ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R076-24

EXPLANATION – Matter in ***italics*** is new; matter in brackets **[**~~omitted material~~**]** is material to be omitted.

AUTHORITY: § 1, NRS 445B.210; §§ 2-5, NRS 445B.210 and 445B.225; §§ 6-11, NRS 445B.210 and 445B.300; § 12, NRS 445B.210, 445B.225 and 445B.300.

A REGULATION relating to air pollution; revising requirements relating to certain decommissioned power-generating units in this State; removing references to obsolete Class III and Class IV sources of air pollution; revising provisions relating to the list of emission units considered insignificant activities; establishing certain exceptions to the duties of the Director of the State Department of Conservation and Natural Resources relating to the issuance or denial of a Class II operating permit; repealing certain provisions relating to sources of air pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to establish requirements for the control of emissions as necessary to prevent, abate or control air pollution. (NRS 445B.210) Existing regulations prohibit certain power generating units in this State from emitting or causing to be emitted certain air pollutants in excess of certain limits. (NAC 445B.22057, 445B.22096) **Sections 1 and 12** of this regulation remove provisions establishing emissions limitations for NV Energy's Reid Gardner Generating Station and Southern California Edison's Mohave Generating Station as these stations have been decommissioned and are not in operation. (Henry Brean and Sean Whaley, *Reid Gardner plant closes after half-century of producing coal-fired power*, LAS VEGAS REV. J., March 15, 2017; John G. Edwards, *Coal-fired Mohave Generating Station to be dismantled*, LAS VEGAS REV. J., June 10, 2009)

Existing law requires the Commission to adopt regulations to require a person operating or responsible for the source of an air contaminant to apply for and obtain an operating permit for the source. (NRS 445B.300) Existing regulations prohibit the issuance, renewal or revision of a Class III or Class IV operating permit on or after November 2, 2016. (Section 23 of LCB File No. R085-16) Consistent with the previous elimination of these sources, **section 12** repeals provisions relating to Class III and Class IV sources. **Sections 6 and 8-10** of this regulation make conforming changes to remove references to Class III and Class IV sources and the sections repealed by **section 12** relating to Class III and Class IV sources.

Existing regulations provide that certain emission units are considered insignificant activities that, with certain exceptions, are exempt from the requirement to obtain an operating permit. (NAC 445B.288) **Section 7** of this regulation removes certain emission units from the list

of emission units considered to be insignificant activities, and thereby requiring an operating permit for their use, including: (1) a portable internal combustion engine that has a rating for output which is less than 500 horsepower or equal to or greater than 500 horsepower if the engine operates less than 100 hours per calendar year; and (2) a stationary internal combustion engine that has a rating for output which is less than 250 horsepower or equal to or greater than 250 horsepower if the engine operates less than 100 hours per calendar year.

Existing regulations provide that certain emergency generators qualify as insignificant activities under certain circumstances during unplanned electrical power outages, but 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. (NAC 445B.288) **Section 7** instead provides that such an emergency generator whose potential to emit is calculated on the basis of less than 100 hours of operation does not qualify as an insignificant activity.

Existing regulations require the Director of the State Department of Conservation and Natural Resources to perform certain duties pertaining to the issuance or denial of a Class II operating permit within certain periods of time. (NAC 445B.3457) **Section 11** of this regulation provides that certain provisions of existing regulations authorizing an administrative amendment to a permit or certain changes without a revision to a permit are an exception to these deadlines.

Existing law authorizes the Commission to require the monitoring or source tests of existing or new stationary sources that can emit an air contaminant. (NRS 445B.225) Existing regulations require an owner or operator who entered into a contract to purchase specific continuous monitoring system components before September 11, 1974, to comply with certain requirements. (NAC 445B.260) **Section 12** repeals this outdated requirement and **sections 2-4** of this regulation make conforming changes to remove references to the repealed section.

Section 5 of this regulation updates a reference to ASTM International.

