

# State of Nevada

## Current Approved Applicable State Implementation Plan<sup>1</sup>

Through and including 4/16/08 Final FR Actions

January 28, 1972 - April 16, 2008

**EXPLANATION:**

Gray = Provision approved for rescission by EPA 12/18/06 (71FR75690 re excess emissions), but not finalized.

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Approved Reference:		State Implementation Plan Text of Regulations and Articles:	Cite: 40 CFR § 52.1470 Subpart DD
Article #	NAC #		
	445B.001 (Supersedes 445.430)	<b>Definitions.</b> As used in <u>NAC 445B.001 to 445B.3791</u> , inclusive, unless the context otherwise requires, the words and terms defined in <u>NAC 445B.002 to 445B.211</u> , inclusive, have the meanings ascribed to them in those sections. (Supplied in codification; A by Environmental Comm'n, 12-5-84; 10-15-85; 8-22-86; 9-25-87; 10-22-87; 12-15-88; 12-8-89; 9-13-91; 12-26-91; 9-4-92; 10-29-93; 12-13-93; 3-29-94, eff. 11-15-94; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R096-05, 10-31-2005; R189-05, 5-4-2006; R162-06, 9-18-2006; R154-06, 11-13-2006, eff. 1-1-2007)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445.431	"Acid mist" defined. "Acid mist" means sulfuric acid mist, as measured by Method 8 of 40 C.F.R. S 60, Appendix A, or an equivalent or alternative method. [Environmental Comm'n, Air Quality Reg. 1.1, eff. 12-4-76; A 8-28-79]	(c)(25)(i)(A)
	445B.002 (Supersedes 445.432)	<b>"Act" defined.</b> "Act" means the Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended. [Environmental Comm'n, Air Quality Reg. § 1.2, eff. 12-4-76; A 8-28-79]—(Substituted in revision for NAC 445.432)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.004 (Supersedes 445.433)	<b>"Administrator" defined.</b> "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's representative or delegate. [Environmental Comm'n, Air Quality Reg. § 1.2.5, eff. 10-16-80]—(NAC A 10-14-82)—(Substituted in revision for NAC 445.433)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.005 (Supersedes	<b>"Affected facility" defined.</b> "Affected facility" means, with reference to a stationary or temporary source, any apparatus to which a standard is applicable.	(c)(56)(i)(A) 71FR15040

<sup>1</sup> This is the ASIP to the best of NDEP's knowledge; it may vary somewhat from the U.S. EPA version. A proposed updated/replacement ASIP was submitted to EPA on February 16, 2005 with revisions on January 12, 2006, December 8, 2006, June 26, 2007 and August 20, 2007. This "Current" ASIP incorporates all of EPA's final actions on NDEP's submittals through April 16, 2008: the 3/27/06, 12/11/06, 4/20/07, 5/8/07, 4/9/08 and 4/16/08 FR actions and the 1/3, 5/8, 6/13, 11/2/07 and 4/16/08 rescissions.

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	445.434)	[Environmental Comm'n, Air Quality Reg. § 1.3, eff. 12-4-76; A 8-28-79]—(NAC A 10-22-87; 10-30-95)	3/27/2006
	445B.006	<b>“Affected source” defined.</b> “Affected source” means a stationary source subject to the requirements relating to acid rain set forth in 42 U.S.C. §§ 7651 to 7651o, inclusive. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95; R040-01, 10-25-2001)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.009 (Supersedes 445B.435)	<b>“Air-conditioning equipment” defined.</b> “Air-conditioning equipment” means equipment utilized to heat or cool the interior of a building or structure. [Environmental Comm'n, Air Quality Reg. § 1.1, eff. 11-7-75; renumbered as § 1.4, 12-4-76; A 8-28-79]— (Substituted in revision for NAC 445.435)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.436	"Air contaminant" defined. "Air contaminant" means any substance discharged into the atmosphere except water vapor and water droplets. [Environmental Comm'n, Air Quality Reg. 1.2, eff. 11-7-75; renumbered as 1.5, 12-4-76; A 8-28-79]	(c)(25)(i)(A)
	445B.011 (Supersedes 445.437)	<b>“Air pollution” defined.</b> “Air pollution” has the meaning ascribed to it in NRS 445B.115. [Environmental Comm'n, Air Quality Reg. §§ 1.3-1.3.3, eff. 11-7-75; renumbered as § 1.6, 12-4-76; A 8-28-79]— (NAC A by R105-97, 3-5-98)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.015 (Supersedes 445.439)	<b>“Alternative method” defined.</b> “Alternative method” means any method of sampling and analyzing for a regulated air pollutant which is not a reference or equivalent method, but which has been demonstrated to the satisfaction of the director that, in specific cases, it produces results adequate to determine compliance. [Environmental Comm'n, Air Quality Reg. § 1.7, eff. 12-4-76; A 8-28-79]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.018 (Supersedes 445.441)	<b>“Ambient air” defined.</b> “Ambient air” means that portion of the atmosphere which is external to buildings, structures, facilities or installations to which the public has access. [Environmental Comm'n, Air Quality Reg. § 1.4, eff. 11-7-75; renumbered as § 1.9, 12-4-76; A 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.441)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.022 (Supersedes 445.444)	<b>“Atmosphere” defined.</b> “Atmosphere” means all the air surrounding the earth and external to buildings and structures. [Environmental Comm'n, Air Quality Reg. § 1.7, eff. 11-7-75; renumbered as § 1.14, 12-4-76; A and renumbered as § 1.13, 8-28-79]—(Substituted in revision for NAC 445.444)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.445	"Barite" defined. "Barite" means a naturally occurring sulfate of barium, BaSO <sub>4</sub> , which is transparent to opaque and is whitish in color. [Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 1-25-79; renumbered as 1.14, 8-28-79]	(c)(25)(i)(A)
	445.447	"Barite grinding mill" defined. "Barite grinding mill" means any single source designed to reduce crude barite to a finished product. [Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff. 1-25-79]	(c)(25)(i)(A)
	445B.030 (Supersedes 445.457)	<b>“British thermal units” defined.</b> “British thermal units (Btu)” means that quantity of heat required to raise the temperature of one pound of water from 60 degrees Fahrenheit to 61 degrees Fahrenheit at a constant, absolute pressure of 14.7 pounds per square inch (29.92 inches of mercury).	(c)(56)(i)(A) 71FR15040 3/27/2006

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		[Environmental Comm'n, Air Quality Reg. § 1.9, eff. 11-7-75; A and renumbered as § 1.21, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.457)	
	445.458	"Calcine" defined. "Calcine" means the solid materials produced by a roaster. [Environmental Comm'n, Air Quality Reg. 1.22, eff. 12-4-76]	(c)(25)(i)(A)
	445.464	"Coal" defined. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous or lignite as defined by Designation D-388-66 of the American Society for Testing and Materials. [Environmental Comm'n, Air Quality Reg. § 1.29, eff. 12-4-76]	(c)(25)(i)(A)
	445.470	"Colemanite" defined. "Colemanite" means naturally occurring hydrated calcium borate with a molecular formula of Ca <sub>2</sub> B <sub>6</sub> O <sub>11</sub> , 5H <sub>2</sub> O, and which is normally white or colorless. [Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff. 11-17-78]	(c)(25)(i)(A)
	445.471	"Colemanite processing plant" defined. "Colemanite processing plant" means a facility which has the capability of treating colemanite ore for the production of calcined or uncalcined concentrate. Treating may consist of crushing, screening, grinding, transferring, storing, calcining as required and loading. [Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 11-17-78]	(c)(25)(i)(A)
	445B.042 (Supersedes 445.472)	<b>"Combustible refuse" defined.</b> "Combustible refuse" means any waste material which can be consumed by combustion. [Environmental Comm'n, Air Quality Reg. § 1.11, eff. 11-7-75; renumbered as § 1.35, 12-4-76]—(Substituted in revision for NAC 445.472)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.36		Commenced. With respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.	(c)(14)(viii)
	445B.0425 (Supersedes Article 1.38)	<b>"Commission" defined.</b> "Commission" has the meaning ascribed to it in NRS 445B.120. (Added to NAC by Environmental Comm'n, eff. 10-30-95; A by R105-97, 3-5-98)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.42		Construction. Fabrication, erection, or installation of an affected facility.	(c)(14)(viii)
1.43		Contiguous property. Any property under single or joint ownership or operatorship which is in physical contact, touching, near, or adjoining. Public property or public right-of-way shall not be deemed as a break in any contiguous property.	(c)(14)(viii)
	445B.047 (Supersedes	<b>"Continuous monitoring system" defined.</b> "Continuous monitoring system" means the equipment required for monitoring emissions which is used to sample and, if applicable, condition, to analyze, and to provide a permanent	(c)(56)(i)(A) 71FR15040

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	445.480)	record of emissions or process parameters. [Environmental Comm'n, Air Quality Reg. § 1.44, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.480)	3/27/2006
	445.482	"Converter" defined. "Converter" means any vessel in which lead concentrate or bullion is charged and refined. [Environmental Comm'n, Air Quality Reg. 1.46, eff. 12-4-76]	(c)(25)(i)(A)
	445B.051 (Supersedes 445.486)	<b>"Day" defined.</b> "Day" means a 24-hour period which begins at midnight. [Environmental Comm'n, Air Quality Reg. § 1.51, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.486)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.053 (Supersedes 445.488)	<b>"Director" defined.</b> "Director" means the Director of the State Department of Conservation and Natural Resources or his designee or a person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations. [Environmental Comm'n, Air Quality Reg. § 1.19, eff. 11-7-75; renumbered as § 1.53, 12-4-76; A 12-15-77]— (Substituted in revision for NAC 445.488)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.492	"Dryer" defined. "Dryer" means any facility in which a charge of a copper sulfide ore concentrate is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility. [Environmental Comm'n, Air Quality Reg. 1.57, eff. 12-4-76]	(c)(25)(i)(A)
	445B.055	<b>"Effective date of the program" defined.</b> "Effective date of the program" means the date on which the Administrator approves the program. (Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.4915)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.60		Effective date. Upon the filing of the regulations with the Secretary of State, or as specified in the exceptions contained in NRS 233B.070.	(c)(14)(vii)
	445B.056	<b>"Emergency" defined.</b> "Emergency" means any situation arising from a sudden and reasonably unforeseeable event beyond the control of the owner or operator, including an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed an emission limitation contained in the operating permit which is based on a specific type of technology. The term does not include the failure to comply with emission limitations because of the improper design of the source, the lack of preventative maintenance, the careless or improper operation of the source, or any error by the operator. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4955)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.058 (Supersedes 445.499)	<b>"Emission" defined.</b> 1. "Emission" means the act of passing into the atmosphere a regulated air pollutant or a gas stream which contains, or may contain, a regulated air pollutant. 2. The term includes the material passed to the atmosphere.	(c)(56)(i)(A) 71FR15040 3/27/2006

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		[Environmental Comm'n, Air Quality Reg. § 1.22, eff. 11-7-75; renumbered as § 1.65, 12-4-76]—(NAC A by R105-97, 3-5-98)	
	445B.059 (Supersedes 445.500)	<b>“Emission unit” defined.</b> “Emission unit” means a part of a stationary source which emits or has the potential to emit any regulated air pollutant. [Environmental Comm'n, Air Quality Reg. § 1.57.5, eff. 10-16-80]—(NAC A 10-22-87; 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.060	<b>“Enforceable” defined.</b> “Enforceable” means enforceable under federal, state or local law. (Added to NAC by Environmental Comm'n, eff. 10-14-82)—(Substituted in revision for NAC 445.5005)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.061	<b>“EPA” defined.</b> “EPA” means the United States Environmental Protection Agency. (Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5008)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.062 (Supersedes 445.501)	<b>“Equivalent method” defined.</b> “Equivalent method” means any method of sampling and analyzing for a regulated air pollutant which has been demonstrated to the director’s satisfaction to have a consistent and quantitatively known relationship to the reference method under specified conditions. [Environmental Comm'n, Air Quality Reg. § 1.67, eff. 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.063 (Supersedes 445.504)	<b>“Excess emissions” defined.</b> “Excess emissions” means any emission which exceeds any applicable emission limitation prescribed by <u>NAC 445B.001 to 445B.3791</u> , inclusive, or that is contained in an operating permit. The averaging time and test procedures for determining excess emissions must be as specified in the relevant condition or conditions of the operating permit, except that this does not preclude the use, including the exclusive use, of any credible evidence or information relevant to the determination of whether a source would have been in compliance with the applicable requirements if the appropriate performance or compliance test or procedure had been performed to determine excess emissions. [Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 8-29-79]—(NAC A 10-22-87; 12-13-93; R096-05, 10-31-2005)	(c)(66)(i)(A)(3) 73FR19144 04/09/2008
1.72		Existing facility. With reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.	(c)(14)(viii)
1.73		Existing source. Equipment, machines, devices, articles, contrivances, or facilities which are constructed, purchased, or in operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a “new source”.	(c)(14)(viii)
	445.512	"Floating roof" defined. "Floating roof" means a cover of a storage vessel consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained and is	(c)(25)(i)(A)

