

SOURCE PERMITTING AND OPERATION

030.000 SOURCE PERMITTING AND OPERATION (Amended 10/20/93)

It is unlawful for any person to:

- A. Construct any new source;
- B. Make any modifications affecting the emissions of any existing source; or
- C. Operate any new source, within the meaning of these regulations, except those sources in **Section 030.003**,

without first submitting an application to the Control Officer and obtaining an Authorization to Construct.

030.002 CONSTRUCTION OR MODIFICATION OF PERMITTED OPERATIONS (Amended 4/89, 10/20/93)

A written Authority to Construct shall be required to construct, erect, alter or replace any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. The applicant for any Authority to Construct must notify the Control Officer in the application of any source which is or will become subject to 40 CFR Part 70 upon completion of the proposed construction. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc.

030.003 EXEMPT SOURCES (Amended 10/20/93, Revised 10/25/95)

The following existing or new single sources do not require Authorities to Construct and/or Permits to Operate unless they would otherwise be subject to the Part 70 regulations as defined in **030.905**:

- A. Agricultural land use.
- B. Motor vehicles, special mobile equipment licensed for highway travel and any internal combustion engines associated with the operation of licensed mobile equipment.
- C. Land clearance or covering which is less than one (1) acre in size.

030.004

In addition to the conditions contained in NRS 534A.060, an air pollutant emission control plan must be submitted and approved by the Control Officer prior to commencement of drilling or reworking a geothermal well (productive or exploratory).

Geothermal wells within 5.0 kilometers of a residential dwelling(s), must limit the hydrogen sulfide emission rate on a continuous basis during air drilling cleanout, initial testing and reworking to no more than 5.5 pounds per hour (2.5 kilograms per hour). If the reworking or drilling cleanout

operation lasts for two (2) hours (120 minutes) or less, an exemption to the 5.5 pound/hour emission limit may be obtained from the Control Officer. This exemption would limit the facility to operations only during favorable meteorological conditions as determined in advance by the Control Officer. (Adopted 4/89)

030.005 No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source which requires an authority to construct or permit to operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.

030.010 GENERAL SOURCES (Amended 6/27/90)

The Control Officer shall not issue an Authority to Construct or Permit to Operate if the registration application, engineering data or any other documentation submitted by the applicant shows, or the Control Officer determines, that the source:

- A. Cannot meet the requirements of, or be operated in compliance with, federal, state, or local regulations;
- B. Will prevent the attainment or maintenance of state or national ambient air standards; or
- C. Will cause a violation of the approved State Implementation Plan.
- D. Will not meet all requirements of **Section 030.410**.

030.015 AUTHORITY TO CONSTRUCT DURATION

An Authority to Construct shall remain valid for the same time period as is allowed a building permit in the jurisdiction of the facilities location, but in no case shall this period exceed eighteen (18) months. If a permittee begins construction and then stops, after construction has ceased for 18 months, the Authority to Construct shall expire. Once the 18-month period is exceeded, the approval of the Authority to Construct lapses, and the Authority to Construct is invalid. A new registration application must be submitted if the operator wishes to build or renew construction. An Authority to Construct can only be converted to a Permit to Operate if the construction of the source is completed in compliance with all applicable District requirements. (Revised 10/25/95)

030.018 CONSTRUCTION OF CONTROL EQUIPMENT CONTRARY TO AUTHORITY TO CONSTRUCT

If the Control Officer finds the equipment has not been constructed in accordance with the authority to construct, and/or provides less effective control than the equipment specified in the authority to construct, he may deny the permit to operate.

030.020 PERMIT APPLICATION (Amended 10/20/93, Revised 10/25/95)

- A. Application for Authority To Construction and/or Permit To Operate shall be made on forms furnished by the Control Officer.
- B. A separate application is required for each source. One application is sufficient for those sources requiring both an Authority to Construct and a Permit To Operate.