Section 1. NAC 445B.22096 is hereby amended to read as follows:

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:

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

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

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

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

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

~~UNIT (Boiler)~~	~~NOx~~		~~SO2~~		~~PM10~~	
	~~Emission Limit (lb/106 Btu, 30-day rolling average)~~	~~Control Type~~	~~Emission Limit (lb/106 Btu, 24-hr average)~~	~~Control Type~~	~~Emission Limit (lb/106 Btu, 3-hr average)~~	~~Control Type~~
~~1~~	~~0.20, averaged across all 3 units~~	~~Low NOx burners with over-fire air and selective noncatalytic reduction~~	~~0.15~~	~~Wet soda ash flue gas desulphurization~~	~~0.015~~	~~Fabric filter~~
~~2~~			~~0.15~~		~~0.015~~	
~~3~~			~~0.15~~		~~0.015~~	

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

~~UNIT (Boiler)~~	~~NOx~~			~~SO2~~		~~PM10~~	
	~~Emission Limit (lb/106 Btu, 12-month rolling average)~~	~~Mass Emission Rate (lb/hr, 1-hr average)~~	~~Control Type~~	~~Emission Limit (lb/106 Btu, 30-day rolling average)~~	~~Control Type~~	~~Emission Limit (lb/106 Btu, 3-hr average)~~	~~Control Type~~
~~1~~	~~0.15~~	~~788~~	~~Low-NOx burners with over-fire air and conversion to pipeline natural gas only~~	~~0.0019~~	~~Conversion to pipeline natural gas only~~	~~0.0077~~	~~Conversion to pipeline natural gas only~~
~~2~~	~~0.15~~	~~788~~		~~0.0019~~		~~0.0077~~	

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

~~(a) For~~] ***for*** NV Energy's Fort Churchill ~~[,]~~ ***and*** Tracy ~~[and Reid Gardner generating stations:]~~ ***Generating Stations:***

~~[(1)]~~ ***(a)*** On or before June 30, 2016; or

~~[(2)]~~ ***(b)*** 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, PM_{10} emissions include the components of $PM_{2.5}$ emissions as a subset.

Sec. 2. NAC 445B.258 is hereby amended to read as follows:

1. Unless otherwise approved by the Director or specified in NAC 445B.001 to 445B.390, inclusive, the requirements of this section apply to all continuous monitoring systems required under applicable provisions of those sections.

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.

Sec. 3. NAC 445B.259 is hereby amended to read as follows:

1. During any performance tests required under NAC 445B.252 or within 30 days thereafter and at such other times as may be required by the Director under § 114 of the Act, the owner or operator of any affected facility shall conduct continuous evaluations of the performance of monitoring systems and furnish the Director within 60 days thereof two or upon request more copies of a written report of the results of such tests. These evaluations must be conducted in

accordance with the specifications and procedures provided in this section **.** ~~[and NAC 445B.260.]~~

2. ~~[Except as provided in NAC 445B.260, continuous]~~ ***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.

Sec. 4. NAC 445B.263 is hereby amended to read as follows:

Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required by NAC 445B.261, all continuous monitoring systems must be in continuous operation and meet minimum frequency of operation requirements as follows:

1. All continuous monitoring systems referred to in NAC 445B.259 ~~[and 445B.260]~~ for measuring opacity of emissions must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 10-second period.

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.]~~

Sec. 5. NAC 445B.267 is hereby amended to read as follows:

445B.267 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]~~ ***ASTM International*** or sampling procedures specified by any provision of NAC 445B.256 to 445B.267, inclusive.

(h) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 C.F.R. Part 60, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Director may require that such demonstration be performed for each affected facility.

(i) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

2. Notwithstanding the provisions of subsection 1, the Director shall not approve an alternative method or equivalent 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.