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		equipped with a seal or seals to close the space between the edge of the roof and wall of the tank. [Environmental Comm'n, Air Quality Reg. 1.78, eff. 12-4-76]	
	445.513	"Fossil fuel" defined. "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating useful heat. [Environmental Comm'n, Air Quality Reg. 1.79, eff. 12-4-76]	(c)(25)(i)(A)
	445B.072 (Supersedes 445.516)	<b>"Fuel" defined.</b> "Fuel" means any form of combustible matter, solid, liquid, vapor or gas which is used to generate energy. [Environmental Comm'n, Air Quality Reg. § 1.28, eff. 11-7-75; renumbered as § 1.82, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.516)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.073 (Supersedes 445.517)	<b>"Fuel-burning equipment" defined.</b> "Fuel-burning equipment" means: 1. Indirect heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion indirectly for the production of useful heat or power. 2. Direct heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion directly for the production of useful heat or power. [Environmental Comm'n, Air Quality Reg. §§ 1.29-1.29.2, eff. 11-7-75; renumbered as § 1.85, 12-4-76]—(NAC A 9-19-90)—(Substituted in revision for NAC 445.517)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.075 (Supersedes Article 1.86)	<b>"Fugitive dust" defined.</b> "Fugitive dust" means emissions of solid, airborne particulate matter which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening. [Environmental Comm'n, Air Quality Reg. § 1.30, eff. 11-7-75; renumbered as § 1.86, 12-4-76; A and renumbered as § 1.75, 10-16-80]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.520)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.077	<b>"Fugitive emissions" defined.</b> "Fugitive emissions" means emissions of any regulated air pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening. [Environmental Comm'n, Air Quality Reg. § 1.75.5, eff. 10-16-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.080 (Supersedes 445.525)	<b>"Garbage" defined.</b> "Garbage" means putrescible animal or vegetable refuse. [Environmental Comm'n, Air Quality Reg. § 1.31, eff. 11-7-75; renumbered as § 1.89, 12-4-76]—(Substituted in revision for NAC 445.525)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.084	<b>"Hazardous air pollutant" defined.</b> "Hazardous air pollutant" has the meaning ascribed to it in NRS 445B.140. (Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5305)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.086 (Supersedes 445.533)	<b>"Incinerator" defined.</b> "Incinerator" means an engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semisolid, liquid or gaseous waste at specified rates and from which the residues contain little or no combustible material. [Environmental Comm'n, Air Quality Reg. § 1.33, eff. 11-7-75; renumbered as § 1.98, 12-4-76]—(Substituted in revision for NAC 445.533)	(c)(56)(i)(A) 71FR15040 3/27/2006

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	445.536	"Lead" defined. "Lead" means elemental lead or alloys in which the predominant component is lead. [Environmental Comm'n, Air Quality Reg. 1.101, eff. 12-4-76; A and renumbered as 1.98, 8-28-79]	(c)(25)(i)(A)
	445B.091 (Superseded 445.537)	<b>"Local air pollution control agency" defined.</b> "Local air pollution control agency" means any city, county or district air pollution control agency approved by the Commission. [Environmental Comm'n, Air Quality Reg. § 1.36, eff. 11-7-75; renumbered as § 1.103, 12-4-76; A and renumbered as § 1.99, 8-28-79]—(Substituted in revision for NAC 445.537)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.92		"Lowest achievable emission rate" means the emission rate for any source for which an environmental evaluation must be prepared which reflects: a. The most stringent emission rate in the approve implementation plan of any state for any class or category or source, unless the owner or operator of the source demonstrates that such an emission limitation is not achievable; or b. The most stringent emission limitation which is achieved in practice by such class or category or source, whichever is more stringent so long as it is not less stringent than the emission rate allowed by any applicable emission standard established in these regulations.	(c)(16)(i)
1.104		Major stationary source. Any building, structure, facility, or installation which emits or may emit any air contaminant and which contains one or a combination of the following: 1. affected facilities; 2. existing facilities; 3. facilities of the type for which no new source performance standards have been promulgated Article 16.	(c)14)(viii)
	445B.095 (Superseded 445.542)	<b>"Malfunction" defined.</b> "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown are not considered malfunctions. [Environmental Comm'n, Air Quality Reg. § 1.105, eff. 12-4-76; A and renumbered as § 1.101, 8-28-79]— (Substituted in revision for NAC 445.542)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.097	<b>"Maximum allowable throughput" defined.</b> "Maximum allowable throughput" means: 1. The maximum process weight allowed through a continuous or long-run steady-rate operation, per hour; or 2. For cyclical or batch unit operations or unit processes, the total process weight for a 1-hour period. ↪ If any process, operation or the design of any equipment permits more than one interpretation of this section, the interpretation which results in the lesser value of allowable emissions applies. (Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.5435)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.109		Modification. Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.	(c)(14)(viii)

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	445B.103 (Superseded 445.548)	<b>“Monitoring device” defined.</b> “Monitoring device” means the total equipment used to measure and record emissions and process parameters which is required pursuant to 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.601, inclusive, or as a condition of an operating permit. [Environmental Comm’n, Air Quality Reg. § 1.110, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.548)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.106 (Superseded 445.549)	<b>“Multiple-chamber incinerator” defined.</b> “Multiple-chamber incinerator” means any article, machine, equipment contrivance, structure or part of a structure used to dispose of combustible refuse by burning, which consists of three or more refractory lined combustion furnaces in series, physically separated by refractory walls and interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. [Environmental Comm’n, Air Quality Reg. § 1.39, eff. 11-7-75; renumbered as § 1.113, 12-4-76]—(Substituted in revision for NAC 445.549)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.114		New source. Equipment, machines, devices, articles, contrivances, or facilities built or installed on or after the effective date of these regulations.	(c)(14)(viii)
	445B.109 (Superseded 445.552)	<b>“Nitrogen oxides” defined.</b> “Nitrogen oxides” means all oxides of nitrogen except nitrous oxide, as measured by test methods approved by the EPA. [Environmental Comm’n, Air Quality Reg. § 1.116, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.552)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.112	<b>“Nonattainment area” defined.</b> “Nonattainment area” means, for any regulated air pollutant, an area: 1. Which is shown by monitored data or is calculated by air quality modeling or any other method determined by the Administrator to be reliable, to exceed any national standard of ambient air quality for the regulated air pollutant; 2. Which is designated as a nonattainment area by the Governor; and 3. Which is promulgated as a nonattainment area by the Administrator. [Environmental Comm’n, Air Quality Reg. § 1.103, eff. 5-7-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.113	<b>“Nonroad engine” defined.</b> “Nonroad engine” has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997. (Added to NAC by Environmental Comm’n by R117-00, eff. 6-1-2001)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.1135	<b>“Nonroad vehicle” defined.</b> “Nonroad vehicle” has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997. (Added to NAC by Environmental Comm’n by R117-00, eff. 6-1-2001)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.116 (Superseded 445.555)	<b>“Odor” defined.</b> “Odor” means a characteristic of a regulated air pollutant which makes it perceptible to the sense of smell. [Environmental Comm’n, Air Quality Reg. § 1.43, eff. 11-7-75; renumbered as § 1.118, 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.119	<b>“One-hour period” defined.</b> “One-hour period” means any 60-minute period.	(c)(56)(i)(A)

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	(Superseded 445.556)	[Environmental Comm'n, Air Quality Reg. § 1.119, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.556)	71FR15040 3/27/2006												
	445B.121 (Superseded 445.557)	<p><b>“Opacity” defined.</b> “Opacity” means the property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray.</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Opacity (Percent)</th> <th style="text-align: center;">Ringelmann Number</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">20.....</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">40.....</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">60.....</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">80.....</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">100.....</td> <td style="text-align: center;">5</td> </tr> </tbody> </table> <p>[Environmental Comm'n, Air Quality Reg. § 1.44, eff. 11-7-75; renumbered as § 1.120, 12-4-76]—(Substituted in revision for NAC 445.557)</p>	Opacity (Percent)	Ringelmann Number	20.....	1	40.....	2	60.....	3	80.....	4	100.....	5	(c)(56)(i)(A) 71FR15040 3/27/2006
Opacity (Percent)	Ringelmann Number														
20.....	1														
40.....	2														
60.....	3														
80.....	4														
100.....	5														
	445B.122 (Superseded 445.558)	<p><b>“Open burning” defined.</b> “Open burning” means any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney. [Environmental Comm'n, Air Quality Reg. § 1.45, eff. 11-7-75; renumbered as § 1.21, 12-4-76]—(Substituted in revision for NAC 445.558)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006												
	445.559	<p>"Operating permit" defined. "Operating permit" means a document issued and signed by the director approving, with or without restrictions, the operation of a new or existing single source of air contaminants. [Environmental Comm'n, Air Quality Reg. 1.46, eff. 11-7-75; renumbered as 1.122, 12-4-76]</p>	(c)(25)(i)(A)												
	445B.125 (Superseded 445.560)	<p><b>“Ore” defined.</b> “Ore” means a natural combination of minerals from which a metal can be extracted. [Environmental Comm'n, Air Quality Reg. Art. 1 § 3, eff. 11-17-78]—(Substituted in revision for NAC 445.560)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006												
	445B.127 (Superseded 445.561)	<p><b>“Owner or operator” defined.</b> “Owner or operator” means any person who owns, leases, operates, controls or supervises an affected facility or a stationary source of which an affected facility is a part. [Environmental Comm'n, Air Quality Reg. § 1.123, eff. 12-4-76]—(Substituted in revision for NAC 445.561)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006												
	445B.129 (Superseded 445B.562)	<p><b>“Particulate matter” defined.</b> “Particulate matter” means any material except uncombined water that exists in a finely divided form as a liquid or solid at reference conditions. [Environmental Comm'n, Air Quality Reg. § 1.47, eff. 11-7-75; renumbered as § 1.124, 12-4-76]—(Substituted in revision for NAC 445.562)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006												

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	445B.130 (Superseded 445.563)	<b>“Pathological wastes” defined.</b> “Pathological wastes” means human and animal remains consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar stationary sources. [Environmental Comm’n, Air Quality Reg. § 1.48, eff. 11-7-75; renumbered as § 1.125, 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.134 (Superseded 445.564)	<b>NAC 445B.134 “Person” defined.</b> “Person” has the meaning ascribed to it in NRS 0.039 and includes the State of Nevada, political subdivisions, administrative agencies and public or quasi-public corporations. [Environmental Comm’n, Air Quality Reg. § 1.49, eff. 11-7-75; renumbered as § 1.126, 12-4-76]—(NAC A by R151-06, 9-18-2006)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445.565	"Petroleum" defined. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale and coal. [Environmental Comm'n, Air Quality Reg. 1.127, eff. 12-4-76]	(c)(25)(i)(A)
	445B.135	<b>“PM<sub>10</sub>” defined.</b> “PM <sub>10</sub> ” means any particulate matter in the atmosphere with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an approved reference method or equivalent method based on 40 C.F.R. Part 50, Appendix J and designated in accordance with 40 C.F.R. Part 53. (Added to NAC by Environmental Comm’n, eff. 12-26-91)—(Substituted in revision for NAC 445.5655)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.131		Point source. Any stationary source causing emission in excess of 23 metric tons (25 tons) per year of any pollutant for which there is ambient air standard, or without regard to amount of emission, stationary sources such as those listed in 40 CFR 51, Appendix C.	(c)(14)(viii)
	445.570 (proposed)	"Portland cement plant" defined. "Portland cement plant" means any facility manufacturing portland cement by either the wet or dry process. [Environmental Comm'n, Air Quality Reg. 1.132, eff. 12-4-76]	(c)(25)(i)(A)
	445.574	"Precious metal" defined. "Precious metal" means a metal of the gold, silver or platinum metal group. [Environmental Comm'n, Air Quality Reg. Art. 1, § 1, eff. 1-25-79; A 8-28-79]	(c)(25)(i)(A)
	445.575	"Precious metal processing plant" defined. "Precious metal processing plant" means a facility which is primarily engaged in crushing, screening, grinding, handling, loading, transferring or storing any precious metal or precious metal ore. [Environmental Comm'n, Air Quality Reg. Art. 1, § 2, eff. 1-25-79; A 8-28-79]	(c)(25)(i)(A)
	445B.144 (Superseded 445.581)	<b>“Process equipment” defined.</b> “Process equipment” means any equipment used for storing, handling, transporting, processing or changing any material, excluding that equipment specifically defined in NAC 445B.001 to 445B.601, inclusive, as fuel-burning equipment or incinerators. [Environmental Comm’n, Air Quality Reg. § 1.52, eff. 11-7-75; renumbered as § 1.140, 12-4-76]—(Substituted in revision for NAC 445.581)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.145	<b>“Process weight” defined.</b> “Process weight” means the total weight of all materials introduced into an emission unit	(c)(56)(i)(A)

