PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION

Air Controls Item 1

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

AUTHORITY: §1, NRS 445B.210.

A PERMANENT REGULATION relating to air pollution; and providing other matters properly relating thereto.

Section 1. NAC 445B.281 is hereby amended to read as follows:

NAC 445B.281 1. Except as otherwise provided in NAC 445B.001 to 445B.390, inclusive, any violation of the provisions of those sections is classified as a major violation, and a fine up to $10,000 per day per violation may be levied.

2. For Class II sources, violations of NAC 445B.22037, 445B.22067, 445B.2207, 445B.22087, subsections 3 and 4 of NAC 445B.232, subsection 8 of NAC 445B.252, subsection 2 of NAC 445B.265, paragraph (e) of subsection 1 of NAC 445B.275 and NAC 445B.331 are classified as minor or lesser violations, unless there are four or more violations of any one of those sections by a person, occurring within a period of 60 consecutive months.

3. The schedule of fines for minor violations is as follows:

	First Offense	Second Offense	Third Offense
NAC 445B.22037, fugitive dust.....	$500	$1,000	$2,000
NAC 445B.22067, open burning.....	250	500	1,000
NAC 445B.2207, incinerator burning.....	250	500	1,000
~~[NAC 445B.22087, odors.....~~	~~250~~	~~500~~	~~1,000]~~
Subsection 3 or 4 of NAC 445B.232, reporting of excess emissions.....	250	500	1,000
Subsection 8 of NAC 445B.252, testing and sampling reporting.....	250	500	1,000

	First Offense	Second Offense	Third Offense
Subsection 2 of NAC 445B.265, reporting of monitoring systems.....	250	500	1,000
Paragraph (e) of subsection 1 of NAC 445B.275, recordkeeping, monitoring, reporting or compliance certification.....	250	500	1,000
NAC 445B.331, change of location.....	250	500	1,000

4. All minor violations become major violations upon the occurrence of the fourth violation of the same section within a period of 60 consecutive months.

Sec. 2. NAC 445B.327 is hereby amended to read as follows:

445B.327 1. Except as otherwise provided in this section, if a stationary source is not subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221, the fees for an operating permit are as follows:

(a) Class I operating permit to construct:

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

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

(c) Class I operating permit:

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

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

(e) Class II operating permit:

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

(f) Class II general permit:

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

(g) Surface area disturbance permit:

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

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

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

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

(a) New operating permit $80,000

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

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

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

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

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

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

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

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

(a) For a Class I source qualifying as:

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

(I) For the fiscal year beginning on July 1, 2020	$40,000
(II) For the fiscal year beginning on July 1, 2021	50,000
(III) For the fiscal year beginning on July 1, 2022, and each year thereafter	60,000

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

(I) For the fiscal year beginning on July 1, 2020	30,000
(II) For the fiscal year beginning on July 1, 2021	35,000
(III) For the fiscal year beginning on July 1, 2022, and each year thereafter	40,000

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

(I) For the fiscal year beginning on July 1, 2020	20,000
(II) For the fiscal year beginning on July 1, 2021	22,500
(III) For the fiscal year beginning on July 1, 2022, and each year thereafter	25,000

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

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

Total surface area disturbance	Annual Fee for Maintenance
5 or more acres but less than 20 acres	$1,000
20 or more acres but less than 100 acres	$2,000
100 or more acres but less than 500 acres	$3,000
500 or more acres	$5,000

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

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

~~[(d) For a Class III source 250~~

~~(e)]~~***(d)*** For a surface area disturbance permit for a total disturbance of:

(1) Five or more acres but less than 20 acres 1,000

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

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

(4) Five hundred or more acres 5,000

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

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

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

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

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

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

6. For the fees set forth in paragraph (e) of subsection 4:

(a) The annual fee for a surface area disturbance for the fiscal year beginning July 1, 2020, is the amount of the fee for the surface area disturbance which was paid for the surface area

disturbance in the fiscal year beginning July 1, 2019, plus 35 percent of the difference between the fee for the surface area disturbance for which the surface area disturbance qualifies and the fee for the surface area disturbance paid for the fiscal year beginning July 1, 2019.

