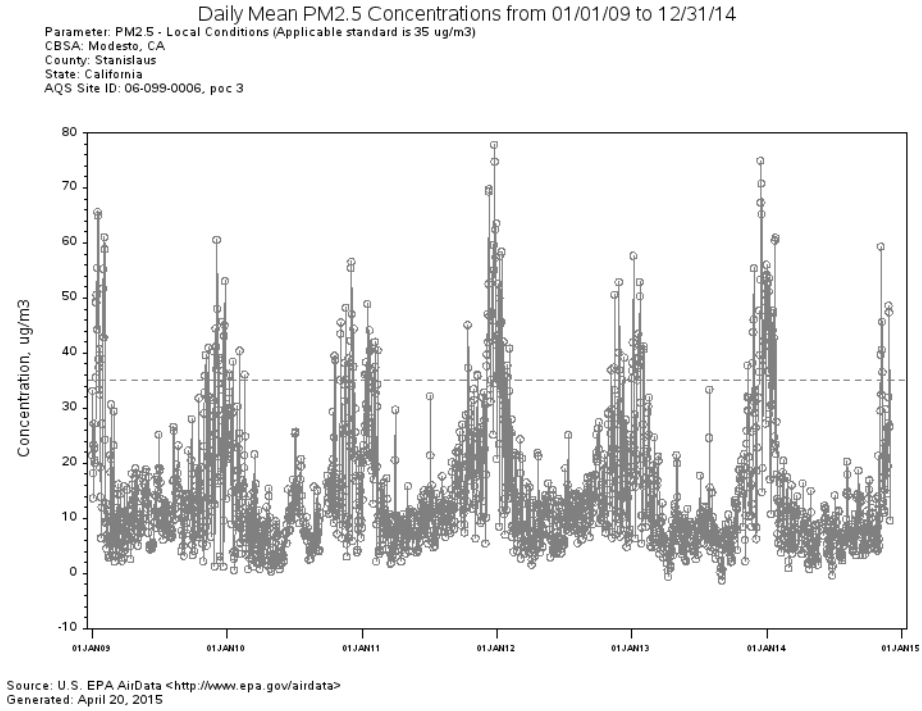


Figure E2-23

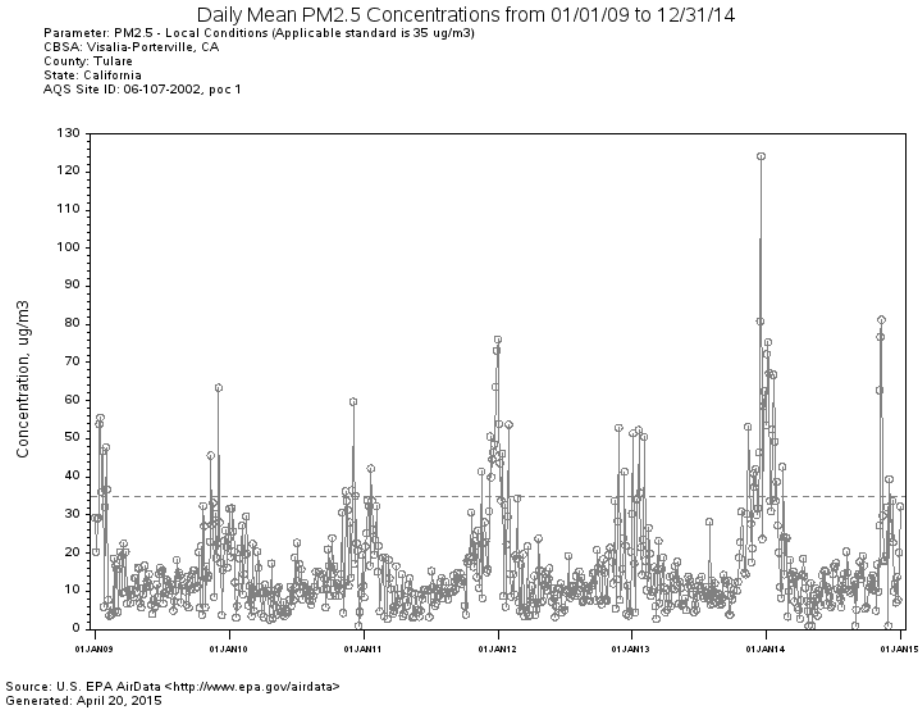
$PM_{2.5}$ Data for 60990006 site, Stanislaus County, CA



Tulare County

Figure E2-24

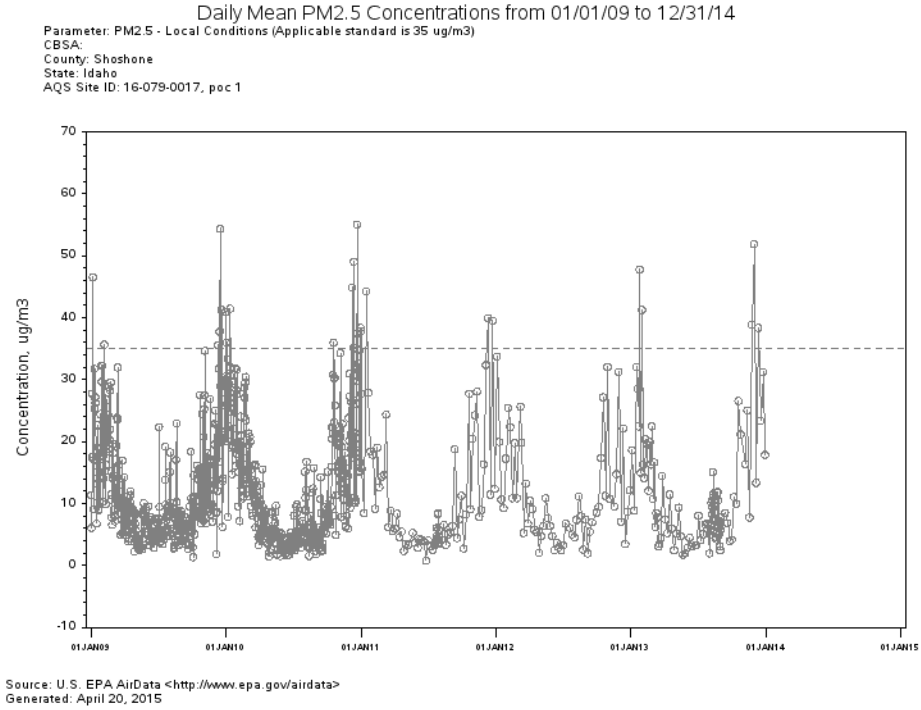
$PM_{2.5}$ Data for 61072002 Site, Tulare County, CA



Shoshone County, ID

Figure E2-25

$PM_{2.5}$ Data for 160790017 Site, Shoshone County, ID

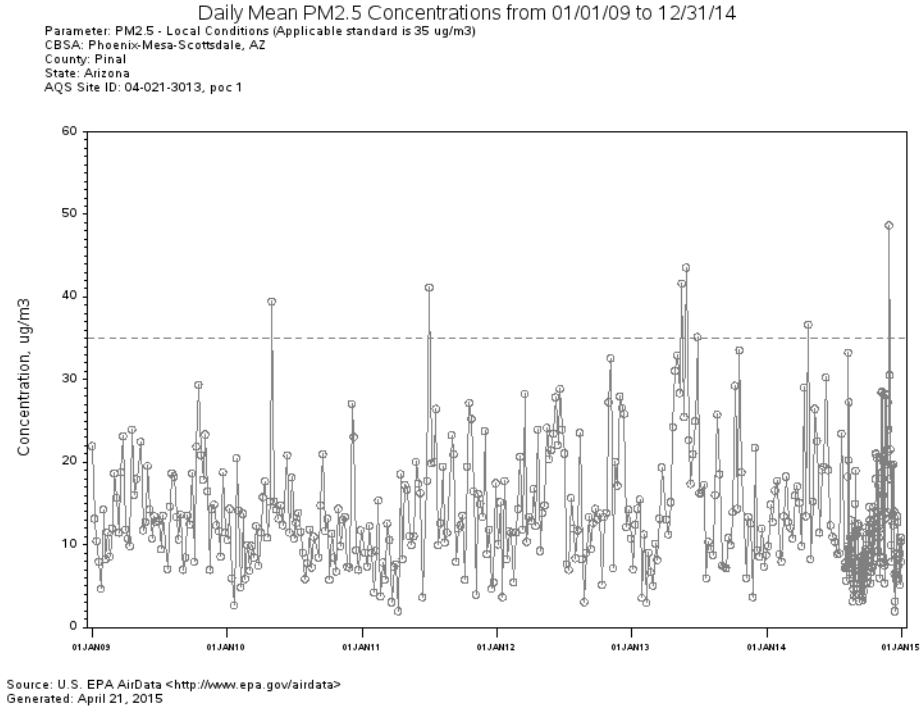


Other Sensitive Receptors (i.e., "Maintenance" Receptors)

Pinal County, AZ

Figure E2-26

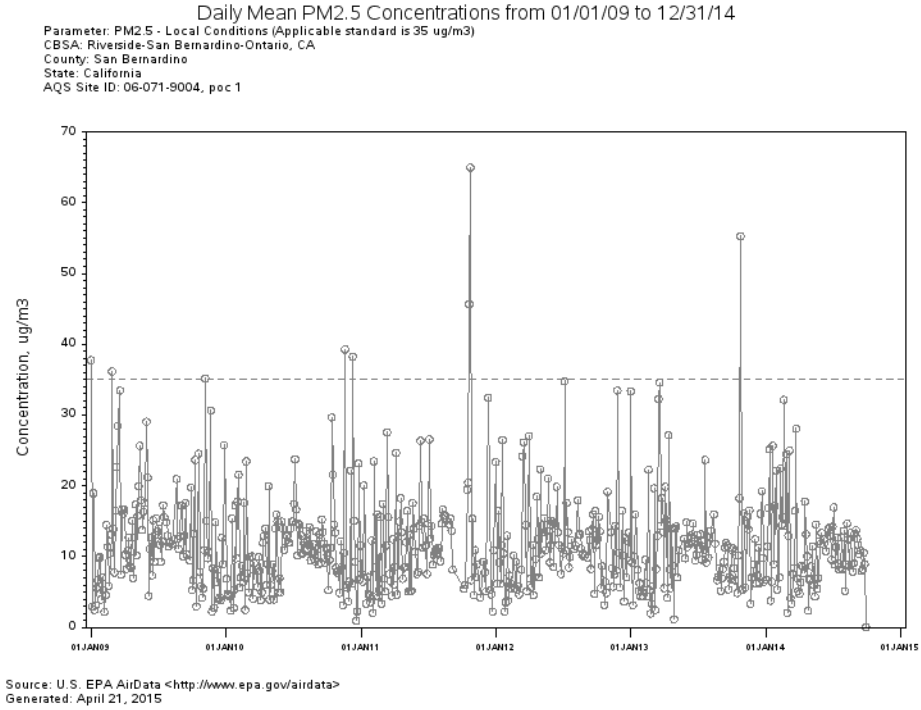
$PM_{2.5}$ Data for 40213013 Site, Pinal County, AZ



San Bernardino County, CA

Figure E2-27

$PM_{2.5}$ Data for 60719004 Site, San Bernardino County, CA



San Diego County, CA

Figure E2-28

$PM_{2.5}$ Data for 60730003 Site, San Diego County, CA

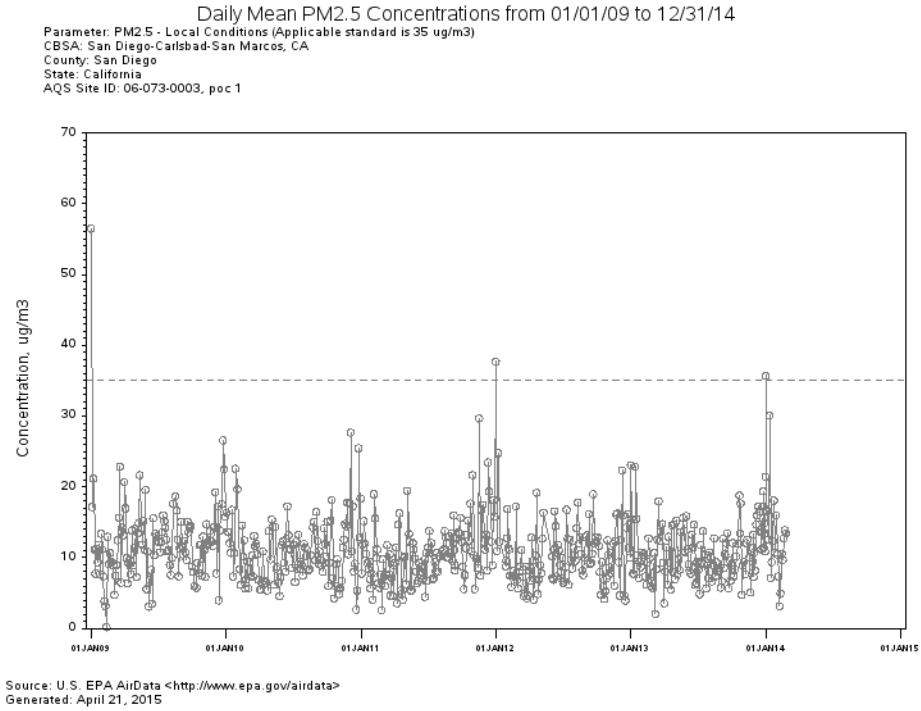
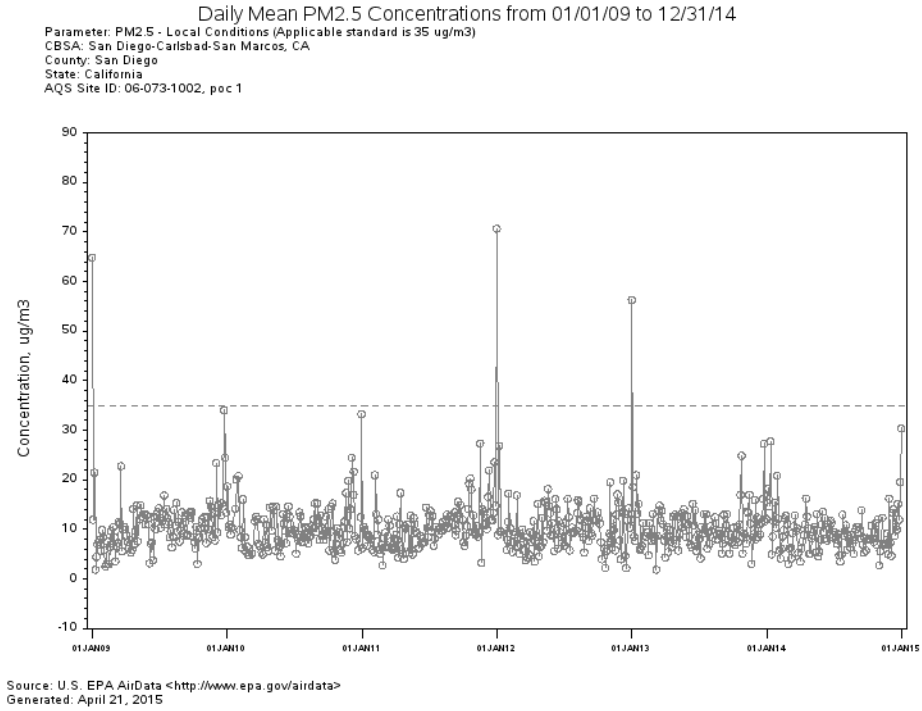


