CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.000 - GENERAL PROVISIONS

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PART 030.000 - GENERAL PROVISIONS

SECTION A - GENERAL

1. *PURPOSE. This regulation requires the owner or operator of any stationary source(s) ("source(s)") emitting air pollutants ("pollutants") located within Washoe County to obtain a Permit to Construct (PTC) and/or a Permit to Operate (PTO) prior to constructing, modifying, or operating that stationary source, except for sources listed in SECTION 030.020.B.*

    a. *The overarching purpose in requiring a PTC and/or PTO is to protect the health and welfare of the public from exposure to unhealthy concentrations of air pollutants. The PTC and PTO, by requiring information on new and existing stationary sources and modifications to those sources, not only provide information on air pollution emissions (thus facilitating air quality management), but also limit and/or track air pollution emissions, thereby reducing emissions and/or managing exposure from new and modified sources; this allows economic growth within Washoe County while minimizing associated air pollution emissions. Since protection of public health is the Air Quality Management Division's (AQMD's) primary concern, an application for a new source or a modification to an existing source that would adversely impact public health may be denied; should this occur, the owner or operator is encouraged to contact the AQMD to discuss revisions to the proposed source or modification that would reduce the source's impact on air quality to acceptable levels.*

    b. *Time and resources are necessary to prepare and to process applications for construction and operation of a source, and these regulations may require the installation and operation of control equipment or other measures to limit emissions. In addition, there may be monitoring, reporting and recordkeeping requirements included in the permits. Therefore, the owner/operator should include application preparation and processing time and the cost of control devices and monitoring/testing in their project plans.*

    c. *Constructing or operating a source without obtaining the proper PTC or PTO, exceeding emissions limitations, or violating a permit term or condition can result in fines and other penalties (including an order to cease construction or operation). Therefore, owners and operators should review this regulation carefully to determine whether they are required to obtain a PTC or PTO and, if so, what standards and conditions apply. If it is unclear whether a specific source is subject to this regulation, the owner/operator should contact the AQMD for guidance.*

    d. *A source may be subject to one or more of the air pollution permit regulations within PART 030.000, GENERAL REQUIREMENTS, depending on the source's type, size, and emissions, and on the air quality status of the area the source will locate in or impact. Therefore, owner/operators should review the applicability criteria in PART 030.020 carefully to determine which of the following apply to the construction, modification, and/or operation of their source:*

        (1) 030.100 – General Permits
        (2) 030.200 – Minor Source Permit Requirements
        (3) 030.300 – Nonattainment New Source Review (NNSR)
        (4) 030.400 – Prevention of Significant Deterioration (PSD)
        (5) 030.500 – PART 70 Permit to Construct Requirements
        (6) 030.510 – PART 70 Operating Permit Requirements

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SECTION B - GENERAL PROHIBITIONS

1. *SEVERABILITY. If any provision of these regulations or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.*

2. *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.*

3. *PROHIBITED CONDUCT: OPERATION OF SOURCE WITHOUT REQUIRED EQUIPMENT; REMOVAL OR MODIFICATION OF REQUIRED EQUIPMENT; MODIFICATION OF REQUIRED PROCEDURE. Except as otherwise provided in these regulations, no person may:*

   a. *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.*
   b. *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.*

4. *PROHIBITED ACTS. As required by Nevada Revised Statute (NRS) 445B.470,*

   a. *A person shall not knowingly:*

      (1) *Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of information;*
      (2) *Fail to pay any fee;*
      (3) *Falsify any material statement, representation or certification in any notice or report; or*
      (4) *Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.640, inclusive, CHAPTER 030, or any regulation adopted pursuant to those provisions.*

   b. *Any person who violates any provision of NRS 445B.470.1 shall be punished by a fine of not more than $10,000 for each day of the violation.*
   c. *The burden of proof and degree of knowledge required to establish a violation of NRS 445B.470.1 are the same as those required by 42 U.S.C. PART 7413(c).*
   d. *If, in the judgment of the Control Officer or the Control Officer's designee, any person is engaged in any act or practice which constitutes a criminal offense pursuant to NRS 445B.100 to 445B.640, inclusive, the Control Officer or the designee may request that the Attorney General or the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the person.*
   e. *If, in the judgment of the Control Officer of a local air pollution control board, any person is engaged in such an act or practice, the Control Officer may request that the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the person.*

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5. VISIBLE EMISSIONS: MAXIMUM OPACITY; DETERMINATION AND MONITORING OF OPACITY.

a. ***Except as otherwise provided in this section, 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 shall be determined by one of the following methods:***

   (1) If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in 40 CFR PART 60 Appendix A.
   (2) 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 CFR PART 60.13(h).

b. ***The provisions of this section 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 use the exemption.***
c. ***If the provisions of 40 CFR 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 CFR PART 60.42(a)(2) and 40 CFR PART 60.42a(b).***
d. ***The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator as specified in the permit for the facility in accordance with the requirements of PART 030.040.***

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SECTION C - GENERAL PERMIT PROVISIONS

1. PERMITS: REVOCATION AND REISSUANCE.

a. *A permit may be revoked by the Control Officer if the required control equipment is not operating.*
b. *A permit may be revoked by the Control Officer upon determining that there has been a violation of CHAPTER 030, or the provisions of 40 CFR PART 52.21, or 40 CFR PARTS 60, 61, or 63, Prevention of Significant Deterioration, New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, Approval and Promulgation of State Plans for Designated Facilities and Pollutants.*
c. *The revocation is effective ten (10) business days after the service of a written notice.*
d. *To reissue a revoked permit, the holder of the revoked permit must file a new application with the Control Officer, accompanied by the fee for an initial permit. An environmental review of the stationary source must be conducted as though construction had not yet commenced.*

2. PERMITS: TRANSFERS; ADMINISTRATIVE AMENDMENT.

a. *A permit may not be transferred from one owner or piece of equipment to another unless otherwise specified in paragraph 030.000.C.2.c.(5).*
b. *An owner or operator may apply for an administrative amendment reflecting a change of ownership or the name of the stationary source.*
c. *The holder of a permit may request in writing, or the Control Officer may initiate, an administrative amendment of a permit to:*

(1) *Correct typographical errors;*
(2) *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;*
(3) *Require more frequent monitoring or reporting by the holder of the permit;*
(4) *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*
(5) *Allow for a change in ownership or operational control of a stationary source if the Control Officer determines that no other change in the permit is necessary. A person who requests an administrative amendment pursuant to this paragraph must submit to the Control Officer a written agreement specifying a date for the transfer of responsibility for the permit.*

d. *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 as determined by the District Board of Health.*
e. *The Director shall:*

(1) *Issue or deny an application for an administrative amendment within thirty (30) calendar days after receipt of the application.*
(2) *If the administrative amendment is for a PART 70 Operating Permit, send a copy of the administrative amendment to the Administrator.*

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SECTION D - GENERAL ENFORCEMENT PROVISIONS

1. VIOLATIONS: ACTS CONSTITUTING; NOTICE.

a. ***Failure to comply with any requirement of these regulations, any applicable requirement or any condition of a permit constitutes a violation. As required by NRS 445B.450, the Control Officer shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:***

(1) Failure to apply for and obtain a permit;
(2) Failure to construct a stationary source in accordance with the application for a permit or any condition in the Permit to Construct, as approved by the Control Officer;
(3) Failure to construct or operate a stationary source in accordance with any condition of a permit;
(4) Commencing construction or modification of a stationary source without applying for and receiving a permit or a modification of a permit;
(5) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in a permit; or
(6) Failure to pay fees.

b. ***The written notice must specify the provision of these regulations, the condition of the permit or the applicable requirement that is being violated.***
c. ***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***

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.010 - GENERAL DEFINITIONS

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PART 030.010 - GENERAL DEFINITIONS

SECTION A - DEFINITIONS AND ACRONYMS

Unless the context otherwise requires, the terms used in PART 030.010 shall have the meaning given in this part, in PARTS 030.100 through 030.510; NRS 445B; the Federal Clean Air Act, or common usage, in that order of priority.

ACT or "Clean Air Act" or "CAA" means the Federal Clean Air Act as amended.

ACTUAL EMISSIONS means:

a. *The actual rate of emissions from an emissions unit, as determined in accordance with paragraphs a.(1) and a.(2) of this definition, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, the definitions of baseline actual emissions and projected actual emissions shall apply for those purposes.*

   (1) *In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period (except for purposes of annual emissions reporting) which precedes the particular date and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.*
   (2) *For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.*

b. *For the purposes of annual emissions reporting, actual emissions shall be calculated for each calendar year.*

ADJACENT PROPERTIES means parcels of land that lie near each other or that are in close proximity to each other.

ADMINISTRATOR means the Administrator of the United States Environmental Protection Agency or the Administrator's representative or delegate.

AFFECTED FACILITY means, with reference to a stationary or temporary source, any apparatus to which an air pollution-related standard is applicable.

AGRICULTURAL OPERATIONS means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

AFFECTED SOURCE means a source made up of one or more affected units. An affected unit shall

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be any unit or segment of a facility, which is subject to emissions reductions or limitations under Title IV of the Act.

AFFECTED STATE means all States that are contiguous to Washoe County whose air quality may be affected, or all States and tribes that are within fifty (50) miles of the PART 70 source under consideration. Notice of all PART 70 issuances, renewals, or modifications shall be provided to Affected states as applicable.

AIR POLLUTANT or POLLUTANT means any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the EPA Administrator or Control Officer has identified such precursor or precursors for the particular purpose for which the term "air pollutant" is used.

AIR POLLUTION means the presence in the outdoor atmosphere of one or more air pollutants, or any combination thereof, in sufficient quantities and of such characteristics and duration, which may, or tend to:

a. *Injure human health or welfare, plant or animal life, or property;*
b. *Limit visibility or interfere with scenic, aesthetic and historic values of the State; or*
c. *Interfere with the enjoyment of life or property or the conduct of business.*

ALLOWABLE EMISSIONS means the specific maximum emission rate allowed under a Permit to Construct or Permit To Operate, which shall be based on the source's potential to emit (as determined by the physical or operational design of the equipment and any practically enforceable permit conditions that limit the emissions of the source based on use of emissions control equipment, controlled operating rates, hours of operation, or other emissions control methods as approved by the Control Officer) based on the most stringent of the following:

a. *Applicable standards as set forth in 40 CFR PARTS 60, 61, or 63;*
b. *The applicable Nevada State Implementation Plan (SIP) limitation;*
c. *The emission rate specified in a permit condition, including those with a future compliance date;*
d. *An enforceable emissions limitation established in the permit pursuant to an applicable requirement; or enforceable emissions cap assumed by the source to avoid an otherwise applicable requirement.*

AMBIENT AIR means that portion of the atmosphere, external to buildings, to which the general public has access.

APPLICABLE REQUIREMENTS means:

a. *Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rule making under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR PART 52;*

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b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rule making under Title I including PARTS C or D, of the Act;
c. Any standard or other requirement under section 111 of the Act, including section 111(d);
d. Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;
e. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;
f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;
g. Any standard or other requirement under section 126(a)(1) and (c) of the Act;
h. Any standard or other requirement governing solid waste incineration under section 129 of the Act;
i. Any standard or other requirement for consumer and commercial products under section 183(e) of the Act;
j. Any standard or other requirement for tank vessels under section 183(f) of the Act;
k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and
l. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

***AUTHORITY TO CONSTRUCT** means an authorization to construct a stationary source of air pollution, generally conveyed by a permit. This term was superseded in 2024 by the term PERMIT TO CONSTRUCT, but means the same.*

***BASELINE ACTUAL EMISSIONS** (BAE) means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with paragraphs a. through d. of this definition.*

a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
(2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
(3) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need

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only be adjusted if the Control Officer has taken credit for such emissions reductions in an attainment demonstration or maintenance plan.

(4) *For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24- month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.*

(5) *The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph a.(2). of this definition.*

b. *For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Control Officer for a permit required under this section, whichever is earlier.*

(1) *The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.*

(2) *The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.*

(3) *The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need only be adjusted if the Control Officer has taken credit for such emissions reductions in an attainment demonstration or maintenance plan.*

(4) *For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.*

(5) *The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs b.(2) and b.(3) of this definition.*

c. *For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.*

d. *For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph a. of this definition, for other existing emissions units in accordance with the procedures contained in paragraph b. of this definition, and for a new emissions unit in*

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accordance with the procedures contained in paragraph c. of this definition.

***BEGIN ACTUAL CONSTRUCTION** means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.*

***BEST SYSTEM OF CONTROL (BSC)** means:*

a. *The lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economical feasibility. In determining BSC, the following criteria shall be considered:*

   (1) *Energy and environmental impact and cost;*
   (2) *Cost-effectiveness;*
   (3) *Control technology in use by similar sources; and*
   (4) *Technical feasibility.*

b. *BSC may be determined on a case-by-case or source category-specific basis, whichever is more stringent, and should take into account relevant findings and determinations in EPA's RACT/BACT/LAER Clearinghouse.*
c. *The determination of cost-effectiveness shall use the analysis methodologies contained in the EPA Office of Air Quality Planning and Standards Cost Control Manual.*
d. *If the Control Officer determines that technological or economic limitations would make the imposition of an emissions standard infeasible, a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to, in the judgment of the Control Officer, satisfy the requirements for the application of BSC.*
e. ***BSC Threshold**. BSC must be determined and applied to:*

   (1) *Each pollutant at a new source with a source-wide PTE that equals or exceeds the thresholds listed below unless that pollutant is subject to BACT or LAER requirements under the major source provisions of PARTS 030.300 or 030.400; and*
   (2) *Each pollutant at an existing source with a source-wide PTE increase resulting from a modification that equals or exceeds the thresholds listed below unless that pollutant is subject to BACT or LAER requirements under the major source provisions of PARTS 030.300 or 030.400:*

REGULATED MINOR SOURCE POLLUTANT	*BSC PTE THRESHOLD, TPY*
PM10	*15*
PM2.5	*10*
CO	*100*
VOC	*20*
NOx	*20*

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SO_2	40
Lead	0.6
H_2S	5
TOTAL REDUCED SULFUR (TRS), (including H_2S)	5

(3) For each of the pollutants in paragraphs e.(1) and e.(2) above for which BSC must be determined, BSC is determined for and applied to each proposed new emissions unit and each existing emissions unit at which a PTE emissions increase in that pollutant would occur as a result of a physical change or change in the method of operation in the unit.

BRITISH THERMAL UNIT (Btu) means the quantity of heat required to raise the temperature of one (1) pound of water by one (1) degree Fahrenheit at or near its point of maximum density (39.16 °F or 3.98 °C).

BSC SIGNIFICANT EMISSIONS INCREASE and BSC THRESHOLD: See Best System of Control.
BUILDING, STRUCTURE, FACILITY OR INSTALLATION means:

a. All of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101–0066 and 003–005–00716–0, respectively).
b. Notwithstanding the provisions of paragraph a. of this definition, building, structure, facility, or installation means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within one-quarter (1/4) mile of one (1) another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this paragraph, has the same meaning as in 40 CFR PART 63.761.

CLASS I AREA means any area listed as Class I in 40 CFR PART 81 Subpart D, including SECTION 81.418, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge,or a national lakeshore or seashore.

COMMENCE as used in reference to construction or modification of a stationary source, means that

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the owner or operator has:

a. *Obtained all necessary preconstruction approvals or permits, including those required by federal air quality control laws and regulations, Washoe County District Board of Health Regulations Governing Air Quality Management, and air quality laws and regulations which are part of the applicable state implementation plan; and*
b. *Taken affirmative steps toward construction or modification, in one (1) of the following ways:*

   (1) *Has begun, or caused to begin, a continuous program of actual 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;*
   (2) *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 actual construction of the source, to be completed within a reasonable time; or*
   (3) *For modification of a stationary source, has begun those on-site activities, other than preparatory activities, which mark the initiation of the modification.*

COMPLETE means in reference to an application for a permit that the application, in the judgment of the Control Officer, contains all of the information necessary for processing the application. Such a determination does not prohibit the Control Officer from a finding during the permitting process that additional or clarifying information is needed to complete the review process and determine whether to issue a permit or deny the application.

CONSTRUCT means the erection, fabrication, or installation of an affected facility.

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, that would result in a change in emissions.

CONTROL EQUIPMENT means a mechanism, device or contrivance used to reduce or prevent air pollution, that is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation.

CONTROL OFFICER means the District Health Officer of the Washoe County Health District or the person designated by said District Health Officer to enforce these local air pollution control ordinances and regulations as approved by said District Board of Health created pursuant to the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada.

CONTIGUOUS PROPERTY means any property under single or joint ownership or operatorship which is in physical contact, touching, or adjoining.

CONTINUOUS MONITORING SYSTEM means the equipment required for monitoring emissions

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which is used to sample and, if applicable, condition, to analyze, and to provide a permanent record of emissions or process parameters.

CRITERIA POLLUTANTS means those pollutants for which there is a National Ambient Air Quality Standard (NAAQS).

DRAFT PERMIT means the version of a General, Minor, or Major PTC or PTO, including PSD, NNSR or PART 70 permits, that the Health District offers for public participation or affected state review under Health District Regulations for such permits.

DUST means an air pollutant consisting of minute solid particles released into the atmosphere by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, land leveling or clearing, or any combination thereof.

ELECTRIC UTILITY STEAM GENERATING UNIT means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five (25) MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

EMERGENCY means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God.

EMERGENCY GENERATOR means a stationary combustion device, such as a reciprocating internal combustion engine or turbine that serves solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the owner or operator of a facility.

EMISSION or EMISSIONS means that act of passing into the atmosphere any air pollutant or a gas stream, which contains any air pollutants, or the air pollutants so passed into the atmosphere.

EMISSION LIMIT means a requirement established by the Control Officer or contained in any applicable requirement, that limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice or operational standard promulgated under these regulations or the Act.

EMISSIONS UNIT:

a. *For all stationary sources, means any part of a stationary source that emits or would have the potential to emit any regulated pollutant and includes an electric utility steam generating unit.*
b. *For purposes of calculating emissions increases from emissions units in PARTS 030.300 and 030.400, there are two types of emissions units:*

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(1) *A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than two (2) years from the date such emissions unit first operated.*
(2) *An existing emissions unit is any emissions unit that does not meet the requirements in paragraph b.(1) of this definition. A replacement unit is, by definition, an existing emissions unit.*

ENFORCEABLE *means a requirement, limitation, standard or condition in a permit or other document which is both legally enforceable and enforceable as a practical matter. Legally enforceable means that the permit or document includes an obligation to comply with the condition. Enforceable as a practical matter means that permit conditions:*

a. *Consist of emissions, operational or production limits which are objective and quantifiable;*
b. *Require the use of in-place air pollution control equipment, specify that the equipment is to be operated while emissions are being generated, with any exceptions expressly stated, and that the equipment is to be properly operated and maintained;*
c. *Consist of emissions limits with corresponding averaging times which are appropriate for the applicable requirement; and*
d. *Consist of monitoring, recordkeeping, reporting, and testing requirements to determine compliance with permit conditions (e.g., emissions limitations) as specified in PART 030.040, and are included in the permit or document, as applicable.*

EPA *means the United States Environmental Protection Agency.*

EPA ADMINISTRATOR *means the Administrator of the U.S. Environmental Protection Agency (EPA) or his or her designee.*

EXCESS EMISSIONS *generally means any emission which exceeds any applicable emission limitation prescribed by these regulations 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.*

FACILITY *means all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 41010066 and 003–005–00176–0, respectively) or the North American Industry Classification System, as published in 2002.*

FEDERAL LAND MANAGER *means with respect to any lands in the United States, the secretary of the department with authority over such lands or that person's delegate.*

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FEDERALLY ENFORCEABLE means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR PARTS 60, 61 and 63, requirements within any applicable Nevada SIP, any permit requirements established pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the Nevada SIP and that expressly requires adherence to any permit issued under such program.

FUEL means any form of combustible matter, solid, liquid, vapor or gas which is used to generate energy.

FUEL BURNING EQUIPMENT means any device, except internal combustion engines, used for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with any process material.

FUGITIVE DUST means particulate emissions, that are not collected by a capture system, is entrained into the ambient air and is caused from human and/or natural activities, such as unpaved roads, construction activity, movement of soil, vehicles, equipment, blasting and wind. For the purpose of these regulations, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and does not include emissions from process and combustion sources that are subject to other sections of these regulations. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS means emissions of any pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent, or a functionally equivalent opening.

GAS means matter that has no definite shape or volume.

GENERAL PERMIT means:

a. *A permit (either a PTC and/or PTO) issued pursuant to PART 030.100, or*
b. *In the context of a PART 70 permit, a permit that meets the requirements of 40 CFR PART 70.6(d).*

GOOD ENGINEERING PRACTICE (GEP) means a stack height based on the equation and requirements found in 40 CFR 51.100(ii).

HAZARDOUS AIR POLLUTANT (HAP) means any air pollutant listed by EPA as a HAP pursuant to section 112(b) of the Act.

HEALTH DISTRICT means the Washoe County Health District created pursuant to NRS CHAPTER 439 and interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada and includes all the incorporated cities and unincorporated areas within the geographic boundaries of Washoe County, Nevada.

HEAT INPUT means the maximum actual or design fuel capacity, whichever is greater, stated in

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British thermal units (Btu) per hour for the emission unit and will be expressed using the higher heating value of the fuel unless otherwise specified.

***INCINERATOR** means a furnace used primarily for the thermal destruction of waste, including human and pet crematories, burn-out ovens, and other solid, liquid, and gaseous waste incinerators.*

***INSIGNIFICANT MINOR SOURCE or INSIGNIFICANT STATIONARY SOURCE:** See definition of minor source.*

***INSIGNIFICANT MINOR SOURCE MODIFICATION:** See definition of modification.*

***LIKE-KIND REPLACEMENT** generally means the replacement of existing components (emissions units, control equipment, etc.) with similar, equivalent, or comparable, new components (e.g. components that have the same throughput capacity, control efficiency or, utilization factor as the old component) and neither increases the potential to emit of the emissions unit nor triggers a new applicable requirement.*

***MALFUNCTION** means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.*

***MAJOR STATIONARY SOURCE** means,*

a. For purposes of NNSR permitting, the definition specified in PART 030.300.
b. For purposes of PSD permitting, the definition specified in PART 030.400.

***MAJOR MODIFICATION** means,*

a. For purposes of NNSR permitting, the definition specified in PART 030.300.
b. For purposes of PSD permitting, the definition specified in PART 030.400.

***MINOR MODIFICATION** means a modification that is not a major modification for that pollutant.*

a. *A modification at a minor source is a minor modification unless the emissions increase from the modification would constitute a new major stationary source by itself (see major stationary source definitions in PARTS 030.300-030.510).*
b. *Any PTE emissions increase of a regulated minor source pollutant resulting from a modification at a significant minor source requires a permit modification.*
c. *Any PTE emissions increase of a regulated minor source pollutant resulting from a modification at an insignificant minor source increasing the source-wide PTE to greater than or equal to the PTE threshold for significant minor sources (see table in paragraph a. of minor source definition) requires a PTC.*
d. *Any PTE emissions increase of a regulated minor source pollutant greater than or equal to the BSC threshold (see table in the BSC definition) resulting from a modification at an*

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insignificant or significant minor source must install and operate the BSC for such pollutant and source as determined by the Control Officer.

MINOR SOURCE or MINOR STATIONARY SOURCE means any source that is not a major stationary source. A major stationary source can emit more than one pollutant, so may be classified as major because of the level of emissions of one or more pollutants, but may also emit some regulated pollutants at minor source levels. A minor source may be either a natural minor source or a synthetic minor source (see definition—a synthetic minor source needs enforceable limitations to qualify as a minor source). In addition, minor sources are classified by their Potential to Emit (PTE)) as significant minor sources or insignificant minor sources:

a. *A minor source is a significant minor source if it has a PTE equal to or greater than the PTE threshold listed in the table below for the pollutants listed. A significant minor source must have a minor source permit (PTC and/or PTO) addressing each pollutant equaling or exceeding their listed threshold.*

POLLUTANT	PTE THRESHOLD, TPY
PM10	5
PM2.5	5
CO	5
VOC	5
NOx	5
SO_2	5
Lead (Pb)	0.3
H_2S	5
TOTAL REDUCED SULFUR (TRS), including H_2S)	5

b. *A minor source is an insignificant minor source if it has a PTE less than the PTE thresholds shown for each pollutant listed.*

MINOR SOURCE BASELINE DATE means the earliest date after the trigger date on which a major stationary source or a major modification subject to the PSD permitting program under PART 030.400 and/or 40 CFR PART 52.21 submits a complete PSD application under those regulations.

a. *The trigger date is:*

(1) *In the case of PM10 and sulfur dioxide, August 7, 1977;*
(2) *In the case of nitrogen dioxide, February 8, 1988; and*
(3) *In the case of $PM_{2.5}$, October 20, 2011.*

b. *The baseline date is established for each regulated NSR pollutant for which increments or other equivalent measures have been established if:*

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(1) *The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under PART 030.400 and/or 40 CFR PART 52.21 ; and*

(2) *In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.*

***MODIFICATION** means:*

a. *When applied to a stationary source: means any physical change in, or change in the method of operation of a 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.

(a) For Nonattainment New Source Review (NNSR) purposes under PARTS 030.300 (NNSR) and 030.400 (PSD), modifications at a major stationary source can be major (because there is both a significant emissions increase and a significant net emissions increase of that pollutant resulting from the modification), or minor or both depending on the attainment designation of each pollutant. Major modifications are subject to a number of regulatory conditions, such as air impact analyses. Minor modifications at major stationary sources are not subject to NNSR or PSD permitting, but are addressed in these regulations and, if a regulated minor source pollutant, generally require a permit modification.

(b) For PART 70 (Title V) operating permit purposes under PART 030.510, there are several classifications of modifications. These are defined and discussed in PART 030.510.

(c) Minor modifications, whether at major or minor stationary sources, are classified as either significant or insignificant.

(i) A minor modification is significant if:

(A) the PTE of the source for that pollutant prior to the modification equals or exceeds the significant minor source permitting threshold for that pollutant, and

(B) the modification results in any increase in the PTE of the source for that pollutant.

(ii) A minor modification is insignificant if it is not a significant minor modification.

(iii) If the source-wide PTE increase resulting from a significant minor modification equals or exceeds the BSC threshold for that regulated minor source pollutant, it is significant and BSC must be applied to that PTE increase as specified in the BSC definition.

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b. *When applied to a permit (either a PTC or PTO): a revision or change to a permit, usually by adding new or revising existing permit terms or conditions, including emissions limitations and monitoring, recording, and reporting requirements. There are different types of permit modifications, depending on the regulation being applied.*

NATURAL MINOR SOURCE means a minor stationary source whose maximum capacity to emit regulated air pollutants under its physical and operational design falls below the major source thresholds for those pollutants. In other words, the source does not need any enforceable restrictions (such as emissions limits, use of add-on control equipment, and/or restrictions on input, output, throughput, material or fuel composition, operating hours) to qualify as a minor source.

NEW STATIONARY SOURCE means:

a. *For stationary sources subject to the requirements of Section 112 of the Clean Air Act, a stationary source for which the owner or operator commenced construction or reconstruction after the Administrator proposed regulations pursuant to Section 112 of the Clean Air Act which established an emission standard applicable to the stationary source.*
b. *For all other stationary sources, a stationary source or modification for which an owner or operator has not submitted a complete application before the effective date of the program.*

NEW SOURCE PERFORMANCE STANDARDS (NSPS) means the standards established in the federal rules at 40 CFR PART 60.

NITROGEN OXIDES means all oxides of nitrogen except nitrous oxide, as measured by test methods approved by the EPA.

NONATTAINMENT AREA means a geographic area designated by the Environmental Protection Agency (EPA) at 40 CFR Part 81 as exceeding a National Ambient Air Quality Standards (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

NONATTAINMENT NSR PERMIT or NNSR PERMIT means a permit issued pursuant to PART 030.300 or 40 CFR Part 51 Appendix S.

NONATTAINMENT POLLUTANT means, in relation to a nonattainment area, the regulated NSR pollutant (or its precursors) that causes that area to be designated as a nonattainment area.

NONROAD ENGINE means:

a. *Except as provided in paragraph b below, a nonroad engine is any internal combustion engine that meets any of the following criteria:*

(1) *It is (or will be) used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers).*
(2) *It is (or will be) used in or on a piece of equipment that is intended to be propelled while*

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performing its function (such as lawnmowers and string trimmers).

(3) *That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.*

b. *An internal combustion engine is not a nonroad engine if it meets any of the following criteria:*

(1) *The engine is used to propel a motor vehicle, an aircraft, or equipment used solely for competition.*

(2) *The engine is regulated under 40 CFR PART 60, (or otherwise regulated by NSPS) promulgated under Section 111 of the Act. Note that this criterion does not apply for engines meeting any of the criteria of paragraph a of this definition that are voluntarily certified under 40 CFR PART 60.*

(3) *The engine otherwise included in paragraph a.(3) of this definition remains or will remain at a location for more than twelve (12) consecutive months, or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two (2) years) and that operates at that single location approximately three (3) months (or more) each year but less than a full year.*

NORMAL FARM CULTURAL PRACTICE means all activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops, nursery plants or the management of livestock or fowl. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

ONE-HOUR PERIOD means any 60-minute period.

OWNER and/or OPERATOR means any person who owns, leases, operates, controls, or supervises a facility, building, structure, installation, site, activity, or a stationary source which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect of which an affected facility is a part.

OPACITY means the degree to which an object seen through a plume is obscured, stated as a percentage.

OPERATING PERMIT has the same meaning as Permit to Operate.

PART 70 PERMIT or PART 70 OPERATING PERMIT means any permit or group of permits that is issued, renewed, amended or revised pursuant to PART 030.510, which are approved by EPA under

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40 CFR PART 70.

***PART 70 SOURCE** means any source subject to the permitting requirements in PARTS 030.500 and/or 030.510.*

***PARTICULATE MATTER** means any material, except uncombined water such as water vapor and water droplets, which exists in a finely divided form as a solid or liquid at reference conditions, with an aerodynamic diameter smaller than one hundred (100) micrometers.*

***PERMIT MODIFICATION** means:*

a. *For a PART 70 permit, a revision to the permit that meets the requirements of 40 CFR PART 70.7(e), and*
b. *Generally, a revision to any permit issued pursuant to CHAPTER 030.*

***PERMIT TO CONSTRUCT** (PTC) means a document issued by the Control Officer allowing, with or without restrictions, the construction of a new source of air pollution or the modification of an existing source of air pollution. The PTC also allows the source or modification to operate for a limited period of time. Authorization to operate under the PTC expires:*

a. *Upon issuance of a Permit to Operate (PTO) for the new source or modification, or*
a. *One year after initial start-up if a complete application for a PTO has not been submitted, whichever occurs first.*

***PERMIT TO OPERATE** (PTO) means a document issued by the Control Officer, allowing, with or without restrictions, the operation of a new or existing source of air pollution.*

***PERSON** means any individual, firm, association, organization, partnership, business trust, public or private corporation, company, department or bureau of the state, municipality or any officer, agent or employee thereof, or any other legal entity whatsoever that is recognized by the law as the subject of rights and duties.*

***PM2.5** means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or μ) as measured by a reference method based on 40 CFR PART 50 Appendix L and designated in accordance with 40 CFR PART 53 or by an equivalent method designated in accordance with 40 CFR Part 53.*

***PM2.5 EMISSIONS** means finely-divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or μ) emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR PART 51 Appendix M or by a test method specified in the SIP.*

***PM10** means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (microns or μ) as measured by a reference method based on 40 CFR PART 50 Appendix J and designated in accordance with 40 CFR PART 53 or by an equivalent method designated in accordance with 40 CFR PART 53.*

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***PM10 EMISSIONS** means finely-divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal (ten) 10 micrometers (microns or µ) emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR PART 51 Appendix M or by a test method specified in the SIP.*

***POTENTIAL TO EMIT** (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Emissions associated with insignificant activities shall be included in the calculation of potential to emit for the facility. Secondary emissions do not count in determining the potential to emit of a stationary source.*

***PREVENTION OF SIGNIFICANT DETERIORATION** means the EPA-implemented major source preconstruction permit programs under 40 CFR PART 52.21 or the PART 030.400 major source preconstruction permit program approved by the Administrator and incorporated into the SIP pursuant to 40 CFR PART 51.166 to implement the requirements of that section. Any permit issued under such a program is a major NSR permit.*

***PROCESS EQUIPMENT** means any equipment used for storing, handling, transporting, processing or changing any material, excluding that equipment specifically defined as fuel-burning equipment or incinerators.*

***PROJECT** means a plan to construct a new stationary source or a plan to take an action not defined in these rules as a physical change in, or change in the method of operation of, a source (e.g., a physical change at a source that does not increase emissions from that source, such as a new sidewalk). A modification, in contrast, is a more narrowly defined physical change in, or change in the method of operation of, a source, because there must be an emissions increase associated with it; therefore, not all projects are modifications.*

***PSD PERMIT** means a permit issued pursuant to PART 030.400.*

***RECONSTRUCTION OR RECONSTRUCT** means:*

a. *For the purpose of meeting the requirements of 40 CFR PART 60, the definition at 40 CFR PART 60.15, or*
b. *For the purpose of meeting the requirements of 40 CFR PART 63, the definition at 40 CFR PART 63.2.*

***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 thirty (30) inches (760 millimeters, 1013.2 millibars) of mercury.*

***REFERENCE METHOD** means any method of sampling and analyzing for a regulated air pollutant as described in of 40 CFR PART 60 Appendix A.*

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***REGULATED AIR POLLUTANT** means, for purposes of PART 70 permitting under PARTS 030.500 and 030.510, the following:*

a. *Nitrogen oxides or any volatile organic compounds;*
b. *Any pollutant for which a national ambient air quality standard has been promulgated.*
c. *Any pollutant that is subject to any standard promulgated under Section 111 of the Act.*
d. *Any class I or II substance subject to a standard promulgated under or established by Title VI of the Act.*
e. *Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Act, including the following:*

   (1) *Any pollutant subject to requirements under Section 112(j) of the Act. If the Administrator fails to promulgate a standard pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established pursuant to Section 112(e) of the Act; and*
   (2) *Any pollutant for which the requirements of Section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to the Section 112(g)(2) requirement.*

f. *Greenhouse gases that are subject to regulation as defined in 40 CFR PART 70.2.*

***REGULATED MINOR SOURCE POLLUTANT** means all criteria pollutants, hydrogen sulfide (H_2S), and Total Reduced Sulfur (TRS). TRS includes H_2S.*

***REGULATED NSR POLLUTANT**, for purposes of the Nonattainment NSR permitting program at PART 030.300 and PSD permitting program at PART 030.400, means the following:*

a. *Any pollutant for which a national ambient air quality standard has been promulgated. This includes, but is not limited to, the following:*

   (1) PM2.5 emissions and PM10 emissions shall include gaseous emissions from a source or activity, which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM2.5 and PM10 in PSD permits. Compliance with emissions limitations for PM2.5 and PM10 issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.
   (2) Any pollutant identified under 40 CFR PART 52.21(b)(50)(i)(b) as a constituent or precursor for a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified by the Administrator for purposes of NSR are the following:

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(a) *Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.*
(b) *Sulfur dioxide is a precursor to PM2.5 in all attainment and unclassifiable areas.*
(c) *Nitrogen oxides are presumed to be precursors to PM2.5 in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM2.5 concentrations.*
(d) *Volatile organic compounds are presumed not to be precursors to PM2.5 in any attainment or unclassifiable area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM2.5 concentrations.*

REGULATED POLLUTANT *means an air pollutant subject to regulation by the Health District. [or "under the Act."]*

RENEWAL *means the process by which a holder of an operating permit applies for and the Control Officer reissues the operating permit at the end of its term.*

REPLACEMENT UNIT *means an emissions unit for which all the criteria listed in paragraphs a. through d. of this definition are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.*

a. *The emissions unit is a reconstructed unit within the meaning of 40 CFR PART 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit;*
b. *The emissions unit is identical to or functionally equivalent to the replaced emissions unit;*
c. *The replacement does not alter the basic design parameters of the process unit; and*
d. *The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.*

RESPONSIBLE OFFICIAL *means:*

a. *For a corporation:*

(1) *A President;*
(2) *A Vice President in charge of a principal business function;*
(3) *A Corporate Secretary;*
(4) *A Treasurer; or*
(5) *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 Control Officer.*

b. *For a partnership or sole proprietorship, a general partner or the proprietor, respectively.*

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c. *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.*

REVIEWING AUTHORITY means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized to carry out a permit program, or the Administrator in the case of EPA-implemented permit programs.

SCHEDULED MAINTENANCE means the maintenance which is planned by the management of a stationary source, or any part thereof, which is anticipated at least one (1) month in advance.

SCHEDULED REPAIR means the repair of a stationary source, or any part thereof, which occurs within one (1) month of discovery of the need for the repair and which is not a part of scheduled maintenance.

SHUTDOWN means the cessation of operation of operation of any air pollution control equipment or process equipment for any purpose.

SIGNIFICANT or SIGNIFICANTLY for purposes of emissions increases, means:

a. *For purposes of minor source permitting, the definition specified in PART 030.200:*
b. *For purposes of NNSR permitting, the definition specified in PART 030.300.*
c. *For purposes of PSD permitting, the definition specified in PART 030.400.*

SIGNIFICANT MINOR SOURCE: See Minor Source.

SIGNIFICANT MODIFICATION: See Modification.

SMOKE means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable.

SOURCE means:

a. *Any property, real or personal, under common ownership or control that directly emits, or may emit, any air pollutant.*
b. *A source may be stationary, mobile, portable, temporary or permanent and can include:*

(1) *Any building, structure, facility or installation;*

c. *One or more pieces of equipment or machinery, devices, articles, contrivances, or facilities;*
d. *One or more activities that may emit (such as open burning); and/or*
e. *One or more area sources (such as storage piles, bare land, or unpaved roads) that may emit under certain conditions (e.g., wind or traffic).*
f. *A source consists of one (1) or more emissions units.*
g. *As used in this CHAPTER 030, source and stationary source are used interchangeably; non-stationary sources are specifically identified (e.g., as a mobile source).*

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h. *There are a number of different types of regulated air pollution sources identified and defined in various regulations; see, for example, the definitions for minor sources, major sources, PART 70 (Title V) sources, and HAP sources, as well as the different designations for mobile sources and internal combustion engines (ICE), such as non-road engines, propulsion units, and vessels.*

STACK *means any flue, pipe, conduit, or duct arranged to conduct any smoke, gas, air pollutant, or emission (including suspended solids and liquids) to the atmosphere, but does not include flares.*

STARTUP *means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.*

STATE IMPLEMENTATION PLAN (SIP) *means the State Implementation Plan approved or promulgated for the State of Nevada under Section 110 or 172 of the Act.*

STATIONARY SOURCE *means:*

a. *All buildings, structures, facilities and installations, including temporary sources, which:*

   (1) *Belong to the same major industrial groupings described in the Standard Industrial Classification Manual, as incorporated by reference in NAC 445B.221;*
   (2) *Are located on one or more contiguous or adjacent properties;*
   (3) *Are owned or operated by the same person or by persons under common control; and*
   (4) *Emit or may emit any regulated air pollutant.*

b. *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 emissions units, are not part of the stationary source.*
c. *The term does not include motor vehicles, nonroad engines and nonroad vehicles.*

SYNTHETIC MINOR SOURCE *means a stationary source that otherwise has the potential to emit one or more regulated air pollutants in amounts that are at or above the threshold for major sources, but is subject to one or more restrictions that reduce its potential to emit to less than those major source thresholds. Such restrictions must be legally enforceable and enforceable as a practical matter.*

TEMPORARY SOURCE *means any building, structure, facility or installation which:*

a. *Emits or may emit any regulated air pollutant;*
b. *May be moved from one location to another;*
c. *Is located or operated in a location for a period of less than twelve (12) months;*
d. *Is not an affected source; and*
e. *May be subject to other applicable federal requirements under the Act.*

TOTAL REDUCED SULFUR (TRS) *means the sum of the mass of sulfur compounds, hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides, emitted and measured by EPA Method 16 in 40 CFR PART 60 Appendix A or an approved equivalent*

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method, and expressed as hydrogen sulfide.

VENT means any opening through which air pollutants are exhausted into the ambient air.

VIOLATION means a failure to comply with any applicable requirement, any provisions of the District Board of Health Regulations Governing Air Quality Management, or a condition of a permit.

VOLATILE ORGANIC COMPOUNDS (VOC) has the meaning ascribed to it in 40 C.F.R. PART 51.100(s).