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	(Superseded 445.584)	including solid fuels, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion of the fuel. [Environmental Comm'n, Air Quality Reg. § 1.50, eff. 11-7-75; renumbered as § 1.143, 12-4-76; A and renumbered as § 1.140, 8-28-79]—(NAC A 10-30-95)	71FR15040 3/27/2006
	445.585	"Process weight rate" defined. "Process weight rate" means a rate established as follows: 1. For continuous or long-run steady-rate operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of the period or portions thereof. 2. For cyclical or batch unit operations or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period. 3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this section, the interpretation that results in the minimum value of allowable emission applies. [Environmental Comm'n, Air Quality Reg. 1.51-1.51.3, eff. 11-7-75; renumbered as 1.144, 12-4-76; A and renumbered as 1.141, 8-28-79]	(c)(25)(i)(A)
	445B.151 (Superseded 445.589)	<b>"Reference conditions" defined.</b> "Reference conditions" means that all measurements of ambient air quality are corrected to a reference temperature of 77°F (25°C) and to a reference pressure of 29.92 inches (760 millimeters, 1,013.2 millibars) of mercury. [Environmental Comm'n, Air Quality Reg. § 1.53, eff. 11-7-75; A and renumbered as § 1.147, 12-4-76; A and renumbered as § 1.144, 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.589)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.152 (Superseded 445.590)	<b>"Reference method" defined.</b> "Reference method" means any method of sampling and analyzing for a regulated air pollutant as described in Appendix A of 40 C.F.R. § 60. [Environmental Comm'n, Air Quality Reg. § 1.148, eff. 12-4-76; A and renumbered as § 1.145, 8-28-79]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.592	"Registration certificate" defined. "Registration certificate" means a document issued and signed by the director certifying that: 1. Adequate empirical data for a single source has been received and constitutes approval of location; or 2. An environmental evaluation has been submitted for a point source and that all portions of NAC 445.707 to 445.711, inclusive, and any other provisions of NAC 445.430 to 445.945, inclusive, have been complied with and constitutes approval of location and for construction. [Environmental Comm'n, Air Quality Reg. 1.55, eff. 11-7-75; renumbered as 1.151, 12-4-76; A and renumbered as 1.147, 8-28-79]	(c)(25)(i)(A)
	445B.153	<b>"Regulated air pollutant" defined.</b> "Regulated air pollutant" means: 1. Nitrogen oxides or any volatile organic compounds; 2. Any pollutant subject to:	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008

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		<p>(a) A national ambient air quality standard and any constituents or precursors for such pollutants identified by the Administrator;</p> <p>(b) A standard or requirement adopted pursuant to 42 U.S.C. § 7411; or</p> <p>(c) A standard established pursuant to <u>NAC 445B.22097</u>;</p> <p>3. Any Class I or Class II substance subject to a standard adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive; or</p> <p>4. Any pollutant that otherwise is subject to regulation under the Act, except that any hazardous air pollutant regulated under 42 U.S.C. § 7412 is not a regulated air pollutant unless the hazardous air pollutant is also regulated as a constituent or precursor of an air pollutant listed pursuant to 42 U.S.C. § 7408.</p> <p>(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95; R096-05, 10-31-2005)</p>	
	445.597	<p>"Roaster" defined.</p> <p>"Roaster" means:</p> <p>1. Any facility in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate 10 percent or more of the sulfur contained in the charge; or</p> <p>2. Any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate 5 percent or more of the sulfur contained in the charge.</p> <p>[Environmental Comm'n, Air Quality Reg. 1.156-1.157, eff. 12-4-76]</p>	(c)(25)(i)(A)
	445B.161 (Superseded 445.599)	<p><b>"Run" defined.</b> "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.</p> <p>[Environmental Comm'n, Air Quality Reg. § 1.159, eff. 12-4-76]—(Substituted in revision for NAC 445.599)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.163 (Superseded 445.601)	<p><b>"Salvage operation" defined.</b> "Salvage operation" means any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.</p> <p>[Environmental Comm'n, Air Quality Reg. § 1.157, eff. 11-7-75; renumbered as § 1.161, 12-4-76]—(Substituted in revision for NAC 445.601)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.167 (Superseded Article 1.166)	<p><b>"Shutdown" defined.</b> "Shutdown" means the cessation of operation of an affected facility for any purpose.</p> <p>[Environmental Comm'n, Air Quality Reg. § 1.166, eff. 12-4-76]—(Substituted in revision for NAC 445.606)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.168 (Superseded 445.612)	<p><b>"Single-chamber incinerator" defined.</b> "Single-chamber incinerator" means an incinerator with one chamber that serves for ignition, combustion and ash removal of a design approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.</p> <p>[Environmental Comm'n, Air Quality Reg. § 1.98.1, eff. 3-31-77; A 12-27-77; A and renumbered as § 1.94.1, 8-28-79]—(Substituted in revision for NAC 445.612)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
1.171		<p>Single source. All similar process operations located at a single premise which can technically and economically be replaced by a single process that performs the same function. Two or more pieces of equipment or processes that handle different materials or produce dissimilar products will be treated separately.</p>	(c)(14)(viii)
	445B.172	<p><b>"Six-minute period" defined.</b> "Six-minute period" means any one of the 10 equal parts of a 1-hour period.</p>	(c)(66)(i)(A)

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	(Superseded 445.617)	[Environmental Comm'n, Air Quality Reg. § 1.175, eff. 12-4-76]—(Substituted in revision for NAC 445.617)	73FR19144 4/9/2008
	445.618	"Slag" defined. "Slag" means the more or less completely fused and vitrified matter separated during the reduction of a metal from its ore. [Environmental Comm'n, Air Quality Reg. 1.176, eff. 12-4-76]	(c)(25)(i)(A)
	445B.174 (Superseded 445.621)	<b>"Smoke" defined.</b> "Smoke" means small particles consisting predominantly, but not exclusively, of carbon, ash or other combustible material, resulting from incomplete combustion. [Environmental Comm'n, Air Quality Reg. § 1.59, eff. 11-7-75; renumbered as § 1.179, 12-4-76]—(Substituted in revision for NAC 445.621)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.176 (Superseded 445.622)	<b>"Solid waste" defined.</b> "Solid waste" means refuse, more than 50 percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles and noncombustible materials such as glass and rock. [Environmental Comm'n, Air Quality Reg. § 1.176, eff. 12-4-76]—(Substituted in revision for NAC 445.622)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.177 (Superseded Article 1.181)	<b>"Source" defined.</b> "Source" has the meaning ascribed to it in NRS 445B.155. [Environmental Comm'n, Air Quality Reg. § 1.60, eff. 11-7-75; renumbered as § 1.177, 12-4-76]—(NAC A 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	45B.180 (Superseded 445.624)	<b>"Stack" and "chimney" defined.</b> "Stack" or "chimney" means any flue, conduit or duct which conducts a regulated air pollutant to the atmosphere. [Environmental Comm'n, Air Quality Reg. § 1.62, eff. 11-7-75; renumbered as § 1.178, 12-4-76]—(NAC A 10-14-82; 3-29-94, eff. 11-15-94; 10-30-95)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.182 (Superseded Article 1.185)	<b>"Standard" defined.</b> "Standard" means a standard of performance that is proposed or promulgated by the Administrator or the Director pursuant to NAC 445B.001 to 445B.735, inclusive. [Environmental Comm'n, Air Quality Reg. § 1.180, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94; 7-5-94)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.185 (Superseded 445.627)	<b>"Start-up" defined.</b> "Start-up" means the setting in operation of an affected facility for any purpose. [Environmental Comm'n, Air Quality Reg. § 1.179, eff. 12-4-76]—(Substituted in revision for NAC 445.627)	(c)(56)(i)(A) 71FR15040 3/27/2006
1.187		Stationary source. Any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following: 1. affected facilities; 2. existing facilities; 3. facilities of the type for which no standards have been promulgated.	(c)(14)(viii)
	445B.190 (Superseded 445.630)	<b>"Stop order" defined.</b> "Stop order" means a written notice by the Director served on a person or persons requiring such persons to cease the activity that the Director, pursuant to <u>NAC 445B.277</u> , has determined is in violation of any provision of <u>NAC 445B.001</u> to <u>445B.3791</u> , inclusive, an applicable requirement or any condition of an operating	(c)(66)(i)(A) 73FR19144 4/9/2008

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		permit. [Environmental Comm'n, Air Quality Reg. § 1.63, eff. 11-7-75; renumbered as § 1.184, 12-4-76]—(NAC A 12-13-93)	
	445.633	"Submerged fill pipe" defined. "Submerged fill pipe" means: 1. Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches (15 cm) above the bottom of the tank; or 2. When applied to a tank which is loaded from the side, any fill pipe, the discharge of which is entirely submerged when the liquid level is two times the diameter of the fill pipe above the bottom of the tank. [Environmental Comm'n, Air Quality Reg. 1.64, eff. 11-7-75; renumbered as 1.191, 12-4-76]	(c)(25)(i)(A)
	445B.198 (Superseded 445.647)	<b>"Uncombined water" defined.</b> "Uncombined water" means visible mist or condensed water vapor. [Environmental Comm'n, Air Quality Reg. § 1.65, eff. 11-7-75; renumbered as § 1.205, 12-4-76; A and renumbered as § 1.200, 8-28-79]—(Substituted in revision for NAC 445.647)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445.649	"Violation" defined. "Violation" means any incident of excess emissions, regardless of the circumstances of the occurrence. [Environmental Comm'n, Air Quality Reg. 1.203, eff. 8-28-79]	(c)(25)(i)(A)
	445B.202 (Superseded 445.650)	<b>"Volatile organic compounds" defined.</b> "Volatile organic compounds" has the meaning ascribed to it in 40 C.F.R. § 51.100(s), as incorporated by reference in NAC 445B.221. [Environmental Comm'n, Air Quality Reg. § 1.67, eff. 11-7-75; renumbered as § 1.208, 12-4-76; A and renumbered as § 1.204, 8-28-79]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.650)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.205 (Superseded 445.651)	<b>"Waste" defined.</b> "Waste" means useless, unneeded, or superfluous matter or discarded or excess material. [Environmental Comm'n, Air Quality Reg. § 1.68, eff. 11-7-75; renumbered as § 1.209, 12-4-76; A and renumbered as § 1.205, 8-28-79]—(Substituted in revision for NAC 445.651)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.207 (Superseded 445.653)	<b>"Wet garbage" defined.</b> "Wet garbage" means a combination of waste and garbage which contains more than 50 percent moisture. [Environmental Comm'n, Air Quality Reg. § 1.69, eff. 11-7-75; renumbered as § 1.211, 12-4-76; A and renumbered as § 1.207, 8-28-79]—(Substituted in revision for NAC 445.653)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.209	<b>"Year" defined.</b> "Year" means any consecutive 365-day period. (Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.6535)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.211 (Partially supersedes 445.655; revisions to	<b>Abbreviations.</b> The abbreviations used in NAC 445B.001 to 445B.3497, inclusive, have the following meanings: BACT..... best available control technology Btu..... British thermal unit C.F.R..... Code of Federal Regulations CO <sub>2</sub> ..... carbon dioxide	(c)(56)(i)(A) 71FR15040 3/27/2006

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	this section will be finalized when EPA has completed all action on NDEP's ASIP update (submittal)	°F..... degree Fahrenheit Hg..... mercury H <sub>2</sub> S..... hydrogen sulfide lb..... pound NO..... nitric oxide NO <sub>x</sub> ..... nitrogen oxides O <sub>2</sub> ..... oxygen ppm..... parts per million SO <sub>2</sub> ..... sulfur dioxide VOC..... volatile organic compound  [Environmental Comm'n, Air Quality Reg. § 1.213, eff. 12-4-76; A and renumbered as § 1.209, 8-28-79]—(NAC A 10-15-85; R105-97, 3-5-98; R040-01, 10-25-2001; R125-04, 9-24-2004)	
	445B.220 (Superseded 445.660)	<b>Severability.</b> If any of the provisions of <a href="#">NAC 445B.001</a> to <a href="#">445B.3791</a> , inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application. [Environmental Comm'n, Air Quality Reg. § 2.1.1, eff. 11-7-75]—(NAC A by R105-97, 3-5-98; R189-05, 5-4-2006; R154-06, 11-13-2006, eff. 1-1-2007)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445B.225 (Superseded 445.663)	<b>Prohibited conduct: Concealment of emissions.</b> No person may install, construct or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere. [Environmental Comm'n, Air Quality Reg. § 2.2.1, eff. 11-7-75]—(NAC A 10-22-87; 10-30-95)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445B.227 (Superseded 445.664)	<b>Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure.</b> Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, no person may: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> [Environmental Comm'n, Air Quality Reg. § 2.2.2, eff. 12-15-77]—(NAC A 10-14-82; 10-15-85; 8-22-86; 10-22-87; 3-29-94, eff. 1-11-96; 10-30-95)	(c)(56)(i)(A) 73FR19144 4/9/2008
2.11.7		Judicial review may be had of the granting or denial of a variance as provided in [Chapter 445 of the] Nevada Revised Standards. NOTE: Added back into ASIP after conversation with Jeff Wehling 7/2/2009.	
	445B.229 (Superseded)	<b>Hazardous emissions: Order for reduction or discontinuance.</b> Without limiting the authority of any state officer to declare or to act on an emergency, the Director or local air pollution control agency, upon determining that a	(c)(66)(i)(A) 73FR19144