- C. Each application must contain, as a minimum:
1. Name and address of business and any other identifying information;
 2. Nature of business, including products produced and processes to be used, including any applicable SIC codes;
 3. Name and phone number of agent, manager or contact person;
 4. Site information, including flow diagrams, description of site, description of all insignificant activities for Part 70 permits, and all emission points in sufficient detail to determine applicability and fees;
 5. Nature and quantity of emissions for all regulated pollutants on an hourly, daily or annual basis, expressed in units as necessary to determine compliance, including notation as to if the proposed modification will be a major source or modification and which pollutants the source will be major for;
 6. Facilities or process equipment to be permitted or have their permit revised, including the control equipment, control measures or work practices to be utilized in emission reduction;
 7. Operating times, temperatures, fuels used, raw materials consumption, production rates, or other pertinent information;
- The information shall be sufficient in scope to enable the Control Officer to make any determination pursuant to the requirements of **Section 030.010** of these regulations.
8. Such other information or documentation requested by the Control Officer as necessary to determine compliance with all requirements and standards;
 9. Signature of a responsible person of the firm or business;
 10. A plan review fee and any other fees as set by the District Board of Health;
 11. Calculations and methods used to estimate emissions.
 12. For sources which are or will become subject to a Part 70 permit, the application shall also include citation and description of all applicable requirements, the test methods for determining compliance with each applicable requirement, and explanations of any proposed exemption from any otherwise applicable requirement. The source shall also submit a compliance plan consistent with the requirements of **Sections 030.970 (A) and (B)** of these regulations. Any applications for minor permit modifications under **030.950 (D)** shall also include items I through IV below. Title V permit applications shall include all of the following:
 - I. A description of the change, the emissions resulting from the change and any new applicable requirements that will apply as a result of the change;

- II. The source's suggested draft permit;
 - III. Certification by a responsible official that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used;
 - IV. Completed forms for the Control Officer to use in notifying the EPA and affected states.
 - V. Description of any processes and products associated with alternative operating scenarios;
 - VI. Description of compliance monitoring devices or activities;
 - VII. Where emissions trading provisions are requested by a source, proposed replicable procedures and permit terms;
 - VIII. A statement that the source will meet all applicable requirements that become effective during the permit term in a timely manner;
 - IX. A certification that all the information being submitted in the Part 70 permit application is based on information and belief formed after a reasonable inquiry.
- D. Operators of new or existing single sources emitting fifty (50) tons or more of total contaminants per year shall:
- 1. Submit a plan for curtailment of operations in the event that ambient levels of contaminants approach or reach those stated in the Emergency Episode Plan (**Section 050.005 et. seq.** of these regulations).
- E. In case of a dispute, the Control Officer may require that the application and reports be certified by a licensed professional engineer as to the accuracy of the technical information concerning equipment of the applicant. The certification shall be given under oath or upon information and belief that statements made in the application are truthful, accurate or correct.
- F. Any change or alteration to the plans, equipment or process affecting the emissions from any new or existing source shall be reported to the Control Officer and shall be approved prior to implementation.

030.023 EVALUATION OF REGISTRATION APPLICATION

When an Authority to Construct application is received by the Control Officer, he shall evaluate it to determine if all necessary information on the source processes has been included. When all the required information has been received, the Control Officer will review the proposal using standard engineering practices and methods, decide which local, state or federal regulations apply to the source, determine by approved modeling or other methods if the proposed control technology will meet regulatory requirements, and determine what, if any, pre-construction monitoring or other testing will be required before the authority to construct is issued. If it is determined that the equipment proposed in the Authority to Construct application is insufficient to meet regulatory

requirements, the Control Officer will notify the applicant of the deficient items in writing and state what additions may be made to bring the project into compliance with regulatory requirements. In no case may the review of the project take more than 180 days to complete.

030.025 The acceptance of registration application, or the issuance of an Authority to Construct by the Control Officer, does not constitute acceptance or approval of the operation of any article, machine, equipment, facility, property or process listed on the application. Not until all requirements are met and until the Control Officer ascertains that the actual operation is in compliance with all applicable federal, state and local standards and emission limitations will the source be deemed approvable and a Permit to Operate be issued.

030.030 The lack of emission limits or controls in these regulations for equipment or processes requiring a registration application does not remove the registration requirement.

New equipment or changes in processes capable of becoming a new source of air pollution or increasing present emission levels must be provided with the control capability necessary to meet all emission standards and requirements specified in these regulations and any additional requirements specified by the Control Officer in issuing the Authority to Construct or Permit to Operate.

FEDERAL STANDARDS (NSPS & NESHAP)

030.100 NEW SOURCE PERFORMANCE STANDARDS (Amended 10/24/90; Revised 8/28/08)

A. General

40CFR60, Subpart A (60.1 et seq), along with all duly promulgated revisions as of June 1, 1990 is herewith adopted by reference, except as follows:

1. "Administrator" shall, in this context, be taken to mean the Control Officer. The substitution does not apply to 60.8 (b)2, 60.8 (b)2, and 60.11 (e) of this subpart.
2. Delete **Sections 60.4, 60.5, and 60.6.**
3. No sections dealing with equivalency determinations or innovative technology waivers, as covered in **Sections III(h)(3) and II(j)** respectively, of the Clean Air Act may be delegated.