ACRONYMS

BACT	*Best Available Control Technology*
BAE	*Baseline Actual Emissions*
BSC	*Best System of Control*
Btu	British Thermal Unit
CAA	Clean Air Act
CFR	Code of Federal Regulations
CO	*Control Officer (or, in context, carbon monoxide)*
EPA	Environmental Protection Agency
FLM	*Federal Land Manager*
GEP	Good Engineering Practices
GHG	*Greenhouse Gases*
HAP	*Hazardous Air Pollutant*
ICE	Internal Combustion Engine
LAER	*Lowest Achievable Emissions Rate*
MACT	*Maximum Achievable Control Technology*
MW	Megawatt
NAAQS	*National Ambient Air Quality Standard*
NEI	*Net Emissions Increase*
NNSR	*Nonattainment New Source Review (generally referring to major sources)*
NSPS	New Source Performance Standards
NSR	*New Source Review*
PAE	*Projected Actual Emissions*
PAL	Plantwide Applicability Determination
PSD	*Prevention of Significant Deterioration*
PTC	*Permit to Construct*
PTE	*Potential to Emit*
PTO	*Permit to Operate*
RACT	*Reasonably Available Control Technology*
SER	*Significant Emissions Rate*
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SSM	*Startup, Shutdown, and Malfunction*
TRS	Total Reduced Sulfur
VOC	*Volatile Organic Compounds*

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.020 - GENERAL SOURCE PERMITTING APPLICABILITY

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PART 030.020 - GENERAL SOURCE PERMITTING APPLICABILITY

SECTION A - APPLICABILITY

1. ***REGULATORY REQUIREMENTS.** Stationary sources emitting air pollutants located in Washoe County, depending on their type, location, and size, may be subject to one (1) or more of the County's air pollution control regulations. Sources may have only one (1) emission source (such as gasoline dispensing) or multiple activities (e.g., an asphalt plant with storage piles, unpaved roads, an incinerator, and a wood stove in the office) that subject them to various regulations and emissions and/or operating limitations. Therefore, owner/operators should review all applicable air pollution regulations to determine whether their source is subject to CHAPTER 030.*

2. ***PERMITS.** Except as provided in SECTION 030.020.B, owners and operators of new sources and modifications to existing sources of air pollution must obtain a Permit To Construct (PTC) before beginning actual construction.*

   a. *A PTC authorizes the construction of a source or modification and, for a period of time, its operation (generally, until a Permit To Operate (PTO) is issued following completion of the authorized construction and by way of submittal of a complete application, but no longer than twelve (12) months after initial start-up).*

      (1) *A PTC expires if construction does not commence within eighteen (18) months of permit issuance.*
      (2) *Construction authorized by the PTC must be completed within a reasonable time, based on typical construction times for that type of source or modification.*

   b. *A PTO, whether for a minor or a major source, expires five (5) years from the date of issuance and must be renewed by submitting a complete application. Since a PTC is only required for proposed new sources and for modifications to existing sources, existing sources that are not being modified, but which are, or become, subject to CHAPTER 030, shall be issued a PTO without having to obtain a PTC.*

   c. *A permit must contain the following conditions:*

      (1) The term or expiration date of the permit.
      (2) That the holder of the permit shall retain records of all required monitoring data and supporting information for five (5) years after the date of the sample collection, measurement, report or analysis, where supporting information includes all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.
      (3) Requirements for monitoring that are sufficient to ensure compliance with the conditions of the operating permit, including:

         (i) All procedures or test methods for monitoring and analyzing emissions required pursuant to the applicable requirements or adopted pursuant to 42 USC 7414(a)(3) or 7661c(b).
         (ii) If the applicable requirement does not require periodic testing or monitoring, periodic

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monitoring that is sufficient to yield reliable data from the relevant period which is representative of the stationary source's compliance with the conditions of the operating permit. Such monitoring requirements must use terms, test methods, units, averaging periods and other statistical conventions consistent with the applicable requirement.

(iii) As necessary, requirements concerning the use, maintenance and the installation of equipment, or methods for monitoring.

(4) All applicable requirements for recordkeeping and requirements, where applicable, to keep:

(i) Records of monitoring information required by the conditions of the permit, including the date, the location, and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and

(ii) The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used and the results of such analyses.

(5) All reporting requirements and requirements to:

(i) Promptly report all deviations from the requirements of the operating permit; and

(ii) State the probable cause of all deviations and any action taken to correct the reported deviations.

(6) That each of the conditions and requirements of the permit is severable, and if any are held invalid, the remaining conditions and requirements continue in effect.

(7) That the holder of the permit shall comply with all conditions of the permit and that any noncompliance constitutes a violation and is grounds for:

(i) An action for noncompliance;

(ii) Revising, revoking, reopening and revising, or terminating the permit by the Control Officer; or

(iii) Denial of an application for a renewal of an operating permit by the Control Officer.

(8) That the need to halt or reduce activity to maintain compliance with the conditions of the permit is not a defense to noncompliance with any condition of the permit.

(9) That the Control Officer may revise, revoke and reissue, reopen and revise, or terminate the permit for cause.

(10) That the permit does not convey any property rights or any exclusive privilege.

(11) That the holder of the permit shall provide the Control Officer, in writing and within a reasonable time, with any information that the Control Officer requests to determine whether cause exists for revising, revoking and reissuing, reopening and revising, or terminating the permit, or to determine compliance with the conditions of the permit.

(12) That the holder of the permit shall pay fees to the Control Officer in accordance with the provisions set forth in these regulations.

(13) That the holder of the permit shall allow the Control Officer or any authorized representative, upon presentation of credentials, to:

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(i) Enter upon the premises of the holder of the permit where:

(A) The stationary source is located;
(B) Activity related to emissions is conducted; and/or
(C) Records are kept pursuant to the conditions of the permit;

(ii) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the permit;
(iii) 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 permit; and
(iv) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the permit or applicable requirements.

(14) That 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 permit are true, accurate and complete.
(15) That permits must be posted conspicuously at or near the stationary source.

d. *A single Permit To Construct may be issued for an entire stationary source or for all components of an integrated system or process consisting of one (1) or more emissions units, or for a modification to an existing source, even if the modification involves more than one (1) new emissions unit and/or modification of more than one (1) existing emissions unit.*
e. *Sources and modifications are generally classified based on quantity of emissions (as major or minor) and on the air quality of the area where they are located (either attainment or nonattainment with the NAAQS). A source can be both major and minor and located in both attainment and nonattainment areas, depending on the air pollutants emitted, so may fall within several or all these classifications. For example, a source may emit major amounts of NO_2 but only a minor amount of PM2.5 and be located in an area that is in attainment of the NO_2 NAAQS but nonattainment for the PM2.5 NAAQS.*
f. *Stationary sources not subject to either minor or major source permitting may still be required to obtain a general permit under PART 030.100.*
g. *Minor stationary sources are generally subject to the permitting regulations in PART 030.200; but may also be subject to national, state or county source-specific emissions limitations (e.g., Federal nationwide New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) or local requirements for that specific source category).*
h. *If a source is a new major stationary source or a major modification to an existing major stationary source for a pollutant for which the area is designated attainment (air quality complies with the NAAQS for that pollutant), then the source is subject to Prevention of Significant Deterioration (PSD) permitting. See PART 030.400.*
i. *If a source is a new major stationary source or a major modification to an existing major stationary source for a pollutant for which the area is designated nonattainment (air quality exceeds the NAAQS for that pollutant), then the source is subject to major Nonattainment NSR. See PART 030.300.*
j. *If the source is a major source as defined in PART 030.500 and/or 030.510, it must obtain a PART 70 operating permit, even if it is an existing source that has not been modified. New*

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and modified stationary sources that meet the definition of major source under in PART 030.500 and/or 030.510, must submit a complete application within twelve (12) months of commencing operation under the PTC. See PART 030.500 and/or 030.510.

k. *In addition, new and/or existing sources (minor and major) may be subject to Federal national emissions standards, specifically New Source Performance Standards (NSPS) and/or National Emission Standards for Hazardous Air Pollutants (NESHAP).*

3. *APPLICABILITY PROCEDURES AND EMISSIONS CALCULATIONS. The following procedures and calculations shall be used when determining whether a new stationary source or a modification to an existing stationary source is a minor or major source or modification; whether it is required to obtain a Permit To Construct (PTC) and/or Permit To Operate, and if so, under which NSR program(s) the permit is required: a New Source Review (NSR), including Minor Source, Prevention of Significant Deterioration (PSD), and/or Nonattainment NSR (NNSR) PTC; and if a PART 70 operating permit is required.*

a. *Applicability is first determined on the basis of whether the source is of the type or size exempted from permit requirements, then (if not exempt), on a potential to emit and pollutant-by-pollutant basis. The source can be a minor source for some pollutants, a major source of other pollutants and can be located in an area that is nonattainment for certain pollutants and in attainment for other pollutants.*

b. *Generally, all applicable requirements are combined into a single permit. For example, a proposed new source that will be minor for one (1) pollutant, PSD for another, and NNSR for another will apply for a single permit that combines the requirements for all these programs.*

c. *EXEMPTIONS: The first step in making applicability determinations is to determine whether the source is exempt from the permit requirements of CHAPTER 030. If so, the source is not required to obtain any permits, although certain air pollution control requirements and limitations in CHAPTERS 020 and 040 may still apply.*

(1) For new stationary sources, determine whether it belongs to the type, size or category of source that is exempt from the requirements of CHAPTER 030. Exempt sources are listed in SECTION 030.020.B. If your source is listed in SECTION 030.020.B, it is exempt and does not require a permit. If the source consists of multiple activities or emissions units, certain activities may be exempt, while other activities may require a permit; if any one (1) activity or emissions unit requires a permit, the source must obtain a permit for that part of the source.

(2) For proposed changes to an existing stationary source that is not exempt, determine whether the proposed change is a physical change or change in the method of operation. If not, the proposed change is not a modification and does not require a permit. If it is a modification, the next step is to determine whether the modification is classified as major or minor. This is determined by following the applicability criteria for modifications to minor sources in PART 030.200 or for major sources in PARTS 030.300 through 510.

d. *POTENTIAL TO EMIT (PTE): The next step in making applicability determinations is to determine the PTE of the proposed new or modified source in tons of emissions per year.*

4. *REGULATED AIR POLLUTANTS. There are different groups of pollutants for purposes of CHAPTER 030 for which permits are required:*

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a. ***Criteria pollutants**. These are the pollutants for which there are National Ambient Air Quality Standards (NAAQS). They are PM2.5 (which includes precursors NOx and SO_2 (and in nonattainment areas, VOC and ammonia)), PM10, SO_2, NO_2, ozone (regulated through its precursors: VOC and NOx), CO, and lead (Pb). Stationary sources (unless exempt) emitting these pollutants at or above the significant minor source threshold must, at a minimum, obtain a minor source permit (new sources must obtain a PTC; existing sources must obtain a PTO and modified sources must obtain both a PTC and PTO) or a general permit for those pollutants (See PARTS 030.100 and 030.200). They may also be subject to PSD (See PART 030.400), NNSR in nonattainment areas (see PART 030.300), and/or PART 70 (See PARTS 030.500 and/or 030.510) permit requirements, depending on the quantity of emissions.*

b. ***Regulated Minor Source Pollutants**. This group consists of the criteria pollutants plus Hydrogen Sulfide (H_2S) and Total Reduced Sulfur (TRS) compounds (which includes H_2S). Sources with a PTE for these pollutants at or above the thresholds found in the definition of minor source are termed significant minor sources and require a permit. See PART 030.200 and the definitions in PART 030.010.*

c. ***Regulated NSR pollutants**. For minor NSR and NNSR, this group only consists of criteria pollutants and their precursors. For PSD, this group consists of certain noncriteria pollutants in addition to all the criteria pollutants and includes the pollutants subject to regulation under the PSD permitting program. Unless exempt, major stationary sources (new or modified) emitting these noncriteria pollutants may be subject to PSD permitting and require a PTC. See PART 030.400.*

d. ***Regulated air pollutants**. This group consists of the regulated NSR pollutants plus the Hazardous Air Pollutants (HAP) regulated under SECTION 112(b) of the Act. Sources that are major for any one (1) of these pollutants must obtain a PART 70 (Title V) operating permit (PTO). See PART 030.500 and/or 030.510.*

e. ***Regulated pollutants**. This group consists of all the air pollutants regulated by Washoe County, and includes all of the air pollutant groups listed in this paragraph and any other air pollutants subject to various Washoe County regulations.*

5. ***APPLICABILITY CALCULATIONS FOR CONSTRUCTION (NSR) PERMITS (PTC)***

a. ***NEW STATIONARY SOURCES:** Calculate the proposed new source's potential to emit (PTE) for each pollutant. Use the tables provided below to determine which permit program requirements are applicable:*

(1) *A Minor source permit is required if the entire source has a potential to emit equal to or greater than the thresholds listed in the table below for each of the regulated minor source pollutants listed, but is not a major source as defined in PART 030.300 or PART 030.400:*

REGULATED MINOR SOURCE POLLUTANT	*Minor Source Threshold Potential to Emit (PTE), TPY*
PM10	*5*
PM2.5	*5*
CO	*5*

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VOC	*5*
NOx	*5*
SO2	*5*
Lead (Pb)	*0.3*
H2S	*5*
TOTAL REDUCED SULFUR (TRS) (including H_2S)	*5*

(2) *Any new minor source must apply Best System of Control (BSC) to each regulated minor source pollutant whose PTE equals or exceeds the following BSC thresholds:*

REGULATED MINOR SOURCE POLLUTANT	*BSC PTE THRESHOLD, TPY*
PM10	*15*
PM2.5	*10*
CO	*100*
VOC	*20*
NOx	*20*
SO_2	*40*
Lead (Pb)	*0.6*
H_2S	*5*
TOTAL REDUCED SULFUR (TRS) (including H_2S)	*5*

(3) *A major stationary source permit is required if the new source is subject to PSD permitting (See PART 030.400) and/or nonattainment New Source Review (NSR) (NNSR) permitting (See PART 030.300).*

(i) Applicability determinations are made on a pollutant-by-pollutant basis, so a new source may be subject to both minor and major permitting. However, in most cases, a single PTC which includes all the requirements and conditions that the source must meet, is issued.

b. *MODIFICATIONS TO EXISTING SOURCES: Modifications are either minor or major and a minor modification may be further classified as either insignificant or significant. Once a change or project is determined to be a modification, determine whether the existing source (as it is currently configured) is minor or major (see the major stationary source definitions and the criteria in PARTS 030.300 and 030.400).*

(1) *EXISTING MINOR STATIONARY SOURCES:*

(i) If the existing source is minor (based on its PTE), then a modification is minor unless the emissions increase resulting from the project constitutes a major stationary source by itself; this is determined by reviewing the applicability provisions in the definition of a major stationary source (not the definition of a major modification) in

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PARTS 030.300 and 030.400.

(ii) If the emissions increase of a pollutant is major in and of itself, then:

(A) If the area is in attainment for that pollutant, the modification is subject to PSD review for that pollutant (and possibly additional pollutants (see the applicability provisions in PART 030.400) and may still be subject to minor NSR permitting for other pollutants (see below).

(B) If the area is nonattainment for that pollutant and the PTE of the existing source is major for that nonattainment pollutant, the modification is subject to NNSR review for only that pollutant (see the applicability provisions in PART 030.300) and may still be subject to minor NSR permitting for other pollutants (see below).

(iii) If the emissions increase is not major in and of itself, then the modification is minor (either significant or insignificant).

(A) If the existing source is an insignificant minor source (based on its PTE) and the PTE emissions increase, as a result of the modification, maintains the facility-wide PTE below the significant minor source permitting threshold, then the modification is an insignificant minor source modification and does not require a permit.

(B) If the existing source is an insignificant minor source (based on its PTE) and the PTE emissions increase, as a result of the modification, equals or exceeds the significant minor source permitting threshold but is not major in and of itself, then the modification is a significant minor source modification and requires a PTC. In addition, if the PTE emissions increase equals or exceeds the BSC threshold, BSC must be determined and applied to those emissions.

(C) If the existing source is a significant minor source (based on its PTE), any modification that results in a PTE increase, that is not major in and of itself, is significant and requires a permit modification. In addition, if the PTE emissions increase equals or exceeds the BSC threshold, BSC must be determined and applied to those emissions.

(2) EXISTING MAJOR STATIONARY SOURCES:

(i) If the source is major, determine whether the modification is minor or major by calculating the (project) emissions increase and the net emissions increase for each pollutant.

(A) The modification is minor for each pollutant for which either the emissions increase, or the net emissions increase, is not significant. Minor modifications, even those at major stationary sources, are not subject to major source PTC requirements (PSD, NNSR), but may be subject to minor source modification PTC and PTO permitting based on PTE increases and the minor source permitting thresholds (See PART 030.200) and subject to BSC based on PTE increases and the BSC thresholds.

(B) The major modification significance levels (thresholds) for PSD permitting are provided in PART 030.400 and NNSR permitting are provided in PART 030.300.

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(C) The modification is major for each pollutant for which both the emissions increase and the net emissions increase is significant. If the area is attainment or unclassifiable for a pollutant, then that pollutant is subject to PSD permitting (See PART 030.400). If the area is nonattainment for that pollutant and the source is major for that nonattainment pollutant, then that pollutant is subject to NNSR permitting (See PART 030.300)

c. *EMISSIONS INCREASE CALCULATIONS FOR MAJOR STATIONARY SOURCES: Calculate the emissions increase (also called the "project emissions increase") and the net emissions increase (also called the contemporaneous net increase) that will result from the proposed project for each pollutant using the following calculation methodology. If both the project emissions increase and the net emissions increase are significant, the modification is a major modification.*

(1) *The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs 030.020.A.5.c.(2), (3), and (4). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in the definition of net emission increase. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.*

(2) *Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant threshold for that pollutant (as defined in PART 030.300).*

(3) *Actual-to-potential test for projects that only involve construction of a new emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions (as defined in PART 030.010) of these units before the project equals or exceeds the significant threshold for that pollutant (as defined in PART 030.300).*

(4) *Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference for all emissions units, using the method specified in paragraphs 030.020.A.5.c.(2) and (3) as applicable with respect to each emissions unit, equals or exceeds the significant threshold for that pollutant (as defined in PART 030.300).*

(5) *The "sum of the difference" as used in paragraphs 030.020.A.5.c.(2), (3), and (4) include both increases and decreases in emissions calculated in accordance with those paragraphs.*

d. *Plantwide Applicability Limitation (PAL): For any major stationary source with a PAL for a regulated NSR pollutant, the major stationary source shall comply with the requirements under PART 030.500.*

6. *PERMIT TO CONSTRUCT (PTC): TYPE, DURATION*

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a. *A Permit To Construct expires and is invalid:*

(1) If the permittee does not commence construction within eighteen (18) months of the PTC date of issuance;
(2) If the permittee commences construction and then ceases construction for a period of eighteen (18) months or longer.
(3) If a complete application for a new PTO or modification of an existing PTO is not submitted within twelve (12) months after initial start-up of the new source or modification.
(4) Upon the issuance of a PTO.

b. *The Control Officer may extend the eighteen (18) month period upon written request and a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.*
c. *An expired PTC cannot be reauthorized or reinstated. If a PTC expired prior to completion of the construction authorized in the PTC, a new PTC application must be submitted if the permittee wishes to resume and complete that construction.*
d. *For sources required to obtain a PTC, a PTO can only be issued if the construction of the source is completed in accordance with and in compliance with all applicable requirements in the PTC.*
e. *A PTC will be denied if the application, engineering data or any other documentation submitted by the applicant shows, or the Control Officer determines, that the source:*

(1) Cannot meet the requirements of, or be operated in compliance with, federal, state, or local regulations;
(2) Will prevent the attainment or maintenance of state or national ambient air standards; or
(3) Will cause a violation of the approved State Implementation Plan.

f. *If the source or modification has not been constructed in accordance with the PTC, and/or the air pollution control system or equipment is less effective as specified in the PTC, the permittee will be denied a PTO until and unless such deficiencies are corrected.*
g. *To assure compliance with all applicable state, local and federal regulations, the PTC and PTO may impose written conditions of operation including, but not limited to, restrictions on emissions outputs, operating times, process temperatures, and other parameters on the source or modification.*

7. *PERMIT TO OPERATE (PTO): TYPE, DURATION*

a. *A PTO expires and is invalid five (5) years from the date of issuance;*
b. *An expired PTO cannot be reauthorized or reinstated. If a PTO expired prior to renewal completion, a new PTO application must be submitted if the permittee wishes to resume operation.*
c. *A PTO will be denied if the application, engineering data or any other documentation submitted by the applicant shows, or the Control Officer determines, that the source:*

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(1) Cannot meet the requirements of, or be operated in compliance with, federal, state, or local regulations;
(2) Will prevent the attainment or maintenance of state or national ambient air standards; or
(3) Will cause a violation of the approved State Implementation Plan.

d. *To assure compliance with all applicable state, local and federal regulations, the Control Officer may impose written conditions of operation including, but not limited to, restrictions on emissions outputs, operating times and process temperatures on any permit.*
e. *RENEWALS. A PTO expires five (5) years from the date of issuance and can be renewed by applying for a new PTO.*

(1) The renewal process for PART 70 permits is detailed in PART 030.510.
(2) The renewal process for minor sources is detailed in PART 030.200.
(3) Timely filing of the renewal application provides the applicant a permit shield.
(4) Each renewal must be accompanied by the appropriate fee.

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SECTION B - EXEMPTIONS AND INSIGNIFICANT SOURCES

The existing or new sources listed in paragraphs 030.020.B.1 and B.2 are exempted from the requirement to obtain a Permit to Construct and/or Permit to Operate unless they are subject to the PART 70 regulations as defined in PART 030.500 or 030.510.

1. ***EXEMPTIONS - CATEGORICAL***

    a. ***The following sources or source categories are exempt from all permitting requirements in CHAPTER 030 unless otherwise specified. Any applicable county, state, and/or federal requirements shall still apply to these sources or source categories.***

        (1) Agricultural equipment used in agricultural operations, other than agricultural equipment that is classified as, or located at, a source for which a permit is required under Title V of the Clean Air Act, or that is subject to any standard set forth in 40 CFR PARTS 60, 61, or 63.
        (2) Motor vehicles, special mobile equipment licensed for highway travel, and any internal combustion engines associated with the operation of licensed mobile equipment.
        (3) Nonroad engines as defined in 40 CFR 1068.30.
        (4) Emergency (backup) electrical generators located and/or operated at residential locations;
        (5) Tobacco/cannabis smoking rooms and areas;

2. ***EXEMPTIONS - INSIGNIFICANT SOURCES***

    a. ***Emissions from insignificant activities, as determined pursuant to this section, must be included in the calculation of potential to emit and any determination of whether a stationary source requires a PTC or PTO.***
    b. ***A stationary source is not required to obtain a permit for emissions below the threshold for a minor source as set forth in paragraph 030.020.A.5.a.(1) 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 a 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 relating to the operation of the emission unit determined to be an insignificant activity.***
    c. ***A stationary source which consists solely of insignificant activities, as determined pursuant to this section, and which exceeds the threshold for a minor source as set forth in paragraph 030.020.A.5.a.(1), may be required to obtain a permit as determined by the Control Officer.***
    d. ***The following emissions units are considered to be insignificant activities and not required to be permitted unless the emission unit is otherwise subject to another specific applicable requirement which requires an operating permit, including, without limitation, any requirement or standard set forth in 40 CFR PART 60, 61 or 63, or in the determination of a major source:***

        (1) Emergency Compression Ignition Engine that is stationary and has an output rating that is less than six hundred (600) horsepower;
        (2) Emergency Spark Ignition Engines that is stationary and has an output rating that is less than one thousand eight hundred (1,800) horsepower;

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(3) *Hydraulic and hydrostatic testing equipment;*
(4) *Air conditioning equipment or fuel-burning equipment used for human comfort and/or safety of properties that do not have applicable requirements under Title VI of the Clean Air Act and individually has a rating that is less than 1,000,000 Btu's per hour;*
(5) *Commercial food preparation (such as restaurants or prep kitchens etc.) that does not use solid fuel;*
(6) *Standalone laundry activities, such as independent laundry mats, laundry facilities in apartment complexes, except for dry-cleaning, and steam boilers greater than or equal to 1,000,000 Btu/hr;*
(7) *Blacksmith forges;*
(8) *Drop hammers or hydraulic presses for forging or metalworking (excluding engines);*
(9) *Plant maintenance and upkeep activities (e.g., grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), provided these activities are not included as part of a manufacturing process, are not related to the source's primary business activity. Cleaning and painting activities qualify as insignificant activities if they are not subject to volatile organic compound (VOC or HAP) control requirements;*
(10) *Handheld equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic; including air compressors, pneumatically operated equipment, and hand tools;*
(11) *Brazing, soldering, welding equipment, and cutting torches related to manufacturing and construction activities if:*

(i) These activities do not result in emission of HAP metals;
(ii) The emissions of particulate matter are vented to a control device located and vented inside the building;

(12) *Batteries and battery charging stations, except at battery manufacturing plants;*
(13) *Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs;*
(14) *Equipment used to mix and package non-VOC or non-HAPs emitting liquids;*
(15) *Vents from continuous emissions monitors and other analyzers;*
(16) *Handheld applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation;*
(17) *CO_2 lasers used only on metals and other materials that do not contain any HAPs;*
(18) *Laser trimmers using dust collection to prevent fugitive emissions;*
(19) *Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;*
(20) *Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs;*
(21) *Onsite cleaning, stripping, and subsequent coating of outdoor objects and structures such as buildings, bridges, billboards, signs, water towers, swimming pools, lampposts, fences, railings, monuments, etc. that must be done periodically for maintenance purposes, provided the following requirements are met:*

(i) Abrasive blasting operations, if conducted, employ tarps, enclosures, or other

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techniques as required by SECTION 040.029, "Abrasive Blasting," to prevent dust nuisances;

(ii) Solid waste, hazardous waste, and waste waters generated by the operations are managed in accordance with applicable regulations;

(22) Grinding, machining, and sanding operations, abrasive cleaning operations (dry or wet), pneumatic conveying and woodworking operations that vent to the inside of a building and have no visible emissions to the outside of the building;

(23) Parts washers and rinse tanks using detergent cleaners that will not emit any VOCs or HAPs;

(24) Tumblers used for the cleaning and deburring of metal products without abrasive blasting;

(25) Abrasive blasting operations that do not exhaust or release particulate emissions to the ambient air;

(26) Non-commercial brick and clay products (tiles, ceramic, etc.) manufacturing operations, including any drying equipment if the heat input is less than 1,000,000 btu/hr.

(27) An emission unit is an insignificant activity if the emission unit is not otherwise subject to a specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 CFR PART 60, 61 or 63, and meets the following criteria:

(i) 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:

(A) Emissions of a regulated air pollutant, on a potential to emits basis, that exceed Four thousand (4,000) pounds per year; and

(B) Emissions of regulated air pollutants that adversely impact public health or safety, or exceed any ambient air quality standards.

(C) The emissions from the emission unit are not relied on to avoid any other applicable requirements

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.030 - GENERAL APPLICATION REQUIREMENTS

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PART 030.030 - GENERAL APPLICATION REQUIREMENTS

SECTION A - APPLICATION CONTENT

1. *Application for a Permit to Construct (PTC) and/or Permit To Operate (PTO) shall be submitted on forms furnished by the Control Officer.*
2. *A separate application is required for each new or modified stationary source.*
3. *Each application shall include, as applicable, the following information:*

    a. *Name and address of business and any other identifying information;*
    b. *Nature of business, including products produced and processes to be used, including any applicable NAICS and/or SCC codes;*
    c. *Name, phone number, and email address of Responsible Official;*
    d. *Name, phone number, and email address of owner's agent, manager or other contact person;*
    e. *Name, phone number, and email address of the manager of the plant or another appropriate person to contact;*
    f. *The address and physical 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;*
    g. *Process information, including process flow diagrams, a narrative of the process flow diagram, description of all insignificant activities, and an identification and a description of all points of emissions and all activities which may generate emissions in sufficient detail to establish the basis for the applicability of all applicable requirements, standards and fees;*
    h. *Site information, including description of site and property boundary limiting public access,*
    i. *A plot plan, including the distance to, length, width, and height of; buildings within two hundred (200) feet, or other distance specified by the Control Officer, from the place where the new or modified stationary source or portable source will be installed;*
    j. *Calculations of the facility-wide potential to emit and the potential to emit for each emission unit with citations for all emission factors used;*
    k. *A description of the nature and quantity of emissions for all regulated pollutants on an hourly and annual basis, expressed in units as necessary to determine compliance, including demonstration as to whether the proposed project will be a major source or major modification and which pollutants the source will be major for;*
    l. *Calculations and methods used to estimate emissions and other parameters, including assumptions, citations and references;*
    m. *A list and description of each facility or process equipment to be permitted or to have their permit revised, including the control equipment, control measures and/or work practices to be utilized in emission reduction;*
    n. *The identification and description, including but not limited to manufacturer, model, rating and serial number, of each emission unit in sufficient detail to establish the applicable requirements.*
    o. *The following information, to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules.*
    p. *A list and description of any air pollution control equipment, and any devices or activities for monitoring compliance with emission limitations;*
    q. *Proposed monitoring, recordkeeping, and reporting sufficient to ensure compliance with any emission, throughput, production, material type and composition, operational, or other*

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limitation or requirement;

r. *The operating times, temperatures, fuels used, raw materials consumption, production rates, process rates, or other pertinent information for each emission unit;*

s. *Such other information or documentation requested by the Control Officer as necessary to determine compliance with all requirements and standards;*

t. *A declaration signed by the Responsible Official under penalty of perjury stating that, the statements and information in the application are true, accurate, and complete. Signature of the declaration statement shall subject the Responsible Official to liability for perjury under NRS 199.145.*

u. *A wet original signature of the responsible official;*

v. *Any fees as set by the District Board of Health.*

4. *METHODS TO DETERMINE SOURCE EMISSION RATES. Emission rates for each emission unit must be determined using accepted engineering practice methods. Such emission rates shall be used to establish annual emissions fees, applicability of permit requirements and any other applicable requirement (including new source control technology requirements), and for the purposes of determining whether there are emissions violations. These methods include, but are not limited to, the use of emission factors from approved publications such as "AP-42 COMPILATION OF AIR POLLUTION EMISSION FACTORS" published by the U.S. EPA, source test data from an approved reference test method, manufacturers specification, or mass balance emissions calculations. The methodology selected is subject to the approval of the Control Officer, who may reject the proposed methodology and require use of another methodology, including requiring the owner or operator to conduct reference method testing to determine emissions rates. It is the burden of the source operator to provide satisfactory scientific evidence of different emission rates if the operator wishes to dispute emission rates determined by the Control Officer.*

5. *In case of a dispute regarding emission rates, the Control Officer may require that the application and reports be certified by a licensed professional engineer as to the accuracy of the technical information concerning equipment, calculations, or other items submitted by the applicant. The certification shall be given under oath or upon information and belief that statements made in the application are truthful, accurate and correct.*

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SECTION B - APPLICATION PROCESSING

1. *PROCESSING STEPS AND DEADLINES. Applications for permits are received, evaluated and will result in either issuance or denial of the requested permit. A summary of the steps in the process are:*

    a. *Application is received by the Control Officer.*
    b. *The Control Officer has a specified time frame from receipt of the application to determine whether the application is administratively complete. If the determination is not made within the specified timeframe, the application is deemed administratively complete.*
    c. *If the application is:*

        (1) Administratively complete, the Control Officer notifies the permittee the application is complete and advises of the next steps of the permitting process.
        (2) Administratively incomplete, the Control Officer returns the application to the permittee in conjunction with a description of what is deficient.

    d. *During the technical review, the Control Officer may discover that information needed to complete the processing of the application is missing. Written correspondence will be provided to the permittee with specific details of what additional information is required. Upon notification of missing information, the timeline for application processing will cease until the necessary information is provided. The discovery of missing information may occur more than once during the processing of an application.*
    e. *At any time that additional information is requested, the number of days between and including the date that the request for information is sent and the date that the information received is considered sufficient, are not counted in determining the deadline for issuing or denying the permit. If, for example, a request for missing information is sent on day forty (40) of a one hundred eighty (180) day processing period (which would end on April 1) and the information is provided and determined sufficient on day sixty one (61), then twenty one (21) days (Day 61 – Day 40) are added to the original one hundred eighty (180) day date of April 1, making the new one hundred eighty (180) day ending date April 22.*
    f. *During the review, the Control Officer may provide public notice of the proposed permit, including, where required, an opportunity to comment and a public hearing.*

2. *PROCESSING. The Control Officer, using standard engineering practices and methods, will determine which local, state and/or federal regulations apply to the source, determine if the proposed project and associated control technology will meet regulatory requirements, and determine what, if any, pre-construction monitoring or testing will be required before the permit is issued.*

    a. *The Control Officer will perform the evaluations required to determine compliance with all applicable requirements and make a preliminary written decision as to whether a Permit to Construct and/or Permit to Operate should be approved, conditionally approved, or disapproved. This decision will be supported by a succinct written analysis;*
    b. *The Control Officer shall provide notice, if required pursuant to CHAPTER 030, stating the preliminary decision of the Control Officer and where the public may inspect the information required to be made available. The notice must provide thirty (30) calendar days from the date of publication for the public to submit written comments on the preliminary decision;*
    c. *At the time notice of the preliminary decision is published, the Control Officer shall make*

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available for public inspection the information submitted by the applicant, the supporting analysis for the preliminary decision to grant or deny the Permit to Construct and/or Permit to Operate, including any proposed permit conditions, and the reasons therefore.

d. *The Control Officer will consider and respond to all public comments received during the comment period before taking final action on whether to issue the PTC or PTO.*

e. *Public notice shall be accomplished by posting a notice on a website maintained by the agency and establishing a list of persons interested in receiving air quality information and notifying those people, by email or other means.*

f. *The costs of publication of the notice, if any, may be borne by the applicant.*

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.040 - GENERAL TESTING, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

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PART 030.040 - GENERAL TESTING, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

SECTION A - TESTING

1. ***EXCESS EMISSIONS: SCHEDULED MAINTENANCE, TESTING OR REPAIRS; NOTIFICATION OF DIRECTOR; MALFUNCTION, UPSET, START-UP, SHUTDOWN OR HUMAN ERROR.***

   a. *Scheduled maintenance, testing, or repairs which may result in excess emissions of regulated air pollutants prohibited by this regulation and/or permit terms and conditions must be approved in advance in writing by the Control Officer and performed during a time designated by the Control Officer as being favorable for atmospheric ventilation.*
   b. *Each owner or operator shall notify the Control Officer of the proposed time and expected duration at least thirty (30) calendar days before any scheduled maintenance or testing which may result in excess emissions of regulated air pollutants prohibited in this regulation. The scheduled maintenance or testing must not be conducted unless the scheduled maintenance or testing is approved in writing by the Control Officer.*
   c. *Each owner or operator shall notify the Control Officer of the proposed time and expected duration at least twenty-four (24) hours before any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by this regulation and/or permit terms and conditions. The scheduled repairs must not be conducted unless the scheduled repairs are approved in writing by the Control Officer.*
   d. *The owner or operator of the stationary source shall promptly report to the Control Officer any deviations from the requirements of a permit or these regulations. The report to the Control Officer shall include the probable cause of all deviations and any action taken to correct the deviations. Prompt is defined as submittal of a report within fifteen (15) calendar days of the deviation. This definition does not alter any reporting requirements as established for reporting of excess emissions.*
   e. *Each owner or operator shall notify the Control Officer of any excess emissions within twenty-four (24) hours after any malfunction or upset of the process equipment, or equipment for controlling pollution, or during start-up or shutdown of that equipment.*
   f. *Each owner or operator shall provide the Control Officer, within fifteen (15) calendar days after any malfunction, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to quantify the excess emissions. The information must include at least the following:*

      (1) *The identity of the stack or other point of emission, or both, where the excess emissions occurred.*
      (2) *The estimated magnitude of the excess emissions expressed in opacity, or in the units of the applicable limitation on emissions, and the operating data and methods used in estimating the magnitude of the excess emissions.*
      (3) *The time and duration of the excess emissions.*
      (4) *The identity of the equipment causing the excess emissions.*
      (5) *If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.*
      (6) *The steps taken to limit the excess emissions.*

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(7) *Documentation that the equipment for controlling air pollution, 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.*

g. Each owner or operator shall ensure that any notification or related information submitted to the Control Officer pursuant to this section is provided in a format specified by the Control Officer.

h. Nothing in this section limits the authority of the Control Officer to institute actions under SECTIONS 113 and 303 of the Act or to exercise his or her authority under CHAPTER 030.

2. *TESTING AND SAMPLING.*

a. *If specified in the permit to construct, a new or modified source shall conduct or have testing and sampling conducted to demonstrate compliance with any permit limit (e.g., visible emissions, emission rates, control efficiencies, VOC content). Testing and/or sampling must be conducted and the results submitted to the Control Officer within sixty (60) calendar days after achieving the maximum rate of production at which the affected facility will be operated, but not later than one hundred eighty (180) calendar days after initial start-up of the facility and at such other times as may be required by the Control Officer.*

b. *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 Control Officer:*

(1) *Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;*
(2) *Approves the use of an equivalent method;*
(3) *Approves the use of an alternative method, the results of which the Control Officer has determined to be adequate for indicating whether a specific stationary source is in compliance; or*
(4) *Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the Control Officer's satisfaction that the affected facility is in compliance with the standard.*

c. *Tests of performance must be conducted under such conditions as the Control Officer specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the Control Officer such records as necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and malfunction do not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.*

d. *The owner or operator of an affected facility shall give notice to the Control Officer thirty (30) calendar days before the test of performance to allow the Control Officer to have an observer present. A written testing procedure for the test of performance must be submitted to the Control Officer at least thirty (30) calendar days before the test of performance to allow the Control Officer to review and approve the proposed testing procedures.*

e. *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*

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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 Control Officer's approval.

f. *All testing and sampling shall be performed in accordance with approved methods and as specified by the Control Officer.*

g. *The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the Control Officer must be provided and paid for by the owner of the stationary source.*

h. *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 Control Officer no later than sixty (60) calendar days after the testing or sampling, or both.*

i. *Notwithstanding the provisions of paragraph 030.040.A.2.b, the Control Officer shall not approve an alternative method or equivalent method to determine compliance with a standard or emission limitation contained in 40 CFR PART 60, 61 or 63 or for an affected source.*

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SECTION B - MONITORING, RECORDKEEPING AND REPORTING

1. *MONITORING SYSTEMS: CALIBRATION, OPERATION AND MAINTENANCE OF EQUIPMENT. The owners or operators of all stationary sources identified in Appendix P of 40 CFR PART 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 CFR PART 51(2.0 et seq.).*
2. *MONITORING SYSTEMS: LOCATION.*

    a. *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 the location of continuous monitoring systems are contained in the applicable Performance Specifications of Appendix B of 40 CFR PART 60.*
    b. *When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems for each effluent or for the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems must be installed for each effluent. When the effluent from one (1) affected facility is released to the atmosphere through more than one (1) point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Control Officer.*

3. *MONITORING SYSTEMS: VERIFICATION OF OPERATIONAL STATUS.*

    a. *Unless otherwise approved by the Control Officer or specified in these regulations, the requirements of SECTION 030.040.B apply to all continuous monitoring systems required under applicable provisions of CHAPTER 030.*
    b. *All continuous monitoring systems and monitoring devices must be installed and operational before conducting performance tests. Verification of operational status must, as a minimum, consist of the following:*

        (1) For continuous monitoring systems referred to in paragraph 030.040.B.4.b, completion of the conditioning period specified by applicable requirements in Appendix B of 40 CFR PART 60.
        (2) For monitoring devices referred to in SECTION 030.040.B, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.

4. *MONITORING SYSTEMS: PERFORMANCE EVALUATIONS.*

    a. *During any performance tests required under paragraph 030.040.A.2 or within thirty (30) calendar days thereafter and at such other times as may be required by the Control Officer under PART 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 Control Officer within sixty (60) calendar 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*

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the specifications and procedures provided in SECTION 030.040.B.

b. *Continuous monitoring systems listed within SECTION 030.040.B must be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B of 40 CFR PART 60. Continuous monitoring systems for measuring:*

(1) Opacity of emissions must comply with Performance Specification 1.
(2) Nitrogen oxides emissions must comply with Performance Specification 2.
(3) Sulfur dioxide emissions must comply with Performance Specification 2.
(4) The oxygen and carbon dioxide content of effluent gases must comply with Performance Specification 3.

5. *MONITORING SYSTEMS: ADJUSTMENTS.*

a. *Owners or operators of all continuous monitoring systems installed in accordance with the provisions of SECTION 030.040.B shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of the systems unless the manufacturer recommends adjustments at shorter intervals, in which case the recommendations must be followed. The zero and span must, as a minimum, be adjusted whenever the twenty four (24) hour zero drift or twenty four (24) hour calibration drift limits of the applicable performance specifications in Appendix B of 40 CFR PART 60 are exceeded.*

6. *MONITORING SYSTEMS: MEASUREMENT OF OPACITY.*

a. *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* four (4) *percent opacity. Unless otherwise approved by the Control Officer, the following procedures, as applicable, must be followed:*

(1) 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 CFR PART 60. Every six (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_x 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.
(2) For non-extractive 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.

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(3) 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.

b. *Notwithstanding the provisions of paragraph 030.040.B.6 above, the Control Officer shall not approve an alternative method or equivalent method to determine compliance with a standard or emission limitation contained in 40 CFR PART 60, 61 or 63 or for an affected source.*

7. *MONITORING SYSTEMS: FREQUENCY OF OPERATION.*

a. *Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required by paragraph 030.040.B.5, 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 this section for measuring opacity of emissions must complete a minimum of one (1) cycle of operation (sampling, analyzing and data recording) for each successive 10-second period.

(2) All continuous monitoring systems referred to in paragraph 030.040.B.4 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide or oxygen must complete a minimum of one (1) cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period.

8. *MONITORING SYSTEMS: RECORDATION OF DATA.*

a. 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.

b. For systems other than opacity, 1-hour averages must be computed from four (4) or more data points equally spaced over each 1-hour period.

c. 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.

d. All excess emissions must be converted into units of the standard using the applicable conversion procedures specified in these regulations. 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 one (1) percent opacity.

e. As used in this section, "calibrated data" means data which is precise and accurate within a stated acceptance criteria for the instrument.

9. *MONITORING SYSTEMS: RECORDS; REPORTS.*

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a. *Any owner or operator subject to the provisions of SECTION 030.040.B 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.*

b. *Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions to the Control Officer for every calendar quarter. All quarterly reports must be postmarked by the thirtieth (30th) day following the end of each calendar quarter and must include the following information:*

   (1) The magnitude of excess emissions computed in accordance with this section, any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
   (2) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns and malfunctions of the affected facility.
   (3) The nature and cause of any malfunction, if known, the corrective action taken or preventative measures adopted.
   (4) 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.

c. *Any owner or operator subject to the provisions of SECTION 030.040.B, shall maintain a file of all measurements, including:*

   (1) Continuous monitoring systems, monitoring devices and performance testing measurements;
   (2) All continuous monitoring system performance evaluations;
   (3) All continuous monitoring systems or monitoring device calibration checks;
   (4) Adjustments and maintenance performed on these systems or devices; and
   (5) All other information required by this section, recorded in a permanent form suitable for inspection. The file must be retained for at least two (2) years following the date of the measurements, maintenance, reports, and records.