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	445.665)	generalized condition of air pollution exists or that the emission from one or more stationary sources of regulated air pollutants is causing a danger to human health or safety, may order persons causing or contributing to the air pollution to immediately reduce or discontinue all emission of contaminants. [Environmental Comm'n, Air Quality Reg. § 2.4.1, eff. 11-7-75]—(NAC A 10-30-95)	4/9/2008
	445B.230 (Superseded 445.666)	<b>NAC 445B.230 [445.666] Plan for reduction of emissions.</b> 1. Any person who is able to cause or permit the emission of 100 tons (90.7 metric tons) or more per year of a regulated air pollutant from a stationary source shall prepare and submit to the Director a plan for reducing or eliminating that emission in accordance with the episode stages of alert, warning, and emergency as defined in the applicable state implementation plan. 2. Any person required to have an operating permit who is able to cause or permit the emission of less than 100 tons (90.7 metric tons) per year of a regulated air pollutant shall, upon written notice from the Director, prepare and submit to the Director a plan for reducing or eliminating that emission in accordance with the episode stages of alert, warning, and emergency as defined in the applicable state implementation plan. 3. The written notice required under subsection 2 must be transmitted in accordance with subsection 4 to all persons who are within the same classification of sources as defined in the <i>Standard Industrial Classification Manual</i> , adopted by reference in NAC 445B.221, and who are able to cause or permit the emission of less than 100 tons (90.7 metric tons) per year of a regulated air pollutant. 4. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person. [Environmental Comm'n, Air Quality Reg. §§ 2.4.2-2.4.4, eff. 11-7-75]—(NAC A 10-30-95; R125-04, 9-24-2004; R151-06, 9-18-2006)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445.667	Excess emissions: Scheduled maintenance; testing; malfunctions. 1. Scheduled maintenance or testing approved by the director or repairs which may result in excess emissions of air contaminants prohibited by NAC 445.430 to 445.846, inclusive, must be performed during a time designated by the director as being favorable for atmospheric ventilation. 2. The director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance or repairs which may result in excess emissions of air contaminants prohibited by NAC 445.430 to 445.846, inclusive. 3. The director must be notified of any excess emissions within 24 hours after any malfunction, breakdown, or upset of process or pollution control equipment or during startup of such equipment. Phone (702) 885-4670. 4. The owner or operator of an affected facility shall provide the director, within 15 days after any malfunction, breakdown, upset, startup or human error sufficient information to enable the director to determine the seriousness of the excess emissions. The submission must include as a minimum: (a) The identity of the stack and other emission point or either of them where the excess emissions occurred.	(c)(25)(i)(A)

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		<p>(b) The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable emission limitation and the operating data and methods used in estimating the magnitude of the excess emissions.</p> <p>(c) The time and duration of the excess emissions.</p> <p>(d) The identity of the equipment causing the excess emissions.</p> <p>(e) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions.</p> <p>(f) The steps taken to limit the excess emissions.</p> <p>(g) Documentation that the air pollution control equipment, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.</p> <p>[Environmental Comm'n, Air Quality Reg. 2.5.1-2.5.3, eff. 11-7-75; A 8-28-79; 2.5.4, eff. 11-7-75; 2.5.4.1-2.5.4.7, eff. 8-28-79]</p>	
2.5		Scheduled Maintenance, Testing, and Breakdown or Upset	
2.5.4 (EPA proposed to remove using 110(k)(6) authority 12/18/06)		Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of these regulations.	(c)(11)
	445B.250 (Superseded Art. 2.16.1)	<p><b>NAC 445B.250 Notification of planned construction or reconstruction.</b> Any owner or operator subject to the provisions of NAC 445B.001 to 4445B.3689, inclusive, shall furnish the Director written notification of:</p> <ol style="list-style-type: none"> <li>1. The date that construction or reconstruction of an affected facility is commenced, postmarked no later than 30 days after such date. This requirement does not apply in the case of mass-produced facilities which are purchased in completed form.</li> <li>2. The anticipated date of initial start-up of an affected facility, postmarked not more than 60 days and not less than 30 days before such date.</li> <li>3. The actual date of initial start-up of an affected facility, postmarked within 15 days after such date.</li> <li>4. The date upon which demonstration of the continuous monitoring system performance commences in accordance with NAC 445B.256 to 445B.267, inclusive. Notification must be postmarked not less than 30 days before such date.</li> </ol> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.16.1-2.16.1.5, eff. 12-4-76]—(NAC R 12-13-93, eff. 11-15-94; A 10-30-95; R105-97, 3-5-98; R096-05, 10-31-2005)</p>	(c)(67)(i)(A)(1) 73FR20536 4/16/2008
	445B.252 (Superseded 445.682)	<p><b>NAC 445B.252 [445.682] Testing and sampling.</b></p> <ol style="list-style-type: none"> <li>1. To determine compliance with NAC 445B.001 to 445B.3497, inclusive, before the approval or the continuance of an operating permit or similar class of permits, the director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial start-up of the facility and at such other times as may be required by the director.</li> </ol>	(c)(67)(i)(A) 73FR20536 4/16/2008

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		<p>2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the director:</p> <p>(a) Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology; or</p> <p>(d) Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the director's satisfaction that the affected facility is in compliance with the standard.</p> <p>3. Tests of performance must be conducted under such conditions as the director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.</p> <p>4. The owner or operator of an affected facility shall give notice to the director 30 days before the test of performance to allow the director to have an observer present. A written testing procedure for the test of performance must be submitted to the director at least 30 days before the test of performance to allow the director to review the proposed testing procedures.</p> <p>5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the director's approval.</p> <p>7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the director must be provided and paid for by the owner of the stationary source.</p> <p>8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the director no later than 60 days after the testing or sampling, or both.</p> <p>9. Notwithstanding the provisions of subsection 2, the Director shall not approve an equivalent method or alternative method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:</p> <p>(a) An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or</p> <p>(b) An affected source.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.6.1-2.6.4, eff. 11-7-65; A 12-4-76; §§ 2.6.5-2.6.9, eff. 12-4-76]— (NAC A 10-15-85; 10-22-87; 10-30-95; R065-03, 10-30-2003)</p>	
	445B.256 (Superseded)	<b>Monitoring systems: Calibration, operation and maintenance of equipment.</b> The owners or operators of all stationary sources identified in Appendix P of 40 C.F.R. § 51(1.1) as amended from time to time, are required to install, calibrate, operate and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified	(c)(56)(i)(A) 71FR71486 12/11/2006

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	Art.2.17.10 and 2.17.10.1	in Appendix P for the applicable source category. Those stationary sources must meet the basic requirements of Appendix P of 40 C.F.R. § 51(2.0 et seq.). [Environmental Comm'n, Air Quality Reg. §§ 2.17.10 & 2.17.10.1, eff. 4-4-77]—(NAC A 10-30-95)	
	445B.257 (Superseded Art. 2.17.6 and 2.17.7)	<b>Monitoring systems: Location.</b> 1. All continuous monitoring systems or monitoring devices must be installed so that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems are contained in the applicable Performance Specifications of Appendix B of 40 C.F.R. § 60. [Environmental Comm'n, Air Quality Reg. §§ 2.17.6 & 2.17.7, eff. 12-4-76]—(Substituted in revision for NAC 445.684)	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.258 (Superseded 445.685)	<b>Monitoring systems: Verification of operational status.</b> 2. All continuous monitoring systems and monitoring devices must be installed and operational before conducting performance tests under NAC 445B.252. Verification of operational status must, as a minimum, consist of the following: (a) For continuous monitoring systems referred to in subsection 2 of NAC 445B.259, completion of the conditioning period specified by applicable requirements in Appendix B of 40 C.F.R. Part 60. (b) For continuous monitoring systems referred to in NAC 445B.260, completion of 7 days of operation. (c) For monitoring devices referred to in NAC 445B.256 to 445B.267, inclusive, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device. [Environmental Comm'n, Air Quality Reg. §§ 2.17.1-2.17.2.3, eff. 12-4-76]—(NAC A by R151-06, 9-18-2006)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445B.259 (Superseded 445.686)	<b>Monitoring systems: Performance evaluations.</b> 1. During any performance tests required under NAC 445B.252 or within 30 days thereafter and at such other times as may be required by the Director under § 114 of the Act, the owner or operator of any affected facility shall conduct continuous evaluations of the performance of monitoring systems and furnish the Director within 60 days thereof two or upon request more copies of a written report of the results of such tests. These evaluations must be conducted in accordance with the specifications and procedures provided in this section and NAC 445B.260. 2. Except as provided in NAC 445B.260, continuous monitoring systems listed within this subsection must be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B of 40 C.F.R. Part 60. Continuous monitoring systems for measuring: (a) Opacity of emissions must comply with Performance Specification 1. (b) Nitrogen oxides emissions must comply with Performance Specification 2. (c) Sulfur dioxide emissions must comply with Performance Specification 2. (d) The oxygen and carbon dioxide content of effluent gases must comply with Performance Specification 3. [Environmental Comm'n, Air Quality Reg. §§ 2.17.3 & 2.17.3.1, eff. 12-4-76]—(NAC A by R151-06, 9-18-2006)	(c)(62)(i)(A)(1) 72FR19801 4/20/2007

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	445B.260 (Superseded 445.687)	<p><b>Monitoring systems: Components contracted for before September 11, 1974.</b></p> <p>1. Except as otherwise provided in subsection 2, an owner or operator who, before September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components shall comply with the following requirements:</p> <p>(a) Continuous monitoring systems for measuring opacity of emissions must be capable of measuring, with a confidence level of 95 percent, emission levels within <math>\pm 20</math> percent of the mean value of the data obtained using the applicable reference method set forth in terms of the units of the emission standard. The calibration drift test and associated calculation procedures set forth in Performance Specification 1 in Appendix B of 40 C.F.R. Part 60 must be used for demonstrating compliance with this specification.</p> <p>(b) Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide must be capable of measuring, with a confidence level of 95 percent, emission levels within <math>\pm 20</math> percent of the mean value of the data obtained using the applicable reference method set forth in terms of the units of the emission standard. The calibration drift test, the relative accuracy test and associated operating and calculation procedures set forth in Performance Specification 2 in Appendix B of 40 C.F.R. Part 60 must be used for demonstrating compliance with this specification.</p> <p>2. Owners or operators of all continuous monitoring systems installed on an affected facility before October 6, 1975, are not required to conduct tests under paragraphs (a) and (b) of subsection 1 unless requested by the Director.</p> <p>3. All continuous monitoring systems referred to in subsection 1 must be upgraded or replaced, if necessary, with new continuous monitoring systems, and such improved systems must be demonstrated to comply with applicable performance specifications under NAC 445B.259 by September 11, 1979.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 2.17.3.2 &amp; 2.17.3.3, eff. 12-4-76; A 12-4-77]—(NAC A by R151-06, 9-18-2006)</p>	(c)(62)(i)(A)(1) 72FR19801 4/20/2007
	445B.261 (Superseded 445.688)	<p><b>Monitoring systems: Adjustments.</b> Owners or operators of all continuous monitoring systems installed in accordance with the provisions of NAC 445B.256 to 445B.267, inclusive, shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of the systems unless the manufacturer recommends adjustments at shorter intervals, in which case the recommendations must be followed. The zero and span must, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of 40 C.F.R. § 60 are exceeded.</p> <p>[Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.688)</p>	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.262 (Superseded 445.689)  <b>NOTE:</b> <b>NAC</b> <b>445B.262</b>	<p><b>Monitoring systems: Measurement of opacity.</b></p> <p>1. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases must be cleaned before performing the zero or span drift adjustments, except that for systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. Unless otherwise approved by the director, the following procedures, as applicable, must be followed:</p> <p>(a) For extractive continuous monitoring systems measuring gases, minimum procedures must include introducing</p>	(c)(56)(i)(A) 71FR71486 12/11/2006

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	<b>was given a limited approval/limited disapproval and EPA recommends that Nevada revise the deficient provisions to exclude the Director's discretion conditions.</b>	<p>applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Institute of Standards and Technology reference gases must be used whenever these reference gases are available. The span and zero gas mixtures must be the same composition as specified in Appendix B of 40 C.F.R. Part 60. Every 6 months after the date of manufacture, span and zero gases must be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO<sub>2</sub>, 7 for NO, and 3 for O<sub>2</sub> and CO<sub>2</sub>, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.</p> <p>(b) For nonextractive continuous monitoring systems measuring gases, minimum procedures include upscale checks using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.</p> <p>(c) For continuous monitoring systems measuring opacity of emissions, minimum procedures include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. These procedures must provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.</p> <p>2. Notwithstanding the provisions of subsection 1, the Director shall not approve an equivalent method or alternative method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:</p> <p>(a) An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or</p> <p>(b) An affected source.</p> <p>[Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; § 2.17.4.1, eff. 12-4-76; A 12-15-77; §§ 2.17.4.2 &amp; 2.17.4.3, eff. 12-4-76]—(NAC A by R065-03, 10-30-2003)</p>	
	445B.263 (Superseded 445.690)	<p><b>Monitoring systems: Frequency of operation.</b> Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required by NAC 445B.261, all continuous monitoring systems must be in continuous operation and meet minimum frequency of operation requirements as follows:</p> <p>1. All continuous monitoring systems referred to in NAC 445B.259 and 445B.260 for measuring opacity of emissions must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 10-second period.</p> <p>2. All continuous monitoring systems referred to in NAC 445B.259 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide or oxygen must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period.</p> <p>3. All continuous monitoring systems referred to in NAC 445B.260, except opacity, must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 1-hour period.</p>	(c)(56)(i)(A) 71FR71486 12/11/2006