Sec. 6. NAC 445B.287 is hereby amended to read as follows:

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 that is a Class I or Class II 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 maintains one or more thermal units that emit mercury, the owner or operator of a thermal unit that emits mercury shall comply with the provisions set forth in NAC 445B.3611 to 445B.3689, inclusive.

2. A Class I source is not subject to the provisions of subparagraph (1) of paragraph (a) of subsection 1 if the source is not a major source, an affected source or a solid waste incineration unit required to obtain a permit pursuant to 42 U.S.C. § 7429(e). For a Class I source which is not a major source and which subsequently becomes subject to a standard or other requirement under 42 U.S.C. § 7411 or 7412, the Administrator will determine whether to exempt the source from the requirement to obtain a Class I operating permit at the time that the new standard is adopted.

3. An operating permit, operating permit to construct or permit to construct may not be transferred from one owner or piece of equipment to another. An owner or operator may apply for an administrative amendment reflecting a change of ownership or the name of the stationary source for the effective time remaining on the original operating permit pursuant to NAC 445B.319.

4. As used in this section:

(a) "Permit to construct" means a document issued and signed by the Director before November 1, 1995, certifying that:

(1) Adequate empirical data for a stationary source has been received and constitutes approval of location; or

(2) All portions of NAC 445B.305 to ~~[445B.314,]~~ ***445B.3135,*** inclusive, and 445B.3395, and any other provisions of NAC 445B.001 to 445B.390, inclusive, have been complied with and constitute approval of location and for construction.

(b) "Thermal unit that emits mercury" has the meaning ascribed to it in NAC 445B.3643.

Sec. 7. NAC 445B.288 is hereby amended to read as follows:

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),]~~ ***paragraph (f),*** air-conditioning equipment or fuel-burning equipment that, individually, has a rating which is:

(1) Less than 4,000,000 Btu's per hour; or

(2) Equal to or greater than 4,000,000 Btu's per hour if the equipment operates less than 100 hours per calendar year.

(f) ~~[A portable internal combustion engine that has a rating for output which is:~~

~~(1) Less than 500 horsepower; or~~

~~(2) Equal to or greater than 500 horsepower if the engine operates less than 100 hours per calendar year.~~

~~(g) A stationary internal combustion engine that has a rating for output which is:~~

~~(1) Less than 250 horsepower; or~~

~~(2) Equal to or greater than 250 horsepower if the engine operates less than 100 hours per calendar year.~~

~~(h)]~~ An emergency generator. Except as otherwise provided in this paragraph, an emergency generator qualifies as an insignificant activity pursuant to this paragraph only if the emergency

generator is an internal combustion engine that is used to generate electrical power to maintain essential operations during unplanned electrical power outages. An emergency generator that is owned or operated by a stationary source and whose potential to emit is calculated on the basis of less than ~~[500]~~ ***100*** 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 or her request. The owner or operator shall retain the operating log for not less than 5 years.

4. The Director may, upon written request, payment of the fee of $1,000 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.390, inclusive, for emissions below the threshold for a Class II source as set forth in NAC 445B.037 or 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.390, inclusive, relating to the operation of the emission unit determined to be an insignificant activity.

7. A stationary source which consists solely of insignificant activities as determined pursuant to this section and which is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act is not required to obtain an operating permit to operate as a stationary source. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in NAC 445B.001 to 445B.390, 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.

Sec. 8. NAC 445B.308 is hereby amended to read as follows:

1. 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,]~~ ***445B.3135,*** 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 ambient air quality standards. For the purposes of this paragraph, only those state 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.

(d) Will not comply with subsection 4.

3. The Director shall not issue an operating permit or a revision of an operating permit for any stationary source if the Director determines, in accordance with subsection 3 of NAC

445B.311, that the degree of emission limitation required for control of an air pollutant under this section is affected by that amount of the stack height of any source as exceeds good engineering practice stack height, including a good engineering practice stack height demonstrated by a fluid model or a field study approved by the Director in accordance with paragraph (c) of subsection 1 of NAC 445B.083, or any other dispersion technique.