B. The Standards for Performance for those **Subparts of 40CFR60** listed below, along with all the duly promulgated revisions as of June 1, 1990, are herewith adopted by reference with the listed exceptions.

1. Subpart D - Fossil Fuel - Fired Steam Generators
2. Subpart Db - Steam Generating Units, Industrial - Commercial - Institutional
3. Subpart E - Incinerators
4. Subpart F - Portland Cement Plants

5. Subpart G - Nitric Acid Plants
6. Subpart H - Sulfuric Acid Plants
7. Subpart I - Asphalt Concrete Plants
8. Subpart J - Petroleum Refineries
9. Subpart K - Storage Vessels for Petroleum Liquids (June 11, 1973, through May 19, 1978)
10. Subpart Ka - Storage Vessels for Petroleum Liquids (constructed after May 18, 1978)
11. Subpart Kb - Volatile Organic Liquid Storage (construction after July 23, 1984)
12. Subpart L - Secondary Lead Smelters
13. Subpart M - Secondary Brass and Bronze Ingot Production Plants
14. Subpart N - Iron and Steel Plants
15. Subpart O - Sewage Treatment Plants
16. Subpart P - Primary Copper Smelters
17. Subpart Q - Primary Zinc Smelters
18. Subpart R - Primary Lead Smelters
19. Subpart S - Primary Aluminum Reduction Plants; **except 60.195 (b)**
20. Subpart T - Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
21. Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants
22. Subpart V - Phosphate Fertilizer Industry: Granular Triple Superphosphate
23. Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants
24. Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
25. Subpart Y - Coal Preparation Plants
26. Subpart Z - Ferroalloy Production Facilities
27. Subpart AA - Steel Plants: Electric Arc Furnaces
28. Subpart AAa - Steel Plants: Electric Arc Furnaces Constructed After August 17, 1983

29. Subpart BB - Kraft Pulp Mills
30. Subpart CC - Glass Manufacturing Plants
31. Subpart DD - Grain Elevators
32. Subpart EE - Surface Coating of Metal Furniture
33. Subpart GG - Stationary Gas Turbines; **except 60.32(a)(3) and 60.335(a)(ii)**
34. Subpart HH - Lime Manufacturing Plants
35. Subpart KK - Lead-Acid Battery Manufacturing Plants
36. Subpart LL - Metallic Mineral Processing Plants
37. Subpart MM - Automobile and Light Duty Truck Surface Coating Operations
38. Subpart NN - Phosphate Rock Plants 39
39. Subpart PP - Ammonium Sulfate Manufacture
40. Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing
41. Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations
42. Subpart SS - Industrial Surface Coating: Large Appliances
43. Subpart TT - Metal Coil Surface Coating
44. Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture
45. Subpart VV - Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks of VOC; **except 60.482-1(c)(2) and 60.484**
46. Subpart WW - Beverage Can Surface Coating Industry; **except 60.496(a)(1) and 60.493(b)(2)(i)(A)**
47. Subpart XX - Bulk Gasoline Terminals
48. Subpart AAA - New Residential Wood Heaters
49. Subpart FFF - Flexible Vinyl and Urethane Coating and Printing
50. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries; **except 60.592(c)**
51. Subpart HHH - Synthetic Fiber Production Facilities
52. Subpart JJJ - Petroleum Dry Cleaners; **except 60.623**

53. Subpart OOO - Nonmetallic Mineral Processing Plants
54. Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants
55. Subpart SSS - Magnetic Tape Coating Facilities
56. Subpart TTT – Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
57. Subpart UUU – Calciners and Dryers in Mineral Industries
58. Subpart VVV – Polymeric Coating of Supporting Substrates Facilities
59. Subpart WWW – Municipal Solid Waste Landfills
60. Subpart AAAA – Small Municipal Waste Combustion Units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001
61. Subpart CCCC – Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001
62. Subpart EEEE – Other Solid Waste Incineration Units for which construction is commenced after December 9, 2004 or for which modification or reconstruction is commenced on or after June 16, 2006
63. Subpart IIII – Stationary Compression Ignition Internal Combustion Engines
64. Subpart JJJJ – Stationary Spark Ignition Internal Combustion Engines
65. Subpart KKKK – Stationary Combustion Turbines

030.105 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (Amended 9/23/92)

A. GENERAL

40CFR61, Subpart A (61.01 et seq), along with all duly promulgated revisions is herewith adopted by reference, except as follows:

1. Delete Sections 61.06, 61.14, 61.15, 61.53(c)(4), 61.04(b), 61.12(d)(1) and 61.13(h)(1)(ii).
2. Any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Clean Air Act.