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

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

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

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

(a) Determination of an application for an emission reduction credit	$10,000
(b) Request for the transfer of an emission reduction credit	2,000
(c) Request for the redemption of an emission reduction credit	2,000
(d) Administration of a reciprocity request for an emission reduction credit	1,000
(e) Determination review of a reciprocity request for an emission reduction credit	9,000

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

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

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

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

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

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

11. The State Department of Conservation and Natural Resources shall collect all fees required pursuant to subsection 4 not later than July 1 of each year.

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

Sec. 2. NAC 445B.0385, NAC 445B.22057, NAC 445B.2206, NAC 445B.22087, NAC 445B.3526, NAC 445B.3621, NAC 445B.3651, NAC 445B.3653, NAC 445B.3669 and NAC 445B.3673 are hereby repealed.

TEXT OF REPEALED SECTIONS

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

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

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

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

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

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

NAC 445B.22057 Allowable emissions of sulfur from specific sources: Units Numbers 1, 2 and 3 of Reid Gardner Power Station. (NRS 445B.210) The allowable emission of sulfur from fossil fuel-fired power generating units Numbers 1, 2 and 3 of NV Energy's Reid

Gardner Station, located in Air Quality Control Region 13, Basin 218, California Wash, must not be greater than 0.275 pounds per million Btu's (0.495 kilograms per million kg-cal).

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

NAC 445B.22087 Odors. (NRS 445B.210)

1. No person may discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.

2. The Director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.

3. The Director shall deem the odor to be a violation if he or she is able to make two odor measurements within a period of 1 hour. These measurements must be separated by at least 15 minutes. An odor measurement consists of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.

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

NAC 445B.3621 "Mercury early reduction credit" defined. (NRS 445B.210, 445B.300) "Mercury early reduction credit" means an extension of the time required to apply NvMACT pursuant to NAC 445B.3611 to 445B.3689, inclusive, which may be granted by the Director in his or her taking final action concerning the proposed conditions for the mercury operating permit to construct pursuant to NAC 445B.3677 if the owner or operator of an existing thermal unit that emits mercury has installed additional controls for mercury emissions.

NAC 445B.3651 Identification of technologies that constitute presumptive NvMACT. (NRS 445B.210, 445B.300) The technologies to control mercury emissions which are set forth in this section by the associated system or process unit of the tier-1 thermal unit that emits mercury, and none other, are presumptive NvMACT:

1. For Goldstrike Mining Operations of Barrick Gold Corporation:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	TECHNOLOGIES FOR CONTROL OF MERCURY EMISSIONS
Ore roasting circuits	Gas quenching, wet gas condenser, wet electrostatic precipitator, mercury adsorption tower
Carbon reactivation kiln, unit 2 (Drum)	Wet venturi scrubber, sulfur-impregnated carbon filtration unit
Autoclave circuits (Units 1, 2, 2-3, 4 and 5-6)	Four wet venturi scrubbers (Units 1, 2-3, 4 and 5-6)
Retorts	Mercury condensers and scrubbers with carbon filtration canisters
Retort room exhaust	Sulfur-impregnated carbon scrubber unit (Stack combined with retort stack)
Electric induction furnaces	Cyclone and baghouse, sulfur-impregnated carbon filtration scrubber unit
Electrowinning cells	Sulfur-impregnated carbon filtration scrubber unit (Stack combined with electrowinning furnace)

2. For Newmont Mining Corporation:

(a) For the Gold Quarry Operations Area:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	TECHNOLOGIES FOR CONTROL OF MERCURY EMISSIONS
North and south CFB ore preheaters	Baghouses, SO_2 scrubber
North and south CFB ore roasters	Roaster off-gas quench, wet scrubber, electrostatic precipitator, wash tower, SO_2 scrubber, mercurous chloride scrubber
Carbon regeneration kilns, 1 and 2 (Drum)	Carbon adsorption unit, wet scrubber
Mercury retort furnaces	Carbon filter pack
Electric induction furnaces	Carbon filter pack, baghouse
Pregnant and barren solution tanks	Carbon adsorption unit, wet scrubber