4. 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, as those terms are defined in 40 C.F.R. § 51.165, who proposes to construct in an area designated nonattainment for the regulated air pollutant or pollutants for which the stationary source or modification is major must:

(a) Comply with the provisions of 40 C.F.R. § 51.165, as adopted by reference in NAC 445B.221.

(b) Adopt as an emission limitation for the stationary source the lowest achievable emission rate for each nonattainment regulated air pollutant from the stationary source.

(c) Demonstrate that all other stationary sources within this State which are owned, operated or controlled by the applicant are in compliance or on a schedule of compliance with NAC 445B.001 to 445B.390, inclusive, and all other applicable requirements and conditions of the permit.

(d) Conduct an analysis of any anticipated impact on visibility in any federal Class I area which may be caused by emissions from the stationary source.

(e) Conduct an analysis of alternative sites, sizes, processes of production and techniques for environmental control for the proposed stationary source. Except as otherwise provided in this paragraph, the analysis must demonstrate that the benefits of the proposed stationary source significantly outweigh the detrimental environmental and social effects that will result from its

location, construction or modification. If the major stationary source or major modification proposes to locate in an area designated as marginal nonattainment for ozone, the analysis must demonstrate an offset ratio of 1.2 to 1 for volatile organic compounds and nitrogen oxides. For the purposes of this paragraph, a stationary source which is major for volatile organic compounds or nitrogen oxides shall be deemed major for ozone if the proposed location of the major stationary source or major modification is in an area designated as nonattainment for ozone.

(f) Comply with one of the following:

(1) Sufficient offsets in emissions must be obtained by the time the proposed stationary source begins operation to ensure that the total allowable emissions of each nonattainment regulated air pollutant from the existing stationary sources in the area, those stationary sources in the area which have received their respective permits and the proposed stationary source will be sufficiently less than the total emissions from the existing stationary sources and those stationary sources in the area which have received their respective permits before the proposed stationary source applies for its operating permit or a revision of an operating permit, in order to achieve reasonable further progress; or

(2) If the major stationary source or major modification is located in a zone identified by the Administrator as one to be targeted for economic development, the owner or operator must demonstrate that the emission from the stationary source will not cause or contribute to emissions levels which exceed the allowance permitted for a regulated air pollutant for the nonattainment area.

➥ For the purposes of this paragraph, offsets must comply with the provisions of Appendix S of 40 C.F.R. Part 51, as adopted by reference in NAC 445B.221, and be coordinated with the appropriate local agency for the control of air pollution.

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 or her 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.390, 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,]~~ ***445B.3135,*** 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.

9. As used in this section:

(a) "Offset ratio" means the percentage by which a reduction in an emission must exceed the corresponding increase in that emission.

(b) "Reasonable further progress" means the annual incremental reductions in emissions of the relevant regulated air pollutant that are required by 42 U.S.C. §§ 7501 to 7515, inclusive, or are required by the Administrator to ensure attainment of the applicable standard for national ambient air quality by the applicable date.

Sec. 9. NAC 445B.311 is hereby amended to read as follows:

1. An environmental evaluation which is required for a new or modified stationary source pursuant to NAC 445B.308 to ~~[445B.314,]~~ ***445B.3135,*** inclusive, or as required by the Director **,** must contain a careful and detailed assessment of the environmental aspects of the proposed stationary source and must also contain:

(a) The name and address of the applicant;

(b) The name, address and location of the stationary source;

(c) A description of the proposed stationary source, including the normal hours of operation of the facility and the general types of activities to be performed;

(d) A map showing the location of the stationary source and the topography of the area, including existing principal streets, roads and highways within 3 miles of the stationary source;

(e) A site plan showing the location and height of buildings on the site;

(f) Any additional information or documentation which the Director deems necessary to determine the effect of the stationary source on the quality of the ambient air, including measured data on the quality of the ambient air and meteorological conditions at the proposed site before construction or modification; and

(g) Except as otherwise provided in subsection 5, a dispersion analysis of each regulated air pollutant.