Figure E2-29

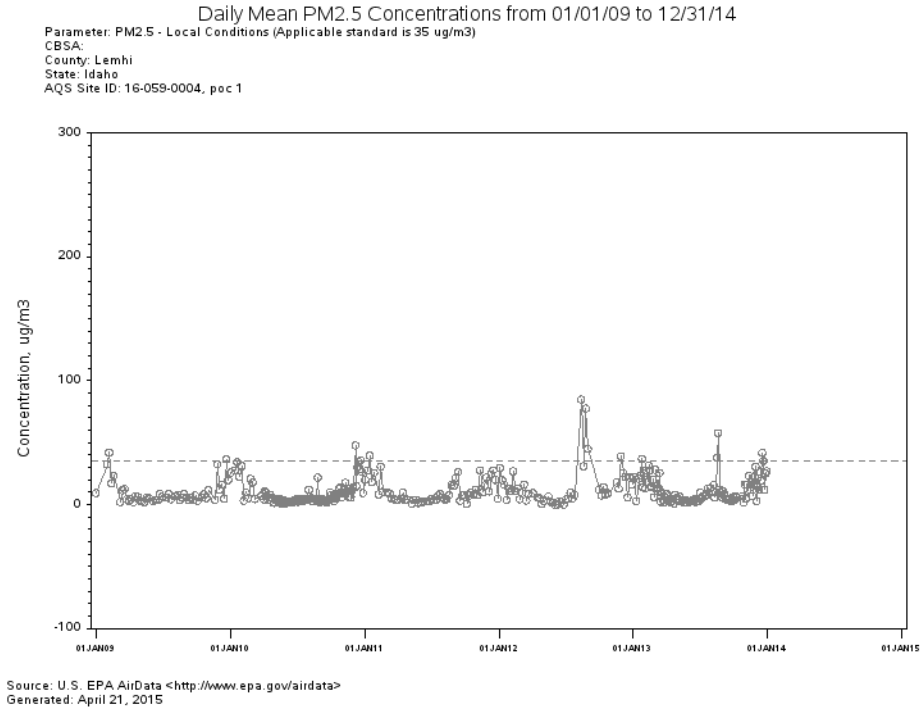
$PM_{2.5}$ Data for 60731002 Site, San Diego County, CA



Lemhi County, ID

Figure E2-30

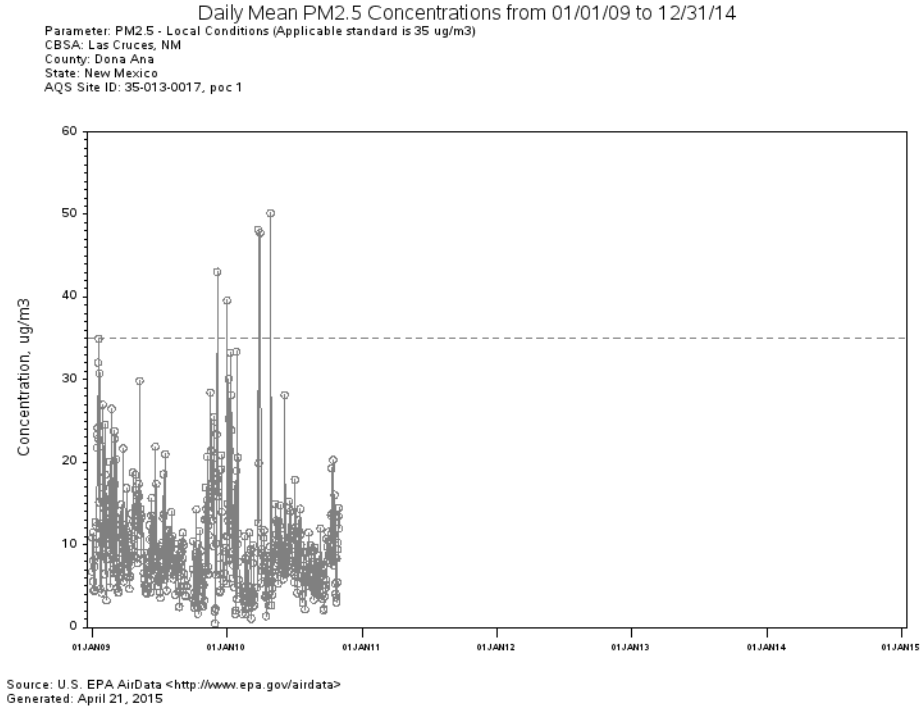
$PM_{2.5}$ Data for 160590004 Site, Lemhi County, ID



Doña Ana County, NM

Figure E2-31

$PM_{2.5}$ Data for 350130017 Site, Doña Ana County, NM

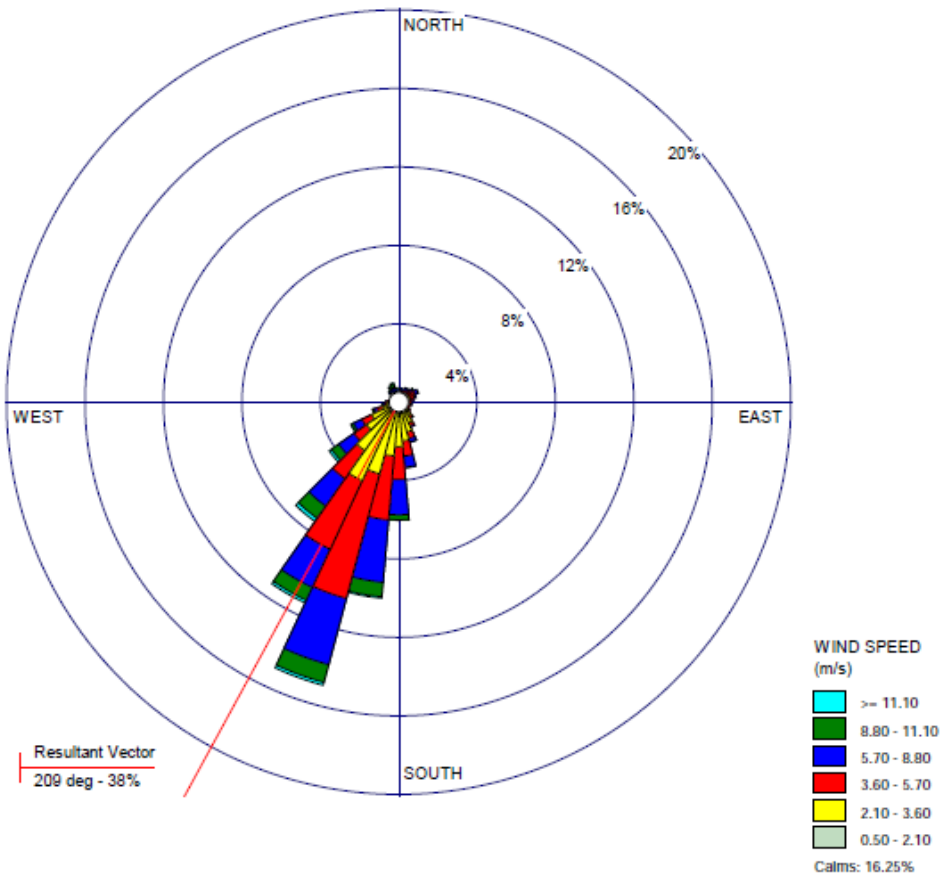


Attachment E3
Wind Roses for Nevada Metropolitan Areas

Las Vegas Wind Rose

WIND ROSE PLOT:
2009-2013 Synoptic Wind Patterns for Las Vegas, Nevada McCarren International Airport (#23169)

DISPLAY:
Wind Speed
Direction (blowing from)



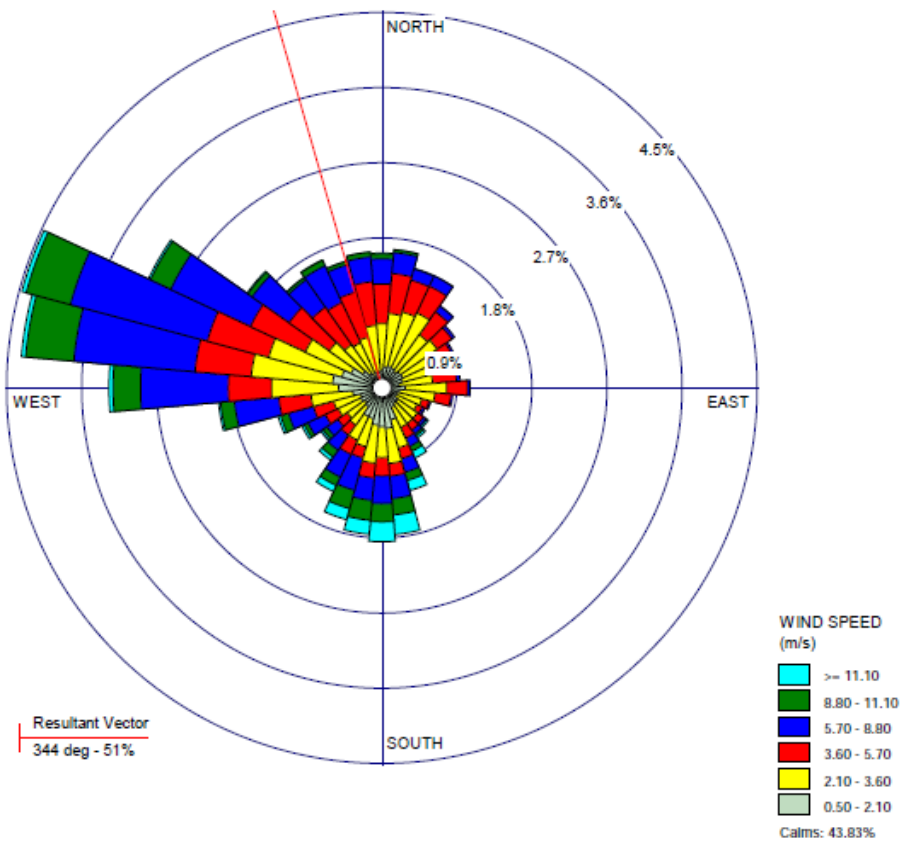
COMMENTS:	DATA PERIOD:	COMPANY NAME:	
	Start Date: 1/1/2009 - 00:00 End Date: 11/14/2013 - 08:00	Nevada Division of Environmental Protection, Bureau of Air Quality Planning	
		MODELER: F. Forsgren	NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
	CALM WINDS: 16.25%	TOTAL COUNT: 42679 hrs.	
	AVG. WIND SPEED: 3.70 m/s	DATE: 4/8/2015	PROJECT NO.:

WRPLOT View - Lakes Environmental Software

Reno Wind Rose

WIND ROSE PLOT:
2009-2013 Synoptic Wind Patterns for Reno, Nevada
Reno/Cannon International Airport (#23185)

DISPLAY:
Wind Speed
Direction (blowing from)



COMMENTS:	DATA PERIOD:	COMPANY NAME:	
	Start Date: 1/1/2009 - 00:00 End Date: 12/31/2013 - 23:00	Bureau of Air Quality Planning	
		MODELER: F. Forsgren	NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
	CALM WINDS: 43.83%	TOTAL COUNT: 43802 hrs.	
	AVG. WIND SPEED: 2.44 m/s	DATE: 4/8/2015	PROJECT NO.:

WRPLOT View - Lakes Environmental Software

Attachment E4
2011 $PM_{2.5}$ Emission Data

$PM_{2.5}$ emissions data from the USEPA's 2011 National Emissions Inventory v2 are presented for each state and county with a sensitive receptor as listed below. The data is available from: http://www.epa.gov/cgi-bin/broker?polchoice=PM&_debug=0&_service=data&_program=dataprog.national_1.sas. The NDEP recognizes this link is not currently (10/15/2015) functional due to USEPA website update activities, but will provide an updated link for the final submittal package.