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		[Environmental Comm'n, Air Quality Reg. §§ 2.17.5-2.17.5.3, eff. 12-4-76]—(Substituted in revision for NAC 445.690)	
	445B.264 (Superseded 445.691)	<p><b>Monitoring systems: Recordation of data.</b> 1. Owners or operators of all continuous monitoring systems for the measurement of opacity shall reduce all data to 6-minute averages and for systems other than opacity to 1-hour averages.</p> <p>2. For systems other than opacity, 1-hour averages must be computed from four or more data points equally spaced over each 1-hour period.</p> <p>3. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages computed under this section. An arithmetic or integrated average of all calibrated data must be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form, e.g., ppm pollutant and percent O<sub>2</sub> or lb/million Btu of pollutant.</p> <p>4. All excess emissions must be converted into units of the standard using the applicable conversion procedures specified in NAC 445B.001 to 445B.3497, inclusive. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in those sections to specify the applicable standard, e.g., rounded to the nearest 1 percent opacity.</p> <p>5. As used in this section, “calibrated data” means data which is precise and accurate within a stated acceptance criteria for the instrument.</p> <p>[Environmental Comm'n, Air Quality Reg. § 2.17.8, eff. 12-4-76]—(NAC A 10-22-87; R118-00, 9-25-2000)</p>	(c)(56)(i)(A) 71FR71486 12/11/2006
	445B.265 (Superseded 445.692)	<p><b>Monitoring systems: Records; reports.</b></p> <p>1. Any owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain records of the occurrence and duration of any start-up, shutdown or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.</p> <p>2. Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions to the director for every calendar quarter. All quarterly reports must be postmarked by the 30th day following the end of each calendar quarter and must include the following information:</p> <p>(a) The magnitude of excess emissions computed in accordance with NAC 445B.256 to 445B.267, inclusive, any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.</p> <p>(b) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns and malfunctions of the affected facility.</p> <p>(c) The nature and cause of any malfunction, if known, the corrective action taken or preventative measures adopted.</p> <p>(d) Specific identification of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of any repairs or adjustments that were made.</p> <p>➤ 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.</p> <p>3. Any owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain a file of all</p>	(c)(56)(i)(A) 71FR71486 12/11/2006

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		<p>measurements, including:</p> <ul style="list-style-type: none"> <li>(a) Continuous monitoring systems, monitoring devices and performance testing measurements;</li> <li>(b) All continuous monitoring system performance evaluations;</li> <li>(c) All continuous monitoring systems or monitoring device calibration checks;</li> <li>(d) Adjustments and maintenance performed on these systems or devices; and</li> <li>(e) All other information required by NAC 445B.256 to 445B.267, inclusive, recorded in a permanent form suitable for inspection.</li> </ul> <p>➔ The file must be retained for at least 2 years following the date of the measurements, maintenance, reports and records. [Environmental Comm'n, Air Quality Reg. §§ 2.16.2-2.16.4, eff. 12-4-76]—(NAC A 7-2-84)—(Substituted in revision for NAC 445.692)</p>	
	<p>445B.267 (Superseded 445.693)</p> <p><b>NOTE: NAC 445B.267 was given a limited approval/limited disapproval and EPA recommends that Nevada revise the deficient provisions to exclude the Director's discretion conditions.</b></p>	<p><b>Alternative monitoring procedures or requirements.</b></p> <p>1. Upon written application by an owner or operator, the director may approve alternatives to any monitoring procedures or requirements of NAC 445B.256 to 445B.267, inclusive, including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by those sections would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.</li> <li>(b) Alternative monitoring requirements when the affected facility is infrequently operated.</li> <li>(c) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.</li> <li>(d) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.</li> <li>(e) Alternative methods of converting regulated air pollutant concentration measurements to units of the standards.</li> <li>(f) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.</li> <li>(g) Alternatives to the test methods of the American Society for Testing and Materials or sampling procedures specified by any provision of NAC 445B.256 to 445B.267, inclusive.</li> <li>(h) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 C.F.R. Part 60, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The director may require that such demonstration be performed for each affected facility.</li> <li>(i) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.</li> </ul> <p>2. Notwithstanding the provisions of subsection 1, the Director shall not approve an equivalent method or alternative method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:</p>	<p>(c)(56)(i)(A) 71FR71486 12/11/2006</p>

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		(a) An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or (b) An affected source. [Environmental Comm'n, Air Quality Reg. §§ 2.17.9-2.17.9.7, eff. 12-4-76; § 2.17.9.8, eff. 12-4-76; A 12-15-77]— (NAC A 10-30-95; R065-03, 10-30-2003)	
	445.694	Emission discharge information. Emission discharge information, as correlated to mass emission rates or ambient air quality regulations related to all registration certificates and operating permits, will be maintained by the director as public information at 201 South Fall Street, Capitol Complex, Carson City, Nevada 89710. [Environmental Comm'n, Air Quality Reg. 3.1.9.1, eff. 11-7-75; A 12-4-76]	(c)(25)(i)(A)
	445B.275 (Superseded 445.696)	<b>Violations: Acts constituting; notice.</b> 1. Failure to comply with any requirement of <u>NAC 445B.001 to 445B.3791</u> , inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by <u>NRS 445B.450</u> , the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to: (a) Failure to apply for and obtain an operating permit; (b) Failure to construct a stationary source in accordance with the application for an operating permit as approved by the Director; (c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit; (d) Commencing construction or modification of a stationary source without applying for and receiving an operating permit or a modification of an operating permit as required by <u>NAC 445B.001 to 445B.3497</u> , inclusive, or a mercury operating permit to construct as required by <u>NAC 445B.3611 to 445B.3689</u> , inclusive; (e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit; or (f) Failure to pay fees as required by <u>NAC 445B.327</u> or <u>445B.3689</u> . 2. The written notice must specify the provision of <u>NAC 445B.001 to 445B.3791</u> , inclusive, the condition of the operating permit or the applicable requirement that is being violated. 3. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person. [Environmental Comm'n, Air Quality Reg. §§ 2.3.1 & 2.9.5-2.9.7, eff. 11-7-75; + § 13.1.8, eff. 11-7-75; A 12-15-77]—(NAC A 8-22-86; 10-22-87; 12-8-89; 12-13-93; 10-30-95; R103-02, 12-17-2002; R189-05, 5-4-2006)	(c)(66)(i)(A) 73FR19144 4/9/2008
	445B.277 (Superseded 445.697)	<b>Stop orders.</b> 1. The Director shall issue a stop order if: (a) The proposed construction, installation, alterations or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted as part of the application for an operating permit and approved by the Director as a condition of the operating permit; or (b) The design material or the construction itself is of such a nature that it patently cannot bring the stationary source	(c)(66)(i)(A) 73FR19144 4/9/2008

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		<p>into compliance with <a href="#">NAC 445B.001</a> to <a href="#">445B.3791</a>, inclusive.</p> <p>2. A stop order may be issued at any time by the Director upon his determination that there has been a violation of any of the provisions of <a href="#">NAC 445B.001</a> to <a href="#">445B.3791</a>, inclusive, any applicable requirement or any condition of the operating permit.</p> <p>3. A person served with a stop order:</p> <p>(a) Shall immediately stop all activities specified in the stop order.</p> <p>(b) May apply for its revocation at any time, setting forth the facts upon which he believes that the reasons for the issuance of the stop order no longer exist. If the Director finds that the reasons for the issuance of the stop order no longer exist, he shall withdraw the order promptly. If the Director finds that the reasons for the issuance of the stop order still exist, or that other reasons exist for continuing a stop order in effect, he shall, within 24 hours, serve a written statement of his reasons for so finding.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 3.3.1-3.3.5, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 12-13-93; 10-30-95; R189-05, 5-4-2006)</p>	
	445.704	<p>Registration certificates and operating permits required.</p> <p>1. Unless exempted under NAC 445.705:</p> <p>(a) A registration certificate and an operating permit are required for all new sources.</p> <p>(b) An existing single source requires only an operating permit.</p> <p>2. Registration certificates and operating permits for single sources may be issued through an approved local air pollution control program.</p> <p>3. Registration certificates and operating permits are nontransferable as to location, owner or equipment. A replacement registration certificate or operating permit may be issued with the identical conditions upon change of ownership or name of source for the effective time remaining on the original certificate or permit by filing a request for replacement with the director on the application form provided by him accompanied by the appropriate fee.</p> <p>[Environmental Comm'n, Air Quality Reg. 3.1.1-3.1.3, eff. 11-7-75; A 12-15-77; 3.1.9, eff. 11-7-75; A 12-4-76]</p>	(c)(25)(i)(A)
	445.705	<p>Exemptions.</p> <p>The following existing and new single sources do not require either registration certificates or operating permits:</p> <ol style="list-style-type: none"> <li>1. Air-conditioning equipment or fuel-burning equipment having a rating of less than 4,000,000 Btu's (1,000,000 kg-cal) per hour.</li> <li>2. Motor vehicles, special mobile equipment and internal combustion engines.</li> <li>3. Residential and commercial housekeeping vacuum systems.</li> <li>4. Incinerators with less than 25 lb (11 kg) per hour rated burning capacity.</li> <li>5. Agricultural land use.</li> <li>6. Storage containers for gasoline, petroleum distillate or other volatile organic compounds having a capacity of less than 40,000 gallons (150 kiloliters).</li> <li>7. Equipment or contrivances used exclusively for the processing of food for human consumption.</li> <li>8. Disturbing topsoil of less than 20 acres (8 hectares).</li> </ol>	(c)(25)(i)(A)

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		9. Process weight rates of less than 50 lb (23 kg) per hour. [Environmental Comm'n, Air Quality Reg. 3.1.8, eff. 11-7-75]	
	445.706	Application date; payment of fees. 1. A United States registered or certified postmark date establishes the official date of all applications for registration certificates and operating permits. [Environmental Comm'n, Air Quality Reg. 3.1.4 & 3.1.7, eff. 11-7-75]	(c)(25)(i)(A)
	445.707	Registration certificates: Prerequisite; application; fee; issuance, denial; expiration. 1. A separate registration certificate is required for each new or modified single source. A valid registration certificate must be obtained before the commencement of construction or alteration of any single source of air contaminant. 2. Requests for the issuance of a registration certificate or the replacement of a lost or damaged registration certificate with the appropriate fee must be submitted to the director on the application form provided by him. The fee for each initial registration certificate, its replacement, or renewal is \$10. 3. Within 5 working days after receiving an application for registration the director shall determine if any additional information is needed. Within 15 days after receiving adequate information the director shall make a preliminary determination to issue or deny a registration certificate. The director shall give preliminary notice of his intent to issue or deny a registration certificate for a single source within 15 days after receiving adequate information for reviewing the registration application. 4. The application, the director's review and preliminary intent to issue or deny must be made public and maintained on file with the director during normal business hours at 201 South Fall Street, Carson City, Nevada, and in the air quality region where the source is located at a site specified in a prominent advertisement by the director for 30 days to enable public participation and comment. All comments on the director's review and preliminary intent for issuance or denial must be submitted in writing to the director within 30 days after the public announcement. 5. Within 75 days after receiving adequate information, pursuant to NAC 445.708 to 445.711, inclusive, the director shall issue or deny a registration certificate. The director shall make his decision by taking into account written public comments on the director's review and preliminary intent for issuance or denial, project proponent submittal and the effect of such a facility on the maintenance of the ambient air quality standards contained in NAC 445.843 and the control strategy contained in the air quality plan. 6. A registration certificate only expires if construction of a new or modified source is not commenced within 1 year from the date of issuance thereof or construction of the facility is delayed for 1 year after initiated. [Environmental Comm'n, Air Quality Reg. 3.2.1, eff. 11-7-75; A 12-4-76; 3.2.2, eff. 11-7-75; A 12-15-77; 8-28-79; 3.2.3 & 3.2.4, eff. 11-7-75; 3.2.5, eff. 11-7-75; A 12-4-76; 3.2.6, eff. 11-7-75; + 13.1.2, eff. 11-7-75; A 12-4-76; 8-28-79]	(c)(25)(i)(A)
	445.712	Operating permits: Prerequisite; application; fee; issuance, denial; posting. 1. A separate operating permit is required for each new or existing single source. Possession of a valid registration certificate is a prerequisite to obtaining the initial operating permit for a new source. 2. Application for the issuance of an initial operating permit must be submitted in writing to the director on the exact	(c)(25)(i)(A)