10. ***ALTERNATIVE MONITORING PROCEDURES OR REQUIREMENTS.***

a. *Upon written application by an owner or operator, the Control Officer may approve alternatives to any monitoring procedures or requirements of this section, including, but not limited to, the following:*

   (1) 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.
   (2) Alternative monitoring requirements when the affected facility is infrequently operated.

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(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
(4) 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.
(5) Alternative methods of converting regulated air pollutant concentration measurements to units of the standards.
(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
(7) Alternatives to the test methods of the American Society for Testing and Materials or sampling procedures specified by any provision of this section.
(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 CFR 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 Control Officer may require that such demonstration be performed for each affected facility.
(9) 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 (1) point.

b. *Notwithstanding the provisions of paragraph 030.040.B.10.a, the Control Officer shall not approve an alternative method or equivalent method to determine compliance with a standard or emission limitation contained in 40 CFR PART 60, 61 or 63 and for an affected source.*

11. *RECORD KEEPING. Each holder of a Permit To Construct or Permit To Operate shall keep adequate records concerning pollutant emissions for any equipment or process for which the permit was issued. All permittees operating add-on emissions control equipment shall maintain records sufficient to legally demonstrate that the equipment has operated in compliance with all applicable Federal, State and Health District regulations. The permittee shall also record any times or occasions when the emissions control equipment is not in operation due to equipment failure, maintenance or any other reason.*

12. *NOTIFICATION TO CONTROL OFFICER: CONSTRUCTION, RECONSTRUCTION AND INITIAL START-UP; DEMONSTRATION OF CONTINUOUS MONITORING SYSTEM PERFORMANCE.*

a. *Any owner or operator subject to the provisions of these regulations, shall furnish the Control Officer written notification of:*

(1) The date that construction or reconstruction of an affected facility is commenced, postmarked no later than thirty (30) calendar days after such date.
(2) The anticipated date of initial start-up of an affected facility, postmarked not more than sixty (60) calendar days and not less than thirty (30) calendar days before such date.
(3) The actual date of initial start-up of an affected facility, postmarked within fifteen (15) calendar days after such date.
(4) If applicable, the date upon which a demonstration of the continuous monitoring system

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performance commences in accordance with SECTION 030.040.B. Notification must be postmarked not less than thirty (30) calendar days before such date.

13. ***YEARLY REPORTS, ANNUAL EMISSIONS.***

a. ***Any owner or operator subject to the provisions of CHAPTER 030 may be required to submit reports including, but not limited to, throughput, production, fuel consumption, hours of operation, emissions, emission factors and calculations used to determine the reported emissions from each permitted emissions unit for the previous calendar year. These reports will be submitted to the Control Officer for all emissions units/systems specified on the Permit to Construct and/or Permit to Operate. The completed report must be submitted to the Control Officer no later than March 31 annually for the preceding calendar year.***

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.050 - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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1. REQUIREMENT STRINGENCY 3
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PART 030.050 - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

SECTION A - 40 CFR PART 61 INCORPORATED BY REFERENCE

The following subparts of 40 CFR PART 61, "National Emission Standards for Hazardous Air Pollutants (NESHAPs)," and all accompanying appendices adopted as of July 1, 2024, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the department and shall be applied by the Control Officer.

1. REQUIREMENT STRINGENCY. In the event that a requirement specified in CHAPTER 030 contains a requirement that is more stringent than a NESHAPs requirement, the more stringent requirement shall apply.
2. ADMINISTRATOR AUTHORITY. For purposes of PART 030.050, the word "Administrator" as used in 40 CFR PART 61 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve alternate test methods or alternate opacity limits, or administer any authorities under 40 CFR PART 61 not delegated by EPA.

a. Subpart A - General Provisions.
b. Subpart C - National Emission Standard for Beryllium.
c. Subpart D - National Emission Standard for Beryllium Rocket Motor Firing.
d. Subpart E - National Emission Standard for Mercury.
e. Subpart F - National Emission Standard for Vinyl Chloride.
f. Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
g. Subpart L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
h. Subpart M - National Emission Standard for Asbestos.
i. Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.
j. Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.
k. Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.
l. Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
m. Subpart Y - National Emission Standard for Benzene Emissions from Benzene Storage Vessels.
n. Subpart BB - National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
o. Subpart FF - National Emission Standard for Benzene Waste Operations.

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SECTION B - 40 CFR PART 63 INCORPORATED BY REFERENCE

The following subparts of 40 CFR PART 63, "NESHAPs for Source Categories," and all accompanying appendices adopted as of July 1, 2024, and no future editions or amendments, are incorporated by reference. These standards are on file with the department and shall be applied by the Control Officer.

1. **REQUIREMENT STRINGENCY. In the event that a requirement specified in CHAPTER 030 contains a requirement that is more stringent than a NESHAPs requirement, the more stringent requirement shall apply.**
2. **ADMINISTRATOR AUTHORITY. For purposes of PART 030.050, the word "Administrator" as used in 40 CFR PART 63 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve alternate test methods or alternate opacity limits, or administer any authorities under 40 CFR PART 63 not delegated by EPA.**

a. **Subpart A - General Provisions.**
b. **Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.**
c. **Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.**
d. **Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.**
e. **Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulations for Equipment Leaks.**
f. **Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.**
g. **Subpart L - National Emission Standards for Coke Oven Batteries.**
h. **Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.**
i. **Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.**
j. **Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.**
k. **Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.**
l. **Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).**
m. **Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.**
n. **Subpart T - National Emission Standards for Halogenated Solvent Cleaning.**
o. **Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.**
p. **Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.**
q. **Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.**
r. **Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.**

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s. Subpart BB - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.

t. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

u. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

v. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.

w. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.

x. Subpart HH - National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.

y. Subpart II - National Emission Standards for Shipbuilding and Ship Repair (Surface Coating).

z. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.

aa. Subpart KK - National Emission Standards for Printing and Publishing Industry.

bb. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.

cc. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Source at Kraft, Soda, Sulfite and Stand-alone Semichemical Pulp Mills.

dd. Subpart OO - National Emission Standards for Tanks - Level 1.

ee. Subpart PP - National Emission Standards for Containers.

ff. Subpart QQ - National Emission Standards for Surface Impoundments.

gg. Subpart RR - National Emission Standards for Individual Drain Systems.

hh. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

ii. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.

jj. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.

kk. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.

ll. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.

mm. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

nn. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.

oo. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

pp. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

qq. Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

rr. Subpart GGG - National Emission Standards for Pharmaceuticals Production.

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tt. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

uu. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.

vv. Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

ww. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

xx. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiber Glass Manufacturing.

yy. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.

zz. Subpart PPP - National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

aaa. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.

bbb. Subpart RRR - National Emissions Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

ccc. Subpart TTT-- National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

ddd. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

eee. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.

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nnn. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.

ooo. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper

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qqq. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

rrr. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.

sss. Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.

ttt. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

uuu. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.

vvv. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.

www. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.

xxx. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.

yyy. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.

zzz. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.

aaaa. Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.

bbbb. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.

cccc. Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

dddd. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

eeee. Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

ffff. Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

gggg. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

hhhh. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

iiii. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

jjjj. Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.

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llll. Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.

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oooo. Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

pppp. Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.

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tttt. Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

uuuu. Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.

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wwww. Subpart TTTTT - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

xxxx. Subpart WWWWW – National Emission Standards for Hospital Ethylene Oxide Sterilizers.

yyyy. Subpart YYYYY – National Emission Standards for Hazardous Air Pollutants for Areas Sources: Electric Arc Furnace Steelmaking Facilities.

zzzz. Subpart ZZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

aaaaa. Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

bbbbb. Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

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ddddd. Subpart EEEEEE – National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

eeeee. Subpart FFFFFF – National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

fffff. Subpart GGGGGG – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium.

ggggg. Subpart HHHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

hhhhh. Subpart LLLLLL – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

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jjjjj. Subpart NNNNNN – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

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kkkkk. Subpart OOOOOO – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

llllll. Subpart PPPPPP – National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

mmmmm. Subpart QQQQQQ – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

nnnnn. Subpart RRRRRR – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

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ppppp. Subpart TTTTTT – National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

qqqqq. Subpart VVVVVV – National Emission Standards for Hazardous Air Pollutants For Chemical Manufacturing Area Sources.

rrrrr. Subpart WWWWWW – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

sssss. Subpart XXXXXX – National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

ttttt. Subpart YYYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.

uuuuu. Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

vvvvv. Subpart AAAAAAA - National Emission Standards for Hazardous Air Pollutants For Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

wwwww. Subpart BBBBBBB - National Emission Standards For Hazardous Air Pollutants For Area Sources: Chemical Preparation Industry.

xxxxx. Subpart CCCCCCC - National Emission Standards For Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

yyyyy. Subpart DDDDDDD - National Emission Standards For Hazardous Air Pollutants For Area Sources: Prepared Feeds Manufacturing.

zzzzz. Subpart EEEEEEE - National Emission Standards For Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.055 - NEW SOURCE PERFORMANCE STANDARDS

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PART 030.055 - NEW SOURCE PERFORMANCE STANDARDS

SECTION A - 40 CFR PART 60 INCORPORATED BY REFERENCE

The following subparts of 40 CFR PART 60, "Standards of Performance for New Stationary Sources (NSPS)," and all accompanying appendices adopted as of July 1, 2024, and no future editions or amendments, are incorporated by reference. These standards are on file with the department and shall be applied by the Control Officer.

1. REQUIREMENT STRINGENCY. In the event that a requirement specified in CHAPTER 030 contains a requirement that is more stringent than a NSPS requirement, the more stringent requirement shall apply.
2. ADMINISTRATOR AUTHORITY. For purposes of PART 030.055, the word "Administrator" as used in 40 CFR PART 60 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve alternate test methods or alternate opacity limits, or administer any authorities under 40 CFR PART 60 not delegated by EPA.

a. Subpart A – General Provisions.
b. Subpart D – Standards of Performance for Fossil-Fuel-Fired Steam Generators.
c. Subpart Da – Standards of Performance for Electric Utility Steam Generating Units.
d. Subpart Db – Standards of Performance for Industrial - Commercial - Institutional Steam Generating Units.
e. Subpart Dc – Standards of Performance for Small Industrial - Commercial - Institutional Steam Generating Units.
f. Subpart E – Standards of Performance for Incinerators.
g. Subpart Ea – Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
h. Subpart Eb – Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
i. Subpart Ec – Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators.
j. Subpart F – Standards of Performance for Portland Cement Plants.
k. Subpart G – Standards of Performance for Nitric Acid Plants.
l. Subpart H – Standards of Performance for Sulfuric Acid Plants.
m. Subpart I – Standards of Performance for Hot Mix Asphalt Facilities.
n. Subpart J – Standards of Performance for Petroleum Refineries.
o. Subpart K – Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
p. Subpart Ka – Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
q. Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
r. Subpart L – Standards of Performance for Secondary Lead Smelters.
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u. Subpart Na – Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.

v. Subpart O – Standards of Performance for Sewage Treatment Plants.

w. Subpart P – Standards of Performance for Primary Copper Smelters.

x. Subpart Q – Standards of Performance for Primary Zinc Smelters.

y. Subpart R – Standards of Performance for Primary Lead Smelters.

z. Subpart S – Standards of Performance for Primary Aluminum Reduction Plants.

aa. Subpart T – Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

bb. Subpart U – Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

cc. Subpart V – Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

dd. Subpart W – Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

ee. Subpart X – Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

ff. Subpart Y – Standards of Performance for Coal Preparation and Processing Plants.

gg. Subpart Z – Standards of Performance for Ferroalloy Production Facilities.

hh. Subpart AA – Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.

ii. Subpart AAa – Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.

jj. Subpart BB – Standards of Performance for Kraft Pulp Mills.

kk. Subpart CC – Standards of Performance for Glass Manufacturing Plants.

ll. Subpart DD – Standards of Performance for Grain Elevators.

mm. Subpart EE – Standards of Performance for Surface Coating of Metal Furniture.

nn. Subpart GG – Standards of Performance for Stationary GAS Turbines.

oo. Subpart HH – Standards of Performance for Lime Manufacturing Plants.

pp. Subpart KK – Standards of Performance for Lead-Acid Battery Manufacturing Plants.

qq. Subpart LL – Standards of Performance for Metallic Mineral Processing Plants.

rr. Subpart MM – Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.

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tt. Subpart PP – Standards of Performance for Ammonium Sulfate Manufacture.

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vv. Subpart RR – Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

ww. Subpart SS – Standards of Performance for Industrial Surface Coating: Large Appliances.

xx. Subpart TT – Standards of Performance for Metal Coil Surface Coating.

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aaa. Subpart VVa – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification commenced After November 7, 2006.

bbb. Subpart WW – Standards of Performance for the Beverage Can Surface Coating Industry.

ccc. Subpart XX – Standards of Performance for Bulk Gasoline Terminals.

ddd. Subpart AAA – Standards of Performance for New Residential Wood Heaters.

eee. Subpart BBB – Standards of Performance for the Rubber Tire Manufacturing Industry.

fff. Subpart DDD – Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

ggg. Subpart FFF – Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

hhh. Subpart GGG – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.

iii. Subpart GGGa – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.

jjj. Subpart HHH – Standards of Performance for Synthetic Fiber Production Facilities.

kkk. Subpart III – Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

lll. Subpart JJJ – Standards of Performance for Petroleum Dry Cleaners.

mmm. Subpart KKK – Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.

nnn. Subpart LLL – Standards of Performance for SO2 Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.

ooo. Subpart NNN – Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

ppp. Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants.

qqq. Subpart PPP – Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

rrr. Subpart QQQ – Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.

sss. Subpart RRR – Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

ttt. Subpart SSS – Standards of Performance for Magnetic Tape Coating Facilities.

uuu. Subpart TTT – Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

vvv. Subpart UUU – Standards of Performance for Calciners and Dryers in Mineral Industries.

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www. Subpart VVV – Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.

xxx. Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modifications on or After May 30, 1991, but Before July 18, 2014.

yyy. Subpart XXX – Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

zzz. Subpart AAAA – Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999, or for Which Modification or Reconstruction is Commenced After June 6, 2001.

aaaa. Subpart CCCC – Standards of Performance for Commercial and Industrial Solid Waste Incineration Units.

bbbb. Subpart EEEE – Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.

cccc. Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

dddd. Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

eeee. Subpart KKKK – Standards of Performance for Stationary Combustion Turbines.

ffff. Subpart LLLL – Standards of Performance for New Sewage Sludge Incineration Units.

gggg. Subpart TTTT – Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units.

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.100 - GENERAL PERMITS

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.100 - GENERAL PERMITS

SECTION A - GENERAL PROVISIONS

1. PURPOSE: To allow for the issuance of General permits for a source class that contains emission unit(s), activities, and/or sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, testing, reporting, or recordkeeping. A General permit is a permit (a PTO that also serves as a PTC for new sources) for a specific type of source or emission unit(s) at a source. If the source consists solely of one (1) or more emission units or activities subject to a single General permit, such as a Gasoline Dispensing Facility, then the source needs only apply for authority to operate under the specific General permit. If the source includes one (1) or more emission units subject to multiple General permits, then the source must obtain the appropriate facility-wide permit described in PARTS 030.200, 030.300, 030.400, or 030.510. In no case shall a source be issued authority to operate under multiple General permits.
2. The Control Officer may propose a general permit, or any person may submit a petition to the Control Officer requesting the issuance of a general permit for a defined source class.
3. A petition for a general permit shall propose a particular source class, list the approximate number of sources in the proposed class, provide the proposed size, processes, and operating limitations, and provide a list of the applicable requirements.
4. The Control Officer shall provide a written response to the petition within one hundred twenty (120) calendar days of receipt.

SECTION B - DEFINITIONS

Unless the context otherwise requires, the terms used in this PART 030.100 shall have the meaning given in this part, PART 030.000; PARTS 030.200 through 030.510; Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

SIMILAR IN NATURE means similar source size, processes, operating conditions, and nature and quantity of emissions.

SOURCE means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.

SOURCE CLASS means sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.

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SECTION C - APPLICABILITY

1. *A General permit may only be issued to a source class.*
2. *This part provides the authority and requirements the Control Officer must meet to issue General permits for a source class.*
3. *A minor source that is a member of a specific source class and is subject to the permit requirements of CHAPTER 030, shall satisfy the requirement to obtain a permit by obtaining an authority to operate under a General permit pursuant to PART 030.100, when the Control Officer has issued a General permit for that source class.*
4. *After January 1, 2025, all existing minor sources operating under individual minor source permits, that are members of a specific source class for which the Control Officer has issued a General permit, shall apply for the authority to operate under the General permit no later than sixty (60)* **calendar** *days before the individual minor source permit expiration date.*
5. *The Control Officer shall only issue a General permit after it has been determined that the source or emission units will not interfere with attainment and maintenance of the NAAQS.*
6. *The Control Officer may issue a General permit for any source class that is determined to be appropriate for a General permit, in accordance with the requirements of this rule.*
7. *This rule provides the requirements a source must meet to obtain authority to operate under a General permit issued by the Control Officer.*
8. *A General permit must be obtained prior to commencing construction of new equipment, emission unit(s), activities, and/or sources subject to the General permit requirements.*
9. *A General permit shall not be issued to sources that require a PART 70 permit.*

SECTION D - GENERAL PERMIT CONTENTS

1. *Each General permit must include the following:*

    a. *A description of the affected source class (e.g., equipment, fuel, size, any limitations);*
    b. *The applicability criteria to qualify as a member of the source class;*
    c. *Terms and conditions to ensure compliance with all applicable requirements for the emission unit(s) and/or operations covered by the General permit;*
    d. *Facility-wide Emission Limits;*
    e. *Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the Plant Site Emission Limits and other applicable emissions limits and standards; and*
    f. *A permit expiration date.*
    g. *Terms and conditions to ensure compliance with the applicability provisions for the particular source class (e.g., operational limits, size limits, hours of operation, throughput limits).*

SECTION E - GENERAL PERMIT DEVELOPMENT

1. *A General permit shall be developed for a source class using the same engineering technical review process that applies to permits for individual sources and following the public notice requirements of Section F of this rule.*
2. *All requirements applicable to the covered the emission unit(s) and/or operations shall be contained in the General permit.*
3. *The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions shall be the same for all the emission unit(s) and/or operations covered by the General permit.*
4. *A General permit shall include the process for individual sources to apply for authority to operate*

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under the General permit.

SECTION F - APPLICATION FOR AUTHORITY TO OPERATE UNDER GENERAL PERMIT

1. *Once the Control Officer has issued a General permit, any source which is a member of the General permit source class covered by the General permit shall apply to the Control Officer for authority to operate under the General permit pursuant to paragraph 030.100.C.4. Applicants shall complete the specific application form and submit it with the appropriate fee. The specific application form shall, at a minimum, require the applicant to submit information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Control Officer to determine qualification for and to assure compliance with the General permit.*
2. *The Control Officer shall act on the application for authority to operate under a General permit within thirty (30) calendar days of receipt of a complete application which includes the appropriate fee.*

    a. *The Control Officer may defer acting on an application under this rule, if the Control Officer has provided notice of intent to renew or not to renew the General permit for the source class.*
    b. *The Control Officer shall approve or deny the request based on applicability criteria specified in the general permit for that source class.*
    c. *If the application is approved, the Control Officer shall issue an authority to operate under the general permit to the source.*
    d. *If the application for authority to operate under the general permit is denied, the Control Officer shall notify the source that it may apply for a minor source permit if it intends to proceed with construction or continue to operate.*

3. *A minor source that has applied for authority to operate shall not initiate construction, modification, or operation until the Control Officer has issued the authority to operate under the general permit to the minor source.*
4. *The Control Officer shall maintain a record of all stationary sources that are covered by a specific general permit and this record shall be available for public review.*

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SECTION G - PUBLIC NOTICE

1. *The Control Officer shall provide public notice for a proposed initial General permit, for a revision of an existing General permit, and for renewal of an existing General permit.*
2. *As part of the public notice, the Control officer shall make available for review the following information:*

    a. *The proposed General permit.*
    b. *The affected source class.*
    c. *The air contaminants expected to be emitted by a typical source in the source class and by source class as a whole.*
    d. *The Control Officer's proposed actions and effective date for the actions.*
    e. *The name, address, and telephone number of a person within the Department who may be contacted for further information.*
    f. *The address where any person may submit comments and/or request a public hearing and the date and time by which comments or public hearing request are required to be received.*
    g. *The process by which sources may obtain authority to operate under the General permit.*

3. *The public notice shall consist of the following:*

    a. *Posting a notice on a website maintained by the agency; and*
    b. *Establishing a list of persons interested in receiving air quality information and notifying those people, by email or other means.*
    c. *Upon request, a copy of all materials shall be provided.*

4. *The Control Officer shall provide at least thirty (30) calendar days for public review and comment.*
5. *Written comments to the Control Officer shall include the name of the person and/or the person's agent or attorney and shall clearly set forth reasons why the General permit should or should not be issued as proposed.*
6. *At the time a General permit is issued, the Control Officer shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes.*

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SECTION H - GENERAL PERMIT RENEWAL

1. *The Control Officer shall review and may renew, if determined appropriate, each General permit every five (5) years or sooner, if warranted. When renewing a General permit, the Control Officer shall ensure that the General permit meets all the applicable requirements in accordance with this rule.*
2. *A source's authority to operate under a General permit shall expire when the General permit expires regardless of when the authorization began during the five (5) year period, except as provided in SECTION 030.100.H.*
3. *In addition to the public notice required to issue a proposed permit under SECTION 030.100.G, the Control Officer shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the general permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed renewal permit.*
4. *At the time a General permit is renewed, the Control Officer shall notify in writing all sources that were granted authority to operate under the previous General permit and shall require such sources to submit a timely renewal application. For purposes of General permits, a timely application is one that is submitted within the timeframe specified by the Control Officer in the written notification. Failure to submit a timely application terminates the source's right to operate. If a source submits a timely and complete application for an authority to operate under a General permit, but the Control Officer has failed to issue or deny the authority to operate under the renewed General permit before the end of the term of the previous General permit, then the General permit shall not expire until the authority to operate under renewed General permit has been issued or denied.*

SECTION I - TERMINATIONS OF GENERAL PERMITS AND REVOCATIONS OF AUTHORITY TO OPERATE UNDER A GENERAL PERMIT

1. *The Control Officer may terminate a general permit at any time if either:*

    a. *The Control Officer has determined that the emissions from the sources in the source class cause or contribute to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit.*
    b. *The Control Officer has determined that the terms and conditions of the general permit no longer meet the requirements of PART 030.100.*

2. *The Control Officer shall provide at least twelve (12) months written notice to all sources operating under a General permit prior to termination of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within one hundred eighty (180) calendar days of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Control Officer for a Permit to Construct/Permit to Operate. Each source previously authorized to operate under such General permit may operate under the terms of such General permit, until the Permit to Construct/Permit to Operate is approved or denied by the Control Officer.*

3. *The Control Officer may revoke a source's authority to operate under a General permit if the source is not in compliance with any term or condition of the General permit.*
4. *If the Control Officer revokes a source's authority to operate under a General permit pursuant to*

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paragraph 030.100.I.4, the Control Officer shall notify the Responsible Official by certified mail, return receipt requested.

SECTION J - CHANGES TO FACILITIES GRANTED AUTHORITY TO OPERATE UNDER GENERAL PERMIT

1. *An owner or operator of a source that has been granted authority to operate under a General permit may make the following changes at the source five (5) business days after the owner or operator provides written notification to the Control Officer, and only if such changes do not require the owner or operator to obtain a PART 70 permit:*

    a. *Adding new emissions units of the same type operating under a General permit issued to the source.*
    b. *Installing a replacement emissions unit operating under a General permit issued to the source.*
    c. *Adding or replacing air pollution control equipment operating under a General permit issued to the source.*

2. *The written notification required in this section shall include:*

    a. *When the proposed change will occur;*
    b. *A description of the change; and*
    c. *Any change in potential emissions of regulated air pollutants.*

3. *If the change meets the requirements of paragraph 030.100.J.1, the Control Officer shall provide written acknowledgment of the change.*
4. *If the change does not meet the requirements of paragraph 030.100.J.1, the Control Officer shall notify the source that it may apply for a minor source permit in accordance with the requirements of PART 030.200.*
5. *An owner or operator of a source that has been granted authority to operate under a General permit shall keep on site a record of any physical change or change in the method of operation that could affect emissions. The record shall include a description of the change and the date the change occurred.*

SECTION K - RECORKEEPING AND REPORTING

1. *An owner or operator must furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the authority to operate or to determine compliance with the General permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the General permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Control Officer along with a claim of confidentiality pursuant to SECTION 030.000.D and NRS 445B.570.*
2. *Any owner or operator subject to the provisions of PART 030.100 may be required to submit reports including, but not limited to, throughput, production, fuel consumption, hours of operation, emissions, emission factors and calculations used to determine the reported emissions from each permitted emissions unit for the previous calendar year. These reports will be submitted to the Control Officer for all emissions units/systems. The completed report must be submitted to the Control Officer no later than March 31 annually for the preceding calendar*

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year.

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.200 - MINOR SOURCE PERMIT REQUIREMENTS

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.200 - MINOR SOURCE PERMIT REQUIREMENTS

SECTION A - GENERAL

1. ***APPLICABILITY.*** *PART 030.200 is applicable to any stationary source located in Washoe County that has the potential to emit (PTE) a Regulated Minor Source Pollutant equal to or greater than the Minor Source Permit Thresholds listed in the table below, but less than the major source thresholds listed in PARTS 030.300, 030.400, 030.500, and/or 030.510. PART 030.200 is also applicable to any source that takes a voluntarily accepted emission limitation to avoid obtaining a PART 70 operating permit.*

Regulated Minor Source Pollutant	*Minor Source Threshold Permit Potential to Emit (PTE), TPY*
PM10	*5*
PM2.5	*5*
CO	*5*
VOC	*5*
NOx	*5*
SO2	*5*
Lead (Pb)	*0.3*
H2S	*5*
TOTAL REDUCED SULFUR (INCLUDING H2S)	*5*

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SECTION B - DEFINITIONS

Unless the context otherwise requires, the terms used in PART 030.200 shall have the meaning given in this part; PARTS 030.000 through 030.510; Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

EXEMPT STATIONARY SOURCE means any stationary source with a potential to emit lower than the Minor Source Permit Thresholds listed in paragraph 030.200.A.1.

EXISTING MINOR SOURCE means any minor source that has been issued a minor source permit under PART 030.200 and is not a new minor source.

LIKE-KIND the replacement of existing components (emissions units, control equipment, etc.) with similar, equivalent, or comparable, new components (e.g. components that have the same throughput capacity, control efficiency or, utilization factor as the old component) and neither increases the potential to emit of the emissions unit nor triggers a new applicable requirement.

MINOR SOURCE or MINOR STATIONARY SOURCE means any source that is not a major stationary source for a particular pollutant. A major stationary source can emit more than one pollutant, so may be classified as major because of the level of emissions of one or more pollutants, but may also emit some regulated pollutants at minor source levels. A minor source may be either a natural minor source or a synthetic minor source (see definition—a synthetic minor source needs enforceable limitations to qualify as a minor source).

MINOR SOURCE PERMIT means a permit that authorizes the construction (Permit to Construct, PTC) or operation (Permit to Operate, PTO) of a minor source.

MINOR PERMIT REVISION means a permit revision that is not a SIGNIFICANT PERMIT REVISION.

MODIFICATION or MODIFY means a physical change in, or a change in the method of operation, of a minor source that increases the source's PTE of any pollutant identified in paragraph 030.200.A.1.

NEW MINOR SOURCE means any minor source for which no minor source permit has been issued or whose minor source permit has expired without an application for renewal having been submitted in a timely manner.

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***SIGNIFICANT** means, for a minor new source, a source with a facility-wide PTE that exceeds thresholds specified in the table below. Means, for a modified source, an increase in the PTE of any of the following pollutants at a rate that would equal or exceed any of the following:*

POLLUTANT	*PTE THRESHOLD, TPY*
PM10	*15*
PM2.5	*10*
CO	*100*
VOC	*20*
NOx	*20*
SO_2	*40*
LEAD	*0.6*
H_2S	*5*
TOTAL REDUCED SULFUR (TRS), including H_2S	*5*

***SIGNIFICANT PERMIT REVISION** means a permit revision allowing any of the revisions listed in SECTION F.1.*

***VOLUNTARILY ACCEPTED EMISSION LIMITATION** means those permit emission limitations or other standards proposed by a source to avoid being subject to New Source Review, having to obtain a PART 70 Operating Permit, becoming a major source of Hazardous Air Pollutants, Best System of Control (BSC), or other applicable requirements.*

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SECTION C - PERMIT APPLICATION

1. DUTY TO APPLY FOR A MINOR SOURCE PERMIT

a. Except as provided in SECTION 030.200.F, no person shall commence construction of or make a modification to a minor source except in compliance with a minor source PTC that authorizes such construction or modification.

b. Except as provided in SECTION 030.200.F, no person shall operate a minor source except in compliance with a minor source PTC or PTO that authorizes such operation.

c. For the renewal of an existing minor source permit, a timely application shall be submitted to the Control Officer. An application for renewal shall be considered timely if it is deemed complete and submitted at least one hundred eighty (180) calendar days, but no more than two hundred seventy (270) calendar days, before the date of permit expiration.

d. If the submittal of an application for renewal of an existing minor source permit is not timely, there is no permit application shield as provided in paragraph 030.200.C.3, and the source loses its authority to operate upon permit expiration until the renewal permit is issued.

e. If the source fails to submit an application for renewal of an existing minor source PTO prior to permit expiration, the source loses its authority to operate upon permit expiration, the source will be treated as a new minor source, and the application will be subject to all of the requirements of paragraph 030.200.C.5.

2. COMPLETE APPLICATION

a. To be deemed complete, an application must contain all information required under paragraph 030.200.C.5 and must be accompanied by payment of the applicable fee(s).

b. Unless the Control Officer determines that an application is not administratively complete within thirty (30) calendar days of receipt, any application for a new, renewal, minor modification, or significant revision permit shall be deemed complete.

c. During the technical review, the Control Officer may discover that information needed to complete the processing of the application is missing. Written correspondence will be provided to the permittee with specific details of what additional information is required. Upon notification of missing information, the timeline for application processing will cease until the necessary information is provided. The discovery of missing information may occur more than once during the processing of an application.

d. At any time that additional information is requested, the number of days between and including the date that the request for information is sent and the date that the information received is considered sufficient, are not counted in determining the deadline for issuing or denying the permit. If, for example, a request for missing information is sent on day forty (40) of a one hundred eighty (180) day processing period (which would end on April 1) and the information is provided and determined sufficient on day sixty-one (61), then twenty-one (21) days (Day 61 – Day 40) are added to the original one hundred eighty (180) day date of April 1, making the new one hundred eighty (180) day ending date April 22.

e. Failure to provide the additional information required by the Control Officer by the deadline in the written correspondence could result in denial of the application.

3. PERMIT APPLICATION SHIELD. If an existing minor source submits a timely and complete application for renewal of a minor source PTO, the source's continued operation after permit expiration and before issuance of the renewed permit is not a violation. The application shield shall cease to apply if, after a completeness determination, the applicant fails to submit any additional information identified as needed to process the application by a deadline the Control Officer has

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specified in writing or the renewed permit is denied for any other reason.

4. *DUTY TO SUPPLEMENT OR CORRECT APPLICATION. Any applicant who fails to submit any relevant facts or submits incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submission, submit such supplementary facts or corrected information promptly. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant files a complete application, but before issuance of the permit.*
5. *APPLICATION CONTENTS. An application for a minor source permit shall contain all the information necessary to be deemed a complete application. An application for a new minor source permit, renewal of an existing minor source permit, and any revision to a minor source permit shall include, as needed, the following information:*

   a. *The company name and address (and the source name and address, if different).*
   b. *The owner's and Responsible Official's name, email address, telephone number and the name(s) of plant site manager/contact with associated email addresses and telephone numbers.*
   c. *A declaration signed by the Responsible Official under penalty of perjury stating that, the statements and information in the application are true, accurate, and complete. Signature of the declaration statement shall subject the Responsible Official to liability for perjury under NRS 199.145.*
   d. *Identifying information that includes, but is not limited to:*

      (1) *A description of the source's processes and products using the North American Industrial Classification System (NAICS).*
      (2) *The following emissions-related information:*

         (a) *The PTE of all regulated minor source air pollutants emitted from each emissions unit and activity, including fugitive emissions.*
         (b) *Identification and description, including but not limited to manufacturer, model, rating and serial number, of each emissions unit in sufficient detail to establish the applicable requirements.*
         (c) *The following information, to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules.*
         (d) *Identification and description of air pollution control equipment and compliance monitoring devices oractivities, including design specifications.*
         (e) *Any limitations on source operation affecting emissions or on any work practice standards affecting emissions.*
         (f) *Other information required by any applicable requirement or to determine applicability of an applicable requirement.*
         (g) *A justification for any exemption sought from any otherwise applicable requirement.*
         (h) *The calculations on which the information in paragraphs 030.200.C.5.(d)(2)(a) through (g) is based.*

   e. *For a new or modified source, a schedule of construction, if applicable.*
   f. *A list of emission limitations and other requirements applicable to the source.*
   g. *A list of emissions units or activities claimed as exempt and/or insignificant under SECTION 030.020.B*

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h. The following information may be required where the application proposes the following:

(1) A new minor source that will have a PTE that is significant for any regulated minor source air pollutant shall include a demonstration of BSC for the affected pollutant and shall include the methodology by which BSC was determined and how compliance with BSC will be demonstrated, including material usage limits, performance testing, or continuous emissions monitoring, if applicable.

(2) A modification to an existing minor source that requires a significant permit revision pursuant to paragraph 030.200.F.1.e shall contain the following:

(a) A description and quantification of the increase in the PTE resulting from the modification.

(b) A proposed BSC for each affected pollutant, the methodology by which BSC was determined and how compliance with BSC is to be demonstrated, including material usage limits, performance testing, or continuous emissions monitoring, if applicable.

i. A new minor source or revision to a minor source proposing a voluntarily accepted emission limitation shall include enough detail to demonstrate that the voluntarily accepted emission limitation is enforceable as a practical matter, and such detail shall include, at minimum, how the limitation affects each emissions unit and each air pollutant from that emissions unit.

j. A significant permit revision or a renewal for a source that is not in compliance at the time the application is submitted, shall include a compliance plan to address the non-compliant issue(s). The plan shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any requirements that the source is not in compliance at the time of permit issuance. Any such plan shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

k. An application for a minor permit revision for a minor source shall contain the information necessary to demonstrate that the change qualifies as a minor permit revision pursuant to paragraph 030.200.F.2.

l. Such other information or documentation requested by the Control Officer as necessary to determine compliance with all applicable requirements and standards.

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SECTION D - PERMIT CONTENT

1. *TERMS AND CONDITIONS. A minor source permit issued by the Control Officer shall include terms and conditions that contain all of the following, as applicable:*

   a. *Identification of all applicable requirements.*
   b. *A physical description of each emissions unit(s) and operating information consistent with the application information.*
   c. *Emission limitations for any source of emissions or emissions unit that ensure all of the following:*

      (1) The National Ambient Air Quality Standards (NAAQS) will be attained or maintained.
      (2) Compliance with the applicable requirements of these regulations and the Act.

   d. *Monitoring, testing, reporting, and recordkeeping requirements that ensure adequate information is provided to evaluate compliance with the permit terms and conditions including, at a minimum, all of the following:*

      (1) Applicable and appropriate monitoring and testing requirements, such as:

         (a) Emissions monitoring and analysis procedures or test methods.
         (b) Where an applicable regulation does not require periodic testing or monitoring (which may consist of record-keeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period(s) that are representative of the source's compliance with the permit. Such monitoring requirements may ensure that terms, test methods, units, averaging periods, and other statistical conventions are consistent with the applicable regulation.
         (c) As necessary, requirements concerning the use, maintenance and, where appropriate, installation of monitoring equipment or methods.
         (d) The Control Officer may require monitoring or testing to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with paragraph 030.200.D.d.(2), any applicable requirement, or other methods approved by the Control Officer.

      (2) With respect to recordkeeping, the permit may incorporate all applicable recordkeeping requirements, including the following:

         (a) Records of required monitoring information that includes:

            (i) The date, place, as listed in the permit, and time of sampling or measurements.
            (ii) The date(s) analyses were performed.
            (iii) The person and/or company, if a third party, that performed the monitoring, sampling, measurements or analyses.
            (iv) The analytical techniques or methods used.
            (v) The results of such analyses.
            (vi) The operating conditions at the time of sampling or measurement.
            (vii) Calibration and maintenance of instrumentation and equipment.
            (viii) Raw data relating to calculation of emissions.

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(b) Retention of all records required to be kept under the conditions of the permit for a period of at least five (5) years from the creation of the record.

(3) With respect to reporting, the permit shall incorporate all applicable reporting requirements.

e. A requirement that any requested revision of an emission limitation, monitoring, testing, reporting, or recordkeeping requirement be made consistent with the permit revision requirements in SECTION 030.200.F.

f. Emission and operational limitations and standards necessary to ensure:

(1) Compliance with any BSC determination, if one has been required.
(2) The source does not require a major source PTC or PART 70 Operating Permit.
(3) Compliance with all applicable requirements at the time of permit issuance.
(4) That any ambient air increment as prescribed by PART 030.400 is not exceeded.
(5) Compliance with a voluntarily accepted emission limitation.

g. The permit shall specify and reference the origin of and authority for each term or condition.

h. A permit term not to exceed five (5) years from the date of issuance.

i. A severability clause to ensure the continued validity of permit requirements in the event of a challenge to any portion of the permit.

j. A list of insignificant activities pursuant to SECTION 030.020.B

k. A provision to ensure the source pays fees to the Control Officer consistent with the approved fee schedule.

l. Terms and conditions that allow for changes by the source among reasonably anticipated operating scenarios identified in its application, as approved by the Control Officer. Such terms and conditions shall require the source:

(1) To record in a log at the permitted facility, while making a change from one operating scenario to another, the scenario under which the facility is operating.
(2) For each such alternative operating scenario, to comply with all applicable requirements and the requirements of PART 030.200.

m. Any compliance plan required to be included in the application under paragraph 030.200.C.5.j.

n. A condition stating that if the new or modified source cannot be constructed as authorized by the permit, the permittee shall provide a written notice to the Control Officer of any proposed revisions and obtain a revised permit prior to commencing construction. A source may be subject to enforcement action as a result of differences between the permitted and constructed source.

o. A condition stating that the permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

p. A condition that specifies the permittee must comply with all conditions of the permit and that any permit noncompliance constitutes a violation of the regulations and is grounds for enforcement action; for permit termination, or revocation; or for denial of a permit renewal application.

q. Inspection and entry requirements which require that, upon presentation of credentials and

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other documents as may be required by law, the permittee shall allow the Control Officer or an authorized representative to enter the permittee's premises where a source is located or emissions related activity is conducted and to:

(1) Have access to and copy any records that must be kept under the conditions of the permit.
(2) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
(3) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(4) Document alleged violations using devices such as cameras or video equipment.

r. A statement that issuance of the permit does not convey any property rights of any sort, or any exclusive privilege.
s. A requirement that the permittee must furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Control Officer along with a claim of confidentiality pursuant to SECTION 020.000.D and NRS 445B.570.
t. A requirement that any person who has been issued a permit pursuant to this section shall post such permit in compliance with the requirements of paragraph 030.020.A.(15).
u. A requirement that the permit will not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the Washoe County portion of the Nevada State Implementation Plan (SIP), or that are otherwise federally enforceable.
v. A requirement that the permit shall not affect the responsibilities of the permittee to comply with the applicable portions of a control strategy in the SIP.
w. A requirement that the permittee shall furnish the Control Officer written notification of:

(1) The date that construction or reconstruction is commenced, postmarked no later than thirty (30) calendar days after such date.
(2) The anticipated date of initial start-up, postmarked not more than sixty (60) calendar days and not less than thirty (30) calendar days before such date.
(3) The actual date of initial start-up, postmarked within fifteen (15) calendar days after such date.

x. The Control Officer may impose additional conditions necessary to ensure compliance with any applicable requirement.

2. *ACKNOWLEDGMENT OF RESPONSIBILITY FOR COMPLIANCE. The permit shall contain a statement that the permittee's commencement of operation constitutes an acknowledgment that the permittee assumes the responsibility of ensuring that the source's emissions units and emission control equipment have been constructed and will be operated in compliance with all applicable requirements.*

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SECTION E - PERMIT APPLICATION PROCESSING PROCEDURES

1. ACTION AND APPLICATION

a. A minor source permit to construct, permit to operate, and/or permit renewal may be issued only after the Control Officer has:

(1) Received the correct and complete application as prescribed by paragraph 030.200.C.2.
(2) Determined that the conditions of the permit provide for compliance with all applicable requirements.
(3) Determined that the source or emissions units will not interfere with attainment and maintenance of the NAAQS and has imposed emission limitations in accordance with paragraphs 030.200.D.1.c and D.1.f.
(4) Complied with the requirements for public participation under paragraph 030.200.E.3. as applicable.
(5) Determined that all required fees have been paid.

b. Following the close of any public participation process prescribed by paragraph 030.200.E.3, the Control Officer shall make the determination to issue or deny the permit.

c. The Control Officer shall deny a permit to construct, permit to operate, and/or permit renewal if the applicant fails to submit the correct application or to demonstrate that the source will be designed, controlled, and operated in a manner that meets all applicable requirements, or to demonstrate that the source will not interfere with attainment or maintenance of any NAAQS.

d. If the Control Officer denies the permit to construct, permit to operate, and/or permit renewal, a notice of denial shall be served on the applicant by method providing evidence of receipt. The notice shall detail the grounds for denial and describe the applicant's right to appeal the denial under paragraph 020.000.C.2.a.

e. If the Control Officer issues the permit or permit revision, the new or revised permit shall be provided to the applicant. The permit or revision becomes effective upon issuance unless stayed by the District Board of Health.