Arizona

Pinal County, AZ

California

Fresno County
Imperial County
Kern County
Kings County
Los Angeles
Madera County
Merced County
Plumas County

Riverside County

San Bernardino County
San Diego County
San Joaquin County
Stanislaus County
Tulare County

Idaho

Lemhi County
Shoshone County

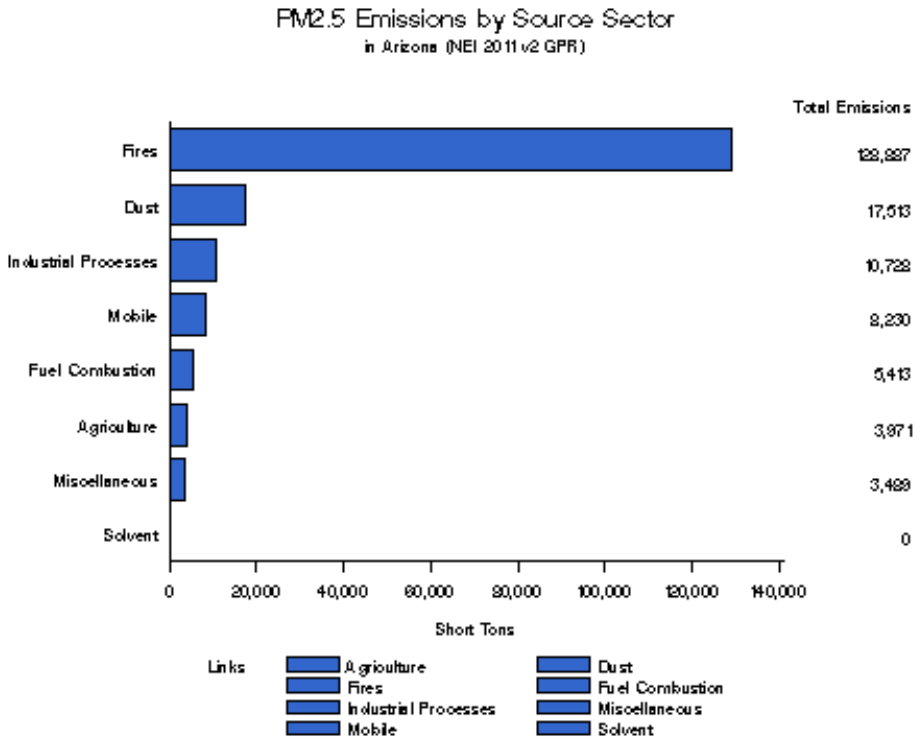
Nevada

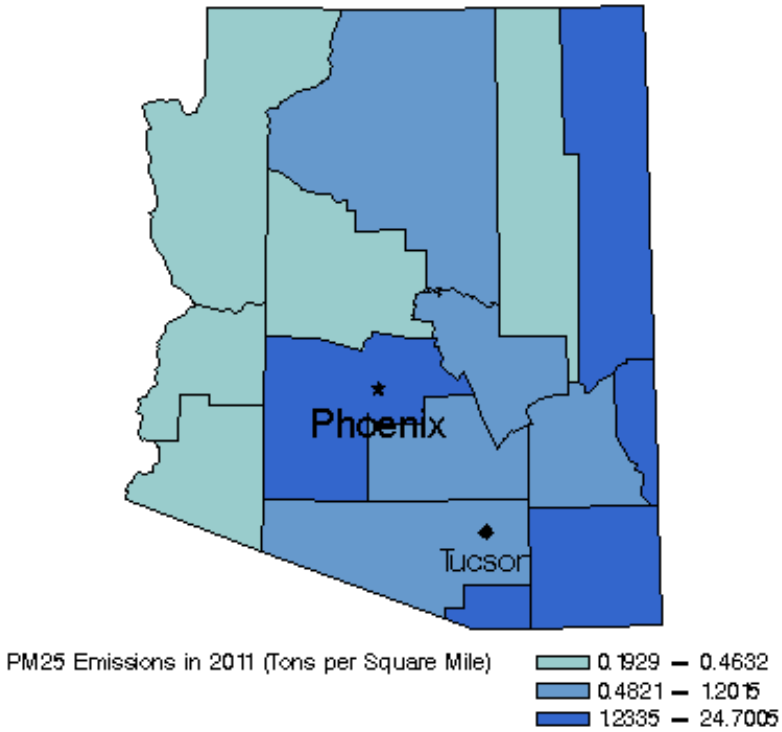
Clark County
Washoe County

New Mexico

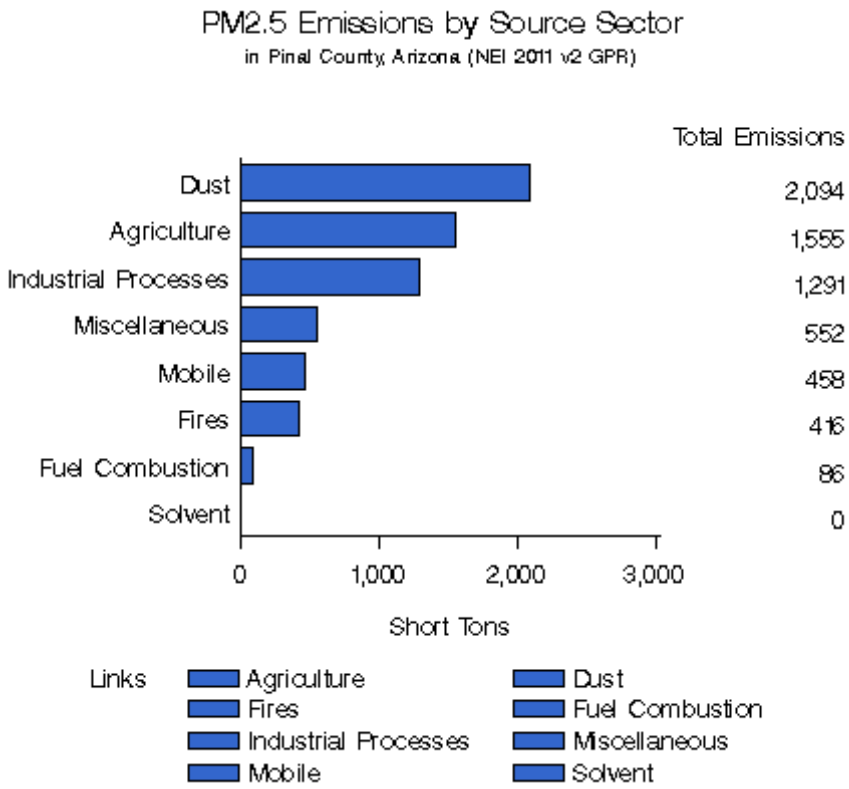
Doña Ana County

Arizona

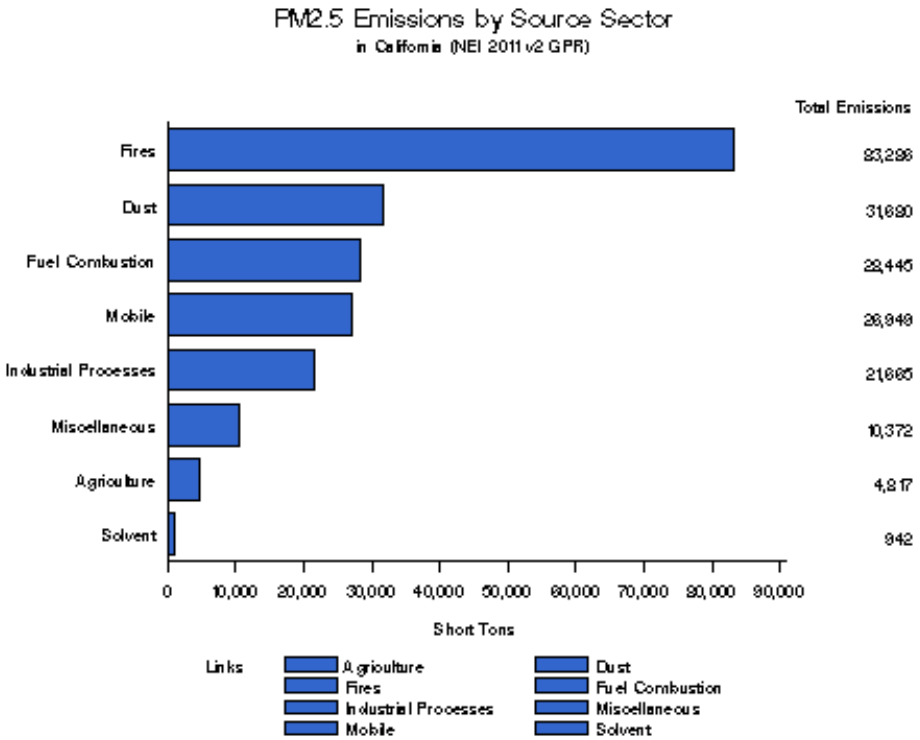

PM2.5 Emissions by Source Sector
in Arizona (NEI 2011 v2 GPR)
Total Emissions
Fires
128,887
Dust
17,513
Industrial Processes
10,728
Mobile
8,230
Fuel Combustion
5,413
Agriculture
3,971
Miscellaneous
3,489
Solvent
0
0
20,000
40,000
60,000
80,000
100,000
120,000
140,000
Short Tons
Links
Agriculture
Dust
Fires
Fuel Combustion
Industrial Processes
Miscellaneous
Mobile
Solvent

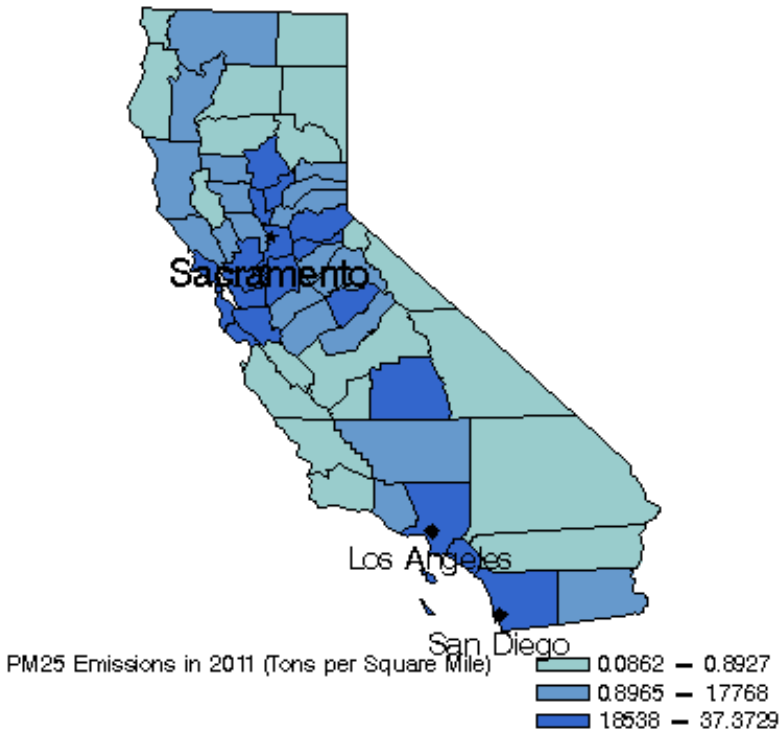

Phoenix
Tucson
PM25 Emissions in 2011 (Tons per Square Mile)
0.1929 – 0.4632
0.4821 – 1.2015
1.2335 – 24.7005