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		<p>form provided by him and with the appropriate fee prior to the date of the proposed initial operation of the source. The fee for each initial operating permit is \$50.</p> <p>3. An operating permit must be granted if the director finds from a stack emission test or other appropriate test and other relevant information that use of the source will not result in any violation of the air quality regulations or 40 C.F.R. Parts 60 and 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.</p> <p>4. A denial of an application for an operating permit must be accompanied by a statement of the reasons therefor, and if the director has relied in his decision upon information not contained in the application, the statement of reasons must identify and state the substance of such information.</p> <p>5. Operating permits must be posted conspicuously at or near the single source. [Environmental Comm'n, Air Quality Reg. part 3.4.1 &amp; 3.4.2, 3.4.3, 3.4.5 ~ 3.4.6, eff. 11-7-75; 3.4.7, eff. 11-7-75; A 8-28-79]</p>	
3.1.6		Application forms for requesting the issuance of either a registration certificate or an operating permit can be obtained from the Director	(c)(11)
	445.713	<p>Operating permits: Renewal.</p> <p>1. Operating permits must be renewed 5 years after the date of issuance.</p> <p>2. Requests for the renewal of an operating permit must be submitted, in writing, to the director with the appropriate fee at least 30 calendar days prior to the expiration date of the current permit.</p> <p>3. The fee for each renewed operating permit is \$50. [Environmental Comm'n, Air Quality Reg. part 3.4.1 &amp; 3.4.4 &amp; 3.4.8, eff. 11-7-75]</p>	(c)(25)(i)(A)
	445.714	<p>Operating permits: Replacement of lost or damaged permits.</p> <p>1. Requests for the replacement of a lost or damaged operating permit must be made, in writing, to the director with the appropriate fee within 30 calendar days after the date of its loss or destruction.</p> <p>2. The fee for the replacement of a lost or damaged operating permit is \$10. [Environmental Comm'n, Air Quality Reg. 3.4.9 &amp; 3.4.12, eff. 11-7-75]</p>	(c)(25)(i)(A)
	445.715	<p>Operating permits: Revocation.</p> <p>1. An operating permit may be revoked if the control equipment is not operating.</p> <p>2. An operating permit may be revoked by the director upon determining that there has been a violation of NAC 445.430 to 445.846, inclusive, or 40 C.F.R. Parts 60 or 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.</p> <p>3. The revocation is effective 10 days after the service of a written notice, and the revoked operating permit must be surrendered immediately unless a hearing is requested.</p> <p>4. The fee for reissuing an operating permit that has been revoked or allowed to expire is \$100. [Environmental Comm'n, Air Quality Reg. 3.4.10, eff. 11-7-75; A 8-28-79; 3.4.13 &amp; 3.4.14, eff. 11-7-75]</p>	(c)(25)(i)(A)
	445.716	<p>Operating permits: Change of location.</p> <p>Requests for change of location must be made in writing to the director with a \$2 fee for each operating permit at least</p>	(c)(25)(i)(A)

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		30 calendar days prior to the operation of the source at the new location. The source must not be operated at the new location until the director approves of the location. [Environmental Comm'n, Air Quality Reg. 3.4.11, eff. 11-7-75; A 12-15-77]	
	445B.22017 (Superseded 445.721)	<b>Visible emissions: Maximum opacity; determination and monitoring of opacity.</b> 1. Except as otherwise provided in this section and <u>NAC 445B.2202</u> , no owner or operator may cause or permit the discharge into the atmosphere from any emission unit which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods: (a) If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60. (b) If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. § 60.13(h). 2. The provisions of this section and <u>NAC 445B.2202</u> do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption. 3. If the provisions of 40 C.F.R. Part 60, Subpart D or Da apply to an emission unit, the emission unit must be allowed one 6-minute period per hour of not more than 27 percent opacity as set forth in 40 C.F.R. § 60.42(a)(2) and 40 C.F.R. § 60.42a(b). 4. The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator specified in the permit for the facility in accordance with <u>NAC 445B.256 to 445B.267</u> , inclusive. [Environmental Comm'n, Air Quality Reg. §§ 4.1 & 4.2, eff. 11-7-75; § 4.5.1.1, eff. 8-28-79]—(NAC A 9-19-90; 10-30-95; R118-00, 9-25-2000; R036-05, 10-31-2005, eff. 4-1-2006)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	NAC 445B.2202 (Superseded Articles 4.3, 4.3.1-4.3.3, 4.3.5)	<b>Visible emissions: Exceptions for stationary sources.</b> The provisions of <u>NAC 445B.22017</u> do not apply to: 1. Smoke from the open burning described in <u>NAC 445B.22067</u> ; 2. Smoke discharged in the course of training air pollution control inspectors to observe visible emissions, if the facility has written approval of the Commission; 3. Emissions from an incinerator as set forth in <u>NAC 445B.2207</u> ; or 4. Emissions of stationary diesel-powered engines during warm-up for not longer than 15 minutes to achieve operating temperatures. [Environmental Comm'n, Air Quality Reg. §§ 4.3.1-4.3.3, eff. 11-7-75; § 4.3.6, eff. 12-4-76; A and renumbered as § 4.3.4, 12-15-77; § 4.3.5, eff. 11-7-75; § 4.3.6, eff. 12-15-77; A 4-18-80]—(NAC A by R065-03, 10-30-2003; R198-03, 4-26-2004, eff. 3-1-2006; R036-05, 10-31-2005, eff. 4-1-2006)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	NAC 445B.22027	<b>Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates.</b> For purposes of NAC 445B.22027 to 445B.22037, inclusive, the maximum allowable throughput to be used to calculate allowable emission rates must be the maximum process weight for an emission unit. [Environmental Comm'n, Air Quality Reg. § 7.2.4, eff. 11-7-75; A 12-4-76]—(NAC A 10-22-87; 12-26-91;	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

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		R105-97, 3-5-98)—(Substituted in revision for NAC 445B.360)	
	445.729	Process weight rate for calculating emission rates. For purposes of NAC 445.729 to 445.737, inclusive, the process weight rate to be used to calculate allowable emission rates must be the weight rates for single sources. [Environmental Comm'n, Air Quality Reg. 7.2.4, eff. 11-7-75; A 12-4-76]	(c)(25)(i)(A)
	445.730	Colemanite flotation processing plants. 1. The maximum amount of particulate matter which may be emitted in an hour by any colemanite flotation processing plant and the formulas by which the amount will be determined are: (a) For a crushing, screening or grinding plant, a maximum of 2.5 pounds (1.13 kilograms) per hour as calculated by: $E = 0.02 \times 10^{-3} P$ (0.04P). (b) For a storage bin for ore or an ore product, a maximum of 0.55 pounds (0.25 kilogram) per hour as calculated by: $E = 0.01 \times 10^{-3} P$ (0.02P). (c) For a dryer and calciner, a maximum of 10.50 pounds (4.75 kilograms) per hour as calculated by: $E = 0.31 \times 10^{-3} P$ (0.62P). 2. For the purposes of subsection 1: (a) "E" means the maximum emission rate allowed in pounds (kilograms) per hour. (b) "P" means the process weight rate in tons (kilograms) per hour. [Environmental Comm'n, Air Quality Reg. 7.2.8.1-7.2.8.3, eff. 11-17-78]	(c)(25)(i)(A)
	NAC 445B.2203 (Superseded 445.731)	<b>Emissions of particulate matter: Fuel-burning equipment.</b> 1. No person may cause or permit the emission of PM <sub>10</sub> resulting from the combustion of fuel in fuel-burning equipment in excess of the quantity set forth in the following formulas: (a) For maximum input of heat equal to or greater than 4 million Btu's per hour, but less than or equal to 10 million Btu's per hour, the allowable emission is 0.6 of a pound per million Btu's of input of heat. (b) For maximum input of heat greater than 10 million Btu's per hour, but less than 4,000 million Btu's per hour, the allowable emissions must be calculated using the following equation: $Y = 1.02X^{-0.231}$ (c) For maximum input of heat equal to or greater than 4,000 million Btu's per hour, the emission must be calculated using the following equation: $Y = 17.0X^{-0.568}$ 2. For the purposes of paragraphs (b) and (c) of subsection 1: (a) "X" means the maximum operating rate in million Btu's per hour.	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

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		(b) "Y" means the allowable rate of emission in pounds per million Btu's. [Environmental Comm'n, Air Quality Reg. §§ 7.1.1-7.1.1.2, eff. 11-7-75; § 7.1.3, eff. 11-7-75; renumbered as § 7.1.2, 12-15-77]—(NAC A 10-15-85; 9-19-90; 12-26-91; 10-30-95; R022-99, 9-27-99)—(Substituted in revision for NAC 445B.362)	
	45B.22033 (Superseded 445.732)	<p><b>Emissions of particulate matter: Sources not otherwise limited.</b></p> <p>1. Owners or operators of stationary sources not otherwise included in NAC 445B.22027 to 445B.22037, inclusive, shall not cause or permit PM<sub>10</sub> to be discharged from any emission unit into the atmosphere in excess of the allowable emission determined by the use of the formula contained in subsection 2 or 3.</p> <p>2. When the maximum allowable throughput is less than 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:</p> $E = 4.10P^{0.67}$ <p>3. When the maximum allowable throughput equals or exceeds 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:</p> $E = 55P^{0.11} - 40$ <p>4. For the purposes of subsections 2 and 3:</p> <p>(a) "E" means the maximum rate of emission in pounds per hour.</p> <p>(b) "P" means the maximum allowable throughput in tons per hour.</p> <p>[Environmental Comm'n, Air Quality Reg. §§ 7.2.1-7.2.3, eff. 11-7-75]—(NAC A 10-19-83; 10-15-85; 10-22-87; 9-19-90; 12-26-91; 10-30-95; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.363)</p>	(c)(56)(i)(A)(3) 72FR25972 5/8/2007
	445B.22037 (Superseded 445.734)	<p><b>Emissions of particulate matter: Fugitive dust.</b></p> <p>1. No person may cause or permit the handling, transporting or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne.</p> <p>2. Except as otherwise provided in subsection 4, no person may cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction and revegetation.</p> <p>3. Except as otherwise provided in subsection 4, no person may disturb or cover 5 acres or more of land or its topsoil until he has obtained an operating permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.</p> <p>4. The provisions of subsections 2 and 3 do not apply to:</p> <p>(a) Agricultural activities occurring on agricultural land; or</p>	(c)(56)(i)(A)(3) 72FR25972 5/8/2007

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		(b) Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres. [Environmental Comm'n, Air Quality Reg. §§ 7.3.1 & 7.3.2, eff. 11-7-75; § 7.3.3, eff. 11-7-75; A 12-15-77]—(NAC A 9-19-90; 12-26-91; 12-13-93; 10-30-95)—(Substituted in revision for NAC 445B.365)	
7.2.5.1		The maximum allowable weight of particulates which may be discharged per hour from the first barite grinding mill of Milchem Incorporated near Battle Mountain is the weight prescribed in paragraph (a) or the weight determined by the use of the equation in paragraph (b), whichever is less: (a) Emissions of 5.6 kilograms (12.4 pounds) per hour. (b) Emissions determined by the equation $E = 0.0084 P^{0.67}$ ( $E = 1.79 P^{0.67}$ ), where P = Process weight rate in kilograms (tons) per hour. E = Emission allowed in kilograms (pounds) per hour.	(c)(22)(ii)
	445B.2204 (Superseded 445.742)	<b>“Sulfur emission” defined.</b> For purposes of NAC 445B.2204 to 445B.22063, inclusive, “sulfur emission” means the sulfur portion of the sulfur compounds emitted. [Environmental Comm'n, Air Quality Reg. § 8.2.2.4, eff. 11-7-75; renumbered as § 8.2.4, 12-4-76; A and renumbered as § 8.2.2, 12-15-77]—(Substituted in revision for NAC 445B.370)	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.22043 (Superseded 445.743)	<b>Sulfur emissions: Calculation of total feed sulfur.</b> For the purposes of NAC 445B.2204 to 445B.2205, inclusive, total feed sulfur must be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere. When furnaces, sinter machines, sinter boxes, roasters, converters, or other similar devices are used for converting ores, concentrates, residues, or slag to the metal or the oxide of the metal either wholly or in part, the combined sulfur input of all units must be used to determine the allowable emission. [Environmental Comm'n, Air Quality Reg. § 8.1.5, eff. 11-7-75]—(NAC A by R125-04, 9-24-2004)	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445B.22047 (Superseded Article 8.2, 8.2.1, 8.2.1.1 and 8.2.1.2)	<b>Sulfur emissions: Fuel-burning equipment.</b> 1. No person may cause or permit the emission of compounds of sulfur caused by the combustion of fuel in fuel-burning equipment in excess of the quantity calculated by the use of the formula in subsection 2 or 3. 2. Where an emission unit has a maximum input of heat of less than 250 million Btu's per hour, the allowable emission must be calculated by the use of the following equation: $Y = 0.7X$ For the purposes of this subsection: (a) “X” means the maximum operating input of heat in millions of Btu's per hour. (b) “Y” means the allowable rate of emission of sulfur in pounds per hour. 3. Where an emission unit has a maximum input of heat equal to or greater than 250 million Btu's per hour, the allowable emission of sulfur must be calculated by the use of the following equations:	(c)(56)(i)(A) 71FR15040 3/27/2006