(b) For the Twin Creeks Mine:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	TECHNOLOGIES FOR CONTROL OF MERCURY EMISSIONS
Juniper mill carbon kiln (Drum)	Wet scrubber, mercury scrubber
Pinon mill carbon regeneration kiln (Drum)	Wet scrubber
Sage mill autoclaves	Venturi scrubber
Mercury retort furnaces	Carbon adsorption
Juniper induction furnaces	Baghouse

3. For the Pipeline Mining Operation of Cortez Gold Mines of Placer Dome, Inc.:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	TECHNOLOGIES FOR CONTROL OF MERCURY EMISSIONS
Electric carbon reactivation kilns, 1 and 2	Chemical treatment, added wet scrubber 10/05
Electric induction refinery furnaces, 1 and 2	Chemical treatment, baghouse
Electrowinning cells	Chemical treatment

4. For the Jerritt Canyon Mine of Queenstake Resources, Ltd.:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	TECHNOLOGIES FOR CONTROL OF MERCURY EMISSIONS
East and west roasters	Gas quench scrubber, venturi dust scrubber, SO_2 scrubber, mercury scrubber, tail gas scrubber, sodium hypochlorite injection system
Refinery and carbon regeneration kiln	Venturi mercury wet-scrubbing/carbon-polishing system

NAC 445B.3653 Identification of tier-1 thermal units that emit mercury. (NRS 445B.210**,** 445B.300**)** The existing thermal units that emit mercury which are set forth in this section, and none other, are tier-1 thermal units that emit mercury:

1. For Goldstrike Mining Operations of Barrick Gold Corporation:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	NUMBER OF UNITS	MANUFACTURER, MODEL NUMBER, SERIAL NUMBER OR OTHER DESCRIPTION
Ore roasting circuits	2	S2.209.1 and S2.209.2 from Air Permit 1041-0739
Carbon reactivation kiln, unit 2 (Drum)	1	Lockheed Haggerty, serial number 119-122
Autoclave circuits (units 1, 2, 2-3, 4 and 5-6)	6	Eaton Metals
Retorts	3	EnviroCare Systems
Retort room exhaust	1	Vented through controls on the retorts
Electric induction furnaces	2	Inductotherm Corporation: East: Model number 125 KW PowerTrak and serial number 91-50165-246-11 West: Model number 75 KW PowerTrak and serial number 87-77730-246-11
Electrowinning cells	16	Located on the second floor of the secured refinery building

2. For Newmont Mining Corporation:

(a) For the Gold Quarry Operations Area:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	NUMBER OF UNITS	MANUFACTURER, MODEL NUMBER, SERIAL NUMBER OR OTHER DESCRIPTION
North and south CFB ore preheaters	2	Thermal Transfer, custom-made
North and south CFB ore roasters	2	Mark Steel, custom-made
Carbon regeneration kilns, 1 and 2 (Drum)	2	Boliden-Allis, custom-made
Mercury retort furnaces	7	Saracco Manufacturing Corporation, custom-made
Electric induction furnaces	3	Inductotherm Corporation
Pregnant and barren solution tanks	3	Two tanks located inside and one tank located immediately outside the refinery building

(b) For the Twin Creeks Mine:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	NUMBER OF UNITS	MANUFACTURER, MODEL NUMBER, SERIAL NUMBER OR OTHER DESCRIPTION
Juniper mill carbon kiln (Drum)	1	Lockheed Haggerty
Pinon mill carbon regeneration kiln (Drum)	1	Lockheed Haggerty, Serial number 171-63
Sage mill autoclaves	2	Eaton Metals

Mercury retort furnaces, A, B, C and D	4	Lockheed Haggerty: Retorts A-D: Model number 13053 Retort A: Serial number 171-64a Retort B: Serial number 171-64b Retort C: Serial number 16082, equipment number 370-514-103 Retort D: Serial number 16082, equipment number 370-514-104
Juniper induction furnaces, east and west	2	Inductotherm Corporation: East: New furnace located in smelting area West: Serial number 750-72010-3-87