Pinal County

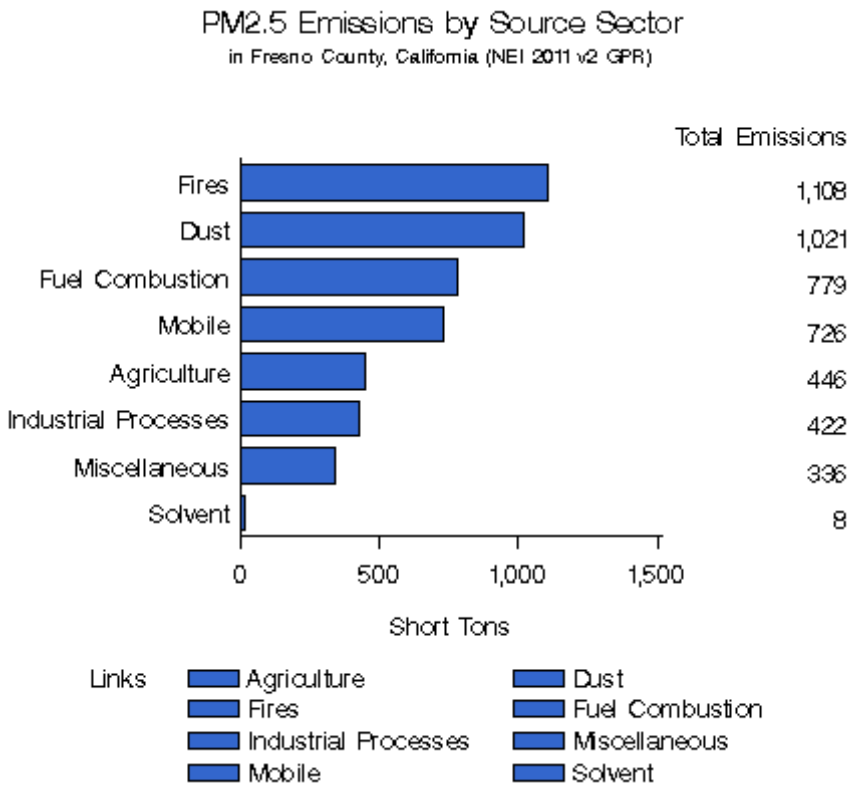


California

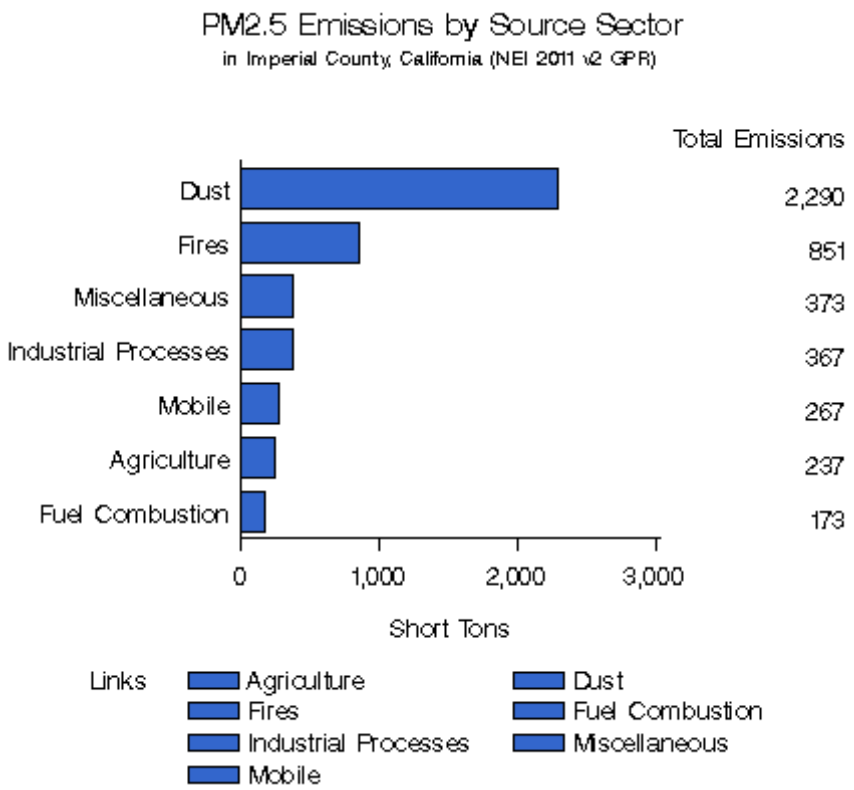

PM2.5 Emissions by Source Sector
in California (NEI 2011 v2 GPR)
Total Emissions
Fires
83,298
Dust
31,690
Fuel Combustion
28,445
Mobile
28,949
Industrial Processes
21,665
Miscellaneous
10,372
Agriculture
4,817
Solvent
942
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
80,000
90,000
Short Tons
Links
Agriculture
Dust
Fires
Fuel Combustion
Industrial Processes
Miscellaneous
Mobile
Solvent


Sacramento
Los Angeles
San Diego
PM25 Emissions in 2011 (Tons per Square Mile)
0.0862 – 0.8927
0.8965 – 17768
18538 – 37.3729