2. Where approval is sought for stationary sources to be constructed in phases, the information required by subsection 1 must be submitted for each phase of the construction project.

3. An environmental evaluation must also consider good engineering practice stack height. If the Director considers an analysis of a source based on a good engineering practice stack height that exceeds the height specified in paragraph (a) or (b) of subsection 1 of NAC 445B.083, the Director shall:

(a) Notify the public of the availability of the demonstration study performed pursuant to paragraph (c) of subsection 1 of NAC 445B.083; and

(b) Provide an opportunity for a public hearing on the demonstration study in accordance with the requirements for a Class I operating permit set forth in subsections 7, 9 and 10 of NAC 445B.3395.

4. A dispersion analysis used to determine the location and estimated value of the highest concentration of each regulated air pollutant must include:

(a) A dispersion model based on the applicable models, bases and other requirements specified in the "Guideline on Air Quality Models," which is Appendix W of 40 C.F.R. Part 51, as adopted by reference in NAC 445B.221, except that the Director may authorize the modification of a model specified in the "Guideline on Air Quality Models" or the use of a model not included in the "Guideline on Air Quality Models" if the Director:

(1) Determines that the modification or use is appropriate;

(2) Obtains written approval of the modification or use from the Administrator; and

(3) Provides notice of and establishes a 30-day period for comment in accordance with the applicable provisions of NAC 445B.3364, 445B.3395, 445B.3447, 445B.3457 or 445B.3477;

(b) A narrative report describing:

(1) If applicable, assumptions and premises used in the analysis, including, without limitation:

(I) Model options chosen;

(II) Urban versus rural selection;

(III) Background concentrations;

(IV) Characterization of emission sources as point, area or volume;

(V) Emission discharge points; and

(VI) Rate of emission from each emission unit; and

(2) The geographic area considered in the analysis, including, without limitation, information concerning:

(I) The nearest significant terrain features;

(II) The receptor grid or grids; and

(III) Restrictions on public access to the stationary source; and

(c) Valid meteorological information pursuant to the provisions of Appendix W of 40 C.F.R. Part 51, as adopted by 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.

Sec. 10. NAC 445B.327 is hereby amended to read as follows:

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:

The number of emission units, including, without limitation, emission units considered to be or approved as insignificant activities pursuant to NAC 445B.288	New Class I operating permit to construct	Revision to a Class I operating permit to construct
Less than or equal to 10	$40,000	$10,000
11-20	$45,000	$15,000
21-50	$50,000	$20,000
51-100	$55,000	$25,000
Greater than 100	$60,000	$30,000

(b) Conversion of a Class I operating permit to construct into a Class I operating permit $5,000

(c) Class I operating permit:

The number of emission units, including, without limitation, emission units considered to be or approved as insignificant activities pursuant to NAC 445B.288	New Class I operating permit	Minor revision to a Class I operating permit	Significant revision to a Class I operating permit	Renewal of a Class I operating permit not pursuant to NAC 445B.302	Renewal of a Class I operating permit pursuant to NAC 445B.302
Less than or equal to 10	$35,000	$10,000	$35,000	$30,000	$5,000
11-20	$40,000	$15,000		$35,000	
21-50	$45,000	$20,000		$40,000	
51-100	$50,000	$25,000		$45,000	
Greater than 100	$55,000	$30,000		$50,000	

(d) Administrative revision to a Class I operating permit..... $1,000

(e) Class II operating permit:

The number of emission units, including, without limitation, emission units considered to be or approved as insignificant activities pursuant to NAC 445B.288	New Class II operating permit	Revision to a Class II operating permit	Renewal of a Class II operating permit not pursuant to NAC 445B.302	Renewal of a Class II operating permit pursuant to NAC 445B.302