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		<p>Liquid fuel      Y = 0.4X Solid fuel        Y = 0.6X</p> <p>Combination Fuel      <math>Y = \frac{L(0.4X) + S(0.6X)}{L + S}</math></p> <p>For the purposes of this subsection:            (a) "X" means the maximum input of the operation in millions of Btu's per hour.            (b) "Y" means the allowable rate of emissions of sulfur in pounds per hour.            (c) "L" means the percentage of total input of heat derived from liquid fuel.            (d) "S" means the percentage of total input of heat derived from solid fuel.            [Environmental Comm'n, Air Quality Reg. § 8.2.1, eff. 11-7-75; § 8.2.2.1, eff. 11-7-75; A and renumbered as § 8.2.2, 12-4-76; renumbered as § 8.2.1.1, 12-15-77; § 8.2.2.2, eff. 11-7-75; A and renumbered as § 8.2.3, 12-4-76; renumbered as § 8.2.1.2, 12-15-77; § 8.2.2.3, eff. 11-7-75]—(NAC A 10-19-83; 10-15-85; 9-19-90; 12-24-91; 10-30-95; R105-97, 3-5-98; R022-99, 9-27-99)—(Substituted in revision for NAC 445B.373)</p>	
	445B.2205 (Superseded 445.746)	<p><b>Sulfur emissions: Other processes which emit sulfur.</b></p> <p>1. No person may cause or permit the emission of sulfur compounds where the sulfur originates in the material being processed, excluding hydrogen sulfide and sulfur from all solid, liquid or gaseous fuel, in excess of the quantity determined by the following equation:</p> $E = 0.292P^{0.904}$ <p>when "E" is equal to or greater than 10 pounds per hour. When "E" is less than 10 pounds per hour, the gas stream concentration must not exceed 1,000 ppm by volume.</p> <p>2. For the purposes of subsection 1:            (a) "E" means the allowable sulfur emission in pounds per hour.            (b) "P" means the total feed sulfur, excluding hydrogen sulfide, in pounds per hour.</p> <p>3. When sulfur emissions are due to sulfur contributions from both the fuel and the material being processed, the allowable emissions must be the sum of those allowed by this section and <u>NAC 445B.22047</u>.</p> <p>4. Incinerators used solely for the control of odor by the combustion of noxious sulfur containing compounds are exempt from the provisions of <u>NAC 445B.2204</u> to <u>445B.2205</u>, inclusive, and are governed by the provisions of <u>NAC 445B.22027</u> to <u>445B.22037</u>, inclusive, and <u>445B.287</u> to <u>445B.3497</u>, inclusive.            [Environmental Comm'n, Air Quality Reg. §§ 8.3.1-8.4, eff. 11-7-75]—(NAC A 9-5-84; 9-19-90; 12-26-91; 12-13-93; 10-30-95; 5-3-96; R105-97, 3-5-98; R125-04, 9-24-2004)</p>	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008
	445B.22067	<b>Open burning.</b>	(c)(56)(i)(A)

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	(Superseded Article 5.1, 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5 and 5.3)	<p>1. The open burning of any combustible refuse, waste, garbage or oil, or for any salvage operations, except as specifically exempted, is prohibited.</p> <p>2. Open burning:</p> <p>(a) For the purpose of weed abatement, conservation, disease control, game or forest management, personnel training or elimination of hazards is allowed if:</p> <p>(1) Approved in advance by the Director; or</p> <p>(2) Authorized by an officer of the State of Nevada or its political subdivisions and concurred in by the Director.</p> <p>(b) Of yard waste and other untreated wood waste, as described in NAC 444.640, is allowed if approved in advance by the Director.</p> <p>(c) Is allowed for agricultural purposes and management except where prohibited by local ordinances or regulations.</p> <p>(d) Is allowed at single-family residences located in all areas of the State except in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko Township, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line.</p> <p>(e) Is allowed at single-family residences located in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko Township, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line if:</p> <p>(1) Authorized by an officer of the State of Nevada or its political subdivisions;</p> <p>(2) Concurred in by the Director; and</p> <p>(3) Not specifically prohibited by local ordinances or regulations.</p> <p>(f) Of small wood fires is allowed for recreational, educational, ceremonial, heating or cooking purposes.</p> <p>3. All open burning must be attended and controlled at all times to eliminate fire hazards. [Environmental Comm'n, Air Quality Reg. Art. 5, eff. 11-7-75; A 5-8-77]—(NAC A by R237-03, 4-15-2004)</p>	71FR15040 3/27/2006
	445B.2207 (Superseded 445.754)	<p><b>Incinerator burning.</b></p> <p>1. Except as otherwise provided in subsection 6:</p> <p>(a) Burning in any incinerator other than the multiple-chamber type is prohibited.</p> <p>(b) Incinerator burning which produces, for periods totaling 1 minute in 1 hour, a visible emission which is of an opacity equal to or greater than 20 percent is prohibited.</p> <p>2. Incinerators used for the burning of pathological wastes, wet garbage or high moisture content material must be high temperature types with either grate or solid hearth construction, drying shelves for wet wastes and an auxiliary heating unit to ensure temperatures of 1400°F (760°C) for not less than 0.3 of a second. The hearth must be frequently cleaned at regular intervals to prevent buildup of residues and deposits.</p> <p>3. The rated burning capacity, operating and maintenance procedures approved by the Director must be posted conspicuously at or near the incinerator.</p>	(c)(56)(i)(A) 71FR15040 3/27/2006

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		<p>4. Allowable PM<sub>10</sub> emissions from incinerators of less than 2,000 lb per hour rated burning capacity may not exceed 1.8 lb/ton of dry refuse charged.</p> <p>5. Allowable PM<sub>10</sub> emissions from incinerators equal to or greater than 2,000 lb per hour burning capacity must be calculated using the following equation:</p> $E = 0.6 (40.7 \times 10^{-5}C)$ <p>For the purposes of this subsection, “E” means the maximum allowable rate of emission of PM<sub>10</sub> in pounds per hour and “C” means the rate of charge of dry refuse in pounds per hour.</p> <p>6. Single-chamber incinerators may be used at single-family residences, in all areas of the State, except in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko Township, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line, unless otherwise prohibited by local ordinances or regulations.</p> <p>[Environmental Comm’n, Air Quality Reg. §§ 6.1 &amp; 6.2, eff. 11-7-75; § 6.3, eff. 11-7-75; A 3-31-77; §§ 6.4-6.6.2, eff. 11-7-75]—(NAC A 9-19-90; 12-26-91; R237-03, 4-15-2004)</p>	
	445.764	<p>Reduction of employees' pay because of use of system prohibited.</p> <p>If the owner or operator of a source uses a supplemental or intermittent control system, or other control system designed to vary with atmospheric conditions, for the purpose of meeting the requirements of an order issued pursuant to § 113(d) or 119 which relates to primary nonferrous smelters in the Act, he may not temporarily reduce the pay of any of his employees because of his use of that system.</p> <p>[Environmental Comm’n, Air Quality Reg. 14.1, eff. 8-17-81]</p>	(c)(25)(i)(A)
16.3.3		Standard for Opacity	(c)(14)(viii)
16.3.3.2		No person shall cause, suffer, allow, or permit the discharge from any clinker cooler which exhibit greater than 10 percent opacity.	(c)(14)(viii)
16.3.3.3		On or after the date on which the performance test required by Article 2.6 is completed, no owner or operator subject to the provision of Article 16.3 shall cause to be discharged into the atmosphere from any affect facility other than the kiln and clinker cooler any gases which exhibit 10% opacity or greater.	(c)(14)(viii)
	445.808	<p>1. This section applies to those systems of the facilities described in subsection 2 which are used for crushing, screening, grinding, handling, transferring, concentrating, refining and storing crude barite.</p> <p>2. No owner or operator may cause or permit the emission of particulate matter in excess of the following:</p> <p>(a) IMCO Services’ barite grinding mill in Battle Mountain in Air Quality Region 147, Humboldt River Basin, Basin 59, Lower Reese River Valley, for grinding barite ore, 0.06 pounds per short ton (0.03 kilograms per metric ton) of crude barite processed.</p> <p>(b) Dresser Industries barite grinding mill south of Battle Mountain in Air Quality Control Region 147, Humboldt</p>	(c)(26)(i)(A)

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		<p>River Basin, Basin 55, Carico Lake Valley:</p> <p>(1) For primary crushing of barite ore, 0.015 pounds per short ton (0.0075 kilograms per metric ton) of barite ore processed.</p> <p>(2) For secondary crushing or screening of barite ore, 0.035 pounds per short ton (0.0175 kilograms per metric ton) of barite ore processed.</p> <p>(c) Dresser Industries' barite grinding mill in Battle Mountain in Air Quality Control Region 147, Humboldt River Basin, Basin 59, Lower Reese River Valley:</p> <p>(1) For grinding barite ore, 0.06 pounds per short ton (0.03 kilograms per metric ton) of crude barite processed.</p> <p>(2) For bulk-loading barite ore, 0.18 pounds per short ton (0.09 kilograms per metric ton) of barite dispensed.</p> <p>3. No owner or operator may cause or permit a discharge with an opacity of greater than 20 percent from a barite grinding mill.</p> <p>4. The owner or operator of any barite grinding mill, as indicated on the permit, shall record the production rates and hours of operation of the mill and shall comply with all requirements for notification and recordkeeping in NAC 445.660 to 445.700 inclusive.</p> <p>5. All test methods and procedures in NAC 445.660 to 445.700, inclusive, and Appendix A, Reference Methods of 40 C.F.R. Part 60, apply to barite grinding mills. [Environmental Comm'n, Air Quality Reg. 16.27, eff. 1-25-79; A 8-28-79; 12-3-80; 8-17-81; 16.27.2, eff. 1-25-79; A 8-28-79; 8-17=81; 16.27.1.1-16.27.4 eff. 8-17-81; 16.27.4, eff. 1-25-79; NAC A 10-19-83]</p>	
	445.816	<p>1. This section applies to those systems of the facilities described in subsection 2 which are used for crushing, screening, grinding, handling, transferring, concentrating, refining and storing any precious metals or precious metal ore.</p> <p>2. No operator may permit the emission of particulate matter in excess of the following:</p> <p>(d) Freeport Gold Company's processing plant for precious metal in Air Quality Control Region 147, Basin 44, North Fork area:</p> <p>(1) For crushing, screening, grinding, handling and transferring any precious metal or precious metal ore, 0.04 lb/short ton (0.02 kg/metric ton) of precious metal ore processed.</p> <p>(2) For loading, transferring and storing any precious metal or precious metal ore, 0.02 lb/short ton (0.01 kg/metric ton).</p> <p>3. No owner or operator may permit the discharge of particulate matter of greater than 20 percent opacity from a single source of a processing plant for precious metal.</p> <p>4. The owner and the operator of any processing plant for precious metal shall record the yearly production rate and hours of operation for each source of particulate matter to which an emission standard applies.</p> <p>5. All tests must be performed in accordance with Appendix A of 40 C.F.R. Part 60. [Environmental Comm'n, Air Quality Reg. 16.26, eff. 1-25-79; A 8-28-79; 11-21-79; 12-20-79; 4-18-80; 16.26.1., eff. 1-25-79; 16.26.1.1, eff. 1-25-79; 8-28-79; 4-18-80; 16.26.1.2, eff. 1-25-79; A 4-18-80; 16.26.1.3-16.26.1.6, eff. 4-18-80; 16.26.1.7, eff. 4-18-80; A 8-17-81; 16.26.1.8; eff. 16.32.2, eff. 12-20-79; renumbered as 16.26.1.3, 4-18-80; NAC</p>	(c)(26)(i)(A)

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		A 7-29-82; 10-19-83]	
	445B.22083	<p><b>NAC 445B.22083 Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.</b></p> <p>1. Except as otherwise provided in subsections 2 and 3, a person shall not make a major modification to an existing plant or construct a new plant to generate electricity using steam produced by the burning of fossil fuels within:</p> <p>(a) The Las Vegas Valley, Hydrographic Area 212;</p> <p>(b) The El Dorado Valley, Hydrographic Area 167;</p> <p>(c) The Ivanpah Valley, Hydrographic Areas 164 a and 164 b; or</p> <p>(d) The city limits of Boulder City.</p> <p>2. Fossil fuel-fired power generating units Numbers 1, 2 and 3 at Clark Station and fossil fuel-fired power generating unit Number 1 at Sunrise Station may be relocated to the Ivanpah Valley and must comply with the provisions of NAC 445B.001 to 445B.3689, inclusive.</p> <p>3. If an emission unit is relocated to Ivanpah Valley:</p> <p>(a) The previously used emission unit must be deactivated and removed from the previous site when the relocated unit begins operation.</p> <p>(b) Any credit for reduced emission is not available as an offset credit.</p> <p>4. As used in this section, “major modification” has the meaning ascribed to it in 40 C.F.R. § 51.165, as adopted by reference in NAC 445B.221.</p> <p>(Added to NAC by Environmental Comm’n, eff. 9-4-92; A 3-29-94; R096-05, 10-31-2005)</p>	(c)(67)(i)(A)(1) 73FR20536 4/16/2008
	445B.2209 (Superseded 445.845)	<p><b>Reduction of animal matter.</b></p> <p>1. The operation of any machine, equipment or other contrivance for the reduction of animal matter is prohibited unless all gases, vapors and gas-entrained effluents are:</p> <p>(a) Incinerated at temperatures of not less than 1400°F (760°C) for not less than 0.3 second;</p> <p>2. This section does not apply to any machine, equipment or other contrivance used exclusively for the processing of food for human consumption.</p> <p>[Environmental Comm’n, Air Quality Reg. §§ 10.2.1-10.2.2, eff. 11-7-75]—(Substituted in revision for NAC 445B.394)</p>	(c)(56)(i)(A) 71FR15040 3/27/2006
	445B.22093 (Superseded 445.846 and Articles 9.2, 9.2.1, 9.2.1.1 and 9.2.1.2)	<p><b>Organic solvents and other volatile compounds.</b></p> <p>1. Solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers and manure must be processed, stored, used and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape or be otherwise discharged into the ambient air causing or contributing to air pollution. If methods of control are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage or discharge, as determined by the Director, the installation and use of such methods, devices or equipment for control is mandatory.</p> <p>2. No person may place, store or hold in any new reservoir, stationary tank or other container with a capacity equal to or greater than 40,000 gallons (150 kiloliters) any gasoline, petroleum distillate, or volatile organic compound</p>	(c)(66)(i)(A)(3) 73FR 19144 4/09/2008