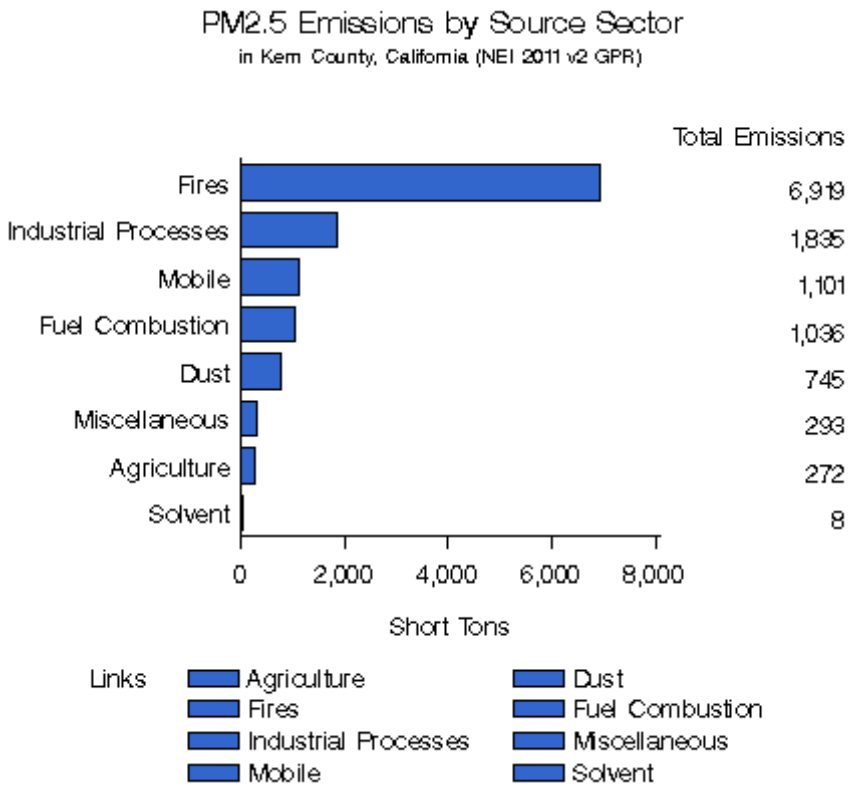
Fresno County



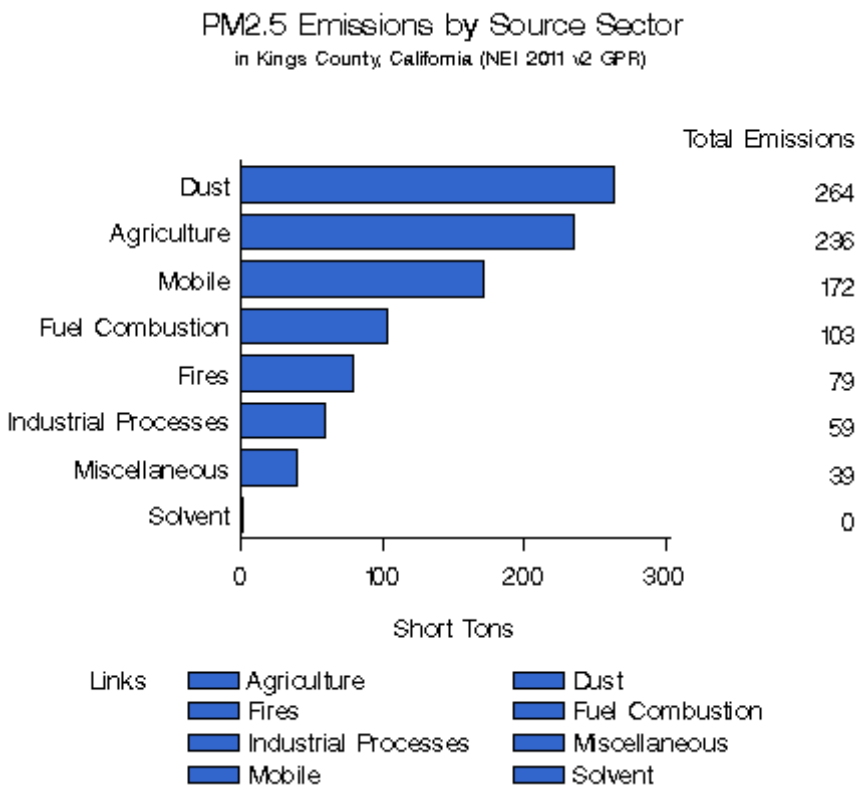
Imperial County



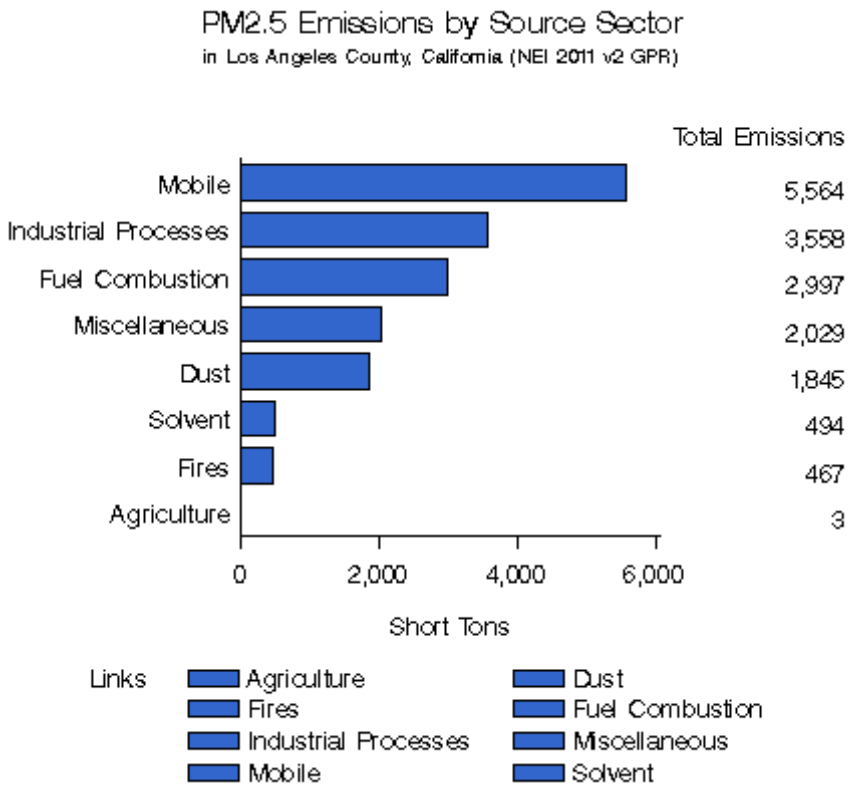
Kern County



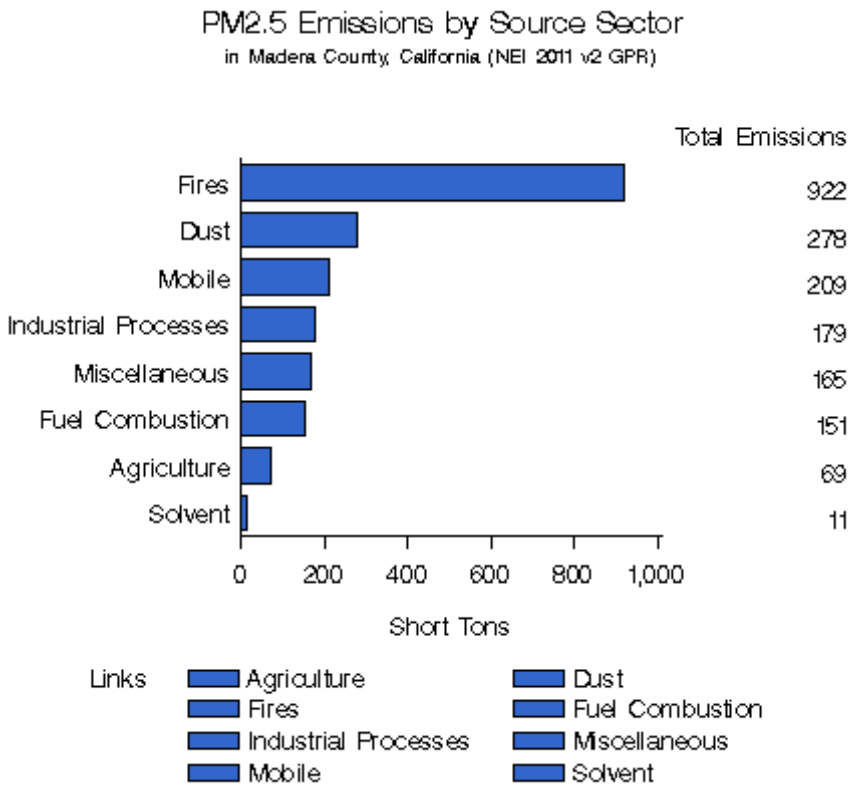
Kings County



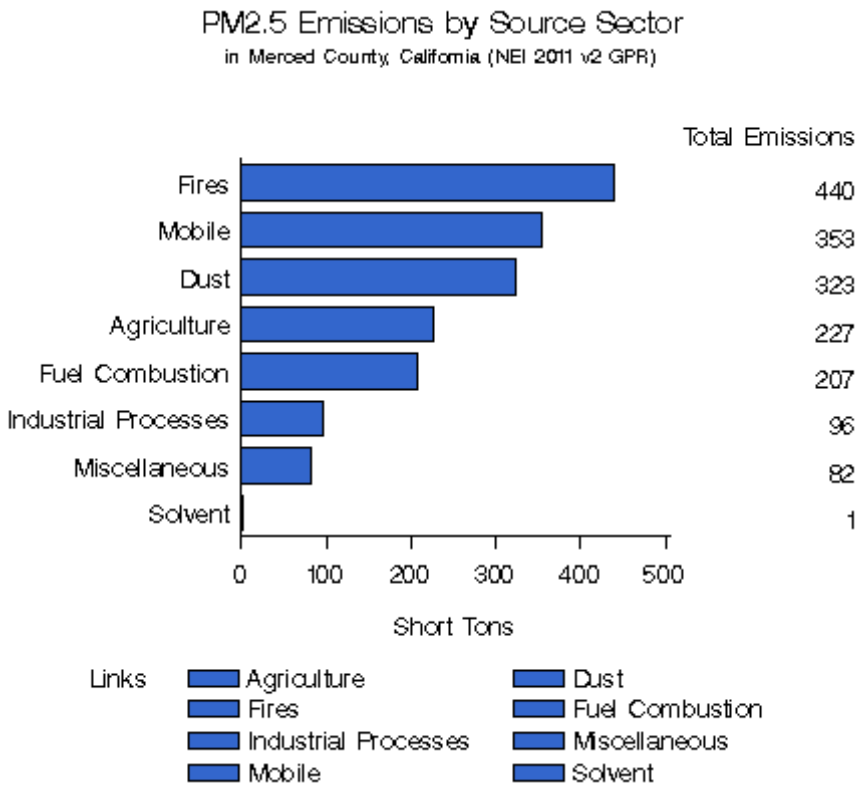
Los Angeles County



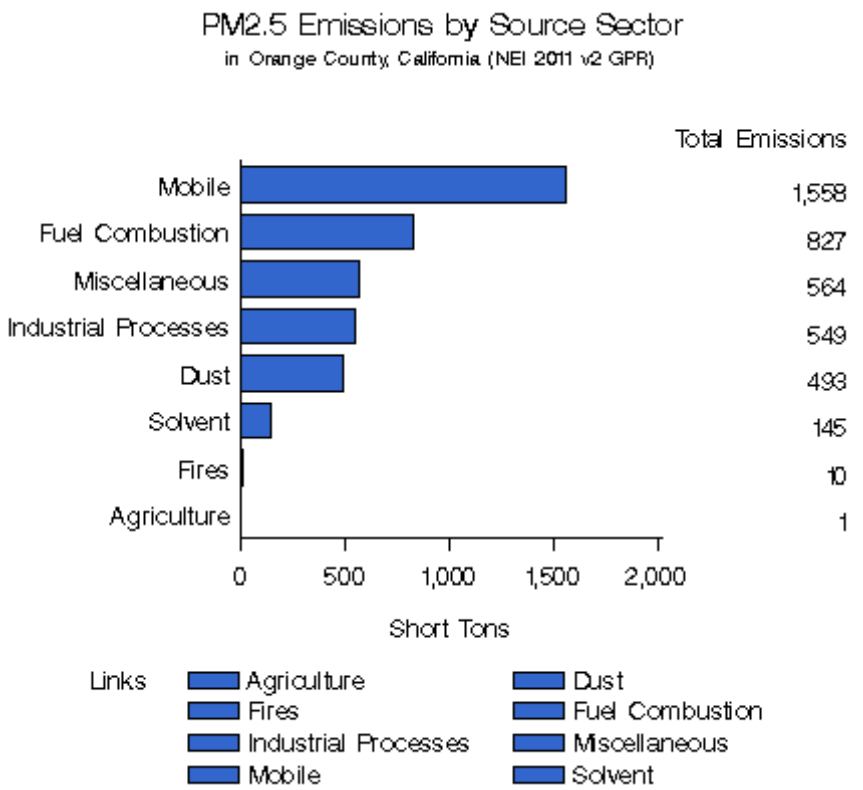
Madera County



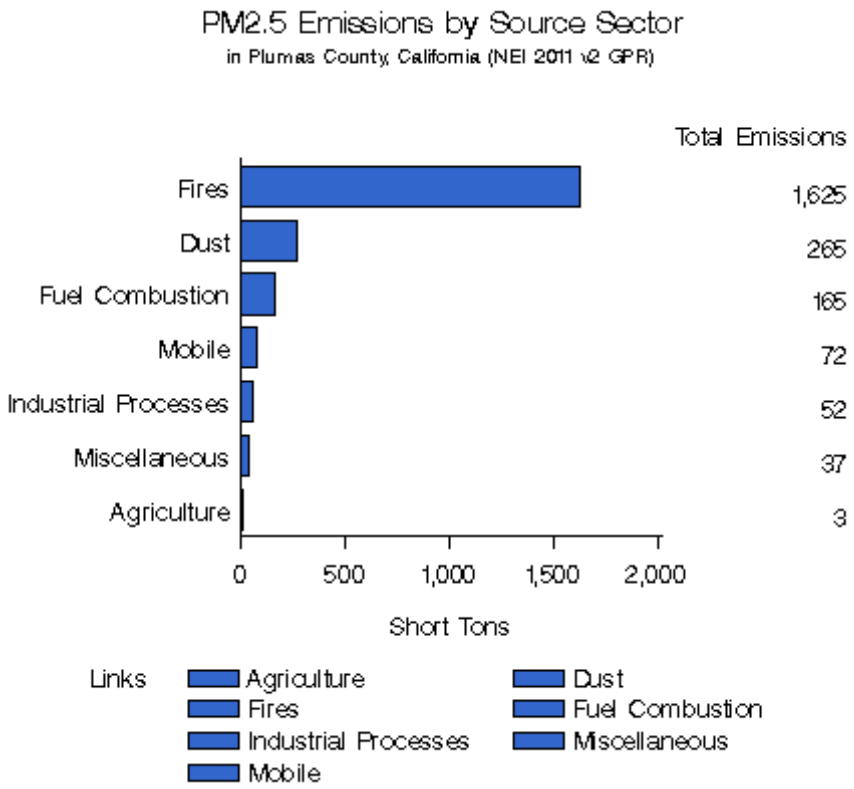
Merced County



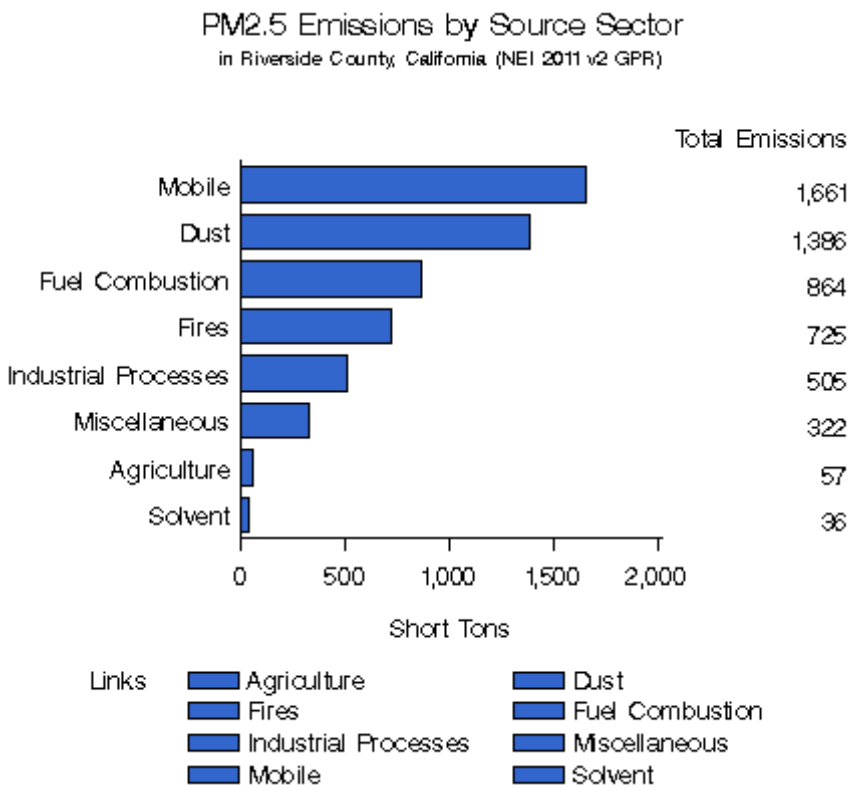
Orange County



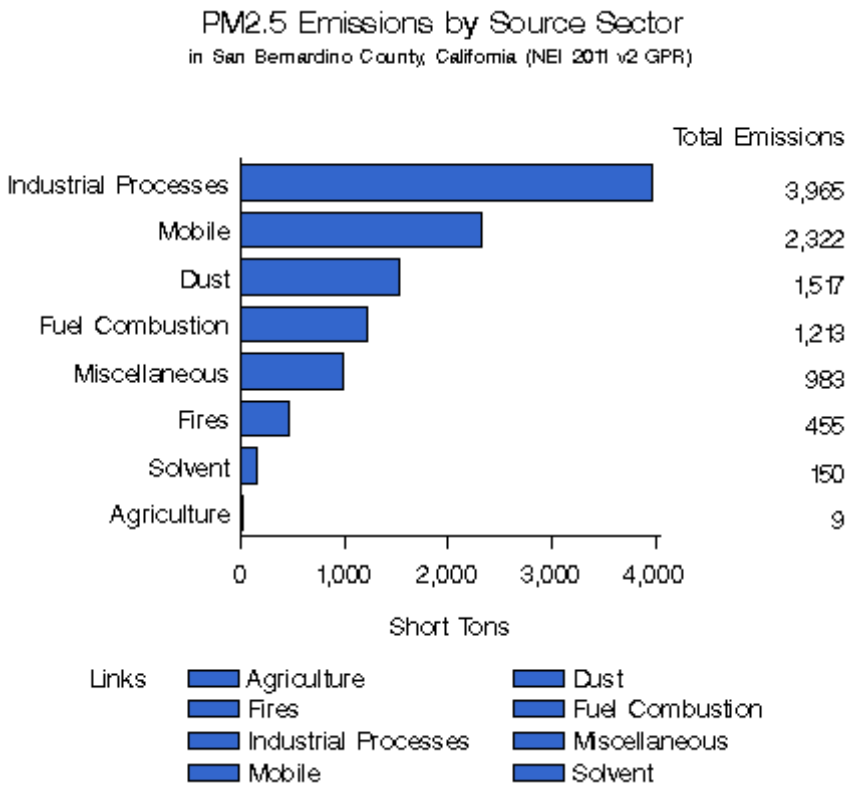
Plumas County



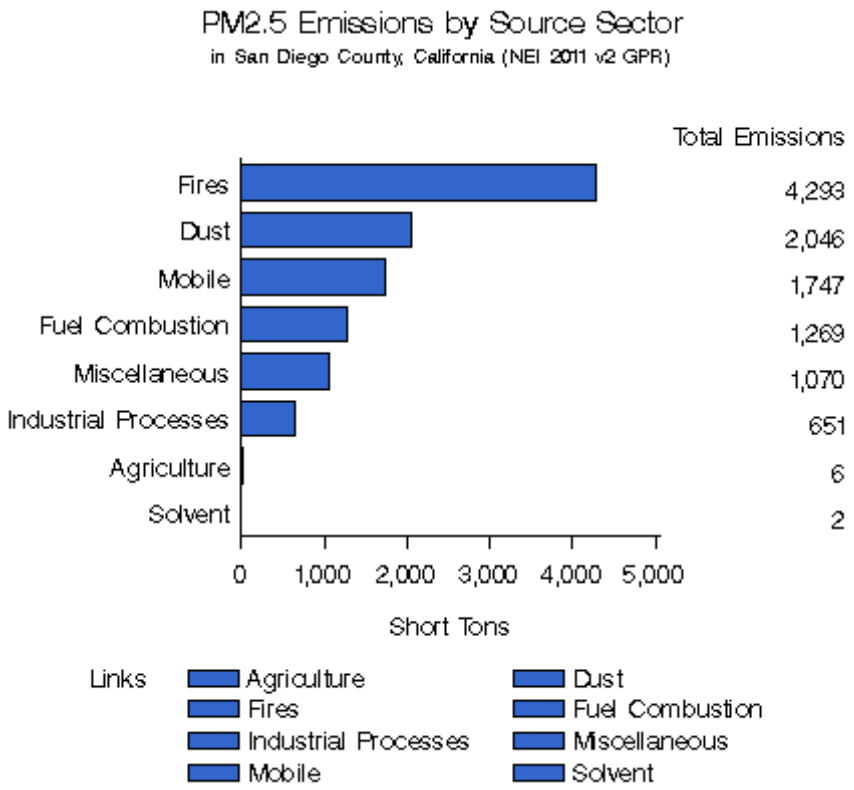
Riverside County



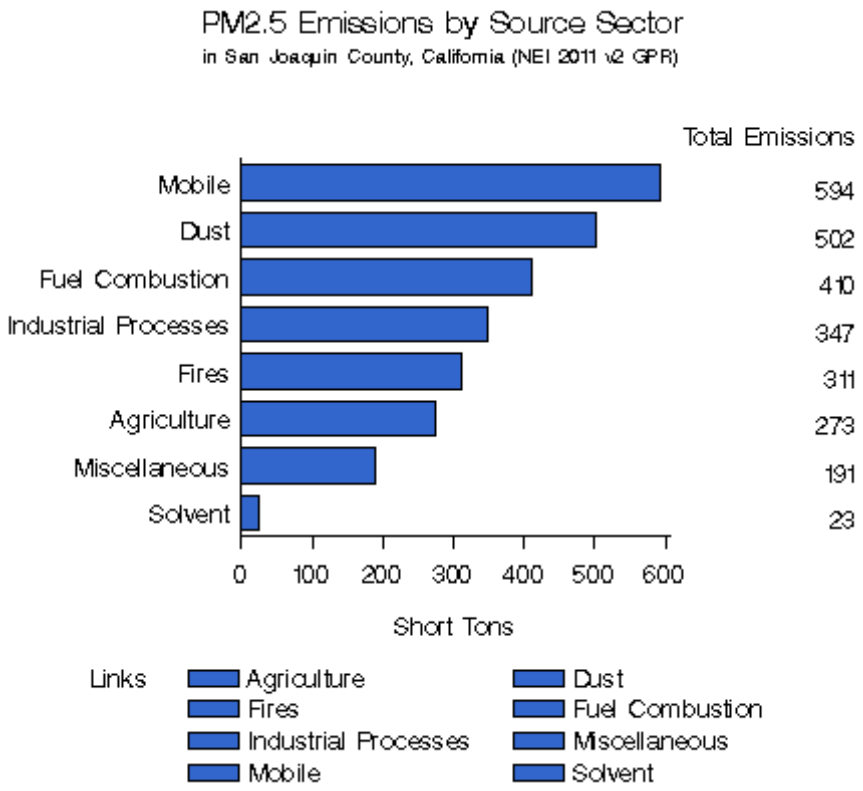
San Bernardino County



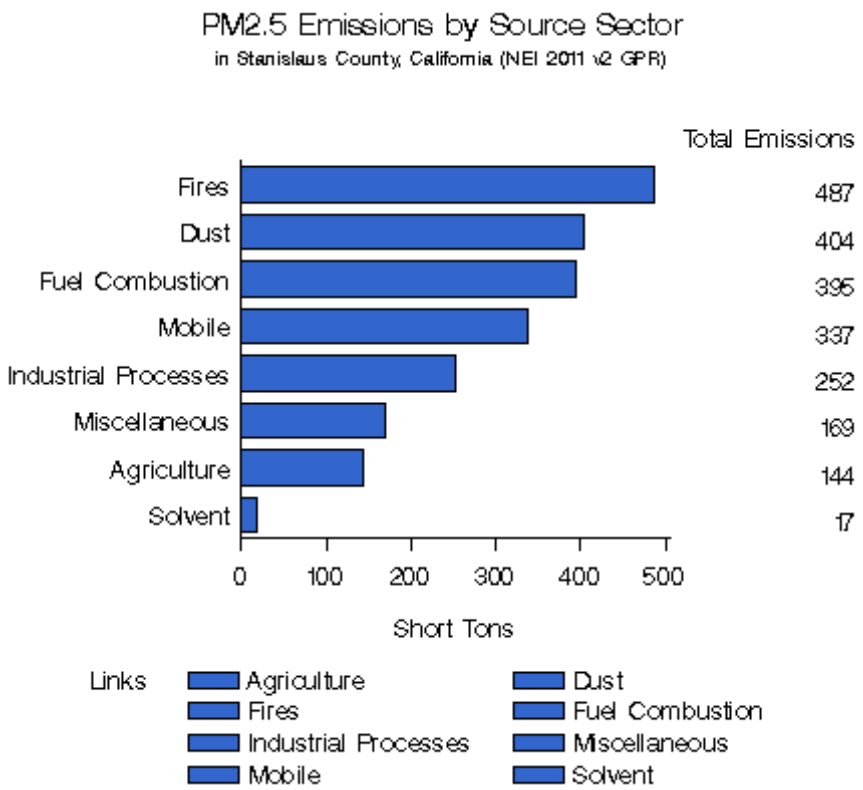