The number of emission units, including, without limitation, emission units considered to be or approved as insignificant activities pursuant to NAC 445B.288	New Class II operating permit	Revision to a Class II operating permit	Renewal of a Class II operating permit not pursuant to NAC 445B.302	Renewal of a Class II operating permit pursuant to NAC 445B.302
Less than or equal to 10	$5,000	$2,500	$2,500	$2,000
11-20	$10,000	$5,000	$5,000	
21-50	$15,000	$7,500	$7,500	
51-100	$20,000	$10,000	$10,000	
Greater than 100	$30,000	$15,000	$15,000	

(f) Class II general permit:

Permit Type	New Class II general permit	Revision to a Class II general permit
For a temporary source that is also a stationary source	$1,500	Not applicable
For a stationary source	$500	$250

(g) Surface area disturbance permit:

Total surface area disturbance	New surface area disturbance permit	Renewal of a surface area disturbance permit	Revision to a surface area disturbance permit
5 or more acres but less than 20 acres	$1,000	$1,000	$500
20 or more acres but less than 100 acres	$2,000	$2,000	
100 or more acres but less than 500 acres	$3,000	$3,000	
500 or more acres	$5,000	$5,000	

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

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

2. 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) New operating permit $80,000

(b) Major modification to an existing operating permit 80,000

(c) New Class I operating permit to construct 80,000

(d) Conversion of an operating permit to construct into a Class I operating permit 20,000

(e) Revision of an operating permit to construct 20,000

(f) Administrative revision to a Class I operating permit 1,000

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

3. Ten percent of the fee charged pursuant to paragraph (a), (c) or (e) of subsection 1 or pursuant to paragraph (a), (b), (c) or (e) of subsection 2 is nonrefundable for the purpose of determining if the application is complete.

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

(a) For a Class I source qualifying as:

(1) A major stationary source that is issued one or more Class I operating permits or one or more Class I operating permits to construct:

(I) For the fiscal year beginning on July 1, 2020 ..... $40,000

(II) For the fiscal year beginning on July 1, 2021 50,000

(III) For the fiscal year beginning on July 1, 2022, and each year thereafter 60,000

(2) A major source or a Class II source that is not a major stationary source and which is issued one or more Class I operating permits or one or more Class I operating permits to construct:

(I) For the fiscal year beginning on July 1, 2020 30,000

(II) For the fiscal year beginning on July 1, 2021 35,000

(III) For the fiscal year beginning on July 1, 2022, and each year thereafter 40,000

(3) A major source that is not a major stationary source and which is issued one or more Class I operating permits or one or more Class I operating permits to construct for a municipal solid waste landfill:

(I) For the fiscal year beginning on July 1, 2020 20,000

(II) For the fiscal year beginning on July 1, 2021 22,500

(III) For the fiscal year beginning on July 1, 2022, and each year thereafter 25,000

(b) For a Class II source, the annual fee for maintenance is the sum of the annual fees for maintenance for the potential to emit, the surface area of disturbance and the number of emission units that the stationary source qualifies for:

Potential to emit of the highest single regulated air pollutant, except carbon monoxide and carbon dioxide	Annual Fee for Maintenance
Less than 25 tons per year	$1,000
25 tons or more per year but less than 50 tons per year	$2,000
50 tons or more per year but less than 80 tons per year	$6,000
80 tons or more per year but less than 100 tons per year	$10,000

Total surface area disturbance	Annual Fee for Maintenance
5 or more acres but less than 20 acres	$1,000

Total surface area disturbance	Annual Fee for Maintenance
20 or more acres but less than 100 acres	$2,000
100 or more acres but less than 500 acres	$3,000
500 or more acres	$5,000

The number of emission units, not including emission units considered to be or approved as insignificant activities pursuant to NAC 445B.288	Annual Fee for Maintenance
Less than or equal to 10	$500
11-20	$1,000
21-50	$2,000
51-100	$5,000
Greater than 100	$10,000

(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 1,000

(2) Twenty or more acres but less than 100 acres 2,000

(3) One hundred or more acres but less than 500 acres..... 3,000

(4) Five hundred or more acres 5,000

~~[(f) For a Class IV source.....50]~~

➥ If a stationary source holds a Class I operating permit or a Class I operating permit to construct and a Class II operating permit, the stationary source must only pay the annual fee for maintenance that applies to a Class I source.