3. PERMIT PROCESSING DEADLINES. The Control Officer shall either issue or deny the permit within one hundred eighty (180) calendar days, commencing after the date on which the application is received. This issuance time frame is exclusive of the days when the Control Officer is awaiting the submittal of requested information, as specified in paragraph 030.200.C.2, and days required for public participation, as specified in paragraph 030.200.E.3.

4. PUBLIC PARTICIPATION. The Control Officer shall provide for public notice, comment, and an opportunity for a hearing in accordance with the following procedures:

a. Notice of Proposed Action.

(1) After receipt of a complete application for any of the following proposed actions for minor source permits, a Notice of Proposed Action (NPA) shall be provided.

(a) A new minor source with a potential to emit any pollutant that exceeds the following:

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POLLUTANT	PTE THRESHOLD, TPY
PM10	15
PM2.5	10
CO	100
VOC	20
NOx	20
SO_2	40
LEAD	0.6
H_2S	5
TOTAL REDUCED SULFUR (TRS), INCLUDING H_2S	5

(b) A new minor source that will be located within one thousand (1,000) feet of the outer boundary of a school, hospital, or residential area.
(c) A significant permit revision that is required because of a significant increase in an existing minor source's potential to emit.
(d) A voluntarily accepted emissions limitation as provided in paragraph 030.200.G.4.

(2) The Notice of Proposed Action on the application shall contain all of the following:

(a) The name and address of the permittee or permit applicant and, if different, of the facility regulated by the permit.
(b) The date the Control Officer received the complete application.
(c) The location where documents relevant to the application, including the application, the proposed permit conditions, and determinations of BSC, if applicable, will be available.
(d) The nature of the source involved in the permit action.
(e) The pollutants to be emitted by the source and the projected quantities of those pollutants.
(f) The name, address, and telephone number persons may contact for instructions on how to obtain additional information, such as a copy of the draft permit, technical support document, the application, relevant supporting materials, and other materials available to the Control Officer that are relevant to the permitting decision.
(g) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except confidential information, in accordance with NRS 445B.570 and SECTION 020.000.D) are available as part of the administrative record.
(h) The Control Officer's preliminary determination whether the application for a permit should be approved or disapproved.
(i) An opportunity for any person to submit written comments on the application for a permit and any relevant documents.
(j) An opportunity for any person to request a public hearing, consistent with the requirements of paragraph 030.200.E.3.b below, at which oral and written comments on the application will be received, or notice of such a hearing if one has been scheduled.

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(3) The NPA and the draft permit shall be provided during the thirty (30) calendar day public comment period. All written comments must be received by the Control Officer before expiration of the public comment period.
(4) The Control Officer shall consider all written and oral comments, and all other documents on the administrative record, before taking final action on the permit.
(5) The Control Officer shall send a copy of the NPA to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:

(a) The U.S. Environmental Protection Agency (EPA), if requested, except that the NPA shall be sent to EPA if the subject of the NPA is a voluntarily accepted emission limit pursuant to SECTION 030.200.G that an applicant requests to avoid having to obtain a PART 70 Operating Permit.
(b) Any other person who requests such notice.

b. During the public comment period specified in SECTION 030.200.E.3.a.(3), any person may petition the Control Officer in writing for a public hearing. All such petitions shall contain the petitioner's name, address, daytime telephone number, email address, and reason for requesting a hearing.

(1) If a proper petition is filed and the Control Officer determines that there is a significant degree of public interest, the Control Officer shall hold a public hearing no sooner than thirty (30) calendar days, but no later than seventy (70) calendar days, after the date of the NPA. In determining if a significant degree of public interest exists, the Control Officer shallconsider all relevant factors, including, but not limited to, the number of petitioners, the nature of their concerns as stated in their petitions, and the type and quantity of emissions emitted by the source and the proximity of the source to sensitive areas such as parks, schools, hospitals or residential areas.
(2) At least seven (7) calendar days prior to the public hearing, notice of the public hearing shall be given to the petitioner, to the applicant and to those listed in SECTION 030.200.E.3.a.(5) in the same manner as required for the NPA.
(3) If the petition for hearing is denied, the Control Officer shall notify the petitioner within thirty (30) calendar days of receipt of the petition.

5. PERMIT TRANSFERS

a. A minor source permit issued under PART 030.200 may be transferred from the existing permittee to a new permittee if the applicable administrative amendment fee is paid and all the applicable requirements are met.
b. A permit is not transferable, by operation of law or otherwise, from one location to another, or from one piece of equipment or process to another but may be transferred from one person to another upon approval of the Control Officer and payment of a transfer fee set by the District Board of Health.
c. The new permit holder is entitled to use the permit until expiration at no further cost.

SECTION F - REVISIONS TO AN EXISTING MINOR SOURCE PERMIT

1. SIGNIFICANT PERMIT REVISION. The following changes at a minor source require a significant permit revision and are subject to the permit application requirements in SECTION 030.200.C and the public participation requirements in paragraph 030.200.E.3, if applicable:

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a. Establishing or revising a voluntarily accepted emission limitation or standard, as described in SECTION 030.200.G.

b. A change in fuel not authorized by the permit, except for a switch from fuel oil or coal to natural gas or propane.

c. A change that relaxes monitoring, testing, recordkeeping, or reporting requirements, except when such change results from either:

(1) Equipment removal that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that meets the requirements of SECTION 030.200.F.6 below and if the relaxed requirements in the permit apply solely to the equipment that was removed.

(2) Newly applicable requirements specified in 40 CFR PART 60, 61, or 63.

d. A change that will require any of the following:

(1) Except for a BSC determination required by SECTION 030.200.F.1.f, a case-by-case determination of an emission limitation or other standard.

(2) A source-specific determination of ambient impacts, or a visibility or increment analysis.

(3) A case-by-case determination of a monitoring, record- keeping, and reporting requirement.

e. Replacement of a piece of air pollution control equipment listed in the permit with one that the permittee cannot demonstrate will have the same or better pollutant removal efficiency. In determining the comparative removal efficiency of air pollution control equipment, the Control Officer shall rely upon relevant performance testing results, vendor performance guarantees, and emissions factors.

f. A new or modified sources that increases the source's potential to emit a regulated air pollutant, by an amount equal to or exceeding a significant increase. The modification shall apply BSC to each emissions unit to which the increase applies.

g. The Control Officer may deny the significant permit revision because the proposed revision does not comply with all applicable requirements.

2. *MINOR PERMIT REVISION. If the proposed change at a minor source is not listed in SECTION 030.200.F.1, but is listed below in SECTIONS 030.200.F.2.a.(1) through (5), such change requires a minor permit revision and is subject to the permit application requirements in SECTION 030.200.C.*

a. The following changes require a minor permit revision:

(1) The construction of a new emissions unit that is not a like-kind replacement.

(2) Increasing operating hours or rates of production above the permitted level, any other physical change or change in method of operation that will result in an increase in the source's PTE that is less than the significant levels listed in the definition of Significant found in SECTION 030.200.B.

(3) A change in fuel, if not authorized in the permit.

(4) A change that results in emissions subject to any new or revised monitoring, recordkeeping, or reporting requirement that is not already in the permit if the revision proposes monitoring, recordkeeping, and/or reporting that provides the required quantification.

(5) Replacement of an item of air pollution control equipment listed in the permit with one that

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has the same or better efficiency, but that employs a different technology or substantially different design. The application for the minor permit revision must demonstrate the efficiency of the replacement air pollution control equipment is equivalent or better than the equipment being replaced.

(6) Conversion of Permit to Construct to a Permit to Operate

b. The application shall specify how the change qualifies as a minor permit revision under paragraph 030.200.F.2 and propose language for the permit revision sought. No change listed in paragraph 030.200.F.2 shall proceed if the Control Officer objects or deems the application incomplete.

c. The Control Officer may deny the minor revision because:

(1) The change does not qualify as a minor permit revision because it is a significant permit revision.

(2) The change does not otherwise qualify as a minor permit revision under the criteria in paragraph 030.200.F.2.

(3) There is insufficient information to determine if it qualifies as a minor permit revision.

(4) The proposed revision does not comply with all applicable requirements.

3. ADMINISTRATIVE AMENDMENT. The following changes require a permit revision, are considered administrative, and may be initiated by either the source or the Control Officer. These changes are not subject to the revision processes in paragraphs 030.200.F.1 and F.2:

a. Correcting typographical errors.

b. Changing the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source (except transfers of ownership, which are subject to the requirements of paragraph 030.000.C.2).

c. Correcting a permit condition, including but not limited to emission standards and compliance demonstration requirements, consistent with an existing requirement.

d. Incorporating newly applicable requirements due to an amendment to an existing rule or adoption of a new rule.

e. Incorporating alternative testing or compliance monitoring requirements that have received the Administrator's approval under 40 CFR PART 60, 61, or 63.

f. Incorporating newly applicable monitoring or testing requirements specified in 40 CFR PART 60, 61, or 63 that apply because of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change.

g. Incorporating test methods or monitoring requirements specified in an applicable requirement that the source may use as an alternative to the testing or monitoring requirements in the permit.

4. CHANGES THAT CAN BE MADE WITH NOTICE. The following changes at a minor source may be made without a permit revision if the source provides prior written notice of the change, within the applicable timeframe for the change listed below, on a form specified by the Control Officer, unless the Control Officer objects within the applicable timeframe.

a. Replacing an item of air pollution control equipment listed in the permit with an identical (i.e., same model, different serial number) item: thirty (30) calendar days after the date of receipt of the written notice by the Control Officer. The Control Officer may require verification of the

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efficiency of the new equipment by performance tests.

b. Replacing an item of air pollution control equipment listed in the permit with one that is not identical, but is substantially similar and has the same or better pollutant removal efficiency: thirty (30) calendar days after the date of receipt of the written notice by the Control Officer. The Control Officer may require a verification of the efficiency of the new equipment by performance tests.

c. A physical change, or a change in the method of operation, that does not increase the source's potential to emit: thirty (30) calendar days after the date of receipt of the written notice by the Control Officer (includes a like-kind replacement of an emissions unit or the addition of an insignificant activity).

d. A change that amounts to reconstruction of the source or an individual emissions unit, unless the reconstruction triggers a new applicable requirement: thirty (30) calendar days after the date of receipt of the written notice by the Control Officer. For purposes of this requirement, reconstruction of a source or an emissions unit shall be presumed if the fixed capital cost of the new component(s) exceeds fifty (50) percent of the fixed capital cost of a comparable entirely new source or emissions unit.

e. Removal of one or more emissions unit(s) or activity that is part of an existing minor source permit. This change will not affect the source's potential to emit until it is incorporated into the permit through a permit renewal, permit revision, or the Control Officer action identified in paragraph 030.200.F.6.

5. REOPENING FOR CAUSE.

a. A permit may be reopened and revised under any of the following circumstances:

(1) Additional requirements (including excess emissions requirements) become applicable to an affected source. Upon approval by the Control Officer, excess emissions offset plans shall be deemed to be incorporated into the permit.

(2) The Control Officer determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(3) The Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(4) Proceedings to reopen and issue a permit shall follow the same requirements as apply to any permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

b. Reopenings under paragraph 030.200.F.5 shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least thirty (30) calendar days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.

6. The Control Officer may revise a permit annually for a minor source without notice or public input to incorporate changes filed pursuant to paragraphs 030.200.F.3 and F.4 above.

7. Any modification at a minor source that results in an increase in PTE equal to or greater than the emissions of a major stationary source (as defined in PARTS 030.300 and 030.400) is subject to the applicable permit requirements in PART 030.510, as well as those in PARTS 030.300, 030.400, and/or 030.500.

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SECTION G - PERMITS CONTAINING VOLUNTARILY ACCEPTED EMISSION LIMITATIONS

1. *A source may voluntarily propose in its application, and accept in its permit, emission limitations that are enforceable as a practical matter to avoid being subject to any of the following:*

    a. *New Source Review under PARTS 030.300 or 030.400.*
    b. *Having to obtain a PART 70 Operating Permit under PART 030.500.*
    c. *Becoming a major Hazardous Air Pollutants (HAPs) source.*
    d. *Becoming subject to BSC.*
    e. *Meeting any other applicable requirements (excluding air quality fees).*

2. *A source that proposes a voluntarily accepted emission limitation shall comply with the requirements of paragraph 030.200.C.5.i.*
3. *The public participation procedures set forth in paragraph 030.200.E.3 apply to sources proposing to establish an initial voluntarily accepted emission limitation as described in paragraph 030.200.G.1.a-c.*
4. *A source that proposes a voluntarily accepted emission limitation to avoid becoming a major stationary source, including a major source of fugitive emissions of any such pollutant under PARTS 030.300 or 030.400 as described in paragraph 030.200.G.1.a, or becoming a new PART 70 source as described in paragraph 030.200.G.1.b must determine if the proposed stationary source is a major source and is listed as belonging to one of the source categories. If it is not listed, fugitive emissions must not to be included in the facility-wide PTE to determine if it is a major source.*

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.300 - NONATTAINMENT NEW SOURCE REVIEW (PERMIT REQUIREMENTS FOR MAJOR SOURCES IN NONATTAINMENT AREAS)

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.300 - NONATTAINMENT NEW SOURCE REVIEW (PERMIT REQUIREMENTS FOR MAJOR SOURCES IN NONATTAINMENT AREAS)

SECTION A - APPLICABILITY PROCEDURES

1. *PRECONSTRUCTION REVIEW REQUIREMENTS. The preconstruction review requirements of PART 030.300 shall apply to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as nonattainment for any National Ambient Air Quality Standard under 40 CFR PART 81.329.*

2. *CONSTRUCTION OF MAJOR STATIONARY SOURCES OR MAJOR MODIFICATIONS*

   a. *If a proposed project will result in a new major stationary source for any regulated NSR pollutant, then the requirements of paragraph 030.300.A.3 and SECTIONS 030.300.C through H apply to that pollutant(s).*
   b. *If a proposed project will result in a major modification at a major stationary source for any regulated NSR pollutant, then the requirements of paragraph 030.300.A.3 and SECTIONS 030.300.C through H apply to that pollutant(s).*

3. *PERMIT TO CONSTRUCT REQUIREMENT. No new major stationary source, or major modification to which the requirements of SECTIONS 030.300.C through H apply, shall begin actual construction or operate without a Permit to Construct that requires that the major stationary source or major modification meet these requirements.*

4. *MAJOR MODIFICATION APPLICABILITY. The requirements of PART 030.300 apply to projects at major stationary sources in accordance with the applicability provisions set out in paragraphs 030.300.A.4.a through A.4.e.*

   a. *Except as otherwise provided in paragraph 030.300.A.5, a project is a major modification for a regulated NSR pollutant if either the required preconstruction projected actual emissions or the post-construction emissions show that the project causes two (2) types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.*
   b. *The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs 030.300.A.4.c through A.4.e. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of net emissions increase and significant. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.*
   c. *Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing*

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Emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit equals or exceeds the significant amount for that pollutant.

d. Actual-to-Potential Test for Projects that Only Involve construction of a New emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the PTE from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

e. Hybrid Test for Projects that Involve Multiple Types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions differences for each emissions unit, calculated using the methods specified in paragraphs 030.300.A.4.c or A.4.d, as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

f. The "sum of the difference" as used in paragraphs c, d and e of this section shall include both increases and decreases in emissions calculated in accordance with those paragraphs.

5. MAJOR SOURCES WITH PLANTWIDE APPLICABILITY LIMITATIONS (PAL). For any major stationary source with a PAL for a regulated NSR pollutant, the Owner or Operator shall comply with the requirements in SECTION 030.300.I.

a. For any project that would increase emissions of a regulated NSR pollutant at a major stationary source with a PAL for that regulated NSR pollutant, the Owner or Operator shall comply with the requirements in SECTION 030.300.I. For emissions increases resulting from the project that are not regulated by a PAL, the Owner or Operator shall comply with paragraphs 030.300.A.2.b or SECTION 030.300.A.6.

6. EXISTING EMISSION UNIT PROJECTS. The provisions of this paragraph apply when a project occurs at an existing emissions unit at a major stationary source, other than a source with a PAL; the project is not a part of a major modification; and the owner or operator elects to use the method specified in paragraphs a.(1) through a.(4) of the definition of projected actual emissions.

a. Before beginning actual construction of the project, and as a condition of the source's Permit to Construct, the owner or operator shall document and maintain a record of the following information:

(1) A description of the project;
(2) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
(3) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph a.(4) of the definition of projected actual emissions and an explanation for why such amount was excluded, and any netting calculations, if applicable.

b. If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph 030.300.A.6.a

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to the Control Officer. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the Control Officer before beginning actual construction, except such owner or operator may still be subject to the requirements of CHAPTER 030, including PART 030.200 or other applicable requirements.

c. The Owner or Operator shall monitor and maintain a record of the emissions of any regulated NSR pollutant from any existing emissions unit identified in paragraph 030.300.A.6.a.(2) that did not rely on the emissions unit's Potential to emit to estimate the emissions unit's projected actual emissions; and calculate and maintain a record of the annual emissions (in tons per year (tpy)) for the project, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of, or Potential to emit that regulated NSR pollutant at, such existing emissions unit.

d. If the emissions unit is an existing electric utility steam generating unit, the Owner or Operator shall submit a report to the Control Officer within sixty (60) calendar days after the end of each twelve (12) month period during which records must be generated under paragraph 030.300.A.6.c setting out the unit's annual emissions during the twelve (12) month period that preceded submission of the report.

e. If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the Owner or Operator shall submit a report to the Control Officer if the annual emissions, in tpy, from the project identified in paragraph 030.300.A.6.a exceed the baseline actual emissions (as documented and maintained pursuant to paragraph 030.300.A.6.a.(3)), by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions under the definition of projected actual emissions) as documented and maintained pursuant to paragraph 030.300.A.6.a.(3). Such report shall be submitted to the Control Officer within sixty (60) calendar days after the end of such year. The report shall contain the following:

(1) The name, address, and telephone number of the major stationary source;
(2) The annual emissions, as calculated pursuant to paragraph 030.300.A.6.c; and
(3) Any other information that the Owner or Operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the pre-construction projection).

7. AVAILABILITY OF INFORMATION. The Owner or Operator of the source shall make the information required to be documented and maintained pursuant to paragraph 030.300.A.6 available for review upon a request for inspection by the Control Officer or the general public pursuant to the requirements contained in 40 CFR PART 70.4(b)(3)(viii).

8. SECONDARY EMISSIONS. Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to PART 030.300 on the basis of the direct emissions from the stationary source, the requirements of SECTION 030.300.F, but no other provisions of PART 030.300, must also be met for Secondary emissions.

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SECTION B - DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of PART 030.300. When a term is not defined in these paragraphs, it shall have the meaning given in PART 030.000, PARTS 030.100 through 030.510; Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

***ACTUAL EMISSIONS** means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with this definition.*

a. *In general, actual emissions as of a particular date shall equal the average rate, in tpy, at which the emissions unit actually emitted the regulated NSR pollutant during a consecutive twenty-four (24) month period which precedes the particular date and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.*
b. *For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the PTE of the unit on that date.*
c. *This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under SECTION 030.300.I. Instead, projected actual emissions and baseline actual emissions shall apply for those purposes.*

***ATTAINMENT AREA** means an area, which is shown by air monitoring, calculated by air quality modeling, or is shown by other reliable methods, to have air quality that meets or exceeds minimum ambient air quality standards.*

***BASELINE ACTUAL EMISSIONS** means the rate of emissions, in tpy, of a regulated NSR pollutant, as determined in accordance with paragraphs a through d of this definition.*

a. *For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tpy, at which the unit actually emitted the pollutant during any consecutive twenty-four (24) month period selected by the Owner or Operator within the five (5) year period immediately preceding when the Owner or Operator begins actual construction of the project. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation.*

    (1) *The average rate shall include fugitive emissions, to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.*
    (2) *The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty four (24) month period.*
    (3) *The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must comply as of the particular date, had such major stationary source been required to comply with such limitations during the consecutive twenty-four (24) month period. For the purposes of determining baseline actual emissions for contemporaneous changes pursuant to paragraph a.2 of the definition of net emissions increase, the particular date is the date*

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on which the particular change occurred. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need only be adjusted if the State of Nevada has taken credit for such emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR PART 51.165(a)(3)(ii)(G).

(4) *For a regulated NSR pollutant, when a project involves multiple emissions units, only one (1) consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated NSR pollutant.*

(5) *The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by this definition.*

b. *For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tpy, at which the emissions unit actually emitted the pollutant during any consecutive twenty four (24) month period selected by the Owner or Operator within the ten (10) year period immediately preceding either the date the Owner or Operator begins actual construction of the project, or the date a Complete permit application is received by the Control Officer for a permit required under CHAPTER 030, whichever is earlier, except that the ten (10) year period shall not include any period earlier than November 15, 1990.*

(1) *The average rate shall include fugitive emissions to the extent quantifiable.*

(2) *The average rate shall include emissions associated with startups, shutdowns, and malfunctions.*

(3) *The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.*

(4) *The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must comply as of a particular date, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. For the purposes of determining baseline actual emissions for contemporaneous changes pursuant to paragraph a.2 of the definition of net emissions increase, the particular date is the date on which the particular change occurred. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need only be adjusted if the State of Nevada has taken credit for such emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G).*

(5) *For a regulated NSR pollutant, when a project involves multiple emissions units, only one (1) consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.*

(6) *The average rate shall not be based on any consecutive 24- month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraphs b.(2) and b.(3) of this definition.*

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c. *For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's PTE.*

d. *For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph a of this definition; for other existing emissions units, in accordance with the procedures contained in paragraph b of this definition; and for a new emissions unit, in accordance with the procedures contained in paragraph c of this definition.*

***BASIC DESIGN PARAMETER** means:*

a. *Except as provided in paragraph c of this definition, for a process unit at a steam electric generating facility, the Owner or Operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.*

b. *Except as provided in paragraph c of this definition, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the Owner or Operator should consider the primary product or primary raw material when selecting a basic design parameter.*

c. *If the Owner or Operator believes the basic design parameter(s) in paragraphs a and b of this definition is not appropriate for a specific industry or type of process unit, the Owner or Operator may propose to the Control Officer an alternative basic design parameter(s) for the source's process unit(s). If the Control Officer approves of the use of an alternative basic design parameter(s), the Control Officer shall issue a permit that is legally enforceable that records such basic design parameter(s) and requires the Owner or Operator to comply with such parameter(s).*

d. *The Owner or Operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in paragraphs a and b of this definition.*

e. *If design information is not available for a process unit, then the Owner or Operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.*

f. *Efficiency of a process unit is not a basic design parameter.*

g. *The replacement activity shall not cause the process unit to exceed any emission limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally enforceable.*

***BEGIN ACTUAL CONSTRUCTION** means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of Building supports and foundations, laying of underground pipework, and*

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construction of permanent storage structures. With respect to a change in method of operating, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) means an emission limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR PART 60, 61, or 63. If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means which achieve equivalent results.

BUILDING, STRUCTURE, FACILITY, OR INSTALLATION

a. *means all of the pollutant- emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same Person (or Persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same SIC or NAICS code) as described in either the Standard Industrial Classification (SIC) manual, 1972, as amended by the 1977 supplement or the North American Industry Classification System (NAICS) manual.*
b. *Notwithstanding the provisions of paragraph a of this definition, building, structure, facility, or installation means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within¼ mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this paragraph b of this definition, has the same meaning as in 40 CFR PART 63.761.*

CATEGORICAL STATIONARY SOURCE means any stationary source of Air pollutants that belongs to one (1) of the following categories of stationary sources:

a. Coal cleaning plants (with thermal dryers);
b. Kraft pulp mills;

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c. *Portland cement plants;*
d. *Primary zinc smelters;*
e. *Iron and steel mills;*
f. *Primary aluminum ore reduction plants;*
g. *Primary copper smelters;*
h. *Municipal incinerators capable of charging more than fifty (50) tons of refuse per day;*
i. *Hydrofluoric, sulfuric, or nitric acid plants;*
j. *Petroleum refineries;*
k. *Lime plants;*
l. *Phosphate rock processing plants;*
m. *Coke oven batteries;*
n. *Sulfur recovery plants;*
o. *Carbon black plants (furnace process);*
p. *Primary lead smelters;*
q. *Fuel conversion plants;*
r. *Sintering plants;*
s. *Secondary metal production plants;*
t. *Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;*
u. *Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty (250) million British thermal units per hour heat input;*
v. *Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;*
w. *Taconite ore processing plants;*
x. *Glass fiber processing plants;*
y. *Charcoal production plants;*
z. *Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and*
aa. *Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.*

CONSTRUCTED EMISSIONS UNIT means any part of a stationary source that emits or has the Potential to emit any Regulated air pollutant that is newly constructed or modified.

CONTINUOUS EMISSIONS MONITORING SYSTEM (CEMS) means all of the equipment that may be required to meet the data acquisition and availability requirements of PART 030.300, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

CONTINUOUS EMISSIONS RATE MONITORING SYSTEM (CERMS) means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

CONTINUOUS PARAMETER MONITORING SYSTEM (CPMS) means all of the equipment necessary to meet the data acquisition and availability requirements of PART 030.300, to monitor process and control device operational parameters and other information and to record average operational parameter value(s) on a continuous basis.

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EMISSION REDUCTION CREDIT (ERC) *means a unit of emission reduction (in tpy) that has been issued by the Control Officer in accordance with the provisions set forth in SECTION 030.300.F.*

EMISSIONS UNIT *means any part of a stationary source that emits, or would have the Potential to emit, any regulated NSR pollutant and includes an electric utility steam generating unit. For purposes of PART 030.300, there are two types of emissions units as described in paragraphs a and b of this definition:*

a. *A "New Emissions unit" is any emissions unit which is (or will be) newly constructed and which has existed for less than two (2) years from the date such emissions unit first operated. For the purposes of this definition, the date an emissions unit first operated shall not be extended by any shakedown period established pursuant to paragraph f of the definition of net emissions increase.*

b. *An "Existing Emissions unit" is any emissions unit that does not meet the requirements in paragraph (1) of this definition. A replacement unit is an existing emissions unit.*

LOWEST ACHIEVABLE EMISSION RATE (LAER) *means, for any source, the more stringent rate of emissions based on the following:*

a. *The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the Owner or Operator of the proposed major stationary source demonstrates that such limitations are not achievable; or*
b. *The most stringent emission limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a major modification, means the LAER for the new or modified emissions units within the Stationary Source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable New Source standard of performance.*

For purposes of this definition only, the term "any State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and includes the Commonwealth of the Northern Mariana Islands.

MAJOR MODIFICATION *means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source.*

a. *Any significant emissions increase or any net emissions increase, from any emissions units, at a major stationary source that is significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.*
b. *A physical change or change in the method of operation shall not include:*

(1) *Routine maintenance, repair, and replacement;*
(2) *Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding*

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legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) Use of an alternative fuel by reason of an order or rule under SECTION 125 of the Act;

(4) Use of an alternative fuel at a steam generating unit, to the extent that the fuel is generated from municipal solid waste;

(5) Use of an alternative fuel or raw material by a stationary source which:

(a) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any Federally enforceable permit condition which was established after December 21, 1976, pursuant to PART 030 or under regulations approved pursuant to 40 CFR PART 51, Subpart I.

(b) The source is approved to use under any permit issued under CHAPTER 030.

(6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any Federally enforceable permit condition which was established after December 21, 1976;

(7) Any change in ownership at a stationary source;

c. This definition shall not apply with respect to a particular regulated NSR pollutant when the Major stationary source is complying with the requirements under SECTION 030.300.I for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification shall apply.

d. The fugitive emissions of a major stationary source shall be included in determining, for any of the purposes of PART 030.300, whether a particular physical change or change in the method of operation is a major modification.

MAJOR STATIONARY SOURCE or MAJOR SOURCE means:

a. Any stationary source of Air pollutants which emits, or has the Potential to emit, one hundred (100) tpy or more of any regulated NSR pollutant except:

(1) For an area designated nonattainment for PM10 and classified as "serious," a major stationary source is a stationary source which emits, or has the Potential to emit, seventy (70) tpy or more of PM10.

(2) A major stationary source is a stationary source which emits, or has the Potential to emit, fifty (50) tpy or more in an area classified as "serious" nonattainment for CO where stationary sources significantly contribute to ambient CO levels, as determined under regulations issued by EPA pursuant to the Act.

(3) For an area designated nonattainment for ozone, a source with the Potential to emit VOC or NOx in the following amounts shall be considered a major stationary source:

(a) ≥100 tpy in areas classified as "marginal" or "moderate";
(b) ≥50 tpy in areas classified as "serious";
(c) ≥25 tpy in areas classified as "severe"; and
(d) ≥10 tpy in areas classified as "extreme."

b. Any physical change that would occur at a stationary source not qualifying as a major

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stationary source under paragraph a of this definition, if the change would constitute a major stationary source by itself under paragraph a of this definition.

c. *A major stationary source that is major for Volatile organic compounds shall be considered major for ozone.*

d. *A major stationary source that is major for nitrogen oxides shall be considered major for ozone, unless EPA has granted a waiver for nitrogen oxides emissions under Section 182(f) of the Act and the waiver continues to apply.*

e. *The fugitive emissions of a major stationary source shall be included in determining, for any of the purposes of PART 030.300, whether a source is a major stationary source.*

***NET EMISSIONS INCREASE** means, with respect to any regulated NSR pollutant emitted by a major stationary source, the following:*

a. *The amount by which the sum of the following exceeds zero:*

(1) The increase in emissions from a particular physical change, or change in the method of operation, at a stationary source as calculated pursuant to paragraphs 030.300.A.4.a through A.4.e; and

(2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable.

(a) For the purposes of calculating increases and decreases under paragraph a.(2) of this definition, baseline actual emissions prior to the contemporaneous project shall be determined as provided in the definition of baseline actual emissions, except that paragraphs a.(4) and b.(5) of that definition shall not apply.

b. *An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five (5) years before construction on the particular change commences and the date that the increase from the particular change occurs.*

c. *An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit for the source under CHAPTER 030, or any other regulation approved by the Administrator pursuant to 40 CFR PART 51 or 40 CFR PART 52.21, which permit is in effect when the increase in actual emissions from the particular change occurs.*

d. *An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.*

e. *A decrease in actual emissions is creditable only to the extent that:*

(1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
(2) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;
(3) The Control Officer has not relied on it in issuing any permit under CHAPTER 030 or any other regulations approved pursuant to 40 CFR PART 51, SUBPART I, nor has the State of Nevada relied on it in demonstrating attainment or reasonable further progress; and
(4) It has approximately the same qualitative significance for public health and welfare as

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that attributed to the increase from the particular change.

f. An increase that results from a physical change at a source occurs when the emissions unit on which construction becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown, or any new emissions unit that replaces an existing emissions unit and that requires shakedown, becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) calendar days.

NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR) Program means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada State Implementation Plan (SIP), or a program that implements 40 CFR PART 51, Appendix S, Sections I through VI. Any permit issued under such a program is a major NSR permit.

PORTABLE SOURCE means a stationary source that is specifically designed to be transferred to a new location as need warrants and operated at that new location for no more than twelve (12) months. Portable sources may be subject to other applicable federal requirements under the Act.

PREDICTIVE EMISSIONS MONITORING SYSTEM (PEMS) means all of the equipment necessary to monitor process and control device operational parameters and other information, and calculate and record the mass emissions rate on a continuous basis.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT means any permit that is issued under a major source preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada SIP to implement the requirements of PART C, SUBCHAPTER I of the Act.

PROJECT means a physical change in, or change in the method of operation of, an existing major stationary source.

PROJECTED ACTUAL EMISSIONS (PAE) means the maximum annual rate, in tpy, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one (1) of the five (5) years (12-month period) following the date the unit resumes regular operation after the project, or in any one (1) of the ten (10) years following that date, if the project involves increasing the design capacity or PTE of any emissions unit for that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

a. In determining the projected actual emissions (before beginning actual construction), the Owner or Operator of the major stationary source:

(1) Shall consider all relevant information, including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the county, State or federal regulatory authorities, and compliance plans under CHAPTER 030;
(2) Shall include fugitive emissions to the extent quantifiable;
(3) Shall include emissions associated with startups, shutdowns, and malfunctions; and

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(4) Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24- month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

b. In lieu of using the method set out in paragraphs a.(1) through a.(4) of this definition, the Owner or Operator of the major stationary source may elect to use the emissions unit's PTE in tpy.

***REGULATED NSR POLLUTANT**, for purposes of PART 030.300, means:*

a. Any pollutant for which a National Ambient Air Quality Standard has been promulgated, and for which pollutant the area is designated nonattainment;
b. Any pollutant that is identified as a constituent or precursor of a pollutant regulated under paragraph a of this definition provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the criteria Air pollutant. The Administrator has identified the following precursors for the purposes of NSR:

(1) Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone Nonattainment areas.
(2) Sulfur dioxide is a precursor to PM2.5 in all PM2.5 Nonattainment areas.
(3) Nitrogen oxides, volatile organic compounds, and ammonia are presumed to be precursors to PM2.5 in all PM2.5 Nonattainment areas, unless the State or county demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides, volatile organic compounds, or ammonia from sources in a specific area are not a significant contributor to that area's ambient PM2.5 concentrations..

c. PM2.5 emissions and PM10 emissions shall include gaseous emissions from a source or activity which condense to form Particulate matter at ambient temperatures. On or after January 1, 2011, such condensable Particulate matter shall be accounted for in applicability determinations and in establishing emissions Limitations for PM2.5 and PM10 in NSR permits. Compliance with emissions limitations for PM2.5 and PM10 issued prior to this date shall not be based on condensable Particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable Particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable Particulate matter to be included.

***REPLACEMENT UNIT** means an emissions unit for which all the criteria listed in paragraphs a. through d. of this definition are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced. The criteria are:*

a. The emissions unit is a reconstructed unit within the meaning of 40 CFR PART 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.
b. The emissions unit is identical to, or functionally equivalent to, the replaced emissions unit.
c. The replacement does not alter the basic design parameters of the process unit.

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d. The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

***SHUTDOWN** means the cessation of operation of any air pollution control equipment or process equipment for any purpose except routine phasing out of process equipment.*

***SIGNIFICANT** means, in reference to a net emission increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:*

a. Carbon monoxide:

(1) 100 tpy; or
(2) 50 tpy in an area designated nonattainment for CO and classified as "serious," and where stationary sources significantly contribute to ambient CO levels as determined under regulations issued by EPA pursuant to the Act.

b. Nitrogen oxides: 40 tpy;
c. Sulfur dioxide: 40 tpy;
d. Ozone:

(1) 40 tpy of VOCs; or
(2) 40 tpy of nitrogen oxides, unless EPA has granted a waiver for nitrogen oxides emissions under SECTION 182(f) of the Act and the waiver continues to apply.

e. PM10: 15 tpy;
f. PM2.5: 10 tpy of direct PM2.5 emissions or 40 tpy of sulfur dioxide emissions or 40 tpy of nitrogen dioxide emissions or 40 tpy of VOC emissions or 10 tpy of ammonia emissions; and
g. Lead: 0.6 tpy.

***SIGNIFICANT EMISSIONS INCREASE** means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.*

***STARTUP** means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.*

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SECTION C - STATEWIDE COMPLIANCE

Prior to issuance of a Permit to Construct for a new major stationary source or major modification subject to PART 030.300, the Owner or Operator shall either demonstrate that each existing major stationary source owned or operated by the applicant in the State of Nevada is in compliance with all applicable emission limitations and standards under the Act or is in compliance with an expeditious schedule which is Federally enforceable or contained in a court decree.

SECTION D - ANALYSIS OF ALTERNATIVES

In addition to the permit application submission requirements in SECTION 030.300.A, the Owner or Operator shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed construction or major modification that demonstrates, to the satisfaction of the Control Officer, that the benefits of the proposed construction or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

SECTION E - LOWEST ACHIEVABLE EMISSION RATE

1. *APPLICABLE REQUIREMENTS. An Owner or Operator shall meet each applicable requirement.*

2. *PERMIT REQUIREMENTS TO ACHIEVE LAER. A Permit to Construct for a new major stationary source or major modification shall contain terms and conditions sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs 030.300.E.2.a and E.2.b:*

    a. *A new major stationary source shall achieve LAER for each regulated NSR pollutant that it would have the Potential to Emit in significant amounts. Only the regulated NSR pollutant(s) for which a source is major are subject to these requirements.*
    b. *A major modification shall achieve LAER for each regulated NSR pollutant for which it would result in a significant net emissions increase at the stationary source. This requirement applies to each proposed emissions unit included in the project at which a net emissions increase in the pollutant would occur as a result of a physical change, or change in the method of operation, in the emissions unit.*

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SECTION F - EMISSIONS OFFSET

1. *SUFFICIENCY OF REDUCTIONS. Prior to issuance of a Permit to Construct for a new major stationary source or major modification, the Control Officer shall make a determination that, by the time the source is to Commence Operation, sufficient offsetting emissions reductions will be surrendered prior to commencing operation, such that allowable emissions from existing sources in the Nonattainment area, from new or modified sources which are not major stationary sources, and from the proposed source or modification will be sufficiently less than total emissions from existing sources prior to the application for the offset. At a minimum, this determination requires the Owner or Operator to satisfy the offset requirements in paragraph 030.300.F.2.*

2. *OFFSET METHODS. Pollutant-specific emissions shall be offset with Federally enforceable ERCs or with internal emission reductions.*

   a. *The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.*
   b. *ERCs from one (1) or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.*
   c. *Internal emission reductions used to satisfy offset requirements shall be governed by 030.300.F.3 through 030.300.F.8.*
   d. *ERCs used to satisfy offset requirements shall be governed by Sections 030.300.F.3 through 030.300.F.6, 030.300.F.8.*

3. *RESTRICTIONS ON TRADING POLLUTANTS*

   (1) Pursuant to the Nevada Revised Statutes, SECTION 445B.508(2)(c), purchasing or selling credits of one (1) type of pollutant is prohibited if such credits would be used subsequently to emit a different type of pollutant.
   (2) The Control Officer may approve interpollutant emission offsets for precursor pollutants on a case-by-case basis except for PM2.5. In such cases, the Control Officer shall impose, based on an air quality analysis, emission offset ratios in addition to the requirements of Table 030.300-1. PM10 emissions shall not be allowed to offset nitrogen oxide or volatile organic compound emissions in ozone nonattainment areas. In no case shall the compounds excluded from the definition of volatile organic compounds 40 CFR PART 51.100(s) be used as offsets for volatile organic compounds. No emission credit may be allowed for replacing one (1) hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in 40 CFR PART 51.100(s). Interpollutant emission offsets used at a major stationary source must receive written approval from the U.S. Environmental Protection Agency.
   (3) Interpollutant offsets between PM2.5 and PM2.5 precursors are not allowed unless modeling has been used to demonstrate that PM2.5 interpollutant offset ratios are appropriate as approved in a PM2.5 nonattainment plan.
   (4) No emissions credit may be allowed for replacing one (1) hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in 40 CFR 51.100(s).

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4. TIMING

a. Emission reductions used to satisfy an offset requirement must be Federally enforceable at the time of issuance of the Permit to Construct containing the offset requirements.
b. Except as provided by paragraph 030.300.F.4.c, the decrease in actual emissions used to generate emission reductions must occur by no later than the commencement of operation of the new or modified major stationary source.
c. Where the new emission unit(s) is a replacement for a emission unit(s) that is being shut down in order to provide the necessary offsets, the Control Officer may allow up to one hundred eighty (180) calendar days for shake-down or commissioning of the new emission unit(s) before the existing facility is required to cease operation.

5. QUANTITY. The quantity of internal emission reductions required to satisfy off- set requirements shall be determined in accordance with the following:

a. The unit of measure for offsets and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.
b. The quantity of internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph 030.300.F.5.c, and the offset ratio, as determined in accordance with paragraph 030.300.F.5.d.
c. The amount of increased emissions shall be determined as follows:

(1) The amount of increased emissions includes fugitive emissions in the case of all major stationary sources.
(2) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the PTE of all emissions units plus any Secondary emissions as specified in paragraph 030.300.A.8.
(3) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit plus any Secondary emissions as specified in paragraph 030.300.A.8.

d. The baseline for determining credit for emissions reductions is the actual emissions of the source from which the offset credit is obtained.
e. The offset ratio is expressed as a ratio of emissions reductions to emissions increases.

(1) The following table contains offset ratios by designated area and pollutant.
(2) The ratios listed in Table 030.300-1 shall be applied based on the nonattainment area classifications contained in the table for a specific pollutant.

Table 030.300-1 Federal Offset Ratio Requirements by Area Designation and Pollutant

AREA DESIGNATION	POLLUTANT	OFFSET RATIO
Marginal Ozone	NOx	1.1:1

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Nonattainment Area	*VOC*	*1.1:1*
Moderate Ozone Nonattainment Area	*NOx*	*1.15:1*
	VOC	*1.15:1*
Serious Nonattainment Area	*PM10*	*1:1*

6. *EMISSION REDUCTION REQUIREMENTS. Emission reductions used to satisfy an offset requirement shall meet the following requirements:*

   a. *Emission reductions used to satisfy offset requirements must be real, surplus, permanent, quantifiable, and Federally enforceable.*
   b. *Permitted sources whose internal emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Permit to Construct and/or PART 70 Operating permit to reflect their new reduced PTE, including Practicably Enforceable conditions to limit their PTE.*
   c. *Emission reductions used to satisfy offset requirements must be surplus at the time of issuance of the Permit to Construct containing the offset requirements.*

7. *LOCATION OF INTERNAL REDUCTIONS. Internal emission reductions used to satisfy offset requirements shall occur at the same major stationary source at which the increase in emissions occurs.*

   a. *Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:*

      (1) The other area has an equal or higher nonattainment classification than the area in which the source is located; and
      (2) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.