San Diego County



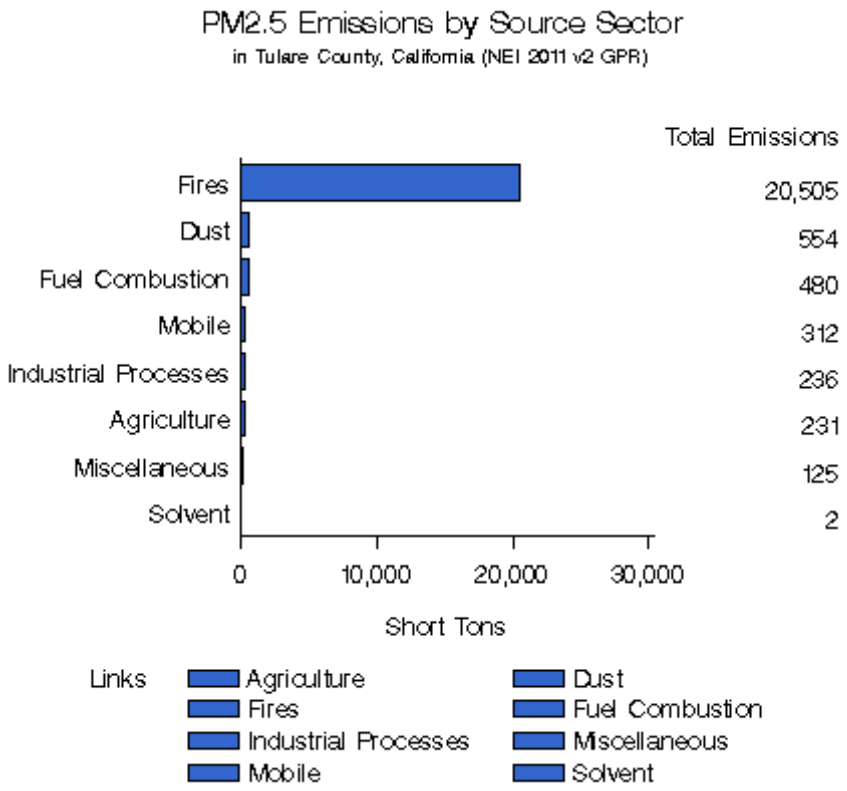
San Joaquin County



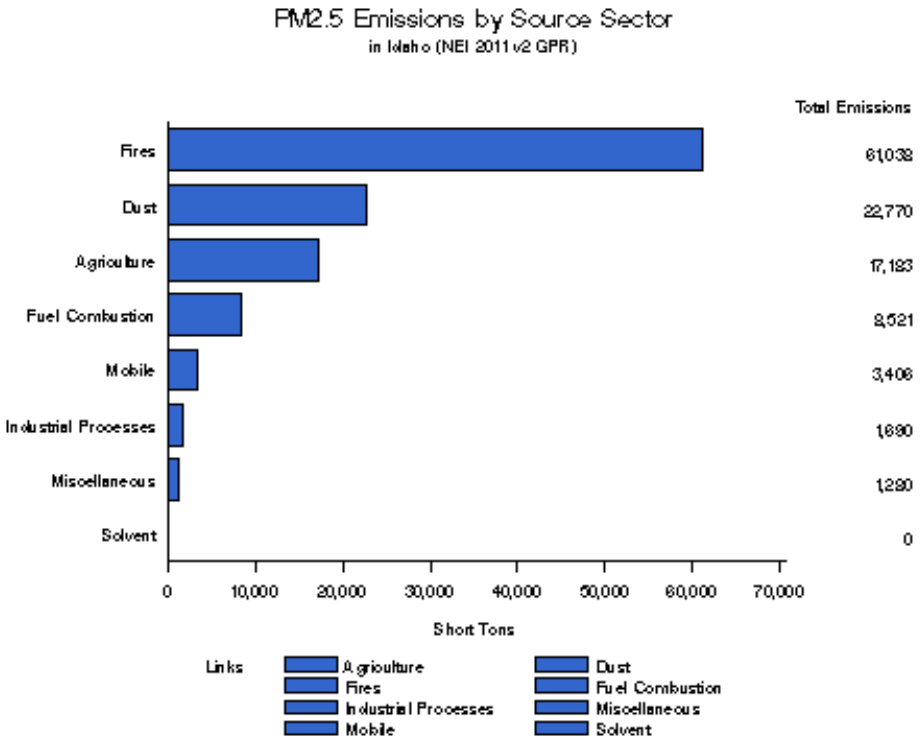
Stanislaus County

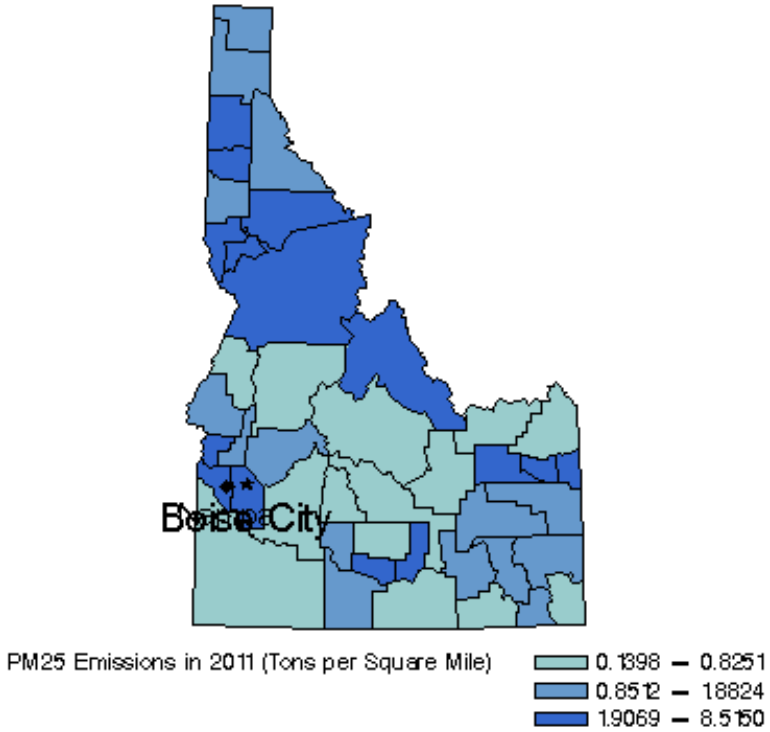


Tulare County

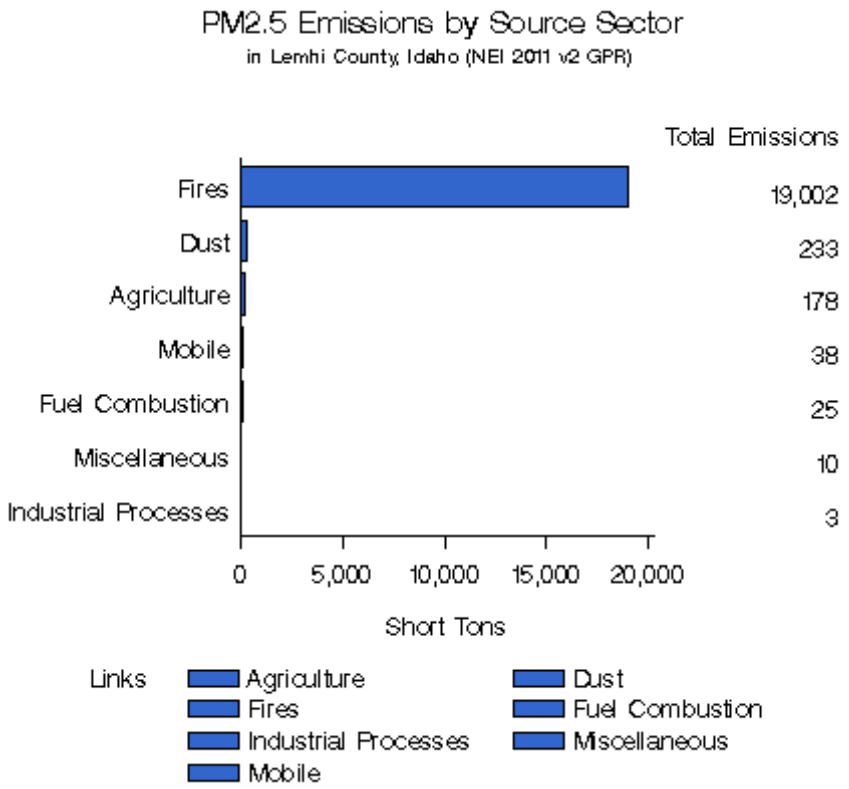


Idaho

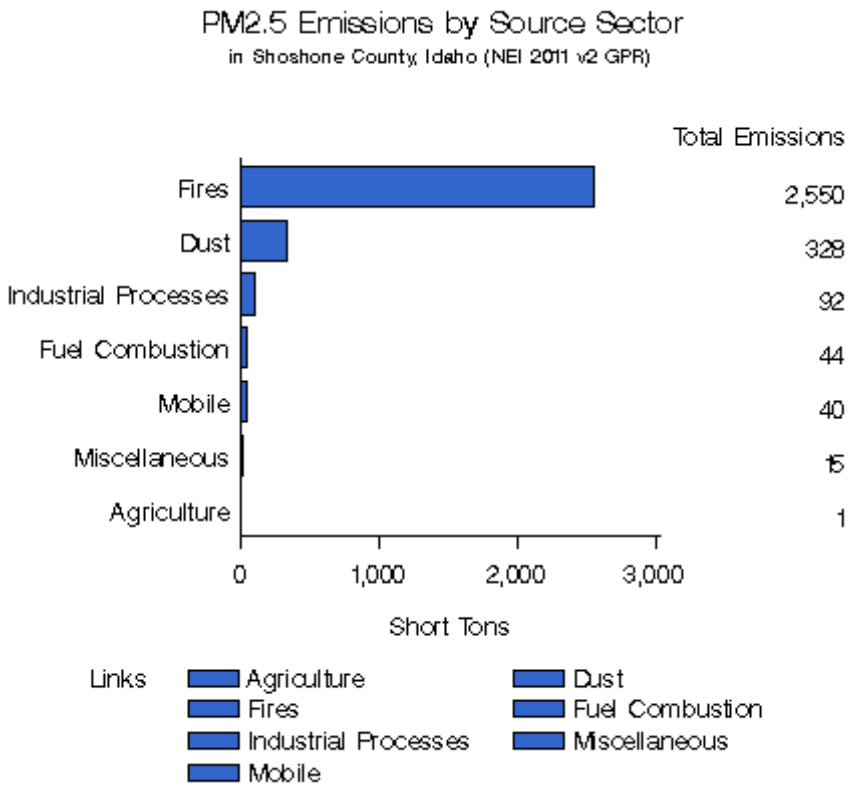

PM2.5 Emissions by Source Sector
in Idaho (NEI 2011 v2 GPR)
Total Emissions
Fires
61,038
Dust
22,770
Agriculture
17,183
Fuel Combustion
8,521
Mobile
3,408
Industrial Processes
1,690
Miscellaneous
1,280
Solvent
0
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
Short Tons
Links
Agriculture
Dust
Fires
Fuel Combustion
Industrial Processes
Miscellaneous
Mobile
Solvent