5. For the fees set forth in paragraph (b) of subsection 4:

(a) The annual fee for maintenance for the fiscal year beginning July 1, 2020, is the amount of the fee for maintenance which was paid for the stationary source in the fiscal year beginning July 1, 2019, plus 35 percent of the difference between the fee for maintenance for which the stationary source qualifies and the fee for maintenance paid for the fiscal year beginning July 1, 2019.

(b) The annual fee for maintenance for the fiscal year beginning July 1, 2021, is the amount of the fee for maintenance which was paid for the stationary source in the fiscal year beginning July 1, 2019, plus 70 percent of the difference between the fee for maintenance for which the stationary source qualifies and the fee for maintenance paid for the fiscal year beginning July 1, 2019.

(c) The annual fee for maintenance for the fiscal year beginning on July 1, 2022, and each fiscal year thereafter is 100 percent of the fee for which the stationary source qualifies pursuant to paragraph (b) of subsection 4.

6. For the fees set forth in paragraph ~~[(e)]~~ ***(d)*** of subsection 4:

(a) The annual fee for a surface area disturbance for the fiscal year beginning July 1, 2020, is the amount of the fee for the surface area disturbance which was paid for the surface area disturbance in the fiscal year beginning July 1, 2019, plus 35 percent of the difference between

the fee for the surface area disturbance for which the surface area disturbance qualifies and the fee for the surface area disturbance paid for the fiscal year beginning July 1, 2019.

(b) The annual fee for a surface area disturbance for the fiscal year beginning July 1, 2021, is the amount of the fee for the surface area disturbance which was paid for the surface area disturbance in the fiscal year beginning July 1, 2019, plus 70 percent of the difference between the fee for the surface area disturbance for which the surface area disturbance qualifies and the fee for the surface area disturbance paid for the fiscal year beginning July 1, 2019.

(c) The annual fee for a surface area disturbance for the fiscal year beginning on July 1, 2022, and each fiscal year thereafter is 100 percent of the fee for which the surface area disturbance qualifies pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 4.

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

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

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

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

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

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

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

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

9. Except as otherwise provided in this section, the fee for the technical review of the emission units for a stationary source to determine if the stationary source is a Class II source for which an application must be submitted is $1,000.

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

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

(b) Increase each fee required by subsection 8 by an amount that is equal to 2 percent of the fee for the immediately preceding fiscal year.

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

11. The State Department of Conservation and Natural Resources shall collect all fees required pursuant to subsection 4 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.

Sec. 11. NAC 445B.3457 is hereby amended to read as follows:

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.390, 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. ~~[The]~~ ***Except as otherwise provided in NAC 445B.319 and 445B.342, the*** Director shall issue or deny a Class II operating permit or the revision of a Class II operating permit:

(a) If notice to the public is not required pursuant to subsection 5, 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; or

(b) If notice to the public is required pursuant to subsection 5, within 90 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. ~~[If]~~ ***Except as otherwise provided in NAC 445B.319 and 445B.342, if*** notice to the public is required pursuant to subsection 5, 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 45 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 national ambient air quality standards, the state ambient air quality standards contained in NAC 445B.22097 and the applicable state implementation plan.