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		<p>having a vapor pressure of 1.5 lb/square inch absolute (1,055 kg/square meter) or greater under actual storage conditions unless the tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent loss of vapor or gas to the atmosphere or is equipped with one of the following devices properly installed, in good working order, and in operation:</p> <p>(a) A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a seal to close the space between the roof eave and tank wall or a vapor balloon or a vapor dome designed in accordance with accepted standards of the petroleum industry. This control equipment is not permitted if the gasoline or petroleum distillate has a vapor pressure of 11 lb/square inch absolute (7,734 kg/square meter) or greater under actual conditions. All gauging and sampling devices for tanks must be gastight except when gauging or sampling is taking place.</p> <p>(b) Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere.</p> <p>3. Any tank for the storage of any other petroleum or volatile organic compound which is constructed or extensively remodeled on or after November 7, 1975, must be equipped with a submerged fill pipe for the control of emissions.</p> <p>4. All facilities for dock loading of products consisting of petroleum or other volatile organic compounds having a vapor pressure of 1.5 lb/square inch absolute (1,055 kg/square meter) or greater at loading pressure must have facilities for submerged filling by a submerged fill pipe for the control of emissions.</p> <p>[Environmental Comm'n, Air Quality Reg. Art. 9, eff. 11-7-75]—(NAC A 10-19-83; R096-05, 10-31-2005)</p>																																
	445B.22097 (Superseded 445.843)	<p><b>Standards of quality for ambient air.</b></p> <p>1. The table contained in this section lists the minimum standards of quality for ambient air.</p> <table border="1"> <thead> <tr> <th rowspan="2">POLLUTANT</th> <th rowspan="2">AVERAGING TIME</th> <th colspan="2">NEVADA STANDARDS<sup>A</sup></th> <th colspan="3">NATIONAL STANDARDS<sup>B</sup></th> </tr> <tr> <th>CONCENTRATION<sup>C</sup></th> <th>METHOD<sup>D</sup></th> <th>PRIMARY<sup>C, E</sup></th> <th>SECONDARY<sup>C, F</sup></th> <th>METHOD<sup>D</sup></th> </tr> </thead> <tbody> <tr> <td>Ozone</td> <td>1 hour</td> <td>0.12 ppm (235 µg/m<sup>3</sup>)</td> <td>Ultraviolet absorption</td> <td>0.12 ppm (235 µg/m<sup>3</sup>)</td> <td>Same as primary</td> <td>Chemiluminescence</td> </tr> <tr> <td>Ozone-Lake Tahoe Basin, #90</td> <td>1 hour</td> <td>0.10 ppm (195 µg/m<sup>3</sup>)</td> <td>Ultraviolet absorption</td> <td>--</td> <td>--</td> <td>--</td> </tr> </tbody> </table>					POLLUTANT	AVERAGING TIME	NEVADA STANDARDS <sup>A</sup>		NATIONAL STANDARDS <sup>B</sup>			CONCENTRATION <sup>C</sup>	METHOD <sup>D</sup>	PRIMARY <sup>C, E</sup>	SECONDARY <sup>C, F</sup>	METHOD <sup>D</sup>	Ozone	1 hour	0.12 ppm (235 µg/m <sup>3</sup> )	Ultraviolet absorption	0.12 ppm (235 µg/m <sup>3</sup> )	Same as primary	Chemiluminescence	Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 µg/m <sup>3</sup> )	Ultraviolet absorption	--	--	--	(c)(56)(i)(A) 71FR15040 3/27/2006	
POLLUTANT	AVERAGING TIME	NEVADA STANDARDS <sup>A</sup>		NATIONAL STANDARDS <sup>B</sup>																														
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		Carbon monoxide less than 5,000' above mean sea level	8 hours	9 ppm (10,500 µg/m <sup>3</sup> )	Non-dispersive infrared photometry	9 ppm (10 mg/m <sup>3</sup> )	None	Non-dispersive infrared photometry
		At or greater than 5,000' above mean sea level		6 ppm (7,000 µg/m <sup>3</sup> )				
		Carbon monoxide at any elevation	1 hour	35 ppm (40,500 µg/m <sup>3</sup> )				
		Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m <sup>3</sup> )	Gas phase chemiluminescence	0.053 ppm (100 µg/m <sup>3</sup> )	Same as primary	Gas phase chemiluminescence
		Sulfur dioxide	Annual arithmetic mean	0.030 ppm (80 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	0.030 ppm	None	Spectrophotometry (Pararosaniline method)
			24 hours	0.14 ppm (365 µg/m <sup>3</sup> )		0.14 ppm		
			3 hours	0.5 ppm (1,300 µg/m <sup>3</sup> )		None	0.5 ppm	
		Particulate matter as PM <sub>10</sub>	Annual arithmetic mean	50 µg/m <sup>3</sup>	High volume PM <sub>10</sub> sampling	50 µg/m <sup>3</sup>	Same as primary	High volume PM <sub>10</sub> sampling
			24 hours	150 µg/m <sup>3</sup>		150 µg/m <sup>3</sup>		
		Lead (Pb)	Quarterly arithmetic mean	1.5 µg/m <sup>3</sup>	High volume sampling, acid extraction and atomic absorption spectrom-	1.5 µg/m <sup>3</sup>	Same as primary	High volume sampling, acid extraction and atomic absorption

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					etry			spectrometry	
		Hydrogen sulfide	1 hour	0.08 ppm (112 µg/m <sup>3</sup> ) <sup>G</sup>	Ultraviolet Fluorescence	--	--	--	
		<p>Notes:</p> <p>Note A: The Director shall use the Nevada standards in considering whether to issue a permit for a stationary source and shall ensure that the stationary source will not cause the Nevada standards to be exceeded in areas where the general public has access.</p> <p>Note B: These standards, other than for ozone, particulate matter, and those based on annual averages, must not be exceeded more than once per year. The 1-hour ozone standard is attained when the expected number of days per calendar year with a maximum hourly average concentration above the standard is equal to or less than one. The PM<sub>10</sub> 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above the standard, rounded to the nearest 10 µg/m<sup>3</sup>, is equal to or less than one. The expected number of days per calendar year is generally based on an average of the number of times the standard has been exceeded per year for the last 3 years. The National standards are to be used in determinations of attainment or nonattainment.</p> <p>Note C: Where applicable, concentration is expressed first in units in which it was adopted. All measurements of air quality that are expressed as mass per unit volume, such as micrograms per cubic meter, must be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of Hg (1,013.2 millibars); “ppm” in this table refers to parts per million by volume, or micromoles of regulated air pollutant per mole of gas; “µg/m<sup>3</sup>” refers to micrograms per cubic meter.</p> <p>Note D: Any reference method specified in accordance with 40 C.F.R. Part 50 or any reference method or equivalent method designated in accordance with 40 C.F.R. Part 53 may be substituted.</p> <p>Note E: National primary standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.</p> <p>Note F: National secondary standards are the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a regulated air pollutant.</p> <p>Note G: The ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations.</p> <p>2. These standards of quality for ambient air are minimum goals, and it is the intent of the Commission in this section to protect the existing quality of Nevada’s air to the extent that it is economically and technically feasible. [Environmental Comm’n, Air Quality Reg. §§ 12.1-12.1.6, eff. 11-7-75; A and renumbered as § 12.1, 12-4-76; A 12-15-77; 8-28-79; §§ 12.2-12.4, eff. 11-7-75; § 12.5, eff. 12-4-76; A 8-28-79]—(NAC A 10-19-83; 9-5-84; 12-26-91; 10-30-95; R103-02, 12-17-2002; R198-03, 4-26-2004)</p>							
13.1		General Provisions for the Review of New Sources							(c)(8)

<b>Approved Reference:</b>		<b>State Implementation Plan Text of Regulations and Articles:</b>	<b>Cite: 40 CFR § 52.1470 Subpart DD</b>
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13.1.1		Prior to the issuance of any registration certificates in accordance with this Article the applicant shall submit to the Director an environmental evaluation and any other information the Director may deem necessary to make an independent air quality impact assessment.	(c)(16)(viii)
13.1.3		<p>The Director shall not issue a registration certificate for any point source if:</p> <ol style="list-style-type: none"> <li>1. The environmental evaluation submitted by the application shows or if the Director determines, in accordance with the provisions of this Article, that the point source: <ol style="list-style-type: none"> <li>a. Will prevent the attainment and maintenance of the State or national ambient air quality standards;</li> <li>b. Will cause a violation of the applicable control strategy contained in the approved Air Quality Implementation Plan; or</li> <li>c. Will cause a violation of 40 CFR Parts 60 and 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants;</li> </ol> </li> <li>2. The source is located in any designated nonattainment area and: <ol style="list-style-type: none"> <li>a. The lowest achievable emission rate for each nonattainment pollutant from the source is not defined and adopted as an emission limitation for the source;</li> <li>b. Any other source within this state which is owned, operated or controlled by the applicant is not in compliance or on a schedule of compliance with these regulations and all other applicable emission limitations or variances as provided in NRS 445.506 to 445.521, inclusive;</li> <li>c. The total allowable emissions of each nonattainment pollutant from (1) the existing sources in the area, (2) those sources in the area which have received their respective registration certificates and (3) the proposed source will not be sufficiently less, by the time the proposed source is to commence operation, than the total emissions from (1) the existing sources and (2) those sources in the area which have received their respective registration certificates before the proposed source makes application for its registration certificate, so that reasonable further progress is achieved;</li> <li>d. The emissions from the source will cause or contribute to emission levels which exceed the allowance permitted for such a pollutant for the nonattainment area.</li> </ol> </li> </ol>	(c)(18)(i)
13.1.4		The Director may impose any reasonable conditions on his approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring at the facility site for a reasonable period to commencement of construction or modification, and for any specified period after the source has commenced operation.	(c)(8)
13.1.5		Where a proposed source located on contiguous property is constructed or modified in increments which individually are not subject to review as provided in this Article, as such increments occurring since the effective date of this Article shall be added together for determining the applicability of this Article.	(c)(8)
13.1.6		Approval and issuance of a registration certificate to any source construction or modification shall not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy	(c)(8)
13.1.7		Any source or proposed facility shall, upon written application to the Director, receive within thirty (30) days a written notice of his determination, either requiring the submittal of an environmental evaluation or exempting the source from	(c)(8)

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		such requirement.	
<i>Articles 13.2 - 13.2.9 were removed in March 2003 pursuant to (c)(16)(viii) of §52.1470 which requires that all references to complex sources be removed from 13.1.1, 13.1.2, 13.2, 13.2.1-13.5.3.</i>			
13.3		The following new single sources or modifications to an existing single source which would cause increases to existing single sources as specified below shall submit an evaluation with their application(s) for registration:	(c)(8)
13.3.1		Any single source which can cause, allow or permit the emission of an air contaminant of greater than 23 kilograms (50 pounds) per hour.	(c)(8)
13.3.2		Any combination of single sources located at a single premise which can cause, allow or permit the emission of an air contaminant of greater than 23 kilograms (50 pounds) per hour	(c)(8)
13.3.3		Any single source, upon written notice from the Director.	(c)(8)
13.4		Environmental Evaluation:	(c)(8)
13.4.1	<i>3-03: ref to complex sources removed</i>	The environmental evaluation required for new or modified single as determined by this Article or as required by the Director, shall include the following:	(c)(16)(viii)
13.4.1.1		An environmental evaluation shall be a careful and detailed assessment of the environmental aspects of a proposed action.	(c)(8)
13.4.1.2		An environmental evaluation shall contain adequate environmental safeguards to be implemented by the applicant to provide for the maintenance of acceptable air quality and shall consider: a. Ambient air concentrations before, during and after construction, empirically calculated with recognized methods as approved by the Director; or, in the case of existing ambient air concentrations, they may be measured with approved methods at approved site locations for not less than one year. Estimates shall be empirically determined for ambient air concentration immediately contiguous to the facility and at the point of predicted maximum concentration within the surrounding region. b. Diffusion models used to determine the location and estimated value of highest air contaminant concentration shall contain: 1. Assumptions and premises. 2. Evaluation at the recorded most adverse meteorological conditions in the last 100 years. 3. Evaluation at the recorded most adverse meteorological conditions in the last year. 4. Geographic area considered in the evaluation. 5. Dispersion equations. 6. Predicted contaminant buildup. 7. Location, type and amount of emissions. 8. Meteorological information. c. Alternate proposals which could be implemented as conditions of approval. d. Other probable environmental effects, before, during and after construction shall be considered in the narrative	(c)(8)  Note: This is the rule effective 10-25-74.

<b>Approved Reference:</b>		<b>State Implementation Plan Text of Regulations and Articles:</b>	<b>Cite: 40 CFR § 52.1470 Subpart DD</b>
<b>Article #</b>	<b>NAC #</b>		
		portion of the evaluation.	
<p><i>Articles 13.5, 13.5.1-13.5.3 were removed in March 2003 pursuant to (c)(16)(viii) of §52.1470, which requires that all references to complex sources be removed from 13.1.1, 13.1.2, 13.2, 13.2.1-13.5.3. The 13.5s were exceptions to Article 13.2, which was also removed because it dealt only with complex sources.</i></p>			