8. *EMISSION REDUCTION CREDIT (ERC) REQUIREMENTS. ERCs used to satisfy an offset requirement shall meet the following requirements:*

   a. The source owner or responsible official utilizing ERCs to satisfy offsets must demonstrate to the satisfaction of the Control Officer that such utilization will not significantly cause or contribute to a violation of a National Ambient Air Quality Standard or an exceedance of a PSD increment identified in PART 030.400.
   b. The use of ERCs shall not provide:

      (1) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
      (2) An exemption to a stationary source for emission limitations established in accordance with New Source Performance Standards;
      (3) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
      (4) An exemption to a stationary source from any other air pollution control requirements of federal, state, or county laws, rules, and regulations.

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c. For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. AQMD will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.

d. Credit for an emissions reduction can be claimed to the extent that AQMD has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR PART 51 Subpart I or AQMD has not relied on it in demonstration attainment or reasonable further progress.

9. ERC REGISTRY

a. The ERC Registry and its use shall not interfere with the attainment or maintenance of any National Ambient Air Quality Standard.

b. The ERC Registry and its use shall assure that the use of ERCs does not contravene applicable requirements of the Act and Nevada Revised Statues (NRS) Chapter 445B.

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SECTION G - SOURCE OBLIGATION

1. ENFORCEMENT

a. An Owner or Operator of a major stationary source may be subject to enforcement action if:

(1) The Owner or Operator who constructs or operates a major stationary source or major modification not in accordance with the application submitted pursuant to PART 030.300 or 030.500 and any changes to the application as required by the Control Officer, or with the terms of its Permit to Construct; or any Owner or Operator of a major stationary source or major modification subject to PART 030.300 who begins actual construction or operates after the effective date of these regulations without applying for and receiving a Permit to Construct, shall be subject to enforcement action;

(2) The Owner or Operator improperly estimated emissions increases that would result from the construction or project and circumvented the requirements of paragraphs 030.300.A.2.b or 030.300.A.6 using these estimates;

(3) The Control Officer determines that post-change emissions from a project resulted in construction of a major stationary source or a major modification of an existing major stationary source, and the Owner or Operator did not obtain a Permit to Construct meeting the requirements of paragraph 030.300.A.3.

b. Nothing in this section shall limit the Control Officer's authority to take enforcement action for other violations of PART 030.300.

2. TERMINATION. Approval to construct shall terminate if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The Control Officer may extend the 18-month period upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

3. COMPLIANCE. Approval to construct shall not relieve any Owner or Operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, State, or federal law.

4. RELAXATION IN ENFORCEABLE LIMITATIONS. If within the period of the projected actual emissions estimate under paragraph 030.300.A.4 (five (5) or ten (10) years as defined in the projected actual emissions definition in SECTION 030.300.B) a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification otherwise to emit a pollutant, then the requirements of SECTIONS 030.300.C through G shall apply to the stationary source or modification as though construction had not yet Commenced on the stationary source or modification. Nothing in this paragraph shall limit the Control Officer's enforcement authority with respect to new major stationary source or major modifications subject to PART 030.300.

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5. PERMIT APPLICATION AND PERMIT TO CONSTRUCT REVISIONS

a. An Owner or Operator remains under a continuing obligation to provide timely updates to its permit application submitted in accordance with PART 030.300 or 030.500, until issuance of a Permit to Construct.

b. No later than thirty (30) calendar days before commencing operation, the Owner or Operator shall provide a written notice to the Control Officer if the source as constructed or modified differs from the source or modification authorized by the Permit to Construct.

c. The Owner or Operator shall include in the notice required by paragraph 030.300.G.5.b, a complete list and description of the differences, and determine whether such differences alter the emissions increase calculations made under paragraph 030.300.A.4, or other applicability requirements in SECTIONS 030.300.C through H.

d. All permit revisions shall follow the procedures in PART 030.510.

e. Submission of the notice required by paragraph 030.300.G.5.b does not affect the Control Officer's ability to undertake an enforcement action.

SECTION H - PUBLIC PARTICIPATION

1. Issuance of a Permit to Construct pursuant to PART 030.300 and 030.500 shall be subject to the public participation requirements in SECTION 030.400.P.

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SECTION I - PLANT-WIDE APPLICABILITY LIMITS (PALS)

1. APPLICABILITY

a. The Control Officer may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in paragraphs 030.300.I.1 through 030.300.I.15. The term "PAL" shall mean "actuals PAL" throughout SECTION 030.300.I.

b. Any physical change in, or change in the method of operation of, a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of paragraphs 030.300.I.1 through 030.300.I.14, and complies with the PAL conditions in its PART 70 Operating permit:

(1) Is not a major modification for the PAL pollutant;
(2) Does not have to be approved through the plan's Nonattainment Major NSR Program; and
(3) Is not subject to the provisions in paragraph 030.300.G.4.

c. Except as provided under paragraph 030.300.I.1.b.(3), a major stationary source shall continue to comply with all applicable federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

2. PAL DEFINITIONS. Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of SECTION 030.300.I. When a term is not defined in these paragraphs, it shall have the meaning given in SECTION 030.300.B, PART 030.000, Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

a. "Actuals PAL for a major stationary source" means a PAL based on the baseline actual emissions of all emissions units at the source that emit, or have the Potential to Emit, the PAL pollutant.

b. "Allowable emissions" means allowable emissions as defined in SECTION 030.300.B, except as this definition is modified according to paragraphs b.(1) and b.(2) of this definition:

(1) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are Enforceable as a Practical Matter on the emissions unit's PTE.
(2) An emissions unit's PTE shall be determined using the definition in SECTION 030.300.B (definition of "significant"), except that the words "or Enforceable as a Practical Matter" should be added after "Federally enforceable."

c. "Major emissions unit" means:

1. Any emissions unit that emits, or has the Potential to emit, 100 tpy or more of the PAL pollutant in an attainment area; or
2. Any emissions unit that emits, or has the Potential to emit, the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for Nonattainment areas.

d. "PAL" means an emission limitation, expressed in tpy, for a pollutant at a major stationary

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source that is enforceable as a practical matter and established source-wide in accordance with paragraphs 030.300.I.1 through 030.300.I.15.

e. "PAL effective date" generally means the date of issuance of the PART 70 Operating permit containing the PAL conditions, or the date on which a significant permit revision containing the PAL conditions becomes effective. However, the PAL effective date for an increased PAL is the date any emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

f. "PAL effective period" means the period beginning with the PAL effective date and ending ten (10) years later.

g. "PAL major modification" means, notwithstanding the definitions for major modification and net emissions increase, any physical change in, or change in the method of operation of, the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

h. "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

i. "Project" means a physical change in, or change in the method of operation of, an existing stationary source.

j. "Significant emissions unit" means an emissions unit that emits, or has the Potential to emit, a PAL pollutant in an amount that is equal to or greater than the significant level as defined in SECTION 030.300.B or in the Act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

k. "Small emissions unit" means an emissions unit that emits, or has the Potential to emit, the PAL pollutant in an amount less than the significant level as defined in SECTION 030.300.B or in the Act, whichever is lower, for that PAL pollutant.

3. PERMIT APPLICATION REQUIREMENTS. As part of an application for a PART 70 Operating permit requesting a PAL, the Owner or Operator of a major stationary source shall submit the following information to the Control Officer for approval:

a. A list of all emissions units at the source designated as small, significant, or major based on their PTE. In addition, the Owner or Operator of the source shall indicate which, if any, federal, State or county applicable requirements, emission limitations, or work practices apply to each unit;

b. Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, Shutdown, and malfunction;

c. The calculation procedures that the major stationary source Owner or Operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as required by paragraph 030.300.I.13.a.

4. GENERAL REQUIREMENTS FOR ESTABLISHING PALS

a. The Control Officer may establish a PAL at a major stationary source, provided that, at a minimum, the following requirements in paragraphs 030.300.I.4.a.(1) through I.4.a.(7) are met.

(1) The PAL shall impose an annual emission limitation, in tpy, that is Enforceable as a Practical Matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the major

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stationary source Owner or Operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve (12) consecutive months is less than the PAL (a 12-month total rolled monthly). For each month during the first eleven (11) months from the PAL effective date, the major stationary source Owner or Operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(2) The PAL shall be established in a PART 70 Operating permit as a significant permit revision.

(3) The PART 70 Operating permit shall contain all the requirements of paragraph 030.300.I.7.

(4) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the Potential to emit the PAL pollutant at the major stationary source.

(5) Each PAL shall regulate emissions of only one (1) pollutant.

(6) Each PAL shall have a PAL effective period of ten (10) years.

(7) The Owner or Operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs 030.300.I.12 through I.14 for each emissions unit under the PAL through the PAL effective period.

b. At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under SECTION 030.300.F unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

5. PUBLIC PARTICIPATION REQUIREMENTS FOR PALS. PALs for existing major stationary sources shall be established, renewed, or increased through the public participation procedures in PART 030.400.P.

6. SETTING THE 10-YEAR ACTUALS PAL LEVEL

a. Except as provided in paragraph 030.300.I.6.b, the Actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under these AQRs or under the Act, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one (1) consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Control Officer shall specify a reduced PAL level(s) (in tons/yr) in the PART 70 Operating permit to become effective on the future compliance date(s) of any applicable federal or State regulatory requirement(s) that the Control Officer is aware of prior to issuance of the permit.

b. For newly constructed units (which does not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in paragraph 030.300.I.6.a, the emissions must be added to the PAL level in an amount equal to the PTE of the units.

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7. PART 70 OPERATING PERMITS WITH PALS. Contents of a PART 70 Operating permit containing a PAL shall include the information in paragraphs 030.300.I.7.a through j:

a. The PAL Pollutant and the applicable source-wide emission limitation in tpy;
b. The effective date and the expiration date of the PAL conditions (PAL effective period).
c. Specification in the permit that if a major stationary source Owner or Operator applies to renew the PAL conditions in accordance with paragraph 030.300.I.9 before the end of the PAL effective period, then the PAL conditions shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PART 70 Operating permit is issued by the Control Officer.
d. A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions;
e. A requirement that, once the PAL conditions expire, the major stationary source is subject to the requirements of paragraph 030.300.I.9;
f. The calculation procedures that the major stationary source Owner or Operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total, as required by paragraph 030.300.I.13.a;
g. A requirement that the major stationary source Owner or Operator monitor all emissions units in accordance with the provisions under paragraph 030.300.I.12;
h. A requirement to retain the records required under paragraph 030.300.I.13 on-site. Such records may be retained in an electronic format;
i. A requirement to submit the reports required under paragraph 030.300.I.14 by the required deadlines; and
j. Any other requirements that the Control Officer deems necessary to implement and enforce the PAL conditions.

8. PAL EFFECTIVE PERIOD AND REOPENING OF PAL CONDITIONS

a. PAL Effective Period. The Control Officer shall specify a PAL effective period of ten (10) years from the date of issuance.
b. Reopening of the PAL conditions in a PART 70 Operating permit.

(1) During the PAL effective period, the Control Officer shall reopen the PAL conditions in a PART 70 Operating permit to:

(a) Correct typographical/calculation errors made in setting the PAL, or reflect a more accurate determination of emissions used to establish the PAL;
(b) Reduce the PAL if the Owner or Operator of the major stationary source creates creditable emissions reductions for use as offsets under SECTION 030.300.F; or
(c) Revise the PAL to reflect an increase in the PAL as provided under paragraph 030.300.I.11.

(2) The Control Officer may reopen the PAL conditions in a PART 70 Operating permit for the following:

(a) Reduce the PAL to reflect newly applicable federal requirements with compliance

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dates after the PAL effective date.

(b) Reduce the PAL consistent with any other requirement that is Enforceable as a Practical Matter, and that the Control Officer may impose on the major stationary source under the Nevada SIP.

(c) Reduce the PAL if the Control Officer determines that a reduction is necessary to avoid causing or contributing to a National Ambient Air Quality Standard or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a federal Class I area by a Federal Land Manager and for which information is available to the general public.

(3) Reopening of specific permit conditions during the PAL effective period does not affect or reopen any of other permit conditions.

(4) Except for the permit reopening in paragraph 030.300.I.8.b.(1)(a) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out as significant permit revisions to a PART 70 Operating permit.

9. EXPIRATION OF A PAL. Any PAL which is not renewed in accordance with the procedures in paragraph 030.300.I.10 shall expire at the end of the PAL effective period, and the requirements in paragraphs 030.300.I.9.a through e shall apply.

a. Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised PART 70 Operating permit established according to the procedures in paragraphs 030.300.I.9.a.(1) and a.(2).

(1) Within the time frame specified for PAL Renewals in paragraph 030.300.I.10.b, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Control Officer) by distributing the PAL allowable emissions for the affected major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph 030.300.I.10.e, such distribution shall be made as if the PAL had been adjusted.

(2) The Control Officer will decide whether and how the PAL allowable emissions will be distributed and issue a revised PART 70 Operating permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Control Officer determines is appropriate.

b. Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Control Officer may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

c. Until the Control Officer issues the revised PART 70 Operating permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph 030.300.I.9.a.(2), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

d. Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if such change meets the definition

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of major modification.

e. *The major stationary source Owner or Operator shall continue to comply with any federal, State or county applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except as provided in paragraph 030.300.I.1.b.(3).*

10. RENEWAL OF A PAL

a. *The Control Officer shall follow the procedures specified in paragraph 030.300.I.5 and PART 030.510 in approving any request to renew the PAL conditions in a PART 70 Operating permit for a major stationary source, and will provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any Person may propose a PAL level for the source for consideration by the Control Officer.*

b. *Application deadline. A major stationary source Owner or Operator shall submit a timely application to the Control Officer to request Renewal of the PAL conditions in a PART 70 Operating permit. A timely application is* one (1) *that is submitted at least six (6) months prior to, but not earlier than eighteen (18) months prior to, the date of expiration of the PART 70 Operating permit. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the Owner or Operator of a major stationary source submits a Complete application to renew the PAL conditions in a PART 70 Operating permit within this time period, then the PAL conditions shall continue to be effective until the revised permit with the renewed PAL conditions is issued.*

c. *Application Requirements. The application to renew PAL conditions shall be incorporated in the application for Renewal of the affected PART 70 Operating permit and shall contain the information required in paragraphs 030.300.I.10.c.(1) through c.(4):*

(1) *The information required in paragraph 030.300.I.3.a through c;*
(2) *A proposed PAL level;*
(3) *The sum of the PTE of all emissions units under the PAL (with supporting documentation); and*
(4) *Any other information the Owner or Operator wishes the Control Officer to consider in determining the appropriate level for renewing the PAL conditions.*

d. *PAL Adjustment. In determining whether and how to adjust the PAL, the Control Officer will consider the options outlined in paragraphs 030.300.I.10.d.(1) and d.(2). However, in no case may any such adjustment fail to comply with paragraph 030.300.I.10.d.(3).*

(1) *If the emissions level calculated in accordance with paragraph 030.300.I.6 is equal to or greater than eighty (80) percent of the PAL level, the Control Officer may renew the PAL at the same level without considering the factors set forth in paragraph 030.300.I.10.d.(2); or*
(2) *The Control Officer may set the PAL at a level that the Control Officer determines to be more representative of the source's baseline actual emissions, or to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Control Officer in a written rationale.*

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(3) *Notwithstanding paragraphs 030.300.I.10.d.(1) and d.(2):*

(a) *If the PTE of the major stationary source is less than the PAL, the Control Officer shall adjust the PAL to a level no greater than the PTE of the source; and*
(b) *The Control Officer shall not approve a renewed PAL level higher than the current PAL unless the major stationary source has complied with the provisions of paragraph 030.300.I.11.*

e. *If the compliance date for a federal or State requirement that applies to the PAL source occurs during the PAL effective period, and if the Control Officer has not already adjusted for such requirement, the PAL shall be adjusted at the time the major source's PART 70 Operating permit is renewed.*

11. INCREASING A PAL DURING THE PAL EFFECTIVE PERIOD

a. *The Control Officer may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs 030.300.I.11.a.(1) through a.(4).*

(1) *The Owner or Operator of the major stationary source shall submit a Complete application to request an increase in the PAL limit as a significant revision to the affected PART 70 Operating permit. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.*
(2) *As part of this application, the major stationary source Owner or Operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten (10) years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.*
(3) *The Owner or Operator obtains a Permit to Construct pursuant to PART 030.500 for all emissions unit(s) identified in paragraph 030.300.I.11.a.(1), regardless of the magnitude of the emissions increase resulting from them. These emissions unit(s) shall comply with any emissions requirements resulting from the nonattainment Permit to Construct issuance process, even though they have also become subject to the PAL or continue to be subject to the PAL.*
(4) *The PAL conditions in a PART 70 Operating permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL significant permit revision becomes operational and begins to emit the PAL pollutant.*

b. *The Control Officer shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT-equivalent controls as*

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determined in accordance with paragraph 030.300.I.11.a.(2)), plus the sum of the baseline actual emissions of the small emissions units.

c. The PAL conditions in a PART 70 Operating permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph 030.300.I.5.

12. MONITORING REQUIREMENTS FOR PALS

a. General requirements.

(1) The PAL conditions in a PART 70 Operating permit must include enforceable requirements for the monitoring system that accurately determines plant-wide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL conditions must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL conditions.

(2) The PAL monitoring system must employ one (1) or more of the four (4) general monitoring approaches meeting the minimum requirements set forth in paragraphs 030.300.I.12.b.(1) through b.(4) and must be approved by the Control Officer.

(3) Notwithstanding paragraph 030.300.I.12.a.(2), the PAL monitoring system may also employ an alternative monitoring approach that meets paragraph 030.300.I.12.a.(1) if approved by the Control Officer.

(4) Failure to use a monitoring system that meets the requirements of paragraph 030.300.I.12 renders the PAL invalid.

b. Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs 030.300.I.12.c through i:

(1) Mass balance calculations for activities using coatings or solvents;
(2) CEMS;
(3) CPMS or PEMS; and
(4) Emission factors.

c. Mass Balance Calculations. An Owner or Operator using mass balance calculations to monitor PAL pollutant emissions from activities using coatings or solvents shall meet the following requirements:

(1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
(2) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
(3) Where the vendor of a material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material, the Owner or Operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Control

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Officer determines there is site-specific data or a site-specific monitoring program to support another content within the range.

d. *CEMS. An Owner or Operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:*

(1) *The CEMS must comply with applicable performance specifications found in 40 CFR PART 60, Appendix B; and*
(2) *The CEMS must sample, analyze, and record data at least every fifteen (15) minutes while the emissions unit is operating.*

e. *CPMS or PEMS. An Owner or Operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:*

(1) *The CPMS or PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and*
(2) *Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another, less frequent interval approved by the Control Officer while the emissions unit is operating.*

f. *Emission Factors. An Owner or Operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:*

(1) *All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;*
(2) *The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and*
(3) *If technically practicable (as determined by the Control Officer), the Owner or Operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six (6) months of permit issuance unless the Control Officer determines that testing is not required.*

g. *A source Owner or Operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time whenever there is no monitoring data unless another method for determining emissions during such periods is specified in the PART 70 Operating permit containing the PAL.*

h. *Notwithstanding the requirements in paragraphs 030.300.I.12.c through g, when an Owner or Operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, then the Control Officer shall, at the time of permit issuance:*

(1) *Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or*
(2) *Determine that operation of the emissions unit during operating conditions when there is*

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no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

i. Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the Control Officer. Such testing must occur at least once every five (5) years after issuance of the PART 70 Operating permit containing the PAL conditions.

13. RECORDKEEPING REQUIREMENTS FOR PALS

a. The PAL permit shall require an Owner or Operator to retain a copy of all records necessary to determine compliance with any requirement of SECTION 030.300.I and of the PAL, including a determination of each emissions unit's twelve (12) month rolling total emissions, for five (5) years from the date of such record.

b. The PAL permit shall require an Owner or Operator to retain a copy of the following records for the duration of the PAL effective period plus five (5) years:

(1) A copy of the PAL provisions in the PART 70 Operating permit application and any applications for revisions to the PART 70 Operating permit; and

(2) Each annual certification of compliance pursuant to the conditions in the affected PART 70 Operating permit and the data relied on in certifying the compliance.

14. REPORTING AND NOTIFICATION REQUIREMENTS FOR PALS. The Owner or Operator shall submit semiannual monitoring reports and prompt deviation reports to the Control Officer, in accordance with the conditions in the affected PART 70 Operating permit. The reports shall meet the requirements in paragraphs 030.300.I.14.a through c.

a. Semiannual Report. The semiannual report shall be submitted to the Control Officer within thirty (30) calendar days of the end of each reporting period. This report shall contain the information required in paragraphs 030.300.I.14.a.(1) through a.(7):

(1) The identification of Owner and Operator and the permit number;

(2) Total annual emissions (in tpy) based on a twelve (12) month rolling total for each month in the reporting period.

(3) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;

(4) A list of any emissions units modified or added to the major stationary source during the preceding six (6) month period;

(5) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken;

(6) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method

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included in the permit, as provided by paragraph 030.300.I.12.g; and

(7) A signed statement by the Responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

b. Deviation Report. The major stationary source Owner or Operator shall promptly submit reports of any deviations or exceedance of the PAL conditions, including periods where no monitoring is available. A report submitted pursuant to PART 030.000 shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the affected PART 70 Operating permit. The reports shall contain the following information:

(1) The identification of Owner and Operator and the permit number;
(2) The PAL requirement that experienced the deviation or that was exceeded;
(3) Emissions resulting from the deviation or the exceedance; and
(4) A signed statement by the Responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

c. Revalidation Results. The Owner or Operator shall submit to the Control Officer the results of any revalidation test or method within three (3) months after completion of such test or method.

15. TRANSITION REQUIREMENTS FOR PALS

a. The Control Officer may not issue a PAL that does not comply with the requirements in paragraphs 030.300.I.1 through 030.300.I.15 after the Administrator has approved regulations incorporating these requirements into the Nevada SIP.
b. The Control Officer may supersede any PAL which was established prior to the date of approval of the Nevada SIP by the Administrator with a PAL that complies with the requirements of paragraphs 030.300.I.1 through 030.300.I.15.

SECTION J - POTENTIAL VISIBILITY IMPACTS
The Control Officer shall consult with the Federal Land Manager on a proposed major stationary source or major modification that may impact visibility in any Class I Area, in accordance with 40 CFR PART 51.307.

SECTION K - INVALIDATION
If any provision of PART 030.300, or the application of such provision to any Person or circumstance, is held invalid, the remainder of PART 030.300, or the application of such provision to Persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.400 - PREVENTION OF SIGNIFICANT DETERIORATION (PERMIT REQUIREMENTS FOR MAJOR SOURCES IN ATTAINMENT AREAS)

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.400 - PREVENTION OF SIGNIFICANT DETERIORATION (PERMIT REQUIREMENTS FOR MAJOR SOURCES IN ATTAINMENT AREAS)

SECTION A - APPLICABILITY PROCEDURES

1. PRECONSTRUCTION REVIEW REQUIREMENTS. The preconstruction review requirements of PART 030.400 shall apply to the construction of any new major stationary source, or any project at an existing major stationary source, within the limits set forth in paragraph 030.400.A.4, in an area designated as attainment or unclassifiable under SECTIONS 107(d)(1)(A)(ii) or (iii) of the Act.
2. CONSTRUCTION OF MAJOR STATIONARY SOURCES OR MODIFICATIONS. The requirements of SECTIONS 030.400.I through 030.400.Q apply to the construction of any new major stationary source, or the major modification of any existing major stationary source, except as PART 030.400 otherwise provides.
3. PERMIT TO CONSTRUCT (PTC) REQUIREMENT. No new major stationary source or major modification to which the requirements of SECTIONS 030.400.I through 030.400.Q apply shall begin actual construction without a Permit to Construct issued pursuant to PART 030.500 that states that the major stationary source or major modification will meet those requirements.
4. PROJECTS. The requirements of PART 030.400 apply to projects at major stationary sources in accordance with the principles set out in paragraphs 030.400.A.4.(a) through (e):

    a. Except as otherwise provided in paragraph 030.400.A.5, a project is a major modification for a regulated NSR pollutant if it causes two (2) types of emissions increases: a significant emissions increase, and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
    b. The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs 030.400.A.4.c through 030.400.A.4.e. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of net emissions increase. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
    c. Actual-to-Projected-Actual Applicability Test for Projects that only involve Existing Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit equals or exceeds the significant amount for that pollutant.
    d. Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
    e. Hybrid Test for Projects That Involve Multiple Types of Emissions Units. A significant

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emissions increase of a regulated NSR Pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs 030.400.A.4.(c) or (d), as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

5. *MAJOR SOURCES WITH PLANTWIDE APPLICABILITY LIMITATIONS. For any major stationary source for a Plantwide Applicability Limitation (PAL) for a regulated NSR pollutant, the major stationary source shall comply with the requirements under SECTION 030.400.S.*
6. *EXISTING EMISSION UNIT PROJECTS. The provisions of this paragraph apply when a project occurs at an existing emissions unit at a major stationary source, other than a source with a PAL, and the project is not a part of a major modification, and the owner or operator elects to use the method specified in the definition of projected actual emissions, found in SECTION 030.400.B.*

   a. *Before beginning actual construction of the project, and as a condition of the source's Permit to Construct, the owner or operator shall document and maintain a record of the following information:*

      (1) *A description of the project;*
      (2) *Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and*
      (3) *A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph a.(3) of the definition of projected actual emissions, as found in SECTION 030.400.B and an explanation for why such amount was excluded, and any netting calculations if applicable.*

   b. *If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph 030.400.A.6.a to the Control Officer. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the Control Officer before beginning actual construction.*
   c. *The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph 030.400.A.6.a.(2); and calculate and maintain a record of the annual emissions, in tons per year (tpy), for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at any emissions unit.*
   d. *If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Control Officer within sixty (60) calendar days after the end of each calendar year during which records must be generated under paragraph 030.400.A.6.c setting out the unit's annual emissions during the calendar year that preceded submission of the report.*
   e. *If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Control Officer if the annual emissions, in tpy, from the project identified in paragraph 030.400.A.6.a exceed the baseline actual emissions (as documented and maintained pursuant to paragraph 030.400.A.6.a.(3)) by a*

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significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions under the definition of projected actual emissions) as documented and maintained pursuant to paragraph 030.400.A.6.a.(3). Such report shall be submitted to the Control Officer within sixty (60) calendar days after the end of such year. The report shall contain the following:

(1) *The name, address, and telephone number of the major stationary source;*
(2) *The annual emissions, as calculated pursuant to paragraph 030.400.A.6.c; and*
(3) *Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).*

7. *AVAILABILITY OF INFORMATION. The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph 030.400.A.6 available for review upon a request for inspection by the Control Officer.*
8. *SECONDARY EMISSIONS. Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to PART 030.400 on the basis of the direct emissions from the stationary source, the requirements of SECTION 030.400.J, but no other provisions of PART 030.400, must also be met for secondary emissions.*

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SECTION B - DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of PART 030.400. When a term is not defined in these paragraphs, it shall have the meaning given in PART 030.000, PARTS 030.100 through 030.510; Nevada Revised Statutes (NRS) § 445B; the Federal Clean Air Act, or common usage, in that order of priority.

ACTUAL EMISSIONS means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with this definition.

a. *In general, actual emissions as of a particular date shall equal the average rate, in tpy, at which the emissions unit actually emitted the regulated NSR pollutant during a consecutive twenty-four (24) month period which precedes the particular date, and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.*
b. *The Control Officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.*
c. *For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.*
d. *This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, projected actual emissions and baseline actual emissions shall apply for those purposes.*

ALLOWABLE EMISSIONS means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to practicably enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a. *Any applicable standards set forth in CHAPTER 030 and 40 CFR PARTS 60, 61 or 63;*
b. *Any applicable emission limitation in the Nevada SIP, including those with a future compliance date; or*
c. *The emissions rate specified as a practicably enforceable permit condition, including those with a future compliance date.*

BASELINE ACTUAL EMISSIONS means the rate of emissions, in tpy, of a regulated NSR pollutant, as determined in accordance with paragraphs (1) through (4) of this definition.

a. *For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tpy, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation.*

(1) *The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.*
(2) *The average rate shall be adjusted downward to exclude any noncompliant emissions that*

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occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(3) *The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must comply as of the particular date, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. For the purposes of determining baseline actual emissions for contemporaneous changes pursuant to paragraph a.(2) of the definition of net emissions increase, the particular date is the date on which the particular change occurred. However, if an emission limitation is part of a Maximum Achievable Control Technology (MACT) standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need only be adjusted if the state of Nevada has taken credit for such emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR PART 51.165(a)(3)(ii)(G).*

(4) *For a regulated NSR pollutant, when a project involves multiple emissions units, only* **one (1)** *consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.*

(5) *The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraph a.(3) of this definition.*

b. *For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tpy, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the ten (10) year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Control Officer for a permit required under these regulations, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.*

(1) *The average rate shall include fugitive emissions to the extent quantifiable.*

(2) *The average rate shall include emissions associated with startups, shutdowns, and malfunctions.*

(3) *The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.*

(4) *The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must comply as of the particular date had such major stationary source been required to comply with such limitations during the consecutive 24-month period. For the purposes of determining baseline actual emissions for contemporaneous changes pursuant to paragraph a.(2) of the definition of net emissions increase, the particular date is the date on which the particular change occurred. However, if an emission limitation is part of a MACT standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need only be adjusted if the state of Nevada has taken credit for such emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR PART 51.165(a)(3)(ii)(G).*

(5) *For a regulated NSR pollutant, when a project involves multiple emissions units, only* **one (1)** *consecutive 24-month period must be used to determine the baseline actual emissions*

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for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(6) *The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraphs b.(3) and (4) of this definition.*

c. *For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.*

d. *For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph a. of this definition, for other existing emissions units in accordance with the procedures contained in paragraph b. of this definition, and for a new emissions unit in accordance with the procedures contained in paragraph c. of this definition.*

BASELINE AREA *means any intrastate area (and every part thereof) designated as attainment or unclassifiable under 40 CFR PART 81 and SECTION 107(d)(1)(A)(ii) or (iii) of the Act in which the major stationary source or major modification establishing the minor source baseline date would construct, or in which it would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than 1 µg/m^3 (annual average) for SO_2, NO_2, or PM10; or equal to or greater than 0.3 µg/m^3 (annual average) for PM2.5.*

a. *Area redesignations under 40 CFR PART 81 and SECTION 107(d)(1)(A)(ii) or (iii) of the Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:*

(1) *Establishes a minor source baseline date; or*
(2) *Is subject to CHAPTER 030.*

b. *Any baseline area established originally for the Total Suspended Particulates (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that such baseline area shall not remain in effect if the Control Officer rescinds the corresponding minor source baseline date.*

BASELINE CONCENTRATION *means:*

a. *That ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established, and shall include:*

(1) *The actual emissions, representative of sources in existence on the applicable minor source baseline date, except as otherwise provided in paragraph b. of this definition; and*
(2) *The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.*

b. *The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):*

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(1) *Actual emissions from any major stationary source on which construction commenced after the major source baseline date; and*

(2) *Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.*

***BASIC DESIGN PARAMETER** means:*

a. *Except as provided in paragraph c. of this definition, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate, or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British thermal units (Btu) content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.*

b. *Except as provided in paragraph c. of this definition, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.*

c. *If the owner or operator believes the basic design parameter(s) in paragraphs a. and b. of this definition is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Control Officer an alternative basic design parameter(s) for the source's process unit(s). If the Control Officer approves of the use of an alternative basic design parameter(s), the Control Officer shall issue a permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).*

d. *The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in paragraphs a. and b. of this definition.*

e. *If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.*

f. *Efficiency of a process unit is not a basic design parameter.*

g. *The replacement activity shall not cause the process unit to exceed any emission limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally enforceable.*

***BEGIN ACTUAL CONSTRUCTION** means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.*

***BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** means an emission limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant*

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which would be emitted from any proposed major stationary source or major modification which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR PART 60, 61, or 63. If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means which achieve equivalent results.

BUILDING, STRUCTURE, FACILITY, OR INSTALLATION

a. *Means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same Person (or Persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same SIC or NAICS code) as described in either the Standard Industrial Classification (SIC) manual, 1972, as amended by the 1977 supplement or the North American Industry Classification System (NAICS) manual.*
b. *Notwithstanding the provisions of paragraph a. of this definition, building, structure, facility, or installation means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within 1/4 mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this paragraph b. of this definition, has the same meaning as in 40 CFR PART 63.761.*

***CATEGORICAL STATIONARY SOURCE** means any stationary source of air pollutants that belongs to one (1) of the following categories:*

a. *Coal cleaning plants (with thermal dryers);*
b. *Kraft pulp mills;*
c. *Portland cement plants;*
d. *Primary zinc smelters;*
e. *Iron and steel mills;*
f. *Primary aluminum ore reduction plants;*
g. *Primary copper smelters;*
h. *Municipal incinerators capable of charging more than 50 tons of refuse per day;*
i. *Hydrofluoric, sulfuric, or nitric acid plants;*
j. *Petroleum refineries;*

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k. *Lime plants;*
l. *Phosphate rock processing plants;*
m. *Coke oven batteries;*
n. *Sulfur recovery plants;*
o. *Carbon black plants (furnace process);*
p. *Primary lead smelters;*
q. *Fuel conversion plants;*
r. *Sintering plants;*
s. *Secondary metal production plants;*
t. *Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;*
u. *Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty (250) million Btus per hour heat input;*
v. *Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;*
w. *Taconite ore processing plants;*
x. *Glass fiber processing plants;*
y. *Charcoal production plants;*
z. *Fossil fuel-fired steam electric plants of more than two hundred fifty (250) million Btus per hour heat input, and*
aa. *Any other stationary source category which, as of August 7, 1980, is being regulated under SECTION 111 or 112 of the Act.*

COMMENCE, as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits, including a Permit to Construct, and either has:

a. *Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or*
b. *Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.*

COMPLETE means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting or accepting any additional information.

CONSTRUCTION means any physical change, or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, that would result in a change in emissions.

CONTINUOUS EMISSIONS MONITORING SYSTEM (CEMS) means all of the equipment that may be required to meet the data acquisition and availability requirements of PART 030.400 to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

CONTINUOUS EMISSIONS RATE MONITORING SYSTEM (CERMS) means the total equipment required

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for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

CONTINUOUS PARAMETER MONITORING SYSTEM (CPMS) means all of the equipment necessary to meet the data acquisition and availability requirements of PART 030.400, to monitor process and control device operational parameters and other information, and to record average operational parameter value(s) on a continuous basis.

ELECTRIC UTILITY STEAM GENERATING UNIT means any steam electric generating unit that is constructed for the purpose of supplying more than one-third (1/3) of its potential electric output capacity, and more than twenty-five (25) MW electrical output, to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

EMISSIONS UNIT means any part of a stationary source that emits, or would have the potential to emit, any regulated NSR pollutant and includes an electric utility steam generating unit. For purposes of PART 030.400, there are two (2) types of emissions units, as described in paragraphs a. and b. of this definition:

a. *A "new emissions unit" is any emissions unit which is (or will be) newly constructed and which has existed for less than two (2) years from the date such emissions unit first operated. For the purposes of this definition, the date an emissions unit first operated shall not be extended by any shakedown period established pursuant to paragraph f. in the definition of net emissions increase.*
b. *An "existing emissions unit" is any emissions unit that does not meet the requirements in paragraph a. and b. of this definition. A replacement unit is an existing emissions unit.*

FEDERALLY ENFORCEABLE means all limitations and conditions which are enforceable by the Administrator.

FEDERAL LAND MANAGER means, with respect to any lands in the United States, the Secretary of the Department with authority over such lands.

FUGITIVE EMISSIONS means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HIGH TERRAIN means any area having an elevation nine hundred (900) feet or more above the base of the stack of a source.

INDIAN GOVERNING BODY means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing the power of self-government.

INDIAN RESERVATION means any federally recognized reservation established by treaty, agreement, executive order, or act of Congress.

INNOVATIVE CONTROL TECHNOLOGY means any system of air pollution control that has not been

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adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air-quality environmental impacts.

LOWEST ACHIEVABLE EMISSION RATE (LAER) means, for any source, the more stringent rate of emissions based on the following:

a. *The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed major stationary source demonstrates that such limitations are not achievable; or*
b. *The most stringent emission limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the LAER for the new or modified emissions units within the stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.*

For purposes of this definition only, the term "any state" means a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and includes the Commonwealth of the Northern Mariana Islands.

LOW TERRAIN means any area other than high terrain.

MAJOR MODIFICATION means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source.

a. *Any significant emissions increase or any net emissions increase, from any emissions units, at a major stationary source that is significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.*
b. *A physical change or change in the method of operation shall not include:*

(1) *Routine maintenance, repair, and replacement;*
(2) *Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;*
(3) *Use of an alternative fuel by reason of an order or rule under SECTION 125 of the Act;*
(4) *Use of an alternative fuel at a steam generating unit, to the extent that the fuel is generated from municipal solid waste;*
(5) *Use of an alternative fuel or raw material by a stationary source which:*

(a) *The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to CHAPTER 030 or under regulations approved pursuant to 40 CFR PART 51, Subpart I.*
(b) *The source is approved to use under any permit issued under CHAPTER 030.*

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(6) *An increase in the hours of operation or in the production rate, unless such change is prohibited under any Federally enforceable permit condition which was established after December 21, 1976;*
(7) *Any change in ownership at a stationary source;*

c. *This definition shall not apply with respect to a particular regulated NSR pollutant when the Major stationary source is complying with the requirements under SECTION 030.400.S for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification shall apply.*
d. *The fugitive emissions of a major stationary source shall be included in determining, for any of the purposes of PART 030.300, whether a particular physical change or change in the method of operation is a major modification.*

***MAJOR SOURCE BASELINE DATE** means:*

a. *In the case of PM10 and sulfur dioxide, January 6, 1975;*
b. *In the case of nitrogen dioxide, February 8, 1988; and*
c. *In the case of PM2.5, October 20, 2010.*

MAJOR STATIONARY SOURCE

a. *Means:*

(1) *Any of the categorical stationary sources of air pollutants which emits, or has the potential to emit, one hundred (100) tpy or more of any regulated NSR pollutant;*
(2) *Notwithstanding the stationary source size otherwise specified in paragraph a.(1) of this definition, any noncategorical stationary source which emits, or has the potential to emit, two hundred fifty (250) tpy or more of a regulated NSR pollutant; or*
(3) *Any stationary source specified in paragraphs a.(1) or (2) of this definition which emits, or has the potential to emit, greenhouse gases (GHGs) that are subject to regulation as defined in 40 CFR paragraph 52.21(b)(49) as of July 19, 2021; or*
(4) *Any physical change that would occur at a stationary source not qualifying under paragraphs a.(1) or (2) of this definition as a major stationary source, if the change would constitute a major stationary source by itself.*

b. *A major stationary source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone.*

***MINOR SOURCE BASELINE DATE** means the earliest date after the trigger date on which a major stationary source or a major modification subject to CHAPTER 030 submits a complete application under the relevant regulations.*

a. *The trigger date is:*

(1) *In the case of particulate matter and sulfur dioxide, August 7, 1977;*

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(2) *In the case of nitrogen dioxide, February 8, 1988; and*
(3) *In the case of PM2.5, October 20, 2011.*

b. The baseline date is established for each pollutant for which increments, or other equivalent measures, have been established if:

(1) *The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under 40 CFR PART 81 and SECTION 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under PART 030.400; and*
(2) *In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.*

c. Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the Control Officer shall rescind a minor source baseline date where it can be shown, to the satisfaction of the Control Officer, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

NET EMISSIONS INCREASE means, with respect to any regulated NSR pollutant emitted by a major stationary source, the following:

a. The amount by which the sum of the following exceeds zero:

(1) The increase in emissions from a particular physical change, or change in the method of operation, at a stationary source as calculated pursuant to paragraph 030.400.A.4.a through e; and
(2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable.
(3) For the purposes of calculating increases and decreases under paragraph a.(2) of this definition, baseline actual emissions prior to the contemporaneous project shall be determined as provided in the definition of baseline actual emissions, except that paragraphs a.(4) and b.(5) of that definition shall not apply.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five (5) years before construction on the particular change commences and the date that the increase from the particular change occurs.
c. An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit for the source under CHAPTER 030, or any other regulation approved by the Administrator pursuant to 40 CFR PART 51 or 40 CFR Part 52.21, which permit is in effect when the increase in actual emissions from the particular change occurs.
d. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
e. A decrease in actual emissions is creditable only to the extent that:

(1) The old level of actual emissions or the old level of allowable emissions, whichever is

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lower, exceeds the new level of actual emissions;

(2) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(3) The Control Officer has not relied on it in issuing any permit under CHAPTER 030 or any other regulations approved pursuant to 40 CFR PART 51, SUBPART I, nor has the State of Nevada relied on it in demonstrating attainment or reasonable further progress; and

(4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

f. An increase that results from a physical change at a source occurs when the emissions unit on which construction becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown, or any new emissions unit that replaces an existing emissions unit and that requires shakedown, becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) calendar days.

***POTENTIAL TO EMIT** means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the types or amounts of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.*

***PREDICTIVE EMISSIONS MONITORING SYSTEM (PEMS)** means all of the equipment necessary to monitor process and control device operational parameters and other information and calculate and record the mass emissions rate on a continuous basis.*

***PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT** means any permit that is issued under a major source preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada SIP to implement the requirements of PART C, Subchapter I of the Act. Any permit issued under such a program is a major NSR permit.*

***PROJECT** means a physical change in, or change in the method of operation of, an existing stationary source.*

***PROJECTED ACTUAL EMISSIONS** means the maximum annual rate, in tpy, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one (1) of the five (5) years (12-month period) following the date the unit resumes regular operation after the project, or in any one (1) of the ten (10) years following that date if (1) the project involves increasing the design capacity or potential to emit of any emissions unit for that regulated NSR pollutant, and (2) full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.*

a. In determining the projected actual emissions (before beginning actual construction), the owner or operator of the major stationary source:

(1) *Shall consider all relevant information, including, but not limited to historical operational data, the company's own representations, the company's expected business activity and*

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highest projections of business activity, the company's filings with the county, state, or federal regulatory authorities, and compliance plans under these regulations;

(2) *Shall include fugitive emissions to the extent quantifiable;*

(3) *Shall include emissions associated with startups, shutdowns, and malfunctions; and*

(4) *Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.*

(5) *In lieu of using the method set out in paragraphs a.(1) through (4) of this definition, the owner or operator of the major stationary source may elect to use the emissions unit's potential to emit, in tpy.*

***REGULATED NSR POLLUTANT**, for purposes of PART 030.400, means the following:*

a. *Any pollutant for which a NAAQS has been promulgated. This includes, but is not limited to, the following:*

(1) *PM2.5 emissions and PM10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM2.5 and PM10 in PSD permits. Compliance with emissions limitations for PM2.5 and PM10 issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included;*

(2) *Any pollutant identified as a constituent or precursor to a pollutant for which a NAAQS has been promulgated. The Administrator has identified the following precursors for the purposes of NSR:*

(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(b) Sulfur dioxide is a precursor to PM2.5 in all attainment and unclassifiable areas.