Boise City
PM25 Emissions in 2011 (Tons per Square Mile)
0.1398 – 0.8251
0.8512 – 1.8824
1.9069 – 8.5150

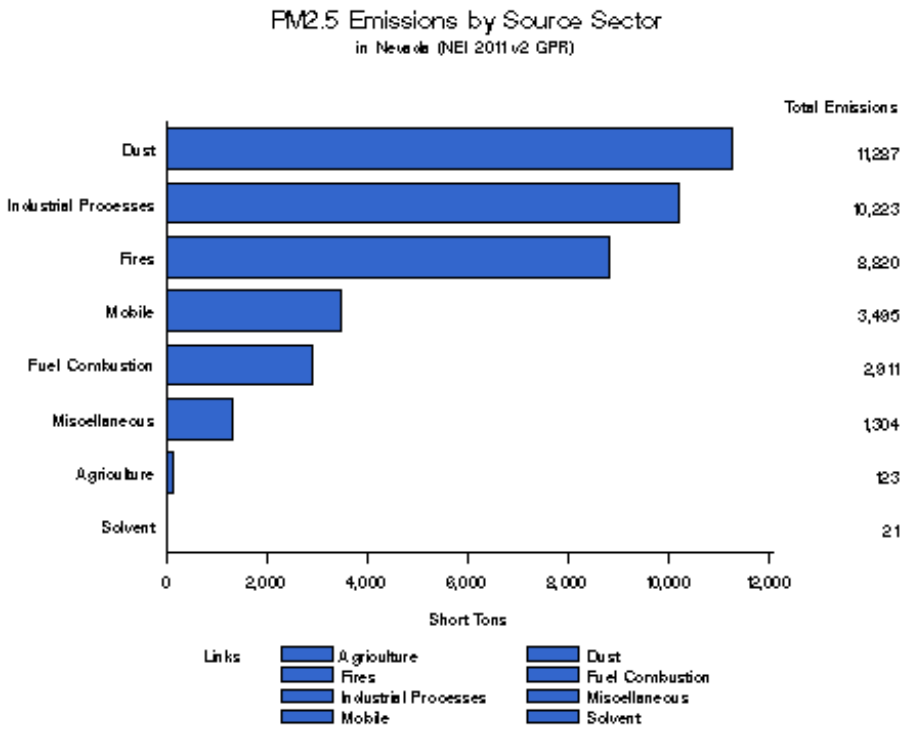
Lemhi County

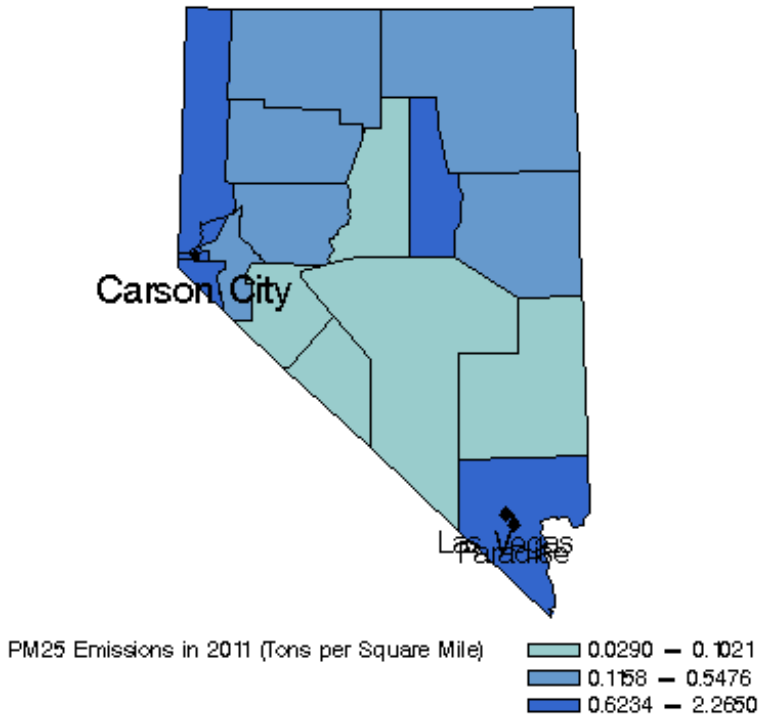


Shoshone County



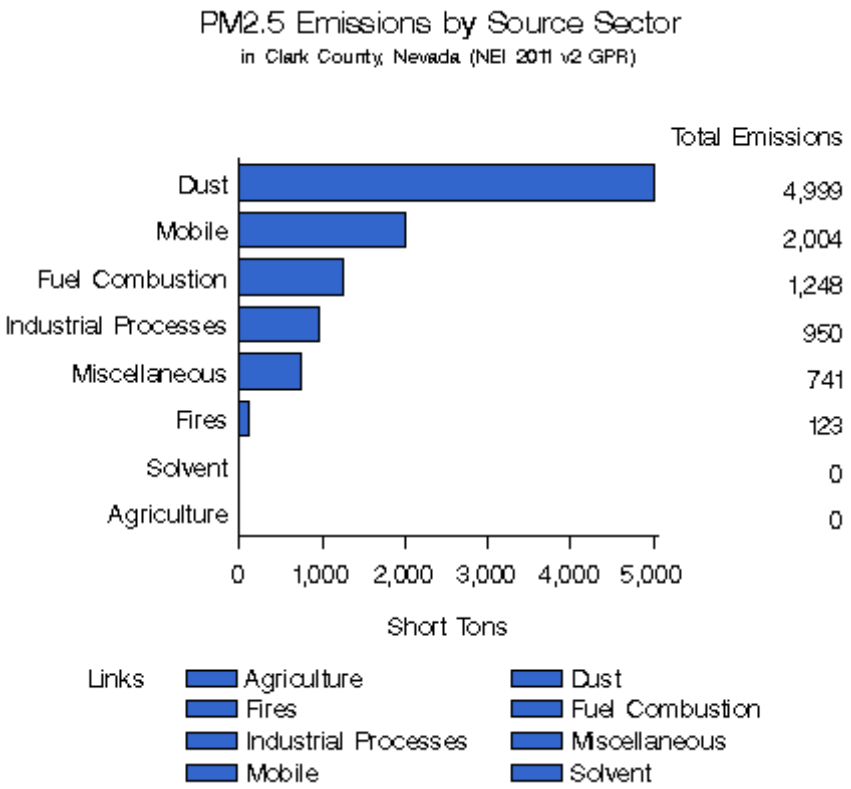
Nevada



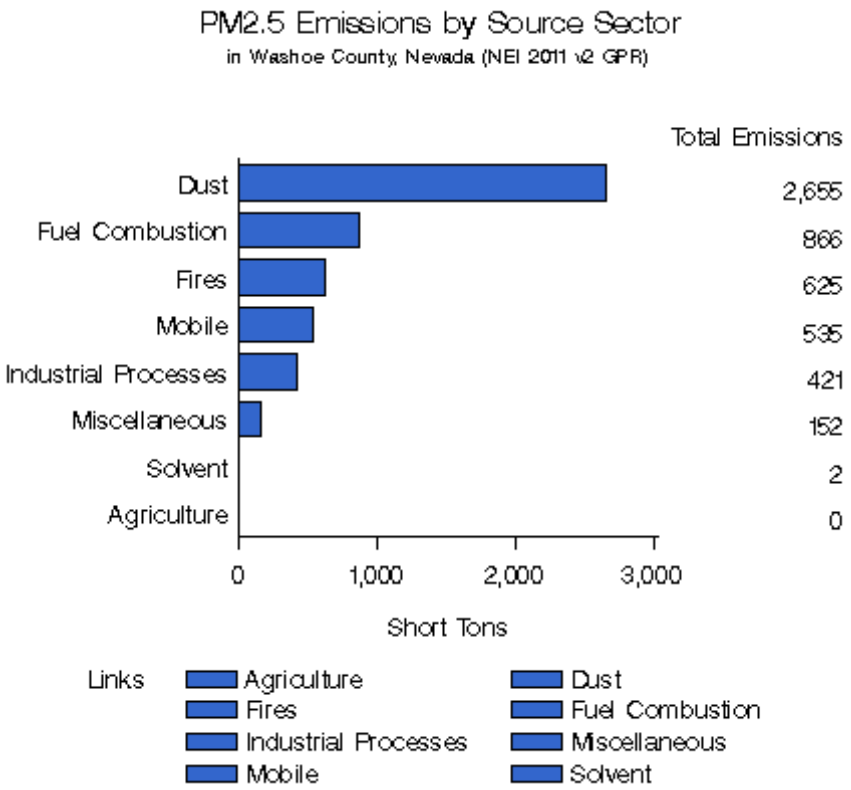


Note: The characterization of Eureka County in central Nevada as having emissions between 0.6234-2.2650 tons per square mile is most likely an artifact of USEPA's methodology for calculating $PM_{2.5}$ emissions from metallic and non-metallic mining activities. Actual emissions are likely much lower.