5. ~~[The]~~ ***Except as otherwise provided in NAC 445B.319 and 445B.342, the*** Director shall provide public notice of the preliminary determination to issue or deny a Class II operating permit or the revision of a Class II operating permit for:

(a) A Class II operating permit for a stationary source that has not previously held a Class I operating permit or Class II operating permit;

(b) A Class II operating permit for a stationary source that is located within 1,000 feet of a school, hospital or residential area; or

(c) 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
$PM_{2.5}$	10
PM_{10}	15
Ozone measured as VOC	40
Lead	0.6

6. If notice is required pursuant to subsection 5, 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) Publish notice of the Director's preliminary determination to issue or deny a Class II operating permit or the revision of a Class II operating permit and a copy of the proposed Class II operating permit on an Internet website designed to give general public notice;

(c) Provide written notification of the Director's preliminary determination to issue or deny a Class II operating permit or the revision of a Class II operating permit 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 preliminary determination to issue or deny a Class II operating permit or the revision of a Class II operating permit and a copy of the draft Class II operating permit 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

(e) Establish a 30-day period for public participation.

7. The notice required pursuant to subsection 5 must include:

(a) The name of the affected facility and the name and address of the applicant;

(b) The name and address of the state agency processing the Class II operating permit or the revision of the Class II operating permit;

(c) The name, address and telephone number of a representative from the state agency that is processing the Class II operating permit or the revision of the Class II operating permit;

(d) A description of the proposed new Class II source or the proposed modification to the existing Class II source and a summary of the emissions involved;

(e) The date by which comments must be submitted to the Director;

(f) A summary of the analysis of the effect of the proposed new Class II source or the proposed modification to the existing Class II source on the quality of air, as analyzed by the state agency processing the Class II operating permit or the revision of the Class II operating permit;

(g) A statement indicating that the affected facility has the potential to emit 5 or more tons per year of lead, if applicable; and

(h) A brief description of the procedures for public participation.

8. All comments on the draft Class II operating permit and the Director's review and preliminary determination to issue or deny a Class II operating permit or a revision of a Class II operating 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 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.

Sec. 12. NAC 445B.038, 445B.0385, 445B.22057, 445B.2206, 445B.260, 445B.314 and 445B.3526 are hereby repealed.

TEXT OF REPEALED SECTIONS

445B.038 "Class III source" defined. (NRS 445B.210) "Class III source" means a stationary source which is subject to the requirements set forth in NAC 445B.001 to 445B.390, 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 PM10, NOx, SO2, VOC and H2S;

2. Which emits less than 1,000 pounds of lead per year;

3. Which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive;

4. Which does not exceed 750 horsepower and is not subject to the requirements of 40 C.F.R. Part 60 except for:

(a) A stationary compression ignition internal combustion engine subject to Subpart IIII; or

(b) A stationary spark ignition internal combustion engine subject to Subpart JJJJ;

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;

(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; or

(c) Is not required to obtain a Class IV operating permit to operate the stationary source.

445B.0385 "Class IV source" defined. (NRS 445B.210, 445B.300)

1. "Class IV source" means a stationary source which:

(a) Except as otherwise provided in subsection 2, is subject to the requirements set forth in NAC 445B.001 to 445B.390, inclusive.

(b) Is not located at or a part of another stationary source.

(c) Is not subject to the requirements of 40 C.F.R. Part 60.

2. The term does not include a stationary source that is subject to the requirements for obtaining a Class I, Class II or Class III operating permit.

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).

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.

445B.260 Monitoring systems: Components contracted for before September 11, 1974. (NRS 445B.210, 445B.225)

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.

445B.314 Method for determining heat input: Class III and Class IV sources. (NRS 445B.210, 445B.300) For the purposes of determining the effects of a Class III source or a Class IV 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.

445B.3526 Required reports. (NRS 445B.210, 445B.300) The holder of a Class IV operating permit shall submit any reports required by NAC 445B.001 to 445B.390, inclusive, and any other reports deemed necessary by the Director to the Director in accordance with the reporting provisions required by the applicable sections of 40 C.F.R. Part 63, as adopted by reference in NAC 445B.221.