(c) Nitrogen oxides are presumed to be precursors to PM2.5 in all attainment and unclassifiable areas unless the state or county demonstrates to the Administrator's satisfaction, or EPA demonstrates, that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM2.5 concentrations.

(d) Volatile organic compounds are presumed not to be precursors to PM2.5 in any attainment or unclassifiable area unless the state or county demonstrates to the Administrator's satisfaction, or EPA demonstrates, that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM2.5 concentrations.

a. *Any pollutant that is subject to any standard promulgated under SECTION 111 of the Act;*

b. *Any Class I or II substance subject to a standard promulgated under or established by Title VI*

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of the Act; or

c. *Except as provided in paragraph d. of this definition, any pollutant that otherwise is subject to regulation under the Act as defined in 40 CFR PART 52.21(b)(49) as of July 19, 2021,*
d. *The term "Regulated NSR Pollutant" shall not include any or all hazardous air pollutants either listed in SECTION 112 of the Act, or added to the list pursuant to SECTION 112(b)(2) of the Act and not delisted pursuant to SECTION 112(b)(3) of the Act, unless the listed HAP is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Act.*

REPLACEMENT UNIT *means an emissions unit for which all the criteria listed in paragraphs a. through d. of this definition are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced. The criteria are:*

a. *The emissions unit is a reconstructed unit within the meaning of 40 CFR PART 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.*
b. *The emissions unit is identical to, or functionally equivalent to, the replaced emissions unit.*
c. *The replacement does not alter the basic design parameters of the process unit.*
d. *The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.*

SECONDARY EMISSIONS *means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of PART 030.400, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.*

SHUTDOWN *means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.*

SIGNIFICANT *means:*

a. *In reference to a net emissions increase or a source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:*

(1) *Carbon monoxide: 100 tpy;*
(2) *NO_x: 40 tpy;*
(3) *Sulfur dioxide: 40 tpy;*
(4) *Particulate matter: 25 tpy;*
(5) *PM10: 15 tpy;*
(6) *PM2.5: 10 tpy of direct PM2.5 emissions or 40 tpy of sulfur dioxide emissions or 40 tpy of nitrogen oxide emissions;*
(7) *Ozone: 40 tpy of volatile organic compounds or nitrogen oxides;*

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(8) ***Lead: 0.6 tpy;***
(9) ***Fluorides: 3 tpy;***
(10) ***Sulfuric acid mist: 7 tpy;***
(11) ***Hydrogen sulfide (H_2S): 10 tpy;***
(12) ***Total reduced sulfur (including H_2S): 10 tpy;***
(13) ***Reduced sulfur compounds (including H_2S): 10 tpy;***
(14) ***Municipal waste combustor organics (measured as total tetra through octa-chlorinated dibenzo-p-dioxins and dibenzo-furans): 3.2 x 10^{-6} megagrams per year (3.5 x 10^{-6} tpy).***
(15) ***Municipal waste combustor metals (measured as Particulate Matter): 14 megagrams per year (15 tpy);***
(16) ***Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tpy);***
(17) ***Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tpy); and***
(18) ***Ozone-depleting substances: 100 tpy.***
(19) ***GHG: The sum of the six well-mixed GHGs on a mass basis greater than 0 tpy and the sum of the six well-mixed GHGs equal to or greater than 75,000 tpy CO2e as defined in 40 CFR PART 52.21(b)(49) as of July19, 2011.***

b. "Significant" means, in reference to a net emissions increase or a source's potential to emit a regulated NSR pollutant that is not listed in this definition, any emissions rate.

c. Notwithstanding the pollutant-specific significance levels specified in this definition "significant" means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within ten (10) kilometers of a Class I area and have an impact on such area equal to or greater than one (1) microgram per cubic meter (24-hour average).

***SIGNIFICANT EMISSIONS INCREASE** means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.*

***STARTUP** means the setting into operation of any air pollution control equipment or process equipment for any purpose except the routine phasing in of process equipment.*

***STATIONARY SOURCE** means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.*

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SECTION C - AMBIENT AIR INCREMENTS

In areas designated as Class I, II or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

Table 030.400-1 Increment Limits

Pollutant		Maximum allowable increases ($\mu g/m^3$)
Class I		
Particulate Matter	PM2.5, annual arithmetic mean	1
	PM2.5, 24-hr maximum	2
	PM10, annual arithmetic mean	4
	PM10, 24-hr maximum	8
Sulfur Dioxide	Annual arithmetic mean	2
	24-hr maximum	5
	3-hr maximum	25
Nitrogen Dioxide	Annual arithmetic mean	2.5
Class II		
Particulate Matter	PM2.5, annual arithmetic mean	4
	PM2.5, 24-hr maximum	9
	PM10, annual arithmetic mean	17
	PM10, 24-hr maximum	30
Sulfur Dioxide	Annual arithmetic mean	20
	24-hr maximum	91
	3-hr maximum	512
Nitrogen Dioxide	Annual arithmetic mean	25
Class III		
Particulate Matter	PM2.5, annual arithmetic mean	8
	PM2.5, 24-hr maximum	18
	PM10, annual arithmetic mean	34
	PM10, 24-hr maximum	60
Sulfur Dioxide	Annual arithmetic mean	40
	24-hr maximum	182
	3-hr maximum	700
Nitrogen Dioxide	Annual arithmetic mean	50

For any period, other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

SECTION D - AMBIENT AIR CEILINGS

No concentration of a pollutant shall exceed the concentration permitted under either a primary or secondary NAAQS, whichever is lowest for the pollutant, for a period of exposure.

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SECTION E - RESTRICTIONS ON AREA CLASSIFICATIONS

1. *CLASS I AREAS. All the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:*

    a. *International parks,*
    b. *National wilderness areas which exceed* five thousand (5,000) *acres in size,*
    c. *National memorial parks which exceed* five thousand (5,000) *acres in size, and*
    d. *National parks which exceed* six thousand (6,000) *acres in size.*

2. *REDESIGNATION OF CLASS I AREAS. Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in 40 CFR PART 51.*
3. *CLASS II AREAS. Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in 40 CFR PART 51.*
4. *REDESIGNATING AREAS. The following areas may be redesignated only as Class I or II:*

    a. *An area which as of August 7, 1977, exceeded* ten thousand (10,000) *acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and*
    b. *A national park or national wilderness area established after August 7, 1977, which exceeds* ten thousand (10,000) *acres in size.*

5. *EXCLUSIONS FROM INCREMENT CONSUMPTION.*

    a. *The following concentrations shall be excluded in determining compliance with a maximum allowable increase:*

        (1) *Concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order;*
        (2) *Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;*
        (3) *Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission related activities of new or modified sources;*
        (4) *The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and*
        (5) *Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from stationary sources which are affected by plan revisions approved by the Administrator as meeting the criteria specified in paragraph 030.400.E.5.(a)(3).*

    b. *If the plan provides that the concentrations to which paragraphs 030.400.E.5.a(1) or (a)(2) refers*

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shall be excluded, it shall also provide that no exclusion of such concentrations shall apply more than five (5) years after the effective date of the order to which paragraph 030.400.E.5.a.(1) refers or the plan to which paragraph 030.400.E.5.a.(2), refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five (5) years after the later of such effective dates.

c. For purposes of excluding concentrations pursuant to paragraph 030.400.E.5.a.(5), the Administrator may approve a plan revision that:

(1) *Specifies the time over which the temporary emissions increase of sulfur dioxide, particulate matter, or nitrogen oxides would occur. Such time is not to exceed two (2) years in duration unless a longer time is approved by the Administrator.*
(2) *Specifies that the time period for excluding certain contributions in accordance with paragraph 030.400.E.5.c.(1), is not renewable;*
(3) *Allows no emissions increase from a stationary source which would:*

(a) Impact a Class I area or an area where an applicable increment is known to be violated; or
(b) Cause or contribute to the violation of a NAAQS.

d. Requires limitations to be in effect the end of the time period specified in accordance with paragraph 030.400.E.5.c.(1), which would ensure that the emissions levels from stationary sources affected by the plan revision would not exceed those levels occurring from such sources before the plan revision was approved.

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SECTION F - REDESIGNATION

1. *Washoe County, through the state of Nevada, may submit to the Administrator a proposal to redesignate areas of the County Class I or Class II provided that:*

   a. *At least one (1) public hearing has been held in accordance with the procedures established in SECTION 030.400.P;*
   b. *Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) calendar days prior to the public hearing;*
   c. *A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) calendar days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;*
   d. *Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the County, through the state of Nevada, has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of sixty (60) calendar days) to confer with the County respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the County shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and*
   e. *The County, through the state of Nevada, has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.*

2. *Any area other than an area to which SECTION 030.400.E refers may be redesignated as Class III if:*

   a. *The redesignation would meet the requirements of paragraph 030.400.F.2;*
   b. *The redesignation, except any established by an Indian Governing Body, has been specifically approved by the County and the governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless state law provides that the redesignation must be specifically approved by state legislation), and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;*
   c. *The redesignation would not cause or contribute to a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any NAAQS; and*
   d. *Any permit application for any major stationary source or major modification, subject to review under SECTION 030.400.K, which could receive a permit under PART 030.400 only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available in so far as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.*

3. *Administrator Approval. The Administrator will disapprove, within ninety (90) calendar days of*

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submission, a proposed redesignation of any area only if they find, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of SECTION 030.400.F or is inconsistent with SECTION 030.400.E. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

4. *Resubmitting Disapproved Proposal. If the Administrator disapproves any proposed redesignation, the County may resubmit the proposal after correcting the deficiencies noted by the Administrator.*

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SECTION G - STACK HEIGHTS

1. *Emission Limitation. The degree of emission limitation required for control of any air pollutant under PART 030.400 shall not be affected in any manner by:*

   a. *So much of the stack height of any source as exceeds good engineering practice; or*
   b. *Any other dispersion technique.*

2. *Time Frame. Paragraph 030.400.G.1 shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.*

3. *Stack Height Limitation*
   a. *The limitations set forth herein shall not apply to stacks or dispersion techniques used by the owner or operator prior to December 31, 1970, for which the owner or operator had:*

      (1) *Begun, or caused to begin, a continuous program of physical on-site construction of the stack;*
      (2) *Entered into building agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack, to be completed in a reasonable time; or*
      (3) *Coal-fired steam electric generating units, subject to the provisions of SECTION 118 of the Act, which commenced operation before July 1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.*

   b. *Good engineering practice stack height is calculated as the greater of the four numbers in paragraphs 030.400.G.3.b.(1) through (b)(4):*

      (1) 213.25 feet (65 meters);
      (2) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR PART 51 or 52, Hg = 2.5H;
      (3) For all other stacks, Hg = H + 1.5L, where:
      Hg = Good engineering practice stack height, measured from the ground-level elevation at the base of the stack;
      H = Height of nearby structure, measured from the ground-level elevation at the base of the stack;
      L = Lesser dimension (height or projected width) of nearby structure;
      provided that the EPA, the Control Officer, or a local control agency may require the use of a field study or fluid model to verify good engineering practice (GEP) stack height for the source; or
      (4) The height demonstrated by a fluid model or a field study approved by the reviewing agency, 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 obstacles.
      (5) For a specific structure or terrain feature, "nearby" shall be:

         (a) For purposes of applying the formulae in paragraphs 030.400.G.3.b.(2) and (b)(3), that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (1/2 mile);

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(b) For conducting demonstrations under paragraph 030.400.G.3.b.(4), not greater than 0.8 km (1/2 mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height (H+) of the feature, not to exceed two (2) miles if such feature achieved a height (H+) 0.8 km from the stack. The height shall be at least forty (40) percent of the GEP stack height as determined by the formula provided in paragraph 030.400.G.3.b.(3) or eighty five (85) feet (twenty-six (26) meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

(6) "Excessive concentrations" means, for the purpose of determining GEP stack height under paragraph 030.400.G.3.b.(4):

(a) For sources seeking credit for stack height exceeding that established under paragraphs 030.400.G.3.b.(2) and b.(3), a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty (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 a NAAQS. For sources subject to the requirements for permits or permit revisions under paragraph 030.400.G.3, 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 forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects, and greater than the applicable maximum allowable increase contained in SECTION 030.400.C. The allowable emissions rate to be used in making demonstrations under paragraph 030.400.G.3.b.(4) shall be prescribed by the new source performance standard which 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 Control Officer, an alternative emission rate shall be established in consultation with the source owner or operator;

(b) For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under paragraphs 030.400.G.3.b.(2) and b.(3), either:

i. A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph 030.400.G.3.b.(4), except that the emission rate specified by any applicable SIP shall be used; or

ii. The actual presence of a local nuisance caused by the existing stack, as determined by the Control Officer.

(c) For sources seeking credit after January 12, 1979, for a stack height determined under paragraphs 030.400.G.3.b.(2) and b.(3), where the Control Officer requires the use of a field study or fluid model to verify GEP 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

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paragraphs 030.400.G.3.b.(2) and b.(3), a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

c. The degree of emission limitation required of any source after the respective date given in paragraph 030.400.G.3.a. for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice, or by any other dispersion technique.

d. Before the Control Officer issues a Permit to Construct or permit revision under PART 030.400 to a source based on a good engineering practice stack height that exceeds the height allowed by paragraph 030.400.G.3.b, the Control Officer shall notify the public of the availability of the demonstration study and provide the opportunity for a public hearing in accordance with the requirements of SECTION 030.400.P.

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SECTION H - EXEMPTIONS

1. *The requirements of SECTIONS 030.400.I through Q shall not apply to a particular major stationary source or major modification if:*

   a. *The major stationary source or major modification would be a nonprofit health or nonprofit educational institution, or the major modification would occur at such an institution; or*
   b. *The source is a portable stationary source which has previously received a permit, and:*

      (1) *The owner or operator proposes to relocate the major stationary source, and emissions of the major stationary source at the new location would be temporary;*
      (2) *The emissions from the major stationary source would not exceed its allowable emissions;*
      (3) *The emissions from the major stationary source would impact no Class I area and no area where an applicable increment is known to be violated; and*
      (4) *Reasonable notice is given to the Control Officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Control Officer not less than ten (10) business days in advance of the proposed relocation unless a different time duration is previously approved by the Control Officer.*

2. *Nonattainment Areas. The requirements of SECTIONS 030.400.I through Q shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the major stationary source or major modification is located in an area designated as nonattainment under 40 CFR PART 81.329.*

3. *Class I Areas. The requirements of SECTIONS 030.400.J, L, and N shall not apply to a major stationary source or major modification with respect to a particular pollutant if the allowable emissions of that pollutant from the major stationary source or the net emissions increase of that pollutant from the major modification:*

   a. *Would impact no Class I area and no area where an applicable increment is known to be violated; and*
   b. *Would be temporary.*

4. *Class II Areas. The requirements of SECTIONS 030.400.J, L, and N as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than fifty (50) tpy.*

5. *Threshold Limits. The Control Officer may exempt a major stationary source or major modification from the requirements of SECTION 030.400.L, with respect to monitoring for a particular pollutant, if:*

   a. *The emissions increase of the pollutant from the new source, or the net emissions increase of the pollutant from the modification, would cause, in any area, air quality impacts less than the following amounts.*

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Table 030.400-2 Air Quality Impact Limits

Pollutant	*Emissions Increase (µg/m³)*
Carbon monoxide, 8-hour average	*575*
Nitrogen dioxide, annual average	*14*
PM2.5,	*0 (in accordance with Sierra Club vs EPA, 706 F.3d 428 D.C. Circuit 2013, no exemption is available with regard to PM2.5)*
PM10, 24-hour average	*10*
Sulfur dioxide, 24-hour average	*13*
Ozone	*No de minimis air quality level is provided for ozone. However, any net increase of 100 tpy or more of VOCs or NO_x subject to PSD would require an ambient impact analysis, including the gathering of ambient air quality data.*
Lead, 3-month average	*0.1*
Fluorides, 24-hour average	*0.25*
Total reduced sulfur, 1-hour average	*10*
Hydrogen sulfide, 1-hour average	*0.2*
Reduced sulfur compounds, 1-hour average	*10*

b. The concentrations of the pollutant in the area that the major stationary source or major modification would affect are less than the concentrations listed in paragraph 030.400.H.5.a; or

c. The pollutant is not listed in paragraph 030.400.H.5.a.

SECTION I - CONTROL TECHNOLOGY REVIEW

1. A major stationary source or major modification shall meet each applicable requirement.

2. Major Stationary Sources. A new major stationary source shall apply BACT for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

3. Major Modifications. A major modification shall apply BACT for each regulated NSR pollutant for which it would result in a significant net emissions increase at the stationary source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change, or change in the method of operation, in the emissions unit.

4. Phased Construction Projects. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than eighteen (18) months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

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SECTION J - SOURCE IMPACT ANALYSIS

1. *Demonstration of Impact. The owner or operator of the proposed major stationary source or major modification shall demonstrate that allowable emissions increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:*

   a. *Any NAAQS in any air quality control region; or*
   b. *Any applicable maximum allowable increase over the baseline concentration in any area.*

2. *Violation of Standard. A major stationary source or major modification will be considered to cause or contribute to a violation of a NAAQS when such source or modification would, at a minimum, exceed the significance levels listed in Table 030.400-3 at any locality that does not (or would not) meet the applicable national standard.*

Table 030.400-3. Significance Levels

Pollutant	Annual	Significance Levels Averaging Time (hours)			
		24	8	3	1
SO_2	1.0 µg/m³	5 µg/m³		25 µg/m³	
PM10	1.0 µg/m³	5 µg/m³			
NO_2	1.0 µg/m³				
CO			0.5 mg/m³		2 mg/m³

SECTION K - AIR QUALITY MODELS

1. *Model Applicability. All estimates of ambient concentrations required under PART 030.400 shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR PART 51, Appendix W ("Guideline on Air Quality Models").*
2. *Model Modifications and Substitutions. Where an air quality model specified in 40 CFR PART 51, Appendix W ("Guideline on Air Quality Models") is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval of the Administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with SECTION 030.400.P.*

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SECTION L - AIR QUALITY ANALYSIS

1. *Preapplication Analysis.*

    a. *Any application for a Permit to Construct under PART 030.400 shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following:*

        (1) *For the source, each pollutant that it would have the potential to emit in a significant amount; or*
        (2) *For the modification, each pollutant for which it would result in a significant net emissions increase.*

    b. *With respect to any such pollutant for which no NAAQS exists, the analysis shall contain such air quality monitoring data as the Control Officer determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.*
    c. *With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.*
    d. *In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one (1) year and shall represent at least the year preceding receipt of the application; except that, if the Control Officer determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year (but not to be less than four (4) months), the data that is required shall have been gathered over at least that shorter period.*
    e. *The owner or operator of a proposed new stationary source or modification of an existing stationary source of volatile organic compounds who satisfies all conditions of 40 CFR PART 51, Appendix S, Section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under paragraph 030.400.L.1.*
    f. *With respect to any requirements for air quality monitoring of PM10, the owner or operator of the major stationary source or major modification shall use a monitoring method approved by the Administrator and shall estimate the ambient concentrations of PM10 using the data collected by such approved monitoring method in accordance with estimating procedures approved by the Control Officer.*

2. *Post-Construction Monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the major stationary source or major modification, conduct such ambient monitoring as the Control Officer determines is necessary to determine the effect emissions from the major stationary source or major modification may have, or are having, on air quality in any area.*
3. *Operations of Monitoring Stations. The owner or operator of a major stationary source or major modification shall meet the requirements of 40 CFR PART 58, Appendix B during the operation of monitoring stations for purposes of satisfying SECTION 030.400.L.*

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SECTION M - SOURCE INFORMATION

1. *The owner or operator of a proposed major stationary source or major modification shall submit all information necessary to perform any analysis or make any determination required under SECTION 030.400.M.*

    a. *Required Information. With respect to a major stationary source or major modification to which SECTIONS 030.400.I, K, M, and O apply, such information shall include:*

        (1) A description of the nature, location, design capacity, and typical operating schedule of the major stationary source or major modification, including specifications and drawings showing its design and plant layout;
        (2) A detailed schedule for construction of the major stationary source or major modification;
        (3) A detailed description as to what system of continuous emission reduction is planned for the major stationary source or major modification, emission estimates, and any other information necessary to determine that BACT would be applied.

    b. *Information on Air Quality Impacts. Upon request of the Control Officer, the owner or operator shall also provide information on:*

        (1) The air quality impact of the major stationary source or major modification, including meteorological and topographical data necessary to estimate such impact; and
        (2) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since the major source baseline date in the area the major stationary source or major modification would affect.

SECTION N - ADDITIONAL IMPACT ANALYSES

1. *Visibility, Soils, and Vegetation. The owner or operator shall provide an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the proposed major stationary source or major modification, and general commercial, residential, industrial and other growth associated with the major stationary source or major modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.*
2. *Commercial, Residential, Industrial, and Other Growth. The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification.*

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SECTION O - ADDITIONAL REQUIREMENTS FOR SOURCES IMPACTING CLASS I AREAS

1. *Notice to EPA. The Control Officer shall transmit to the Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such permit.*
2. *Federal Land Manager. The Federal Land Manager and the federal official charged with direct responsibility for management of Class I lands have an affirmative responsibility to protect the air quality-related values (including visibility) of any such lands and to consider, in consultation with the Administrator, whether a proposed source or modification would have an adverse impact on such values. The Control Officer shall consult with the Federal Land Manager on a proposed major stationary source or major modification that may impact visibility in any Class I Area, in accordance with 40 CFR PART 51.307.*
3. *Impact of Denial on Air Quality-Related Values. A Federal Land Manager of any Class I lands may present to the County, after the Control Officer's preliminary determination (required under procedures developed in accordance with SECTION 030.400.P), a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the County, through the state of Nevada, concurs with such demonstration, the Control Officer shall not issue the permit.*
4. *Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source would have no adverse impact on the air quality-related values of such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies to the state of Nevada, the Control Officer may, provided that applicable requirements are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide and particulate matter would not exceed the following maximum allowable increases over baseline concentration for such pollutants.*

Table 030.400-4 Maximum Allowable Pollutant Increases

Pollutant	*Maximum allowable Increase ($\mu g/m^3$)*
Particulate Matter: *PM2.5, annual arithmetic mean*	*4*
PM2.5, 24-hr maximum	*9*
PM10, annual arithmetic mean	*17*
PM10, 24-hour maximum	*30*
Sulfur dioxide: *Annual arithmetic mean*	*20*
24-hour maximum	*91*
3-hr maximum	*325*
Nitrogen dioxide: *Annual arithmetic mean*	*25*

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5. *Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence*

   a. *The owner or operator of a proposed source or modification which cannot be approved under procedures developed pursuant to SECTION 030.400.P may demonstrate to the governor, through the Control Officer, that the source or modification cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility).*
   b. *The Control Officer, through the governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may grant, after notice and an opportunity for a public hearing, a variance from such maximum allowable increase.*
   c. *If such variance is granted, the Control Officer may issue a permit to such source or modification in accordance with provisions developed pursuant to SECTION 030.400.P, provided that the applicable requirements of the Nevada SIP are otherwise met.*

6. *Variance by the Governor with the President's Concurrence*

   a. *The recommendations of the Control Officer, through the governor, and the Federal Land Manager shall be transferred to the president in any case where the governor recommends a variance in which the Federal Land Manager does not concur.*
   b. *The president may approve the governor's recommendation if he finds that such variance is in the national interest.*
   c. *If such a variance is approved, the Control Officer may issue a permit in accordance with provisions developed pursuant to the requirements of SECTION 030.400.P, provided that the applicable requirements of the Nevada SIP are otherwise met.*

7. *Emission Limitations for Presidential or Gubernatorial Variance. In the case of a permit issued under procedures developed pursuant to SECTION 030.400.P, the source or modification shall comply with emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the maximum allowable increases over the baseline concentration shown in Table 030.400-5, and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period.*

Table 030.400-5. Maximum Allowable Increase ($\mu g/m^3$)

Period of exposure	*Low Terrain*	*High Terrain*
24-hr maximum	*36*	*62*
3-hr maximum	*130*	*221*

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SECTION P - PUBLIC PARTICIPATION

1. Notice of Proposed Action

a. An application shall be deemed to be complete unless, within sixty (60) calendar days of receipt, the Control Officer notifies the applicant by certified mail that the application is deficient and not complete. In the event of a deficiency, the date of receipt of the application shall be the date on which the Control Officer received all required information.

b. Within one (1) year after receipt of a complete application, the Control Officer shall:

(1) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved; and

(2) Make available in at least one (1) location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

c. After receipt of a complete application for a Permit to Construct under PARTS 030.300, 030.400, and 030.500, the Control Officer shall post a Notice of Proposed Action on the application to a website maintained by the agency and establish a list of persons interested in receiving air quality information and notifying those people, by email or other means. A Notice of Proposed Action on the application shall contain the following:

(1) The date of the department's receipt of the completed application;

(2) The location where documents relevant to the application will be available;

(3) For a Permit to Construct reviewed pursuant to PART 030.400, a summary of the following:

(a) The results of air quality modeling and any other air quality impact analyses;

(b) The results of the analysis of alternatives;

(c) The determination of BACT; and

(d) The level of PSD increments to be consumed by the source, as determined under SECTION 030.400.C.

(4) For a Permit to Construct reviewed pursuant to PART 030.300, a summary of the following:

(a) Statewide compliance demonstration;

(b) Air quality impact analysis;

(c) Determination of the LAER; and

(d) Description of the emissions offsets relied upon in the application.

(5) The department's preliminary determination of whether the application should be approved or disapproved;

(6) The proposed Permit to Construct conditions;

(7) A determination by the Control Officer that the approval of the construction will not cause or contribute to a violation of a NAAQS, a PSD increment identified in SECTION 030.400.C, or otherwise violate any provisions of the Nevada SIP;

(8) The total PTE of each regulated NSR pollutant, as applicable;

(9) An opportunity for any person to submit written comments on the application and any documents relevant to the application; and

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(10) An opportunity for any person to request a public hearing at which oral and written comments on the application will be received or notice of such a hearing if one (1) has been scheduled.

d. All written comments must be received by the Control Officer within thirty (30) calendar days from the publication date of the Notice of Proposed Action.

2. Distribution of Notice. The Control Officer shall send a copy of the Notice of Proposed Action to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:

a. Any other state or local air pollution control agencies;
b. The chief executives of the city and county where the source would be located;
c. Any comprehensive regional land use planning agency;
d. Any state, Federal Land Manager, and Indian governing body whose lands may be affected by emissions from the source or modification;
e. The Regional Administrator for EPA's Region 9; and
f. Any other person who requests such notice.

3. Public Hearings. During the Notice of Proposed Action public comment period specified in paragraph 030.400.P.1, any person may petition the Control Officer, in writing, for a public hearing. All such petitions shall contain the petitioner's name, address, daytime telephone number, and the reason for requesting a hearing.

4. Time Frame. If a proper petition is filed, and the Control Officer determines that there is a significant degree of public interest, the Control Officer shall hold a public hearing no sooner than thirty (30) calendar days after the date of the Notice of Proposed Action but no later than seventy (70) calendar days, after the date of the Notice of Proposed Action. In determining if a significant degree of public interest exists, the Control Officer shall consider all relevant factors, including, but not limited to, the number of petitioners, the nature of their concerns as stated in their petitions, the type and quantity of pollutants emitted by the source and the proximity of the source to sensitive areas like parks, schools, hospitals, residential areas, low income and disadvantaged communities (LIDACs), or Class 1 air sheds.

The petitioner and the applicant shall receive no less than seven (7) calendar days prior written notice of the date and location of the public hearing. Any notice of hearing shall also be posted on the department's website no less than seven (7) calendar days prior to the public hearing.

5. Comments and Approvals. The Control Officer shall also:

a. Consider all written comments submitted within a time specified in the notice of public comment, and all comments received at any public hearing(s), in making a final decision on the approvability of the application. The Control Officer shall make all comments available for public inspection in the same locations where the Control Officer made available preconstruction information relating to the proposed source or modification;
b. Make a final determination whether construction should be approved, approved with conditions, or disapproved; and
c. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Control Officer made available

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preconstruction information and public comments relating to the source.

6. *Enhanced Public Participation Procedures. If the terms and conditions of a Permit to Construct are to be incorporated into a Part 70 Operating Permit, as provided in paragraph 030.510.B.14.a.(1)(e), in addition to the foregoing public participation procedures, the applicant shall comply with the requirements of paragraph 030.510.B.17.*

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SECTION Q - SOURCE OBLIGATION

1. *Enforcement. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to PART 030.400 and with any changes to the application as required by the Control Officer, or with the terms of its Permit to Construct, or any owner or operator of a source or modification subject to PART 030.400 who begins actual construction after the effective date of CHAPTER 030 without applying for and receiving a Permit to Construct, shall be subject to enforcement action.*
2. *Termination. A Permit to Construct shall terminate if construction is not commenced within eighteen (18) months after receipt of such permit if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The Control Officer may extend the 18-month period upon written request and a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.*
3. *Compliance. The issuance of a Permit to Construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Nevada SIP and any other requirements under local, state, or federal law.*
4. *Relaxation in Enforceable Limitations. At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification otherwise to emit a pollutant, then the requirements of SECTIONS 030.400.I through 030.400.Q shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.*

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SECTION R - INNOVATIVE CONTROL TECHNOLOGY

1. *Request for Approval. An owner or operator of a proposed major stationary source or major modification may request the Control Officer to approve a system of innovative control technology.*
2. *Requirements for Approval. The Control Officer may, with the consent of the governor of the state of Nevada and the governors of other affected states, determine that the major stationary source or major modification may employ a system of innovative control technology if:*

   a. *The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;*
   b. *The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under paragraph 030.400.I.2 by a date specified by the Control Officer. Such date shall not be later than four (4) years from the time of startup or seven (7) years from permit issuance;*
   c. *The major stationary source or major modification would meet the requirements of SECTIONS 030.400.I and 030.400.J, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Control Officer;*
   d. *The major stationary source or major modification would not, before the date specified by the Control Officer:*

      (1) Cause or contribute to a violation of an applicable NAAQS; or
      (2) Impact any area where an applicable increment is known to be violated.

   e. *All other Applicable Requirements, including those for public participation, have been met; and*
   f. *The provisions of SECTION 030.400.O (relating to Class I areas) have been satisfied with respect to all periods during the life of the major stationary source or major modification.*

3. *Withdrawal of Approval. The Control Officer shall withdraw any approval to employ a system of innovative control technology made under paragraph 030.400.R.2 if:*

   a. *The proposed system fails by the specified date to achieve the required continuous emissions reduction rate;*
   b. *The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or*
   c. *The Control Officer decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.*

4. *BACT Extension for Failure or Withdrawal. If a major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or the approval is withdrawn in accordance with paragraph 030.400.R.3, the Control Officer may allow the major stationary source or major modification up to an additional three (3) years to meet the requirement for the application of BACT through use of a demonstrated system of control.*

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SECTION S - PLANTWIDE APPLICABILITY LIMITS
The provisions in paragraphs 030.400.S.1 through 030.400.S.15 govern actuals PALs.

1. *Applicability*

   a. *The Control Officer may approve the use of an actuals Plantwide Applicability Limits (PAL) for any existing major stationary source if the PAL meets the requirements in paragraphs 030.400.S.1 through 030.400.S.15. The term "PAL" shall mean "actuals PAL" throughout SECTION 030.400.S.*
   b. *Any physical change in, or change in the method of operation of, a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of SECTION 030.400.S, and complies with the Permit to Construct:*

      (1) Is not a major modification for the PAL pollutant;
      (2) Does not have to be approved through the PSD program; and
      (3) Is not subject to the provisions in paragraph 030.400.Q.4.

   c. *Except as provided under paragraph 030.400.S.1.b.(3), a major stationary source shall continue to comply with all applicable federal, state or county requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.*

2. *Definitions*

   a. *Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of SECTION 030.400.S. When a term is not defined in these paragraphs, it shall have the meaning given in SECTION 030.400.B, PART 030.000, PART 030.500, or the Act.*

Actuals PAL for a major stationary source means a PAL based on the baseline actual emissions of all emissions units at the source that emit, or have the potential to emit, the PAL pollutant.

Allowable emissions means allowable emissions as defined in paragraph c. of the definition of Actual Emissions in SECTION 030.400.B, except as that definition is modified according to paragraph a. of this definition:

   a. *The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.*

Major emissions unit means:

   a. *Any emissions unit that emits, or has the potential to emit, 100 tpy or more of the PAL pollutant in an attainment area; or*
   b. *Any emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas.*

PAL means an emission limitation, expressed in tpy, for a pollutant at a major stationary source that is enforceable as a practical matter and established source-wide in accordance with paragraphs 030.400.S.1 through 030.400.S.15.

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PAL effective date generally means the date of issuance of the Permit to Construct. However, the PAL effective date for an increased PAL is the date any emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

PAL effective period means the period beginning with the PAL effective date and ending ten (10) years later.

PAL major modification means, notwithstanding the definitions for major modification and net emissions increase, any physical change in, or change in the method of operation of, the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

PAL pollutant means the pollutant for which a PAL is established at a major stationary source.

Significant emissions unit means an emissions unit that emits, or has the potential to emit, a PAL pollutant in an amount that is equal to or greater than the significant level as defined in CHAPTER 030 or the Act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

Small emissions unit means an emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount less than the significant level for that PAL pollutant as defined in CHAPTER 030 or the Act, whichever is lower.

3. Permit Application Requirements. As part of an application for a Part 70 Operating Permit requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the Control Officer for approval:

a. A list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal, state or county applicable requirements, emission limitations, or work practices apply to each unit;
b. Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction; and
c. The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph 030.400.S.13.a.

4. General Requirements for Establishing PALs

a. The Control Officer may establish a PAL at a major stationary source, provided that, at a minimum, the requirements in paragraphs 030.400.S.4.a.(1) through 030.400.S.4.a.(7) are met.

(1) The PAL shall impose an annual emission limitation, in tpy, that is enforceable as a practical matter for the entire major stationary source. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve (12) consecutive months is less than

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the PAL (a 12-month average, rolled monthly). For each month during the first eleven (11) months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(2) The PAL shall be established in a Permit to Construct that meets the public participation requirements in paragraph 030.400.S.5.

(3) The Permit to Construct shall contain all the requirements of paragraph 030.400.S.7.

(4) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit, or have the potential to emit, the PAL pollutant at the major stationary source.

(5) Each PAL shall regulate emissions of only one (1) pollutant.

(6) Each PAL shall have a PAL effective period of ten (10) years.

(7) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs 030.400.S.12 through 030.400.S.14 for each emissions unit under the PAL through the PAL effective period.

b. At no time during or after the PAL effective period are emissions reductions of a PAL pollutant which occur during the PAL effective period creditable as decreases for purposes of offsets under SECTION 030.300.F unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

5. Public Participation Requirements for PALs. PALs for existing major stationary sources shall be established, renewed, or increased through the public participation procedures in SECTION 030.400.P.

6. Setting the 10-year Actuals PAL Level.

a. Except as provided in paragraph 030.400.S.6.b, the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source plus an amount equal to the applicable significant level for the PAL pollutant under CHAPTER 030 or under the Act, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one (1) consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Control Officer shall specify a reduced PAL level(s) (in tpy) in the Permit to Construct, to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the Control Officer is aware of prior to issuance of the permit.

b. For newly constructed units (this does not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in paragraph 030.400.S.6.a, the emissions must be added to the PAL level in an amount equal to the PTE of the units.

7. Contents of a Part 70 Operating Permit Containing a PAL. The contents shall include the information in paragraphs 030.400.S.7.a through j as listed below:

a. The PAL pollutant and the applicable source-wide emission limitation in tpy.

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b. The effective date and the expiration date of the PAL conditions (i.e., PAL effective period).

c. Specification in the permit that if a major stationary source owner or operator applies to renew the PAL conditions in accordance with paragraph 030.400.S.10 before the end of the PAL effective period, then the PAL conditions shall not expire at the end of the PAL effective period. It shall remain in effect until a revised Part 70 Operating Permit is issued by the Control Officer;

d. A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions;

e. A requirement that, once the PAL conditions expire, the major stationary source is subject to the requirements of paragraph 030.400.S.9;

f. The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total, as required by paragraph 030.400.S.13.a;

g. A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph 030.400.S.12;

h. A requirement to retain the records required under paragraph 030.400.S.13 on-site. Such records may be retained in an electronic format;

i. A requirement to submit the reports required under paragraph 030.400.S.14 by the required deadlines; and

j. Any other requirements that the Control Officer deems necessary to implement and enforce the PAL conditions.

8. PAL Effective Period and Reopening of the PAL Conditions in a Part 70 Operating Permit. The conditions in a Part 70 Operating Permit that contain a PAL shall include the following information:

a. PAL Effective Period. The Control Officer shall specify a PAL effective period of ten (10) years from the date of issuance.

b. Reopening of the PAL Conditions in a Part 70 Operating Permit

(1) During the PAL effective period, the permit shall require the Control Officer to reopen the PAL conditions in a Part 70 Operating Permit to:

(a) *Correct typographical/calculation errors made in setting the PAL, or reflect a more accurate determination of emissions used to establish the PAL;*

(b) *Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under CHAPTER 030.300; or*

(c) *Revise the PAL to reflect an increase in the PAL, as provided under paragraph 030.400.S.11.*

(2) The Control Officer may reopen the conditions of a Part 70 Operating Permit authorizing a PAL for the following:

(a) Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date.

(b) Reduce the PAL consistent with any other requirement that is enforceable as a practical matter, and that the Control Officer may impose on the major stationary source under the Nevada SIP.

(c) Reduce the PAL if the Control Officer determines that a reduction is necessary to avoid

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causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality-related value that has been identified for a federal Class I area by a Federal Land Manager and for which information is available to the general public.

(3) Except for the permit reopening in paragraph 030.400.S.8.b.(1)(a) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopening's shall be carried out as significant permit revisions to a Part 70 Operating Permit.

9. Expiration of a PAL. Any PAL which is not renewed in accordance with the procedures in paragraph 030.400.S.10 shall expire at the end of the PAL effective period, and the requirements in paragraphs 030.400.S.9.a through 030.400.S.9.e shall apply.

a. Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised Part 70 Operating Permit established according to the procedures in paragraphs 030.400.S.9.a.(1) and (2):

(1) Within the time frame specified for PAL renewals in paragraph 030.400.S.10.b, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Control Officer) by distributing the PAL allowable emissions for the affected major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph 030.400.S.10.e, such distribution shall be made as if the PAL had been adjusted.

(2) The Control Officer will decide whether and how the PAL allowable emissions will be distributed and issue a revised Part 70 Operating Permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Control Officer determines is appropriate.

b. Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Control Officer may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

c. Until the Control Officer issues the revised Part 70 Operating Permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph 030.400.S.9.a.(2), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

d. Any physical change in, or change in the method of operation at, the major stationary source will be subject to major NSR requirements if such change meets the definition of major modification.

e. The major stationary source owner or operator shall continue to comply with any federal, state or county applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period, except for those limitations that were eliminated by the PAL in accordance with the provisions of paragraph 030.400.S.1.b.(3).

10. Renewal of a PAL

a. The Control Officer will follow the procedures specified in paragraph 030.400.S.5 and PART 030.500 in approving any request to renew the PAL conditions in a Part 70 Operating Permit

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and will provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Control Officer.

b. Application Deadline. A major stationary source owner or operator shall submit a timely application to the Control Officer to request renewal of the PAL conditions in a Part 70 Operating Permit. A timely application is one (1) that is submitted at least six (6) months prior to, but not earlier than eighteen (18) months prior to, the date of expiration of the Part 70 Operating Permit containing the PAL. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL conditions in a Part 70 Operating Permit within this time period, then the PAL conditions shall continue to be effective until the revised permit with the renewed PAL conditions is issued.

c. Application Requirements. The application to renew PAL conditions shall be incorporated into the application for renewal of the affected Part 70 Operating Permit and shall contain the information required in paragraphs 030.400.S.10.c.(1) through 030.400.S.10.c.(4):

(1) The information required in paragraphs 030.400.S.3.a through 030.400.S.3.c;
(2) A proposed PAL level;
(3) The sum of the PTE of all emissions units under the PAL (with supporting documentation); and
(4) Any other information the owner or operator wishes the Control Officer to consider in determining the appropriate level for renewing the PAL conditions.

d. PAL Adjustment. In determining whether and how to adjust the PAL, the Control Officer will consider the options outlined in paragraphs 030.400.S.10.d.(1) and 030.400.S.10.d.(2). However, in no case may any such adjustment fail to comply with paragraph 030.400.S.10.d.(3).