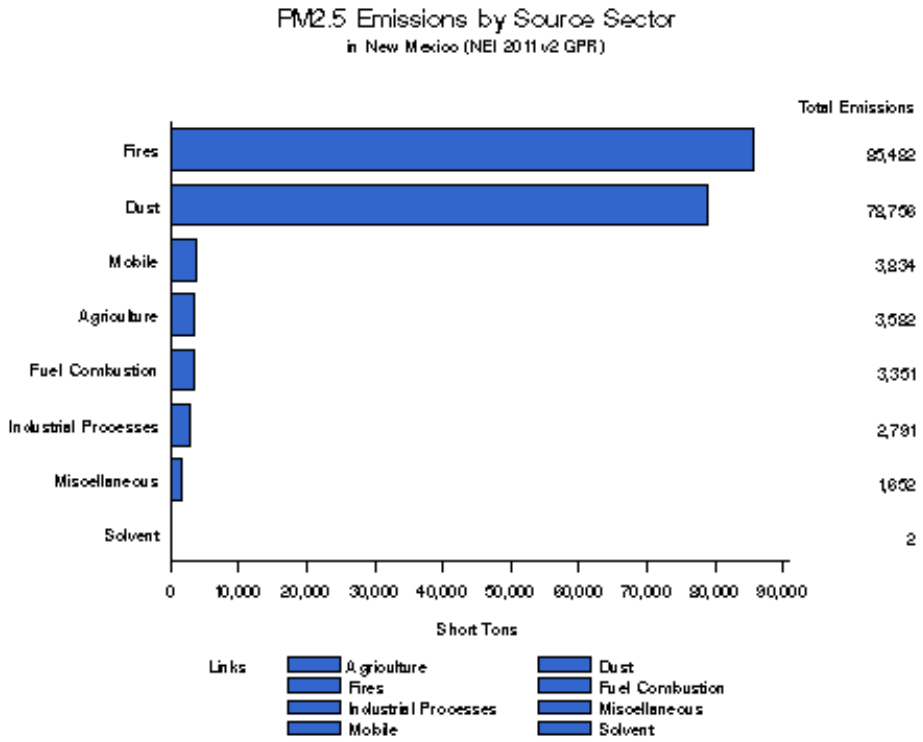
Clark County

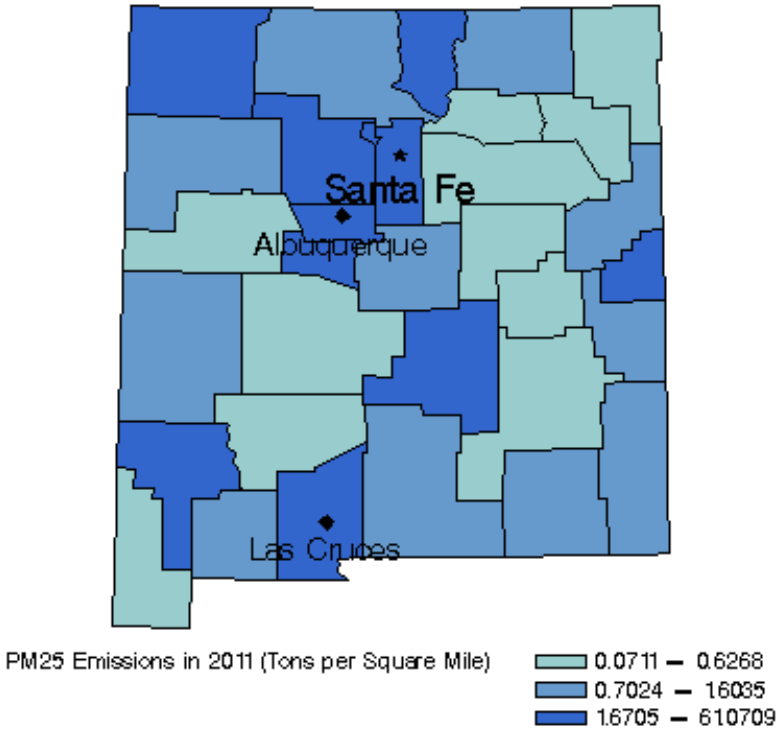


Washoe County

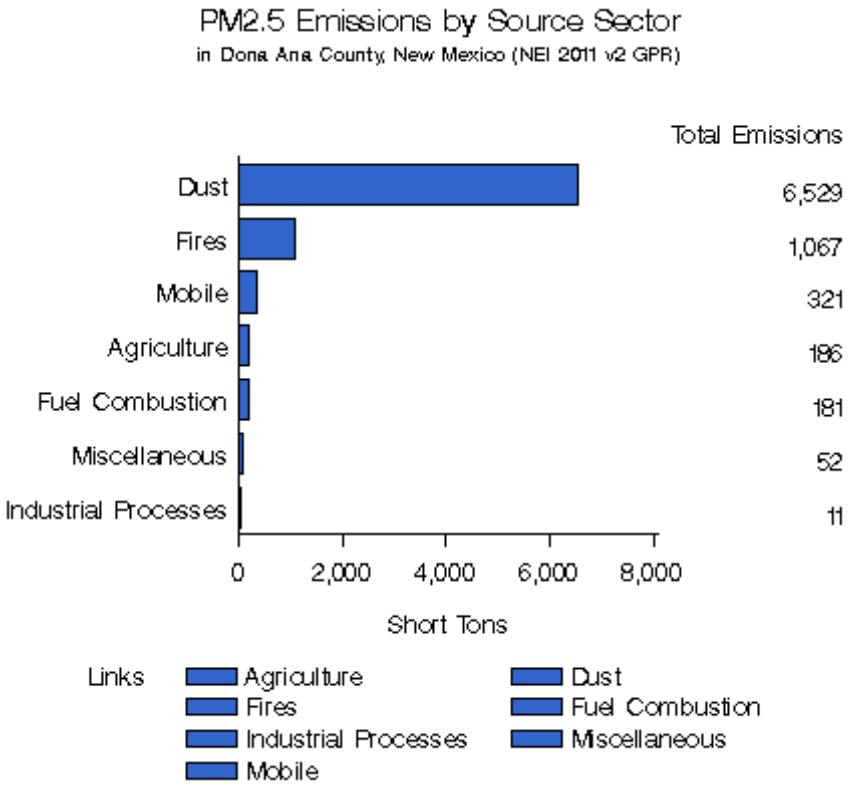


New Mexico


PM2.5 Emissions by Source Sector
in New Mexico (NEI 2011 v2 GPR)
Total Emissions
Fires
Dust
Mobile
Agriculture
Fuel Combustion
Industrial Processes
Miscellaneous
Solvent
2
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
80,000
90,000
Short Tons
Links
Agriculture
Fires
Industrial Processes
Mobile
Dust
Fuel Combustion
Miscellaneous
Solvent


Santa Fe
Albuquerque
Las Cruces
PM25 Emissions in 2011 (Tons per Square Mile)
0.0711 – 0.6268
0.7024 – 16035
1.6705 – 610709

Doña Ana County



APPENDIX F

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

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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
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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

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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; 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 2015) exceeds $8 million with 62 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 2015 of approximately $26.8 million and has approximately 100 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 2015 budget of approximately $2 million and has 18 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

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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*

[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.

> *to in this subsection may petition for judicial review of such action on the basis of a violation of the requirements of this section.*

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. See the Pahrump Valley Clean Air Action Plan Memorandum of Understanding, at http://ndep.nv.gov/baqp/monitoring/pahrumpmonitor2.html (click on "MOU" in the section called "Preferred Option"), as 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). The most recent delegation agreement took effect on April 23, 2014. 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.

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

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 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,

[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.

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 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. The most recent delegation agreement took effect on March 13, 2008. 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 "nonattainment" 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); CAA designations for Nevada with respect to the national ambient air quality standards are contained in 40 CFR § 81.329. On behalf of the Washoe County AQMD, the NDEP submitted a redesignation request to USEPA November 7, 2014 demonstrating the Truckee Meadows Basin has achieved compliance with the 24-hour PM_{10} national ambient air quality standards.

[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

December 2015

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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 2012

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 2012

TITLE 40 - PUBLIC HEALTH AND SAFETY

CHAPTER 439 - ADMINISTRATION OF PUBLIC HEALTH

LOCAL ADMINISTRATION

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 State Health 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

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NOTICE OF PUBLIC COMMENT PERIOD BEGINNING OCTOBER 19, 2015 AND A PUBLIC HEARING ON NOVEMBER 19, 2015, 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 the NDEP's proposed State Implementation Plan (SIP) for the 2012 annual primary fine particulates ($PM_{2.5}$) national ambient air quality standard (NAAQS).

On January 15, 2013, the United States Environmental Protection Agency (USEPA) published (78 FR 3086) a revised annual primary $PM_{2.5}$ NAAQS, to be effective March 18, 2013. When USEPA promulgates a new standard or revises an existing standard, Clean Air Act section 110(a)(1) requires each state to submit a plan showing they have the authority and programs needed to implement, maintain, and enforce the standard, regardless of designation status. This documentation is submitted to USEPA for approval and is generally referred to as an "infrastructure SIP." States must submit an infrastructure SIP within three years after a federal standard is adopted or revised. Nevada's $PM_{2.5}$ infrastructure SIP will be submitted to USEPA by December 14, 2015, the submittal deadline.

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 2012 $PM_{2.5}$ NAAQS as the State air quality standard and prepared a draft $PM_{2.5}$ 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 draft infrastructure SIP and related materials are available on the NDEP website at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning." Access to the draft document may also be obtained by contacting Adele Malone at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701; (775) 687-9356; or e-mail to amalone@ndep.nv.gov.

Persons wishing to comment on the proposed 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 or fax to Adele Malone at the above address or by fax at (775) 687-6396. ***A request for a hearing must be received by November 12, 2015. Written comments will be received by the NDEP until 5:00 PM PST, November 19, 2015 and will be retained and considered.***

Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City on:

November 19, 2015
10:00 a.m. to 12:00 p.m.
Great Basin Conference Room, 4th Floor
901 South Stewart Street
Carson City, Nevada

An agenda will be posted on the NDEP web site at least 3 working days before the hearing. Oral comments will be received at the Hearing. If no request for a public hearing is received by November 12, 2015, the hearing will be cancelled. Persons may check on the status of the hearing on the NDEP web site at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning," or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349.

This notice has been published in the Las Vegas Review-Journal and the Reno Gazette Journal newspapers. It has been posted at the NDEP offices in Carson City and Las Vegas, at the State Library in Carson City and at County libraries throughout Nevada. Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Patricia Bobo (775-687-9543) or Ann McKnight (775-687-9349) no later than 3 working days before the hearing. *10/15/2015*

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Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **10/19/2015 - 10/19/2015**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Kim Bird

AMERICA ACEVEDO
NOTARY PUBLIC - STATE OF NEVADA
My Commission Expires: 06-26-2[illegible]
Certificate No: 14-1448[illegible]

Proof of Publication

NOTICE OF PUBLIC COMMENT PERIOD BEGINNING OCTOBER 19, 2015 AND A PUBLIC HEARING ON NOVEMBER 19, 2015, 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 the NDEP's proposed State Implementation Plan (SIP) for the 2012 annual primary fine particulates (PM2.5) national ambient air quality standard (NAAQS). On January 15, 2013, the United States Environmental Protection Agency (USEPA) published (78 FR 3086) a revised annual primary PM2.5 NAAQS, to be effective March 18, 2013. When USEPA promulgates a new standard or revises an existing standard, Clean Air Act section 110(a)(1) requires each state to submit a plan showing they have the authority and programs needed to implement, maintain, and enforce the standard, regardless of designation status. This documentation is submitted to USEPA for approval and is generally referred to as an "infrastructure SIP." States must submit an infrastructure SIP within three years after a federal standard is adopted or revised. Nevada's PM2.5 infrastructure SIP will be submitted to USEPA by December 14, 2015, the submittal deadline. 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 2012 PM2.5 NAAQS as the State air quality standard and prepared a draft PM2.5 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 draft infrastructure SIP and related materials are available on the NDEP website at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning." Access to the draft document may also be obtained by contacting Adele Malone at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701; (775) 687-9356; or e-mail to amalone@ndep.nv.gov. Persons wishing to comment on the proposed 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 or fax to Adele Malone at the above address or by fax at (775) 687-6396. A request for a hearing must be received by November 12, 2015. Written comments will be received by the NDEP until 5:00 PM PST, November 19, 2015 and will be retained and considered. Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City on: November 19, 2015, 10:00 a.m. to 12:00 p.m. Great Basin Conference Room, 4th Floor 901 South Stewart Street, Carson City, Nevada An agenda will be posted on the NDEP web site at least 3 working days before the hearing. Oral comments will be received at the Hearing. If no request for a public hearing is received by November 12, 2015, the hearing will be cancelled. Persons may check on the status of the hearing on the NDEP web site at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning," or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349. This notice has been published in the Las Vegas Review-Journal and the Reno Gazette Journal newspapers. It has been posted at the NDEP offices in Carson City and Las Vegas, at the State Library in Carson City and at County libraries throughout Nevada. Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Patricia Bobo (775-687-9543) or Ann McKnight (775-687-9349) no later than 3 working days before the hearing. 10/15/2015. NOTICE OF PUBLIC COMMENT PERIOD BEGINNING OCTOBER 19, 2015 AND A PUBLIC HEARING ON NOVEMBER 19, 2015, IF REQUESTED. Conducted by the Nevada Division of Environmental Protection, Bureau of Air Quality Planning No 64353 October 19, 2015

NOTICE OF PUBLIC COMMENT PERIOD BEGINNING OCTOBER 19, 2015 AND A PUBLIC HEARING ON NOVEMBER 19, 2015, 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 the NDEP's proposed State Implementation Plan (SIP) for the 2012 annual primary fine particulates (PM2.5) national ambient air quality standard (NAAQS). On January 15, 2013, the United States Environmental Protection Agency (USEPA) published (78 FR 3086) a revised annual primary PM2.5 NAAQS, to be effective March 18, 2013. When USEPA promulgates a new standard or revises an existing standard, Clean Air Act section 110(a)(1) requires each state to submit a plan showing they have the authority and programs needed to implement, maintain, and enforce the standard, regardless of designation status. This documentation is submitted to USEPA for approval and is generally referred to as an "infrastructure SIP." States must submit an infrastructure SIP within three years after a federal standard is adopted or revised. Nevada's PM2.5 infrastructure SIP will be submitted to USEPA by December 14, 2015, the submittal deadline. 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 2012 PM2.5 NAAQS as the State air quality standard and prepared a draft PM2.5 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 draft infrastructure SIP and related materials are available on the NDEP website at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning." Access to the draft document may also be obtained by contacting Adele Malone at NDEP, 901 S. Stewart Street, Suite 4001, Carson City NV 89701; (775) 687-9356; or e-mail to amalone@ndep.nv.gov. Persons wishing to comment on the proposed 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 or fax to Adele Malone at the above address or by fax at (775) 687-6396. A request for a hearing must be received by November 12, 2015. Written comments will be received by the NDEP until 5:00 PM PST, November 19, 2015 and will be retained and considered. Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City on:

November 19, 2015, 10:00 a.m. to 12:00 p.m.
Great Basin Conference Room, 4th Floor
901 South Stewart Street, Carson City, Nevada

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No 64353 October 19, 2015

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Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/19/2015 to 10/19/2015, on the following days:

10 / 19 / 15

/S/_____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of October, 2015

Notary Mary Lee

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

NOTICE OF PUBLIC COMMENT PERIOD BEGINNING OCTOBER 19, 2015 AND A PUBLIC HEARING ON NOVEMBER 19, 2015, IF REQUESTED

CONDUCTED BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION BUREAU OF AIR QUALITY PLANNING

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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 or fax to Adele Malone at the above address or by fax at (775) 687-6396. A REQUEST FOR A HEARING MUST BE RECEIVED BY NOVEMBER 12, 2015. WRITTEN COMMENTS WILL BE RECEIVED BY THE NDEP UNTIL 5:00 PM PST, NOVEMBER 19, 2015 AND WILL BE RETAINED AND CONSIDERED.

Upon receipt of a valid written request, the NDEP will hold a public hearing in Carson City on:

November 19, 2015
10:00 a.m. to 12:00 p.m.
Great Basin Conference Room,
4th Floor
901 South Stewart Street
Carson City, Nevada

An agenda will be posted on the NDEP web site at least 3 working days before the hearing. Oral comments will be received at the Hearing. If no request for a public hearing is received by November 12, 2015, the hearing will be cancelled. Persons may check on the status of the hearing on the NDEP web site at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning," or you may call the NDEP Bureau of Air Quality Planning at (775) 687-9349.

This notice has been published in the Las Vegas Review-Journal and the Reno Gazette Journal newspapers. It has been posted at the NDEP offices in Carson City and Las Vegas, at the State Library in Carson City and at County libraries throughout Nevada. Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Patricia Bobo (775-687-9543) or Arin McKnight (775-687-9349) no later than 3 working days before the hearing.

10/15/2015

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NEVADA DIVISION OF
ENVIRONMENTAL
PROTECTION

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
David Emme, Administrator

NOTICE OF CANCELLATION OF PUBLIC HEARING ON NOVEMBER 19, 2015

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:

November 19, 2015
10:00 a.m. to 12:00 p.m.
Great Basin Conference Room, 4th Floor
901 South Stewart Street
Carson City, Nevada

The NDEP's Portion of the Nevada State Implementation Plan for the 2012 Annual Primary Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) and related materials are available on the NDEP website at http://ndep.nv.gov/admin/public.htm, click on "Air Quality Planning." Persons may also check on the status of Nevada's $PM_{2.5}$ Infrastructure SIP revision by telephone at (775) 687-9356.

Public Comments and Nevada's Responses

(No comments were received)