3. For the Pipeline Mining Operation of Cortez Gold Mines of Placer Dome, Inc.:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	NUMBER OF UNITS	MANUFACTURER, MODEL NUMBER, SERIAL NUMBER OR OTHER DESCRIPTION
Electric carbon reactivation kilns, 1 and 2	2	Lockheed Haggarty, 48X40
Electric induction refinery furnaces, 1 and 2	2	Inductotherm Corporation, VIP PowerTrak-R; serial numbers 80354 and 59585
Electrowinning cells	6	Summit Valley, 125CF

4. For the Jerritt Canyon Mine of Queenstake Resources, Ltd.:

SYSTEM OR PROCESS UNITS OF TIER-1 THERMAL UNITS THAT EMIT MERCURY	NUMBER OF UNITS	MANUFACTURER, MODEL NUMBER, SERIAL NUMBER OR OTHER DESCRIPTION
East and west roasters	2	Keeler/Dorr-Oliver: East: Serial number 46DD 3250 West: Serial number 46DD 3050
Refinery and carbon regeneration kiln	1	Elmco Technologies, serial number 44DD 3071

NAC 445B.3669 Existing thermal unit that emits mercury: Submission of phase-1 application following determination of de minimis mercury emissions. (NRS 445B.210**,** 445B.300**)** Within 90 days after the date of final notification of the determination of de minimis mercury emissions pursuant to NAC 445B.3657:

1. If the owner or operator of an existing thermal unit that emits mercury determines that the thermal unit that emits mercury does or has the potential to emit mercury at a level which is greater than de minimis mercury emissions and has not yet submitted an application pursuant to subsection 1 or 2 of NAC 445B.3667, the owner or operator must submit a phase-1 application to the Director to obtain a mercury operating permit to construct for the thermal unit that emits mercury; or

2. If the owner or operator of a stationary source has a mercury operating permit to construct which was issued pursuant to a phase-1 application for one or more thermal units that emit mercury and determines that any of the thermal units that emit mercury emits or has the potential to emit mercury at a level which is greater than the de minimis mercury emissions, the owner or operator

must submit an application to revise the mercury operating permit to construct to authorize the operation of the thermal unit that emits mercury at a level which is greater than de minimis mercury emissions.

NAC 445B.3673 Existing thermal unit that emits mercury: Contents of phase-1 application; sampling and testing for tier-1 thermal unit. (NRS 445B.210**,** 445B.225**,** 445B.300**)** A phase-1 application or an application for a revision of a mercury operating permit to construct which was issued pursuant to a phase-1 application for an existing thermal unit that emits mercury must include:

1. An identification and a description of any equipment for the control of mercury emissions, including, without limitation, any controls that are presumptive NvMACT; and

2. A proposed monitoring plan which must be complied with by the applicant until a mercury operating permit to construct is issued pursuant to the phase-1 application and which includes, without limitation:

(a) For a tier-1 thermal unit that emits mercury:

(1) Procedures for the operation and maintenance of the thermal unit.

(2) Methods of the monitoring of and recordkeeping for any controls for mercury processes and emissions.

(3) A proposed schedule for sampling and testing of mercury emissions and tests of performance to be conducted on an annual basis in accordance with the procedures set forth in NAC 445B.252. The owner or operator of the thermal unit that emits mercury must conduct the initial sampling and testing of mercury emissions and tests of performance and submit the results of the initial sampling and testing and tests of performance to the Director not later than December

31, 2006. After the owner or operator of the thermal unit has submitted the results of the initial sampling and testing of mercury emissions and tests of performance, the owner or operator may submit a request to the Director to waive the requirement for annual sampling and testing of mercury emissions or consider other schedules for the frequency with which such sampling and testing and tests of performance must be conducted.

(4) A requirement to report the level of mercury emissions on an annual basis which must be based on mercury emissions test data.

(5) A requirement to report any mercury co-product on an annual basis.

(b) For a tier-2 thermal unit that emits mercury:

(1) Procedures for the operation and maintenance of the thermal unit.

(2) Methods of the monitoring of and recordkeeping for any controls for mercury processes and emissions.

(3) A proposed schedule for sampling and testing of mercury emissions and tests of performance for the thermal unit that emits mercury.

(4) A requirement to report the level of mercury emissions on an annual basis which must be based on mercury emissions test data.

(5) A requirement to report any mercury co-product on an annual basis.