(1) If the emissions level calculated in accordance with paragraph 030.400.S.6 is equal to or greater than eighty (80) percent of the PAL level, the Control Officer may renew the PAL at the same level without considering the factors set forth in paragraph 030.400.S.10.d.(2); or
(2) The Control Officer may set the PAL at a level that he determines to be more representative of the source's baseline actual emissions, or that he or she determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Control Officer in his or her written rationale.
(3) Notwithstanding paragraphs 030.400.S.10.d.(1) and (2):

(a) If the PTE of the major stationary source is less than the PAL, the Control Officer shall adjust the PAL to a level no greater than the PTE of the source; and
(b) The Control Officer shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph 030.400.S.11.

e. If the compliance date for a federal or state requirement that applies to the PAL source occurs during the PAL effective period, and if the Control Officer has not already adjusted for such requirement, the PAL shall be adjusted at the time of the PAL permit renewal or Part 70

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Operating Permit renewal, whichever occurs first.

11. Increasing a PAL during the PAL Effective Period

a. The Control Officer may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraph 030.400.S.11.a.(1) through 030.400.S.11.a.(4):

(1) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit as a significant revision to the affected Part 70 Operating Permit. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(2) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT-equivalent controls), plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL. The level of control that would result from BACT-equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten (10) years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(3) The owner or operator obtains a Permit to Construct pursuant to PART 030.500 for all emissions unit(s) identified in paragraph 030.400.S.11.a.(1), regardless of the magnitude of the emissions increase resulting from them. The emissions unit(s) shall comply with any emissions requirements resulting from the Permit to Construct issuance process, even though it has also become subject to the PAL or continues to be subject to the PAL.

(4) The PAL conditions in a Part 70 Operating Permit shall require that the increased PAL level be effective on the day any emissions unit that is part of the significant permit revision becomes operational and begins to emit the PAL pollutant.

b. The Control Officer shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT-equivalent controls as determined in accordance with paragraph 030.400.S.11.a.(2)), plus the sum of the baseline actual emissions of the small emissions units.

c. The PAL conditions in a Part 70 Operating Permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph 030.400.S.5.

12. Monitoring Requirements for PALs

a. General Requirements

(1) The PAL conditions in a Part 70 Operating Permit must include enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL conditions must be based on sound science and meet generally acceptable scientific

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procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL conditions.

(2) The PAL monitoring system must employ one (1) or more of the four (4) general monitoring approaches meeting the minimum requirements set forth in paragraphs 030.400.S.12.b.(1) through 030.400.S.12.b.(4) and must be approved by the Control Officer.

(3) Notwithstanding paragraph 030.400.S.12.a.(2), the PAL monitoring system may also employ an alternative monitoring approach that meets paragraph 030.400.S.12.a.(1) if approved by the Control Officer.

(4) Failure to use a monitoring system that meets the requirements of SECTION 030.400.S renders the PAL invalid.

b. Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs 030.400.S.12.c through 030.400.S.12.i:

(1) Mass balance calculations for activities using coatings or solvents;
(2) CEMS;
(3) CPMS or PEMS; and
(4) Emission factors.

c. Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coatings or solvents shall meet the following requirements:

(1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in, or created by all materials used in or at, the emissions unit;

(2) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(3) Where the vendor of a material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Control Officer determines there is site-specific data or a site- specific monitoring program to support another content within the range.

d. CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(1) The CEMS must comply with applicable performance specifications found in 40 CFR PART60, Appendix B; and

(2) The CEMS must sample, analyze, and record data at least every fifteen (15) minutes while the emissions unit is operating.

e. CPMS or PEMS. An owner or operator using a CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(1) The CPMS or PEMS must be based on current site-specific data demonstrating a correlation

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between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(2) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another, less frequent interval approved by the Control Officer, while the emissions unit is operating.

f. Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(1) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

(2) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(3) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six (6) months of permit issuance unless the Control Officer determines that testing is not required.

g. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the Permit to Construct.

h. Notwithstanding the requirements in paragraphs 030.400.S.12.c through 030.400.S.12.g, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Control Officer shall, at the time of permit issuance:

(1) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

(2) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

i. Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the Control Officer. Such testing must occur at least once every five (5) years after issuance of the Part 70 Operating Permit containing the PAL conditions.

13. Recordkeeping Requirements

a. The PAL conditions in a Part 70 Operating Permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of SECTION 030.400.S and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five (5) years from the date of such record.

b. The PAL conditions in a Part 70 Operating Permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five (5) years:

(1) A copy of the PAL provisions in a permit application for a Part 70 Operating Permit and any

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applications for revisions to the affected Part 70 Operating Permit relevant to the PAL; and

(2) Each annual certification of compliance pursuant to the conditions in the affected Part 70 Operating Permit and the data relied on in certifying the compliance.

14. Reporting and Notification Requirements. The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the Control Officer, in accordance with the conditions in the affected Part 70 Operating Permit. The reports shall meet the requirements in paragraphs 030.400.S.14.a through 030.400.S.14.c.

a. Semiannual Report. The semiannual report shall be submitted to the Control Officer within thirty (30) calendar days of the end of each reporting period. This report shall contain the information required in paragraphs 030.400.S.14.a.(1) through 030.400.S.14.a.(7):

(1) The identification of the owner and operator and the permit number;
(2) Total annual emissions (in tpy), based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph 030.400.S.14.a;
(3) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;
(4) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period;
(5) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken;
(6) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph 030.400.S.12.g; and
(7) A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

b. Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL conditions, including periods where no monitoring was available. A report submitted pursuant to 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the affected Part 70 Operating Permit. The reports shall contain the following information:

(1) The identification of owner and operator and the permit number;
(2) The PAL requirement that experienced the deviation or that was exceeded;
(3) Emissions resulting from the deviation or the exceedance; an
(4) A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

c. Revalidation Results. The owner or operator shall submit to the Control Officer the results of any revalidation test or method within three (3) months after completion of such test or method.

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15. Transition Requirements.

a. The Control Officer may not issue a PAL that does not comply with the requirements in paragraphs 030.400.S.1 through 030.400.S.15 after the Administrator has approved regulations incorporating these requirements into the Nevada SIP.

b. The Control Officer may supersede any PAL which was established prior to the date of approval of the Nevada SIP by the Administrator with a PAL that complies with the requirements of paragraphs 030.400.S.1 through 030.400.S.15.

SECTION T - INVALIDATION

1. If any provision of SECTION 030.400.S, or the application of such provision to any person or circumstance, is held invalid, the remainder of SECTION 030.400.S, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.500 - PART 70 PERMIT TO CONSTRUCT REQUIREMENTS

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.500 - PART 70 PERMIT TO CONSTRUCT REQUIREMENTS

SECTION A - PERMIT TO CONSTRUCT REQUIRED; DURATION

1. *COMMENCEMENT OF CONSTRUCTION: TIMING REQUIREMENT AND PRECONSTRUCTION REVIEW APPLICABILITY CRITERIA*

   a. *Except as provided in paragraph 030.500.C.2.(e) for minor revisions of a PART 70 Operating Permit, an owner or operator of an existing or new PART 70 source shall obtain Permit to Construct from the Control Officer before beginning actual construction or continuing to operate any of the following:*

      (1) A new PART 70 source;
      (2) A "Major Modification" as defined in PARTS 030.300 or 030.400;
      (3) A modification that increases the PART 70 source's PTE by an amount equal to or greater than the minor NSR significant level in SECTION 030.500.B;
      (4) Construction, modification, or reconstruction of an affected facility that becomes newly subject to a standard, limitation, or other requirement under 40 CFR PART 60;
      (5) Construction or reconstruction of a new source or of an affected source that becomes newly subject to a standard, limitation, or other requirement under 40 CFR PART 63, including, but not limited to, construction or modification that requires preconstruction review under 40 CFR PART 63.5; or
      (6) A modification to a solid waste incinerator unit as defined by an applicable standard under 40 CFR PART 60.

   b. *Unless the Control Officer receives and grants a written request to extend the eighteen (18) month period referenced in paragraphs 030.500.A.1.b.(1) or b.(2) at least thirty (30) calendar days before the deadline, a Permit to Construct issued under PART 030.500 or a Permit to Construct authorization issued under PART 030.510 shall remain in effect only if:*

      (1) The owner or operator commences the construction, modification, or reconstruction of the PART 70 source within eighteen (18) months of the issuance date of a Permit to Construct or authorization to construct;
      (2) Such activity is not discontinued for a period greater than eighteen (18) months; and
      (3) The Control Officer does not revoke and reissue, or terminate, the Permit to Construct for cause.

   c. *Notwithstanding the provisions of paragraphs 030.500.A.1.a or 030.500.A.1.b, if an existing PART 70 Operating Permit would prohibit such construction, modification, or reconstruction, the owner or operator of the PART 70 source must obtain a PART 70 Operating Permit revision pursuant to paragraphs 030.510.B.13 or 030.510.B.14, as appropriate, before commencing operation.*

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SECTION B - DEFINITIONS

USE OF TERMS. The following definitions apply to terms used in PART 030.500. Unless the context requires otherwise, the following terms shall have the meanings set forth for the purposes of PART 030.500. When a term is not defined, it shall have the meaning provided in PART 030.000, 40 CFR PART 70.2, the Act, or common usage, in that order of priority.

AFFECTED EMISSIONS UNIT means any PART or activity of a stationary source that increases emissions due to construction, modification, or reconstruction at the PART 70 source and emits, or has the potential to emit, any regulated air pollutant, but is not constructed, modified, or reconstructed.

CONSTRUCTED EMISSIONS UNIT means any PART or activity of a stationary source that is newly constructed, modified, or reconstructed and emits, or has the potential to emit, any regulated air pollutant.

EXISTING PART 70 SOURCE means a PART 70 source that either has a valid PART 70 Operating Permit issued prior to the effective date of PART 030.500 or has an application for a PART 70 Operating Permit deemed complete prior to the effective date of PART 030.500.

MINOR NSR SIGNIFICANT LEVELS means an increase in the potential to emit that equals or exceeds the following rates for the pollutants listed:

POLLUTANT	*PTE THRESHOLD, TPY*
PM10	*15*
PM2.5	*10*
CO	*100*
VOC	*20*
NOx	*20*
SO_2	*40*
LEAD	*0.6*
H_2S	*5*
TOTAL REDUCED SULFUR (TRS), including H_2S	*5*

MODIFICATION OR MODIFY means a project which meets any of the preconstruction review applicability criteria in the definition of preconstruction or that requires a minor or significant permit revision pursuant to paragraph 030.510.B.14.

NEW PART 70 SOURCE means a PART 70 source that is not an existing PART 70 source.

PRECONSTRUCTION REVIEW APPLICABILITY CRITERIA means any of the following:

a. At an existing major stationary source, a project that will result in a "major modification" as defined in PARTS 030.300 or 030.400;

b. A new PART 70 source or a modification to an existing PART 70 source that is subject to

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paragraph 030.500.C.2;

c. *Any project that is subject to a standard, limitation, or other requirement under 40 CFR PART 60;*
d. *Any project that is subject to a standard under 40 CFR PART 63, including, but not limited to, construction or reconstruction that requires preconstruction review under 40 CFR PART 63.5; or*
e. *For a solid waste incineration unit, a project that will result in a modification for purposes of SECTION 129(g)(3) of the Act.*

PROJECT means a physical change in, or change in the method of operation of, a PART 70 source. For purposes of this definition, a physical change or change in the method of operation shall not include:

a. *Routine maintenance, repair, and replacement.*
b. *Use of an alternative fuel or raw material by reason of any order under SECTION 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.*
c. *Use of an alternative fuel by reason of an order or rule under SECTION 125 of the Act.*
d. *Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.*
e. *Use of an alternative fuel or raw material by a stationary source which:*

   (1) *The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51 Subpart I; or*
   (2) *The source is approved to use under any permit issued under 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51, Subpart I.*

f. *An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51, Subpart I or 40 CFR PART 51.166.*
g. *Any change in ownership at a stationary source.*

RESPONSIBLE OFFICIAL means one (1) of the following:

a. *For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either:*

   (1) *The operating facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding $25 million in second quarter 1980 dollars; or*

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(2) The delegation of authority to such representative is approved in advance by the Control Officer.

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
c. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or
d. For Title IV affected sources:

(1) The designated representative, as defined in 40 CFR PART 72.2, in so far as actions, standards, requirements, or prohibitions under Title IV of the Act, "Acid Deposition Control," or the regulations promulgated there under are concerned; or
(2) The responsible official as defined above for any other purposes under PART 030.500.

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SECTION C - PERMIT TO CONSTRUCT FOR PART 70 SOURCES

1. APPLICATION SUBMISSION REQUIREMENTS

a. Application Requirements. The owner or operator of the PART 70 source shall submit an application for a Permit to Construct on a form provided by the Control Officer. The application shall contain the following information related to the construction, modification, or reconstruction:

(1) A description of all emissions of regulated air pollutants from all affected emissions units and a projected operating schedule for each emissions unit;
(2) An identification and a description of all points of emissions and a process description of all activities, including design capacity, which may generate emissions of the regulated air pollutants described pursuant to paragraph 030.500.C.1.a.(1) in sufficient detail to establish the basis for the applicability of standards and fees;
(3) The emission rates of all regulated air pollutants, including fugitive emission rates. The emission rates must be described in tons per year (tpy) and for such shorter-term averages as are necessary to establish compliance using the applicable standard reference test method or other methodology specified in paragraph 030.500.C.1.a.(7);
(4) A description of any new or modified air pollution control equipment to be operated at the stationary source;
(5) The calculations on which the information described in paragraph 030.500.C.1 are based, including a fuel description and specifications;
(6) Citations to and a description of all applicable requirements;
(7) The applicable test method or other methodology used for determining compliance with each applicable requirement;
(8) A control technology demonstration for Best System of Control (BSC) shall be submitted for a modification to an existing PART 70 source that requires a Permit to Construct because:

(a) The modification will increase the source's potential to emit by an amount that is equal to or greater than the minor NSR significant level found in the definition of minor NSR significant level in SECTION 030.500.B;
(b) A control technology demonstration is not otherwise required by PARTS 030.300 or 030.400; or
(c) The modification will be major for one (1) pollutant and will increase the source's potential to emit by an amount equal to or greater than the minor NSR significant level for one (1) or more pollutants that are not PART of or precursors to the pollutant associated with the major modification. The BSC control technology demonstration shall only apply to the pollutant(s) exceeding the minor NSR significant level. The application shall describe how BSC was determined and how compliance with BSC is to be measured, including, if applicable, material usage limits, performance testing, and continuous emissions monitoring.

(9) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols;
(10) If applicable, the information necessary to establish a basic design parameter;
(11) If applicable, a description of how the permittee proposes to comply with the

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compliance assurance monitoring requirements in 40 CFR PART 64, including a plan describing how the applicant will comply with the monitoring design criteria in 40 CFR PART 64.3;

(12) If any information or data in the application is proposed to be treated as confidential, a demonstration of compliance with SECTION 020.000.D;

(13) If the applicant wishes to be subject to the enhanced public participation procedures in paragraph 030.400.P.6, a declaration to that effect; and

(14) For construction, modification, or reconstruction that increases the PART 70 source's PTE by an amount equal to or greater than the minor NSR significant level defined in SECTION 030.500.B for a regulated air pollutant, but less than the major source or major modification threshold in PARTS 030.300 or 030.400, a demonstration that the construction will not cause an exceedance of the National Ambient Air Quality Standards (NAAQS) or an exceedance of the ambient air increments specified in SECTION 030.400.C.

b. Additional Application Requirements for Sources Subject to PART 030.400 (Major Source PSD). If the new or modified PART 70 source is subject to the Prevention of Significant Deterioration preconstruction review provisions of PART 030.400, the application shall also contain the following:

(1) The control technology review required by SECTION 030.400.I;
(2) The source impact analysis required by SECTION 030.400.J;
(3) The air quality analysis required by SECTION 030.400.L;
(4) The source information required by SECTION 030.400.M;
(5) The additional impact analyses required by SECTION 030.400.N; and
(6) Any other information that the Control Officer determines is necessary to process the application in accordance with PARTS 030.300 and 030.400.

c. Additional Application Requirements for Sources Subject to PART 030.300 (Major Source Nonattainment NSR). If the new or modified PART 70 source is subject to the nonattainment area preconstruction review provisions of PART 030.300, the application shall also contain the following:

(1) The statewide compliance demonstration required by SECTION 030.300.C;
(2) The alternatives analysis required by SECTION 030.300.D;
(3) The LAER demonstration and draft permit conditions required to ensure compliance with LAER required by paragraph 030.300.E.2;
(4) An air impact analysis, including dispersion modeling;
(5) The information necessary to demonstrate that the applicant has satisfied or will satisfy the emissions offset requirements in SECTION 030.300.F; and
(6) Any other information that the Control Officer determines is necessary to process the application in accordance with PARTS 030.300 and 030.400.

d. Additional Requirements for Construction, or Requirements for Construction or Reconstruction of a PART 70 Source Subject to a Standard under Sections 112(d), (f), or (h) of the Act (MACT Source).

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(1) In addition to any other application requirements in PART 030.500, if the construction of a new PART 70 source, or the construction or reconstruction of an existing PART 70 source, creates a "new affected source" or "reconstructed affected source" that is a major source under 40 CFR PART 63, the owner or operator shall comply with the application requirements under 40 CFR PART 63.5 and paragraph 030.500.C.1.a. The Permit to Construct for such a source shall comply with the requirements in 40 CFR PART 63.5(e).

2. APPLICATION PROCESSING PROCEDURES.

a. For construction or modifications subject to PARTS 030.300 or 030.400, the Control Officer shall follow the procedures in either SECTION 030.400.P or paragraph 030.500.C.2.d to process the application and to provide for public participation.

b. When an owner or operator of a PART 70 source must revise the PART 70 Operating Permit before construction, modification, or reconstruction (as specified in paragraph 030.500.A.1.c), the Control Officer shall follow the procedures in paragraphs 030.510.B.13 or 030.510.B.14, as applicable, to process the application for a Permit to Construct and revise the PART 70 Operating Permit.

c. For construction, modification, and reconstruction not subject to paragraphs 030.500.C.2.a or 030.500.C.2.b, and except as provided in paragraphs 030.500.C.2.e or 030.500.C.2.d, the Control Officer shall determine whether the application is complete and issue the Permit to Construct in accordance with the following procedures:

(1) Within one hundred (100) calendar days of receiving an application for a Permit to Construct, the Control Officer shall determine if the application is complete. If substantial additional information is required, the Control Officer shall determine the application is incomplete and return it to the applicant. If substantial additional information is not required, the Control Officer shall determine the application is complete. If the Control Officer does not make a determination on application completeness within one hundred (100) calendar days, the application is automatically deemed complete on the one hundred first (101st) calendar day after the date of receipt.

(2) If the Control Officer discovers, after the date the application is determined to be complete, that additional information is required to act on it, the Control Officer may request the additional information needed to determine whether the proposed project will comply with all applicable requirements. The applicant must provide in writing any additional information requested within the time specified in the Control Officer's written request. A delay in submitting the requested information may result in a corresponding delay in Control Officer action on the application, or the Control Officer may withdraw the previous completeness determination and declare the application incomplete.

(3) When paragraph 030.500.A.1.a.(3) requires a Permit to Construct, the Control Officer shall follow the public participation procedures in paragraph 030.500.C.3 before issuing the permit.

(4) When paragraphs 030.500.A.1.a.(4) or 030.500.A.1.a.(6) require a Permit to Construct, the owner or operator of the PART 70 source shall follow the notification requirements in 40 CFR PART 60, Subpart A, and the Control Officer shall follow the applicable procedures in 40 CFR PART 60, Subpart A before issuing the Permit to Construct.

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(5) When paragraph 030.500.A.1.a.(5) requires a Permit to Construct, the owner or operator of the PART 70 source shall follow the notification requirements in 40 CFR PART 63, Subpart A; the Control Officer shall determine that the construction or reconstruction will not cause emissions in violation of the relevant standard(s) and any other federally enforceable requirements and, if applicable, will provide for participation procedures in accordance with 40 CFR PART 63, Subpart B when making a case-by-case Maximum Achievable Control Technology determination before issuing the Permit to Construct.

(6) The Control Officer shall not issue a Permit to Construct unless, after the date an application is determined to be complete, the Control Officer determines that the new or modified source will meet all applicable requirements.

d. PART 70 Operating Permit Significant Permit Revision. For construction, modification, or reconstruction that meets the criteria for a significant permit revision under paragraph 030.510.B.14.c.(1), the owner or operator may submit an application for a Permit to Construct that fulfills both the requirements of paragraph 030.500.C.1.a and the requirements for an application for a significant revision to an existing PART 70 Operating Permit in paragraph 030.510.B.14.c.(2); the owner or operator and Control Officer may then follow the procedures for significant permit revisions in paragraph 030.510.B.14.c to obtain authorization to construct and operate under a revised PART 70 Operating Permit and/or an Permit to Construct.

e. PART 70 Operating Permit Minor Permit Revision. For modifications that increase the PART 70 source's PTE by an amount less than the minor NSR significance level defined in SECTION 030.500.B and meet the criteria for a minor permit revision under paragraph 030.510.B.14.a.(1):

(1) The owner or operator may submit an application for a Permit to Construct that fulfills both the requirements of paragraph 030.500.C.1.(a) and the requirements for an application for a minor permit revision in paragraph 030.510.B.14.a.(3); the Control Officer may follow the procedures for minor permit revision in paragraph 030.510.B.14 to issue an authorization to construct and operate under a revised PART 70 Operating Permit and/or a Permit to Construct.

f. When an owner or operator and the Control Officer follow the PART 70 Operating Permit procedures in paragraphs 030.500.C.2.b, d, or e, then in accordance with paragraph 030.500.E.2.b, the revised PART 70 Operating Permit serves as both the PART 70 Operating Permit and the Permit to Construct for the affected and constructed emissions units at the PART 70 source when the Control Officer does not issue a separate Permit to Construct.

3. PUBLIC PARTICIPATION. The Control Officer shall provide for public notice, public comment, and opportunity for a hearing in accordance with this section before issuing a Permit to Construct for a PART 70 source requiring one (1) under paragraph 030.500.A.1.a.(3) or before approving a portable source relocation request.

a. Notice of Proposed Action on Permit to Construct Application. Within one (1) year from when the Control Officer determines an application is complete, the Control Officer shall post a Notice of Proposed Action on the department website that meets the requirements of paragraph 030.500.C.3.c for any of the following:

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(1) A request to establish or revise a voluntarily accepted emission limitation.
(2) An application subject to the BSC control technology demonstration requirement in paragraph 030.500.C.1.a.(8).
(3) An application subject to paragraph 030.500.C.1.a.(14) requirements to demonstrate that the construction will not cause an exceedance of the NAAQS or an exceedance of the ambient air increments specified in SECTION 030.400.C.
(4) Any action for which the Control Officer determines that public participation would better inform a decision on the application.

b. The Notice of Proposed Action required by paragraph 030.500.C.3.a shall be published on the department website at least thirty (30) calendar days before the Control Officer issues a final decision on the Permit to Construct application or on the relocation of a portable source.

(1) The Notice of Proposed Action shall contain all of the following:

(a) The name and address of the owner or operator and, if different, of the PART 70 source.
(b) If the Notice of Proposed Action involves relocation of a portable source, the current address of the portable source and the address to which the portable source proposes to relocate;
(c) The date the Control Officer received the complete application for a Permit to Construct or the notice of proposed relocation;
(d) The nature of the construction, reconstruction, or modification proposed in a Permit to Construct application;
(e) The pollutants to be emitted by the PART 70 source and their projected quantities;
(f) The name, address, and telephone number of the department representative interested persons may contact for instructions on how to obtain additional information;
(g) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all information in the administrative record for the action (except confidential information, in accordance with NRS 445B.570 and SECTION 020.000.D) is available for public inspection;
(h) The Control Officer's preliminary determination whether the application for a Permit to Construction Permit or the relocation of a portable source should be approved or disapproved;
(i) Directions on how any person may submit written comments on the Notice of Proposed Action and documents in the administrative record, including the date by which the Control Officer must receive comments; and
(j) Directions on how any person may request a public hearing on the Notice of Proposed Action, including the date by which the Control Officer must receive the request; or, if the Control Officer has already scheduled a public hearing, the date and location of the hearing and directions for requesting to speak at the hearing.

(2) The Control Officer shall send a copy of the Notice of Proposed Action and Final Action to the applicant, EPA (if requested), and any other person who requests such notice.

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c. Public Hearing on Notice of Proposed Action.

(1) During the thirty (30) calendar day public comment period, any person may petition the Control Officer in writing for a public hearing. All such petitions shall contain the petitioner's name, address, daytime telephone number, email address, and reason for requesting a hearing.
(2) The Control Officer shall notify petitioners whether the request will be granted or denied within thirty (30) calendar days of receipt.
(3) The hearing request shall be granted if the Control Officer determines there is a significant degree of public interest in the Notice of Proposed Action after considering all relevant factors, including, but not limited to, the number of petitioners, the nature of the concerns stated in the petitions, and the type and quantity of emissions emitted by the PART 70 source.
(4) If the request is granted, the Control Officer shall publish the hearing date, time, and location on the department website for at least thirty (30) calendar days prior and provide directions in the notice for requesting to speak at the hearing.

d. Final Action on Permit to Construct Application or Proposed Relocation.

(1) The Control Officer shall consider all relevant written and oral comments, and all other documents in the administrative record, before taking final action on a Permit to Construct application.
(2) The Control Officer shall send a written notice to the owner or operator of the PART 70 Source approving or disapproving the relocation of a portable source after considering public comments received on the Notice of Proposed Action.

(a) The Control Officer may disapprove the relocation based on information received during the public comment period.
(b) The Control Officer may disapprove the relocation upon finding that operations in the new location would cause or contribute to a new violation of a NAAQS or cause an unreasonable risk to public health, welfare, or the safety of any person.
(c) Before approving operations in the new location, the Control Officer may issue a order to limit emissions or operations at the new location as necessary to prevent the source from causing or contributing to a new violation of a NAAQS or causing an unreasonable risk to public health, welfare, or the safety of any person at the new location, or to establish enforceable restrictions agreed to by the source owner or operator.

4. PERMIT CONTENT.

a. A Permit to Construct issued pursuant to PART 030.500 shall contain each of the following conditions:

(1) The permittee shall retain records of all required monitoring and performance demonstration data and supporting information for five (5) years after the date of the sample collection, measurement, report, or analysis. Supporting information includes all

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records regarding calibration and maintenance of the monitoring equipment, all original strip-chart recordings for continuous monitoring instrumentation and, if applicable, all other records required to be maintained pursuant to 40 CFR PART 64.9(b).

(2) Each of the conditions and requirements of the permit is severable and, if any are held invalid, the remaining conditions and requirements continue in effect;

(3) The permittee shall comply with all conditions contained in the permit. Any noncompliance constitutes a violation and is grounds for:

(a) An action for noncompliance;
(b) Revocation and reissuance or the termination of the permit by the Control Officer; or
(c) The reopening or revising of the permit by the permittee as directed by the Control Officer.

(4) The need to halt or reduce activity to maintain compliance with the conditions of the permit is not a defense to noncompliance with any condition of the permit;

(5) The Control Officer may revise, revoke and reissue, reopen and revise, or terminate the permit for cause;

(6) The permit does not convey any property rights or any exclusive privilege;

(7) The permittee shall provide the Control Officer, within a reasonable time, with any information that the Control Officer requests in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the conditions of the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality;

(8) The permittee shall allow the Control Officer, or any authorized representative of the Control Officer, upon presentation of credentials, to enter the permittee's premises where the source is located or emissions related activity is conducted and to:

(a) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the permit;
(b) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
(c) Sample or monitor substances or parameters to determine compliance with the conditions of the permit or applicable requirements; and
(d) Document alleged violations using devices such as cameras or video equipment.

(9) A responsible official of the 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 permit are true, accurate, and complete;

(10) The permit must contain:

(a) All applicable requirements, emission limits, and standards, provided, however, that applicable requirements that are not required by the Act or implementing federal regulations, and that are not in the Nevada State Implementation Plan (SIP), may be included in the permit but shall be specifically designated as being not federally enforceable and not enforceable by a citizen's suit pursuant to the Act, and shall be

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designated as "county only requirements." Terms and conditions so designated are not subject to the requirements that apply to permit review by EPA and affected states;

(b) Monitoring, recordkeeping, and reporting requirements sufficient to meet the requirements of 40 CFR PART 64 or paragraph 030.510.B.6.d, as deemed necessary by the Control Officer;

(c) Such other conditions as necessary to demonstrate compliance with the requirements in PARTS 030.300 and 030.400 for construction, subject to those sections.

(d) A condition that states that the approval of a Permit to Construct or Permit to Operate shall not affect the responsibility of the permittee to comply with the applicable requirements of the Nevada State Implementation Plan or any other applicable requirements.

(e) A statement, consistent with paragraph 030.500.E.2.(a), that where the terms and conditions of the Permit to Construct conflict with applicable requirement(s) in a subsequently issued or revised PART 70 Operating Permit, such terms and conditions are superseded by or appended to the PART 030.500 applicable requirement in the PART 70 Operating Permit.

(11) The permittee shall maintain documentation of the records required by paragraph 030.400.A.6.a or paragraph 030.300.A.6.a, if applicable.

(12) The permittee shall report start of construction, construction interruptions exceeding nine (9) months, and completion of construction. The report shall be given to the Control Officer not later than fifteen (15) calendar days after occurrence of the event;

(13) The permittee shall provide written notification of the actual date of commencing operation, received by the Control Officer, within fifteen (15) calendar days after such date;

(14) The permittee shall provide separate written notification for commencing operation for each unit of phased construction, which may involve a series of units commencing operation at different times;

(15) A source that is a new PART 70 source or a major modification to an existing PART 70 source shall, within sixty (60) calendar days after achieving the maximum rate of production of the new source or modification, but not later than one hundred eighty (180) calendar days after commencing operation, conduct performance tests and furnish the Control Officer a written report of the results of the tests. The Control Officer may require such testing to occur sooner than the one hundred eighty (180) calendar day limit if there are adequate grounds to do so. The performance tests required by a Permit to Construct shall be conducted in accordance with the applicable test method; and

(16) The permittee shall post the permit in a location which is clearly visible and accessible to the facility's employees and representatives of the department.

(17) The permittee shall pay all fees assessed pursuant to PART 020.200.

(18) If the permittee owns or operates a portable source, the permittee shall:

(a) Provide the Control Officer with advance notice of the proposed relocation on a form specified by the Control Officer, and give notice to the Control Officer with enough time to allow for public Participation before relocation.

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i. *At a minimum, the notice shall identify the proposed new location, the proposed relocation date, the probable duration of operation at the new location, and the potential to emit each air pollutant at that location; and*
ii. *If the portable source would relocate to within one thousand (1,000) feet of the outer boundary of a school, hospital, or residential area, the permittee shall notify the Control Officer at least sixty (60) calendar days before the proposed relocation date.*
iii. *For all other relocation requests, the permittee shall submit advance notice to the Control Officer at least thirty (30) calendar days before the proposed relocation date.*

(b) Not relocate to a proposed location until the Control Officer notifies the permittee that operations in the new location are approved;
(c) Not relocate to the proposed location if the Control Officer disapproves the relocation; and
(d) Comply with any order issued under the authority of CHAPTER 020 and paragraph 030.500.C.3.d.(2).(c) that restricts operations or emissions at a specific location.

5. Application, Submission, and Processing Requirements for PART 70 Sources Not Subject to PART 030.300, PART 030.400, or paragraph 030.500.C.3

a. In order to obtain a Permit to Construct, the owner or operator of a proposed new PART 70 source that is not subject to PARTS 030.300 and 030.400, or the owner or operator of an existing PART 70 source proposing a modification that increases the source's potential to emit by an amount equal to or greater than the minor NSR significant level, but that is not a major modification under PARTS 030.300 and 030.400, shall submit an application on a form prescribed by the Control Officer.

(1) The application shall contain the information specified in paragraph 030.500.C.1.a and a "Control Technology Review" that meets the requirements of SECTION 030.400.I, except that BSC shall be the technology standard instead of Best Available Control Technology. The BSC Technology Review shall be submitted for any pollutant for which the source's potential to emit increases by an amount equal to or greater than the minor NSR significant level, but less than the major source or major modification thresholds. The applicant shall also include a demonstration that the new PART 70 source or modification does not cause an exceedance of the ambient air quality standards as defined in 40 CFR PART 50 or an exceedance of the ambient air increments specified in SECTION 030.400.C.
(2) The determination of completeness and the procedures for processing the application shall be those in paragraph 030.500.C.2.(c).
(3) The public Participation procedures specified in paragraph 030.200.E.3 shall apply to a permit revision processed under paragraph 030.500.C.2.a.
(4) The contents of the Permit to Construct issued pursuant to paragraph 030.500.C.2.a shall be those in paragraph 030.500.C.4.

b. In order to obtain a Permit to Construct, the owner or operator of an existing PART 70

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source that is proposing a modification that increases the source's potential to emit by an amount less than the minor NSR significance level shall comply with the minor revision process listed in paragraph 030.510.B.14, including the application procedures listed in paragraph 030.510.B.14.a.(3).

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SECTION D - PERMIT TO CONSTRUCT REVISIONS

1. PERMIT REVISION PROCEDURES

a. The Control Officer may revise a Permit to Construct only through:

(1) An administrative or significant permit revision, as specified in paragraph b. and c. of this section;
(2) The PART 70 Operating Permit procedures specified in SECTION 030.510.B.14; or
(3) A revision of PART 030.500 applicable requirements in a PART 70 Operating Permit using the procedures in paragraphs 030.510.B.13 or 030.510.B.14. Revising applicable requirements of, or adding terms and conditions to, the PART 70 Operating Permit may supersede or append certain terms and conditions to the Permit to Construct, as specified in paragraph 030.500.E.2.a.

b. ADMINISTRATIVE PERMIT REVISIONS.

(1) An administrative permit revision is a revision that:

(a) Corrects typographical errors;
(b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change;
(c) Requires more frequent monitoring or reporting by the permittee;
(d) Allows for a change in ownership or operational control of a source when the Control Officer determines that no other change in the permit is necessary, provided the current and new permittee have submitted to the Control Officer a written agreement with a specific date for transfer of permit responsibility, coverage, and liability, and that the permit transfer procedures are complied with;
(e) Incorporates PART 030.500 terms and conditions governing construction or operation of an emissions unit at the PART 70 source that are first recorded as terms and conditions in a PART 70 Operating Permit and that supersede, or are omitted from, the terms and conditions of the Permit to Construct, as provided in paragraph 030.500.E.2.a;
(f) Revises an existing Permit to Construct before the construction, modification, or reconstruction becomes operational (following a reasonable shakedown period, if necessary, not to exceed **one hundred eighty (180) calendar** *days) if such a revision would not result in an increase in the amount or type of emissions authorized under the permit, relocate stack emissions closer to a property boundary, change any control technology requirement, change the applicability of PARTS 030.300 and 030.400, or reduce the amount of record-keeping, reporting, or monitoring of emissions at an emissions unit; or*
(g) Incorporates any other type of change the Administrator has determined are similar to those in paragraphs 030.500.D.1.b.(1)(a) through (f) of this section.

(2) An administrative permit revision may be made by the Control Officer consistent with the following:

(a) The Control Officer shall take no more than **thirty (30) calendar** *days from receiving*

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an administrative permit revision request to take final action. The Control Officer may incorporate the revision without providing notice to the public or affected states, provided the revised permit designates all revisions as having been made pursuant to this section.

(b) The Control Officer shall provide a copy of the revised permit to the Administrator.

(c) The source may implement the changes in the request immediately upon submittal. However, if the Control Officer determines the change does not qualify as an administrative revision, the source may be subject to enforcement proceedings for violation of existing permit terms and conditions.

c. Significant Permit Revision. A significant permit revision to a Permit to Construct is any revision that is not an administrative permit revision. A significant permit revision shall be subject to the same application, determination of completeness, processing procedures, public Participation, notification, and timetables as the original Permit to Construct, except that the scope of procedures shall be limited to the revision and issues relevant to that revision; the procedures specified in paragraphs 030.510.B.18.c and 030.510.B.18.d do not apply.

2. ADMINISTRATIVE PERMIT REVISIONS FOR TITLE IV ACID RAIN SOURCES. Administrative revisions to permit conditions governed by the federal Clean Air Act Title IV Acid Rain Program shall comply with 40 CFR PART 72.

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SECTION E - PART 030.500 APPLICABLE REQUIREMENTS IN PART 70 OPERATING PERMITS
The provisions of this section apply to all PART 030.500 applicable requirements and associated periodic monitoring requirements in PART 70 Operating Permits and to all Permits to Construct.

1. *PERMIT TO CONSTRUCT AND ISSUANCE OR REVISION OF THE PART 70 OPERATING PERMIT*

   a. *Except as provided in paragraph 030.500.E.2.b, the Permit to Construct serves as the Permit to Construct and operate the affected and constructed emissions units during the period before a PART 70 Operating Permit is granted or denied, or until the Permit to Construct is incorporated into a PART 70 Operating Permit through a permit revision.*

      (1) *After the Control Officer issues or revises the PART 70 Operating Permit, the owner or operator may not operate the affected or constructed emissions units without both a valid PART 70 (or, alternatively, PART 71) Operating Permit and valid Permit to Construct, except as provided in paragraph 030.500.C.2.f.*
      (2) *If the Control Officer denies issuance of the PART 70 Operating Permit, or subsequently revokes the PART 70 Operating Permit without reissuing it (or, alternatively, without EPA issuing a PART 70 Operating Permit), the owner or operator may no longer operate any element of the PART 70 source under the Permit to Construct.*

   b. *The Control Officer shall list PART 030.500 as an authority citation in the PART 70 Operating Permit when incorporating applicable requirements of a Permit to Construct in a PART 70 Operating Permit, or when recording an authorization to construct and operate under PART 030.500 directly in a PART 70 Operating Permit.*

2. *RECONCILING PART 030.500 REQUIREMENTS IN THE PART 70 OPERATING PERMIT WITH A PERMIT TO CONSTRUCT*

   a. *The PART 70 Operating Permit shall govern the construction and/or operations of the affected and constructed emissions units at the PART 70 source; it shall supersede and/or append to the applicable requirements of a previously issued Permit to Construct, but only with respect to any conflicting or omitted terms and conditions in the Permit to Construct, when:*

      (1) *The PART 030.500 applicable requirements, as written in the PART 70 Operating Permit, differ from a previously issued Permit to Construct;*
      (2) *The Control Officer revises the terms of an issued Permit to Construct only by revising the PART 70 Operating Permit, as authorized under paragraph 030.500.D.1.a.(3); or*
      (3) *The PART 70 Operating Permit contains additional terms and conditions, such as paragraphs 030.510.B.6.d.(1)(a)-(b) or 030.510.B.8.amonitoring requirements, that are related to construction or operation of the affected or constructed emissions units.*

   b. *When the Control Officer records or revises an Permit to Construct and operate under PART 030.500 directly in the PART 70 Operating Permit without issuing a separate Permit to Construct, as authorized under paragraphs 030.500.C.2.f and 030.500.D.1.a.(3), then the PART 70 Operating Permit serves as both the PART 70 Operating Permit and the Permit to Construct for the affected and constructed emissions units at the PART 70 source.*

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3. ***SURVIVAL OF PART 030.500 REQUIREMENTS FOLLOWING EXPIRATION OR TERMINATION OF THE PART 70 OPERATING PERMIT***

   a. ***When a PART 70 Operating Permit includes terms and conditions that supersede and/or append to the Permit to Construct under paragraph 030.500.E.2.a, or when a PART 70 Operating Permit includes terms and conditions that serve as the Permit to Construct as provided under paragraph 030.500.E.2.b, and the PART 70 Operating Permit subsequently expires or terminates, any such terms or conditions in the permit shall survive expiration or termination if:***

      (1) The PART 70 Operating Permit expires only because the owner or operator failed to submit a timely renewal application under paragraph 030.510.B.1; or
      (2) The PART 70 Operating Permit terminates because the stationary source no longer qualifies as a PART 70 source but it will continue to operate as a minor source, as defined in PART 030.200.

   b. ***If the terms and conditions survive termination in accordance with paragraph (a)(1) of this section, they remain applicable requirements; the owner or operator may not operate the PART 70 source until the applicable requirements are incorporated into a new or reissued PART 70 Operating Permit or, alternatively, PART 71 Operating Permit.***
   c. ***If terms and conditions survive termination in accordance with paragraph (a)(2) of this section, the Control Officer shall issue a new Minor Source Permit (as defined in PART 030.200) that includes the terms and conditions surviving termination by following the procedures in paragraph 030.510.B.1. The Control Officer need not follow the public participation procedures in paragraph 030.200.E.3 to incorporate the terms and conditions surviving termination of the PART 70 Operating Permit into a Minor Source Permit. The minor source may continue to operate the affected and constructed emissions units under the authority of paragraph (a) of this section until the new permit authorizes continued operation, or until the Control Officer denies issuance of a Minor Source Permit.***

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.510 - PART 70 OPERATING PERMIT REQUIREMENTS

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CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.510 - PART 70 OPERATING PERMIT REQUIREMENTS

SECTION A - DEFINITIONS

The following definitions apply to defined terms used in PART 030.510. Unless the context requires otherwise, the following terms shall have the meanings set forth for the purposes of PART 030.510. When a term is not defined, it shall have the meaning provided in CHAPTER 030, PART 030.500, 40 CFR P A R T 70.2, the Act, or common usage, in that order of priority.

DEVIATION means a variation from any permit terms, including terms that establish emission limitations, operating conditions, or work practice standards, and those terms intended to show compliance with those limitations, conditions, or standards, including monitoring, recordkeeping, and reporting requirements. A deviation is not necessarily a violation.

EXEMPT SOURCE means that the following source categories are exempted from the obligation to obtain a PART 70 Operating Permit:

a. *Any source that has obtained a voluntarily accepted emission limit, pursuant to SECTION 030.200.G, to avoid having to obtain a PART 70 Operating Permit, unless a PART 70 Operating Permit is required by some other provision or requirement of the Act;*
b. *Any source that would be required to obtain a permit solely because it is subject to "Standards of Performance for New Residential Wood Heaters" (40 CFR 60.530, Subpart AAA); or*
c. *Any source that would be required to obtain a permit solely because it is subject to "Emission Standard for Asbestos" (40 CFR 61.145, Subpart M).*

EXISTING PART 70 SOURCE means a PART 70 source that either has a valid PART 70 Operating Permit issued prior to the effective date of PART 030.510 or has an application for a PART 70 Operating Permit deemed complete prior to the effective date of PART 030.510.

MINOR NSR SIGNIFICANT LEVELS means an increase in the potential to emit that would equal or exceed the following rates for the pollutants listed:

POLLUTANT	PTE THRESHOLD, TPY
PM10	15
PM2.5	10
CO	100
VOC	20
NOx	20
SO_2	40
LEAD	0.6
H_2S	5
TOTAL REDUCED SULFUR (TRS), including H_2S	5

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MODIFICATION OR MODIFY means a project which meets any of the preconstruction review applicability criteria reflected in the definition of preconstruction review applicability criteria in SECTION 030.510.A or that requires a minor or significant permit revision pursuant to paragraph 030.510.B.14.

NEW PART 70 SOURCE means a PART 70 source that is not an existing PART 70 source.

PRECONSTRUCTION REVIEW APPLICABILITY CRITERIA means any of the following:

a. *At an existing major stationary source, a project that will result in a major modification as defined in PART 030.300 or 030.400;*
b. *A new PART 70 source or a modification to an existing PART 70 source that is subject to paragraph 030.500.C.2;*
c. *Any project that is subject to a standard, limitation, or other requirement under 40 CFR PART 60;*
d. *Any project that is subject to a standard under 40 CFR PART 63, including, but not limited to, construction or reconstruction that requires preconstruction review under 40 CFR PART 63.5; or*
e. *For a solid waste incineration unit, a project that will result in a modification for purposes of SECTION 129(g)(3) of the Act.*

PROJECT means a physical change in, or change in the method of operation of, a major stationary source. For purposes of this definition, a physical change or change in the method of operation shall not include:

a. *Routine maintenance, repair and replacement.*
b. *Use of an alternative fuel or raw material by reason of any order under SECTION 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.*
c. *Use of an alternative fuel by reason of an order or rule under SECTION 125 of the Act.*
d. *Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.*
e. *Use of an alternative fuel or raw material by a stationary source which:*

   (1) *The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51 Subpart I; or*
   (2) *The source is approved to use under any permit issued under 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51 Subpart I.*

f. *An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51, Subpart I.*
g. *Any change in ownership at a stationary source.*

RESPONSIBLE OFFICIAL means one (1) of the following:

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a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(1) The operating facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million in second quarter 1980 dollars; or
(2) The delegation of authority to such representative is approved in advance by the Control Officer.

b. For a Partnership or sole proprietorship: a general Partner or the proprietor, respectively;
c. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or
d. For affected sources:

(1) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and
(2) The designated representative for any other purposes under PART 70.

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SECTION B - PART 70 OPERATING PERMIT REQUIREMENTS

1. ***PERMIT APPLICATIONS: TIMELY AND COMPLETE APPLICATIONS.*** *For each PART 70 source, the owner or operator shall submit a timely and complete permit application. A pre-application conference may be held at the request of the owner or operator of the PART 70 source to assist a source in submitting a complete permit application.*

   a. *Timely application.*

      (1) *A timely application for a source applying for a PART 70 Operating Permit for the first time is one that is submitted within twelve (12) months after the source becomes subject to the permit program. If a source submits a timely application under this provision, it may continue operating under its Permit to Construct until final action is taken on its application for a new PART 70 Operating Permit.*
      (2) *For purposes of permit renewal, a timely application is a complete application that is submitted at least twelve (12) months and not greater than eighteen (18) months prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current PART 70 Operating Permit until final action is taken on its application for a renewed PART 70 Operating Permit.*
      (3) *A timely application for an existing PART 70 source that has obtained a Permit to Construct is one that is submitted within twelve (12) months after commencing operation of the modification or reconstruction authorized by the permit, or on or before such earlier date that the Control Officer may establish. However, where an existing PART 70 Operating Permit would prohibit such construction or change in operation, the source must obtain a PART 70 permit revision pursuant to paragraph 030.510.B.14 before commencing operation.*
      (4) *In order to be deemed a timely application, the application must also meet the complete application provisions listed in paragraph 030.510.B.1.b.*

   b. *Complete application.*

      (1) *To be deemed complete, an application must provide all information necessary to evaluate the subject source and its application and to determine all applicable requirements, including the emission rates information required by paragraph 030.500.C.1.a.(3). Applications for permit revisions need supply only such information as is related to the proposed change. A responsible official shall certify the submitted information consistent with paragraph 030.510.B.4.*
      (2) *Unless the Control Officer notifies the source in writing within one hundred (100) calendar days of receipt of the application that an application is not complete, such application shall be deemed to be complete.*
      (3) *If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or take final action on that application, the Control Officer may request such information in writing and set a reasonable deadline for a response. The applicant must provide in writing any additional information that the Control Officer requests within the time specified in the written request of the Control Officer. Any delay in the submittal of the requested information may result in a corresponding delay in the action of the Control Officer on the application or a determination of incompleteness.*
      (4) *The submittal of a complete application shall not affect the requirement that any source shall have a Permit to Construct issued pursuant to SECTION 030.500.C prior to construction.*

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c. Area source-specific requirements.

(1) If a regulation promulgated by the administrator under SECTION 111 or 112 of the Act (42 U.S.C. 7411 or 7412) requires area sources to submit an application for a PART 70 Operating Permit, each area source covered by the requirement must submit an application in accordance with that regulation.

(2) Confidential Information. Claims of confidentiality as to information submitted to EPA shall be made pursuant to applicable federal requirements in 40 CFR PART 2. Claims of confidentiality as to information submitted to the department shall be made pursuant to SECTION 020.000.D. In the case where a source has submitted information to the Control Officer under a claim of confidentiality that also must be submitted to EPA, the Control Officer shall either submit the information to EPA or require the source to submit a copy of such information directly to EPA.

(3) Late applications. An application submitted after the deadlines established for timeliness shall be accepted for processing, but shall not be considered a timely application. Submitting an application shall not relieve a source of any enforcement actions resulting from submitting a late application.

2. *PERMIT APPLICATIONS: DUTY TO SUPPLEMENT OR CORRECT APPLICATION. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of paragraph 030.510.B.4.*
3. *PERMIT APPLICATIONS: STANDARD REQUIREMENTS. Information as described below for each emissions unit at a PART 70 source shall be included in the application. The application shall be submitted on a form provided by the Control Officer.*

a. Identifying information, including company name, company address, plant name and address if different from company name and address, owner's name and agent, and telephone number and name of the responsible official, plant site manager, or contact;

b. A description of the source's processes and products by Standard Industrial Classification Code (SIC) or the North American Industry Classification System (NAICS), including any associated with each alternate scenario identified by the source;

c. The following emissions-related information:

(1) The potential to emit of all air pollutants for which the source is major, and the potential to emit of all regulated air pollutants, including HAPs, from any emissions unit;

(2) Identification and description of all points of emissions described in paragraph 030.510.B.3.c.(1) in sufficient detail to establish the basis for an air impact analysis and applicability of applicable requirements;

(3) Emissions rates in tons per year, including fugitive emission rates, and in such terms as are necessary to establish compliance with applicable requirements, consistent with the results of performance tests conducted pursuant to the source's PART 70 Operating Permit or the

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source's Permit to Construct, whichever is more current;

(4) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;

(5) Identification and description of air pollution control equipment and compliance monitoring devices or activities; and

(6) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated air pollutants and HAPs at the PART 70 source.

d. Other information required by any applicable requirement, including:

(1) Information related to stack height limitations developed pursuant to paragraph 030.400.G.3; and

(2) The calculations on which the information in paragraphs 030.510.B.3.c.(1) through 030.510.B.3.c.(6) is based.

e. The following air pollution control requirements:

(1) Citation and description of all applicable requirements, and

(2) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

f. Other specific information that may be necessary to implement and enforce applicable requirements or to determine the applicability of such requirements;

g. An explanation of any proposed exemptions from otherwise applicable requirements;

h. If alternative operating scenarios are to be identified in the permit pursuant to paragraph 030.510.B.6.j, such information as is necessary for the Control Officer to define those scenarios and determine the applicable requirements for each proposed scenario;

i. If emissions trading is proposed, the legal authority for the trading and a description of the proposed conditions for determining compliance with the trading requirements, including replicable procedures that ensure that the emissions trades are quantifiable and enforceable.

j. A compliance plan that contains all of the following:

(1) A description of the compliance status of the source with respect to all applicable requirements;

(2) A compliance statement and compliance schedule, as follows:

(a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement; and

(c) A schedule of compliance for any emissions unit at the source that will not be in compliance with any applicable requirement at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with the applicable requirements. This compliance schedule shall resemble and be at least as stringent as

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that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(3) A schedule for submission of certified progress reports no less than every six (6) months for sources required to have a schedule of compliance to remedy a violation.
(4) The compliance plan content requirements specified in paragraphs 030.510.B.3.j.(1) through 030.510.B.3.j.(3) shall apply and be included in the "acid rain" portion of a compliance plan for a Title IV affected source, except as specifically superseded by regulations promulgated under Title IV of the Act, "Acid Deposition Control," with regard to the schedule and methods the source will use to achieve compliance with the acid rain emission limitations.

k. Requirements for compliance certification, including all of the following:

(1) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph 030.510.B.4 and SECTION 114(a)(3) of the Act, "Enhanced Monitoring and Compliance Certification";
(2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test method; and
(3) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

l. For acid rain portions of permit applications and compliance plans, submit a current EPA Acid Rain Permit Application or New Unit Exemption form, as applicable.
m. If a PAL is requested, the information required by SECTION 030.400.S for establishing a PAL.

4. PERMIT APPLICATIONS: CERTIFICATION. Any application form, report, or compliance certification submitted pursuant to PART 030.510 shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification required under PART 030.510, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
5. PERMIT APPLICATIONS: INSIGNIFICANT ACTIVITIES AND EMISSIONS. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement.

a. The following types of activities and emissions units may be presumptively omitted from a permit application for a PART 70 Operating Permit. Certain of these listed activities include qualifying statements intended to exclude many similar activities:

(1) Combustion emissions from propulsion of mobile sources;
(2) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act;
(3) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process;
(4) Noncommercial food preparation;
(5) Consumer use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction;
(6) Janitorial services and consumer use of janitorial products;
(7) Internal combustion engines used for landscaping purposes;

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(8) Laundry activities, except for dry-cleaning and steam boilers;
(9) Bathroom/toilet vent emissions;
(10) Emergency (backup) electrical generators at residential locations;
(11) Tobacco smoking rooms and areas;
(12) Blacksmith forges;
(13) Plant maintenance and upkeep activities (e.g., groundskeeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), provided these activities are not conducted as PART of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit revision Cleaning and painting activities qualify as insignificant activities if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit if otherwise required.
(14) Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or degreasing (solvent metal cleaning) activities, and not otherwise triggering a permit revision;
(15) Portable electrical generators that can be moved by hand from one (1) location to another;
(16) Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;
(17) Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals;
(18) Air compressors and pneumatically operated equipment, including hand tools;
(19) Batteries and battery charging stations, except at battery manufacturing plants;
(20) Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs;
(21) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized;
(22) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, pro- vided appropriate lids and covers are utilized;
(23) Drop hammers or hydraulic presses for forging or metalworking;
(24) Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
(25) Vents from continuous emissions monitors and other analyzers;
(26) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;
(27) Hand-held applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation;
(28) Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs;
(29) CO_2 lasers, used only on metals and other materials which do not emit HAPs in the process;
(30) Consumer use of paper trimmers/binders;
(31) Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;
(32) Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants;
(33) Laser trimmers using dust collection to prevent fugitive emissions;
(34) Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume

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hoods or vents;

(35) Routine calibration and maintenance of laboratory equipment or other analytical instruments;

(36) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis;

(37) Hydraulic and hydrostatic testing equipment;

(38) Environmental chambers not using HAP gases;

(39) Shock chambers;

(40) Humidity chambers;

(41) Solar simulators;

(42) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted;

(43) Process water filtration systems and demineralizers;

(44) Demineralized water tanks and demineralizer vents;

(45) Boiler water treatment operations, not including cooling towers;

(46) Oxygen scavenging (deaeration) of water;

(47) Ozone generators;

(48) Fire suppression systems;

(49) Emergency road flares;

(50) Steam vents and safety relief valves;

(51) Steam leaks;

(52) Steam cleaning operations; and

(53) Steam sterilizers.

b. Any person may petition the Control Officer for a rule to be adopted to add an activity or emission unit to this list of insignificant activities and emissions which may be excluded from a PART 70 Operating Permit application. The petition shall include the following information:

(1) A complete description of the activity or emission to be added to the list;

(2) A complete description of all air contaminants that may be emitted by the activity or emission, including emission rate, air pollution control equipment, and calculations used to determine emissions; and

(3) An explanation of why the activity or emission should be exempted from the application requirements for an operating permit.

c. The Control Officer shall review, on a case-by-case basis, insignificant activities for an individual PART 70 source that are listed in the application but do not require a detailed description. No activity with the potential to emit greater than two (2) tpy of any criteria pollutant, five (5) tpy of a combination of criteria pollutants, five hundred (500) pounds per year of any HAP, or one (1) tpy of a combination of HAPs shall be eligible to be determined an insignificant activity under paragraph 030.510.B.5.

6. PERMIT CONTENT: STANDARD REQUIREMENTS. Each PART 70 Operating Permit shall include the following elements:

a. Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance or that

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become effective within the term of the permit:

(1) The permit shall specify, and reference the origin of and authority for, each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
(2) Where an applicable requirement is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, "Acid Deposition Control," both provisions shall be incorporated into the permit.
(3) If the Nevada SIP allows a determination of an alternative emissions limit at a PART 70 source, equivalent to that contained in the SIP, to be made during the permit issuance, renewal, or significant revision process, and the Control Officer elects to use such process, any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

b. All terms and conditions of any Permit to Construct, to the extent that such terms and conditions apply to operations. The permit shall identify those terms and conditions and the authority upon which they are based, and shall contain a statement that any changes to any such terms and conditions must be processed in accordance with the applicable permit revision procedures in PART 030.500, paragraph 030.510.B.13 or paragraph 030.510.B.14, and applicable SIP requirements;
c. Permit duration.

(1) The Control Officer shall issue permits for a fixed term of five (5) years in the case of "acid rain" sources, and for a term not to exceed five (5) years in the case of all other sources.
(2) Notwithstanding paragraph 030.510.B.6.c.(1), the Control Officer shall issue permits for solid waste incineration units combusting municipal waste and subject to a standard under SECTION 129(e) of the Act shall be issued for a period not to exceed twelve (12) years and shall review such permits at least every five (5) years.
(3) A condition or requirement in a PART 70 Operating Permit that incorporates conditions from a Permit to Construct derived from PARTS 030.300 and 030.400 requirements shall remain in effect and enforceable after expiration or termination of the PART 70 Operating Permit in which they are contained;

d. Monitoring and related recordkeeping and reporting requirements.

(1) Each permit shall contain the following requirements with respect to monitoring:

(a) All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including 40 CFR PART 64, and any other procedures and methods that may be promulgated pursuant to SECTIONS 114(a)(3) or 504(b) of the Act. If more than one (1) monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;
(b) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, compliance monitoring may consist of recordkeeping

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designed to serve as monitoring or periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(2) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

i. The date, place as defined in the permit, and time of sampling or measurements;
ii. The dates analyses were performed;
iii. The company or entity that performed the analyses;
iv. The analytical techniques or methods used;
v. The results of such analyses; and
vi. The operating conditions as existing at the time of sampling or measurement.

(b) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(3) For sources that contain emissions units subject to 40 CFR PART 64 (Compliance Assurance Monitoring, or CAM), the following general terms and conditions shall become terms and conditions of the permit:

(a) The permittee shall install, calibrate, maintain, and operate a monitoring system according to the manufacturer's specifications or other written procedures that provide adequate assurance that the system would reasonably be expected to function in accordance with the requirements in 40 CFR PART 64.7.
(b) At all times, the permittee shall properly maintain the monitoring system, including, but not limited to, maintaining PARTs if necessary for routine repairs of the monitoring system.
(c) The permittee shall collect data at all required intervals during emissions unit operation, except for, as applicable, monitoring malfunctions, repairs associated with monitoring malfunctions, and required quality assurance or control activities, as follows:

i. Data recorded during monitoring malfunctions, repairs associated with malfunctions, and required quality assurance or control activities shall not be used for purposes of CAM.
ii. The permittee shall maintain records of the beginning date and time, ending date and time, and cause (including unknown cause, if applicable) for monitoring downtime incidents (other than downtime associated with zero and span or other daily

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calibration checks, if applicable).

iii. The permittee shall use all data collected during all periods other than those identified in paragraph 030.510.B.6.d.(3)(c)i in assessing the operation of the control device and associated control system.

iv. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures caused in PART by poor maintenance or careless operation are not malfunctions and shall be considered deviations.

(d) All incidents of monitoring downtime recorded under paragraph 030.510.B.6.d.(3)(c)i shall be reported pursuant to paragraph 030.510.B.6.d.(4).

(e) The permittee shall comply with the requirements of an approved CAM quality improvement plan, if required by the Control Officer.

(4) With respect to reporting, the permit shall incorporate all applicable reporting requirements, including those in 40 CFR PART 64.9(a), if applicable, and require all of the following:

(a) Submittal of reports of any required monitoring every six (6) months, or more frequently if specified by an applicable requirement or by the Control Officer. All instances of deviations from permit requirements, including monitoring downtime, must be clearly identified in such reports. All required monitoring reports submitted must be certified by a responsible official pursuant to paragraph 030.510.B.4;

(b) Reporting of deviations from permit requirements, including those attributable to malfunction, startup, or shutdown. Deviations shall be reported promptly. All reports of deviations shall identify the probable cause of the deviations and any corrective actions or preventative measures taken. "Promptly," for purposes of reporting, shall mean as follows:

i. A deviation caused by excess emissions shall be reported according to the requirements of SECTION 030.040.A

ii. The owner or operator of any source shall report to the Control Officer emissions that are in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health, safety or the environment as soon as possible, but in no case later than twelve (12) hours after the deviation is discovered, with a written report submitted within two (2) business days of the occurrence.; and

iii. All other deviations shall be reported within six (6) months of the date the permittee first learns of the deviation.

(c) Written Report of Deviations. A written report must be submitted at the time specified in paragraph 030.510.B.6.d.(4)(b). This form does not provide an exemption from reporting all malfunctions or emergencies, which shall be reported according to PART 030.040. All deviation reports submitted must be certified by a responsible official.

(5) Claims of confidentiality shall be governed by SECTION 020.000.D

e. Acid Rain Allowances. For Title IV affected sources, a permit condition prohibiting emissions

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exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder:

(1) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that such increases do not require a permit revision under any other applicable requirement.
(2) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
(3) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.

f. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit;
g. Standard provisions stating the following:

(1) The permittee must comply with all conditions of the PART 70 Operating Permit. Any permit noncompliance may constitute a violation of CHAPTER 030, Nevada law, and the Act, and is grounds for any of the following: enforcement action; permit termination; revocation and re-issuance; revision; or denial of a permit renewal application.
(2) The need to halt or reduce activity is not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(3) The permit may be revised, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
(4) The permit does not convey any property rights of any sort, or any exclusive privilege.
(5) The permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.
(6) On a timely basis, the permittee shall meet all applicable requirements that become effective during the permit term.

h. Emission Fee. A provision to ensure that the source pays fees consistent with PART 020.200.
i. Emissions Programs. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes, for changes that are provided for in the permit;
j. Alternative Operating Scenarios. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions:

(1) Shall require the source, contemporaneously with making a change from one (1) operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

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(2) Shall extend the permit shield to all terms and conditions under each such operating scenario; and
(3) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of PART 030.510.

k. Emissions Trading. Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements and the Nevada SIP provide for trading such increases and decreases without a case-by-case approval by the Control Officer and the trading is necessary solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of any otherwise applicable requirements. Such terms and conditions:

(1) Shall include all terms required to determine compliance, including replicable procedures and permit terms that ensure that emissions trades are quantifiable and enforceable;
(2) Shall extend the permit shield to all terms and conditions that allow such increases and decreases in emissions; and
(3) Shall ensure that the terms and conditions meet all applicable requirements and that the permitting of affected sources occurs in accordance with the deadlines in Title IV of the Act and the regulations promulgated thereunder.

l. Any application form, report, or compliance certification submitted pursuant to CHAPTER 030 shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this PART shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete; and
m. The permit shall specify that any person who has been issued a permit under PART 030.510 shall post such permit in a location which is clearly visible and accessible to the facility's employees and representatives of the department.

7. PERMIT CONTENT: FEDERALLY ENFORCEABLE REQUIREMENTS

a. Except as provided in paragraph 030.510.B.7.b, all terms and conditions in a PART 70 Operating Permit, including any provisions designed to limit a source's PTE, are enforceable by EPA and by citizens pursuant to a citizen's suit filed under the Act.
b. Notwithstanding paragraph 030.510.B.7.a, applicable requirements that are not required by the Act or implementing federal regulations shall be included in the permit, but shall be specifically designated as being not federally enforceable and not enforceable by a citizen's suit pursuant to the Act and shall be designated as "county-only requirements." Terms and conditions so designated are not subject to the requirements that apply to permit review by EPA and affected states.
c. The Control Officer shall determine which conditions are "county-only requirements" in each PART 70 Operating Permit.

8. PERMIT CONTENT: COMPLIANCE REQUIREMENTS. All PART 70 Operating Permits shall contain all of the following elements with respect to compliance:

a. Compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document,

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including any report, required to be submitted pursuant to SECTION 030.510.B shall contain a certification by a responsible official that meets the requirements of paragraph 030.510.B.4;

b. Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Control Officer or an authorized representative to enter the permittee's premises where a PART 70 source is located or emissions related activity is conducted and to:

(1) Have access to and copy any records that must be kept under the conditions of the permit;
(2) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
(3) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and
(4) Document alleged violations using devices such as cameras or video equipment.

c. A schedule of compliance consistent with paragraph 030.510.B.3.j and 40 CFR PART 70.5(c)(8);

d. Progress reports consistent with an applicable schedule of compliance to be submitted semiannually, or at a more frequent period if specified in the applicable requirement or by the Control Officer. Such progress reports shall contain all of the following:

(1) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
(2) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

e. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include all of the following:

(1) Annual submission of compliance certification, or more frequently if specified in the applicable requirement or by the Control Officer;
(2) In accordance with paragraph 030.510.B.6.d, a means for monitoring the compliance of the source with its emission limitations, standards, and work practices;
(3) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may reference the permit or previous reports, as applicable):

(a) The identification of each term or condition of the permit that is the basis of the certification;
(b) The identification of the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR PART 70.6(a)(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with SECTION 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;
(c) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means

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designated in paragraph 030.510.B.8.e.(3)(b). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance (as defined under 40 CFR PART 64) occurred; and

(d) Such other facts as the Control Officer may require to determine the compliance status of the source.

(4) A requirement that all compliance certifications be submitted to EPA as well as to the Control Officer.

f. Such additional requirements as may be specified pursuant to SECTION 114(a)(3) of the Act, "Enhanced Monitoring and Compliance Certification," and SECTION 504(b) of the Act, "Monitoring and Analysis."

9. PERMIT CONTENT: PERMIT SHIELD

a. Except as otherwise provided in paragraph 030.510.B.9, the Control Officer may include in each PART 70 Operating Permit a permit shield provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(1) Such applicable requirements are included and are specifically identified in the permit; or
(2) The Control Officer, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

b. A PART 70 Operating Permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

c. Nothing in this paragraph or in any operating permit shall alter or affect any of the following:

(1) The provisions of SECTION 303 of the Act, "Emergency Orders," including the authority of the Administrator under that section;
(2) The applicable requirements of the Acid Rain Program, consistent with SECTION 408(a) of the Act;
(3) The ability of the Control Officer to obtain information from a source, and the ability of EPA to obtain information from a source, under SECTION 114 of the Act, "Inspection, Monitoring, and Entry"; and
(4) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

10. PERMIT ISSUANCE: ACTION ON APPLICATION

a. A permit, permit revision, or permit renewal may be approved only if all of the following conditions have been met:

(1) The Control Officer has received a complete application for a permit, permit revision, or

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permit renewal, except that a complete application need not be received before a PART 70 general permit is issued pursuant to paragraph 030.510.B.20;

(2) Except for revisions qualifying as administrative, the Control Officer has complied with the applicable requirements for public Participation in paragraph 030.510.B.17;

(3) The Control Officer has complied with the requirements for notifying and responding to EPA and affected states under paragraph 030.510.B.18.b;

(4) The conditions of the permit provide for compliance with all applicable requirements and the requirements of PART 030.510; and

(5) EPA has received a copy of the proposed permit or permit revision and any notices required under paragraphs 030.510.B.18.a and 030.510.B.18.b, and has not objected to issuance of the permit under paragraph 030.510.B.18.c within the time period specified therein.

b. Except as provided under regulations promulgated under Title IV of the Act for the permitting of Title IV affected sources under the Acid Rain Program, the Control Officer shall take final action on each permit application, including a request for permit revision or renewal, within eighteen (18) months after the date the application is determined to be complete.

c. The Control Officer shall provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions or conditions in an applicable Permit to Construct. The Control Officer shall send this statement to EPA along with each proposed PART 70 Operating Permit and to any other person who requests it.

d. Upon issuance of a PART 70 Operating Permit or revision to that permit, any Permit to Construct issued for an emissions unit subject to that permit or revision is terminated for that emissions unit. However, the terms and conditions of the Permit to Construct remain in effect, in accordance with paragraph 030.510.B.6.

e. The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Title I of the Act.

11. PERMIT RENEWAL AND EXPIRATION

a. Permits being renewed are subject to the same procedural requirements, including those for public Participation and affected state and EPA review, that apply to initial permit issuance.

b. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted.

c. If a timely and complete renewal application is submitted and the Control Officer fails to issue or deny the renewal permit before the end of the term of the current permit, then all of the terms and conditions of the current permit, including the permit shield, shall remain in effect until renewal or denial.

d. Except as provided in paragraph 030.510.B.12.b and paragraphs 030.510.B.14.a and 030.510.B.14.b, no PART 70 source may operate after the time that it is required to submit a timely and complete application under SECTION 030.510.B except in compliance with a permit issued thereunder. If a PART 70 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a PART 70 Operating Permit is not a violation of PART 030.510 until the Control Officer takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application.

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12. PERMIT REVISION: CHANGES THAT DO NOT REQUIRE A PERMIT REVISION

a. A PART 70 source may make changes that are not addressed or prohibited by the permit without a permit revision, unless such changes are subject to any requirements under Title IV of the Act or are modifications under any provisions of Title I of the Act.

(1) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
(2) Sources must provide at least seven (7) days written notice to the Control Officer and EPA of each such change, except for changes that qualify as insignificant under paragraph 030.510.B.5. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
(3) The change shall not qualify for a permit shield.
(4) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

b. A PART 70 source may make changes without requiring a permit revision if the changes are defined as SECTION 502(b)(10) changes under the Act, are not modifications under any provisions of Title I of the Act, and do not exceed the emissions allowable under the permit (whether expressed in the permit as a rate of emissions or in terms of total emissions). For each such change, the written notification required by paragraph 030.510.B.12.a.(2) shall apply. The change shall not qualify for a permit shield.

13. PERMIT REVISION: ADMINISTRATIVE PERMIT REVISION

a. An administrative permit revision is a permit revision that:

(1) Corrects typographical errors;
(2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
(3) Requires more frequent monitoring or reporting by the permittee;
(4) Allows for a change in ownership or operational control of a source if the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Control Officer;

b. Administrative permit revisions for purposes of the "acid rain" portion of the permit shall be governed by regulations promulgated under Title IV of the Act.
c. Administrative Permit Revisions Procedures. An administrative permit revision may be made by the Control Officer consistent with the following:

(1) The Control Officer shall take no more than thirty (30) calendar days from receipt of a request for an administrative permit revision to take final action on such request, and may incorporate such changes without providing notice to the public or affected states, provided that the Control Officer designates any such permit revisions as having been made pursuant to an administrative permit revision.

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(2) The Control Officer shall submit a copy of the revised permit to EPA.

d. The source may implement the changes addressed in the request for an administrative revision immediately upon submittal of the request.

e. The Control Officer shall, upon taking final action for an administrative permit revision, allow coverage by the permit shield for administrative permit revisions which meet the relevant requirements of paragraph 030.510.B.13.c and paragraph 030.510.B.14.c for significant permit revisions.

14. PERMIT REVISIONS: MINOR AND SIGNIFICANT. A significant permit revision is any revision to a PART 70 Operating Permit that cannot be accomplished under paragraph 030.510.B.14 for minor or administrative permit revisions. Any permit revision for purposes of the "acid rain" portion of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act and shall require a significant permit revision.

a. Minor Permit Revision Procedures.

(1) Criteria. Minor permit revision procedures may be used only for those permit revisions that:

(a) Do not violate any applicable requirement, including any provision of the Nevada SIP (including specific control strategies);
(b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
(c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
(d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement, and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such term or condition would include a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Act, or an alternative emissions limit approved pursuant to regulations promulgated under SECTION 112(i)(5) of the Act, "Early Reduction";
(e) Incorporates into the permit the terms and conditions of a Permit to Construct for a modification if the terms and conditions were subject to the procedures prescribed by paragraph 030.400.P.6; or
(f) Incorporates into the permit the terms and conditions in a Permit to Construct issued pursuant to paragraphs 030.500.C.3 or 030.500.C.4 if the terms and conditions were adopted under the procedures prescribed by 030.400.P.6.
(g) Are not modifications under any provision of Title I of the Act; and
(h) Are not modifications subject to paragraph 030.500.C.1.a.(8).

(2) Emissions Trading. Minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor PART 70 Operating Permit revision procedures are explicitly provided for in the Nevada SIP or an applicable requirement.

(3) Application. A permittee shall submit a standard application form provided by the department requesting a minor permit revision. The form shall include all of the following:

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(a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
(b) The source's suggested draft minor permit revision language;
(c) Certification by a responsible official that the proposed revision meets the criteria for a minor permit revision; and
(d) The information the Control Officer needs in order to notify EPA and affected states.

(4) EPA and Affected State Notification. Within five (5) working days of receipt of a complete minor permit revision application, the Control Officer shall notify EPA and affected states of the requested permit revision.
(5) Timetable for Approval. The Control Officer may not issue a final permit revision approval until after EPA's 45-day review period or until EPA has notified the Control Officer that EPA will not object to issuance of the permit revision, whichever is first. Within ninety (90) calendar days after the date the application is determined to be complete or fifteen (15) calendar days after the end of EPA's 45-day review period under this paragraph, whichever is later, the Control Officer shall:

(a) Issue the permit revision as proposed;
(b) Deny the permit revision;
(c) Determine that the requested revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures; or
(d) Revise the draft minor permit revision and transmit to EPA the new proposed revision. Transmittal to EPA initiates the approval process described in paragraph 030.510.B.18.a.

(6) Permit Shield. A permit shield shall not extend to minor permit revisions.

b. Group Processing of Minor Permit Revisions. Consistent with this paragraph, the Control Officer may modify the procedure outlined in paragraph 030.510.B.14.a to process groups of a source's applications for certain modifications eligible for minor permit revision processing.

(1) Criteria. Group processing of modifications may be used only for those permit revisions:

(a) That are minor permit revisions; and
(b) That collectively are below the following threshold levels: ten (10) percent of the emissions allowed by the permit for the emissions unit for which the change is requested, twenty (20) percent of the applicable definition of major stationary source in PART 030.300, PART 030.400, and PART 030.510, five (5) tpy, whichever is less.

(2) Application. An application requesting the use of group processing procedures shall include the following:

(a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
(b) The source's suggested draft permit revision language;
(c) Certification by a responsible official that the proposed revision meets the criteria for use of group processing procedures, and a request that such procedures be used;

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(d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested revision, aggregated with these other applications, equals or exceeds the threshold set under paragraph 030.510.B.14.b.(1)(b);
(e) Certification that the source has notified EPA of the proposed revision. Such notification need only contain a brief description of the requested revision; and
(f) Completed forms for the Control Officer to use to notify EPA and affected states of the revisions for which group processing is sought.

(3) EPA and Affected State Notification. On a quarterly basis or within five (5) business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under paragraph 030.510.B.14.b.(1)(b), whichever is earlier, the Control Officer shall notify EPA and affected states of the requested permit revisions.
(4) Timetable for Issuance. The provisions of paragraph 030.510.B.14.a.(5) shall apply to modifications eligible for group processing, except that the Control Officer shall take one (1) of the specified actions within one hundred eighty (180) days of receipt of the application or fifteen (15) days after the end of EPA's 45-day review period under paragraph 030.510.18.c.
(5) Permit Shield. Revisions eligible for group processing shall not be entitled to the permit shield.

c. Significant Permit Revision Procedures.

(1) Criteria. Significant permit revision procedures shall be used for applications requesting permit modifications that do not qualify as minor permit revisions or as administrative permit revisions, including the creation of a PAL pursuant to SECTION 030.400.S. At a minimum, every significant change in existing monitoring permit terms or conditions, and every relaxation of reporting or recordkeeping permit terms or conditions, shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with this PART that would render existing permit compliance terms and conditions irrelevant.
(2) Significant permit revisions shall meet all requirements for issuance and renewal of a PART 70 Operating Permit under paragraph 030.510.B.10 and paragraph 030.510.B.11, including those for applications, public Participation, review by affected states, and review by EPA, as they apply to permit issuance and permit renewal. The Control Officer shall complete review of significant permit revisions within twelve (12) months after the date the application is determined to be complete.

15. PERMIT REVISION: REOPENING FOR CAUSE

a. Each PART 70 Operating Permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

(1) New applicable requirements become applicable to a PART 70 source that is a major stationary source under PART 030.300, PART 030.400, or 40 CFR PART 70.3(a)(1) with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such

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reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire unless the original permit or its terms and conditions has been extended pursuant to paragraph 030.510.B.11.c;

(2) Additional requirements (including excess emissions requirements) become applicable to an affected source under the Acid Rain Program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

(3) The Control Officer or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(4) The Administrator or the Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

b. PAL conditions are to be revised under paragraph 030.300.I.8 or paragraph 030.400.S.8.b.

c. Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance, and shall affect only those PARTs of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

d. Reopenings under paragraph 030.510.B.15.a.(1) shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least thirty (30) days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.

16. *PERMIT REVISION: REOPENINGS FOR CAUSE BY EPA*

a. The Control Officer shall, within ninety (90) days after receipt of notification that EPA finds that cause exists to terminate, revise, or revoke and reissue a permit, forward to EPA a proposed determination of termination, revision, or revocation and reissuance, as appropriate. The Control Officer may request a 90-day extension if a new or revised permit application is necessary or if the Control Officer determines that the permittee must submit additional information.

b. The Administrator will review the proposed determination from the permitting authority within ninety (90) days of receipt.

c. The Control Officer shall have ninety (90) days from receipt of an EPA objection to resolve the objection and to terminate, revise, or revoke and reissue the permit in accordance with the Administrator's objection.

d. If the Control Officer fails to submit a proposed determination pursuant to paragraph 030.510.B.16.a, or fails to resolve the Administrator's objection pursuant to paragraph 030.510.B.16.b, the Administrator will terminate, modify, or revoke and reissue the permit after taking the following actions:

(1) Providing at least thirty (30) days notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in paragraph 030.510.B.16.a through paragraph 030.510.B.16.c; and

(2) Providing the permittee an opportunity for comment on the Administrator's proposed action and an opportunity for a hearing.

17. *PUBLIC PARTICIPATION. The Control Officer shall provide for public notice, comment, and an opportunity for a hearing on initial permit issuance, significant revisions, reopenings for cause, and renewals in accordance with the following procedures.*

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a. *Notice shall be given by one (1) of the following methods: By publishing the notice in a newspaper of general circulation in the area where the source is located (or in a State publication designed to give general public notice) or by posting the notice, for the duration of the public comment period, on a public Web site identified by the permitting authority, if the permitting authority has selected Web site noticing as its "consistent noticing method."*
b. *The notice shall identify the PART 70 source; the name and address of the permittee; the activity or activities involved in the permit action; the emissions change involved in any permit revision; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials (including any compliance plan or compliance and monitoring certifications), and all other materials available to the Control Officer that are relevant to the permit decision; a brief description of the comment procedures; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.*
c. *The Control Officer shall provide such notice and opportunity for Participation by affected states as provided for by paragraph 030.510.B.18.*
d. *Timing. The Control Officer shall provide at least thirty (30) days for public comment and shall give notice of any public hearing at least thirty (30) days in advance of the hearing.*
e. *The Control Officer shall keep a record of the commenters and also of the issues raised during the public Participation process, and such records shall be available to the public and to EPA.*

18. *PERMIT REVIEW BY EPA AND AFFECTED STATES*

a. *Transmission of Information to EPA.*

(1) *The Control Officer shall provide to EPA a copy of each permit application, including any application for permit revision, each proposed permit, and each final operating permit, unless the Administrator has waived this requirement for a category of sources, including any class, type, or size within such category. The applicant may be required by the Control Officer to provide a copy of the permit application, including the compliance plan, directly to EPA. Upon agreement with EPA, the Control Officer may submit to EPA a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in a computer-readable format compatible with EPA's national database management system.*
(2) *The Control Officer shall keep for five (5) years such records and submit to EPA such information as EPA may reasonably require to ascertain whether the Operating Permit Program complies with the requirements of the Act or of 40 CFR PART 70.*

b. *Review by Affected States*

(1) *The Control Officer shall give notice of each draft permit to any affected state on or before the time that the Control Officer provides this notice to the public under paragraph 030.510.B.17.a, except to the extent that paragraphs 030.510.B.14.a or 030.510.B.14.b requires the timing of the notice to be different.*
(2) *The Control Officer, as PART of the submittal of the proposed permit to EPA, or as soon as possible after the submittal for minor permit revision application, shall notify EPA and any*

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affected state in writing of any refusal by the Control Officer to accept all recommendations for the proposed permit that the affected state submitted during the public or affected state review period. The notice shall include the Control Officer's reasons for not accepting any such recommendation. The Control Officer is not required to accept recommendations that are not based on applicable requirements or the provisions of SECTION 030.510.B.

c. EPA Objection

(1) If EPA objects to the issuance of a permit in writing within forty-five (45) days of receipt of the proposed permit and all necessary supporting information, then the Control Officer shall not issue the permit.
(2) Failure of the Control Officer to do any of the following shall constitute grounds for an objection by EPA:

(a) Comply with paragraphs 030.510.B.18.a or 030.510.B.18.b;
(b) Submit any information necessary to adequately review the proposed permit; or
(c) Process the permit under the procedures in paragraph 030.510.B.17.

(3) If the Control Officer fails, within ninety (90) days after the date of an objection by EPA, to revise and submit a proposed permit in response to the objection, EPA may issue or deny the permit in accordance with the requirements of the federal program promulgated under 40 CFR PART 71.

d. Public Petitions to EPA. If EPA does not object in writing under paragraph 030.510.B.18.c, any person may petition EPA under the provisions of 40 CFR PART 70.8(d) within sixty (60) days after the expiration of EPA's 45-day review period to make such objection. If EPA objects to the permit as a result of a petition, the Control Officer shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in paragraph 030.510.B.17, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Control Officer has issued a permit prior to receipt of an EPA objection under this paragraph, EPA may modify, terminate, or revoke such permit consistent with the procedures in 40 CFR PART 70.7(g), except in unusual circumstances, and the Control Officer may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

e. Prohibition on Default Issuance. The Control Officer shall not issue an operating permit, including a permit renewal or revision, until affected states and EPA have had an opportunity to review the proposed permit as required under paragraph 030.510.B.18.

19. TEMPORARY SOURCES

a. The Control Officer may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one (1) change of location during the term of the permit. No acid

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rain source or a source subject to the provisions of SECTION 112 of the Act shall be permitted as a temporary source. Permits for temporary sources shall include the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations;
(2) Requirements that the owner or operator notify the Control Officer at least ten (10) days in advance of each change in location; and
(3) Conditions that assure compliance with all other provisions of CHAPTER 030.

20. ***PART 70 GENERAL PERMIT***

a. The Control Officer may, after notice and opportunity for public Participation provided under 40 CFR PART 70.7(h), issue a PART 70 general permit covering numerous similar PART 70 sources.
b. Any general permit shall comply with all requirements applicable to other PART 70 Operating Permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Control Officer shall grant the conditions and terms of the general permit. Notwithstanding the shield provisions of paragraph 030.510.B.9, the source shall be subject to enforcement action for operation without a PART 70 Operating Permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be authorized for affected sources under the Acid Rain Program unless otherwise provided in regulations under Title IV of the Act.
c. PART 70 sources that would qualify for a general permit must apply to the Control Officer for coverage under the terms of the general permit, or must apply for an individual PART 70 Operating Permit. The Control Officer may, in the general permit, provide for applications which deviate from the requirements of paragraph 030.510.B.3, provided that such applications meet the requirements of paragraph 030.510.B.20 and include all information necessary to determine qualification of, and to assure compliance with, the general permit. Without repeating the public Participation procedures required under paragraph 030.510.B.17, the Control Officer may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.
d. If the Administrator does not object within forty-five (45) calendar days after receiving a proposed PART 70 general permit which covers stationary Sources that would otherwise be required to apply for individual PART 70 Operating Permits, the general permit becomes effective at the end of the forty-five (45) calendar day period. If the Administrator objects to the general permit, the PART 70 general permit becomes effective only when the objection is resolved.
e. After the effective date of a PART 70 general permit, the owner or operator of any stationary source that meets the criteria set forth in the PART 70 general permit may request authority to operate under the PART 70 general permit. The request must be in writing and must include all information required by the PART 70 general permit.

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