B. The National Emission Standards for Hazardous Air Pollutants for those subparts of 40CFR61 listed below, along with all the duly promulgated revisions are herewith adopted by reference.

1. Subpart B - Radon 222: Underground Uranium Mines

2. Subpart C - Beryllium
3. Subpart D - Beryllium Rocket Motor Firing
4. Subpart E – Mercury
5. Subpart F - Vinyl Chloride
6. Subpart H - Radionuclides: DOE Facilities
7. Subpart I - Radionuclides: NRC and Federal Facilities
8. Subpart J - Benzene - Fugitive Emission Sources - Equipment Leaks; except 61.112(c)
9. Subpart K - Radionuclides: Elemental Phosphorus Plants
10. Subpart M - Asbestos
11. Subpart V - Volatile Hazardous Air Pollutants - Fugitive Emission Sources -Equipment Leaks; except 61.242-1(C)(2) and 61.244

030.106

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (Adopted 10/22/97; Revised 8/28/08)

40CFR, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories (as listed below), along with all duly promulgated revisions, are herewith adopted by reference:

1. Subpart A - General Provisions (63.1 - 63.15)
2. Subpart B - Requirements for Control Technology D Determinations for Major Sources in Accordance with Clean Air Act Sections, 112 (g) and 112 (j) (63.40 - 63.44), and (63.50 - 63.56)
3. Subpart M - National Perchloroethylene Air Emission Standard for Dry Cleaning Facilities (63.320 - 63.325)
4. Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (63.340 - 63.347)
5. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities (63.360 - 63.367)
6. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (63.420 - 63.429)
7. Subpart T - National Emission Standards for Halogenated Solvent Cleaning (63.460 - 63.469)

8. Subpart KK - National Emission Standards for the Printing and Publishing Industry (63.820 - 63.831)
9. Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities (63.11080 – 63.11100)
10. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (63.11110-63.11132)
11. Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (63.11169 – 63.11180)
12. Subpart OOOOO - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations (63.11414 – 63.11420)
13. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works (63.1580 – 63.1595)
14. Subpart WWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizers (63.10382 – 63.10448)
15. Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations (63.11475 – 63.11512)
16. Subpart XXXXX - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories (63.11514 – 63.11523)
17. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (63.6580 – 63.6675)

030.107 HAZARDOUS AIR POLLUTANTS (Adopted 10/24/90, Revised 5/24/95, 10/25/95)

A. Asbestos Sampling and Notification

No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises. No potential asbestos containing materials may be disturbed until such a survey is performed. The person performing the survey must possess U.S. EPA AHERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgment Form" obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed "Asbestos Assessment Acknowledgment Form", may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists. If the survey indicates the presence of

asbestos, the permit applicant must adhere to the requirements of Sections 030.105 and this section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following operations:

1. All renovations disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet square, 260 lineal feet or 35 cubic feet whichever is most restrictive.
2. Notice shall be required for any building demolition, including single residential dwellings.

This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board Of Health must be submitted with all such notifications before they can be considered valid.

B. Asbestos Control Work Practice

For the purposes of this regulation, in addition to the requirements of the NESHAP, acceptable work practices for RACM removal shall include, but are not limited to, adequate wetting, containment of materials in glove bags or containment areas, negative air systems, decontamination areas, double bag disposal or other methods as required by the Control Officer. Acceptable work practices for commercial ACM roofing removal shall include adequate wetting of the material and removal in covered chutes. As an alternative, ACM roofing materials may be removed by bagging or careful wrapping and lowering. The Control Officer may require separate removal of friable roofing materials prior to demolition. All asbestos removal work which is done with barriers isolating the work area shall include transparent viewing ports which allow observation of stripping and removal of ACM from outside the barrier. Sufficient view ports shall be installed to make at least 90 percent of the work area visible from outside the barrier, except in unusual situations as approved by the Control Officer. Air clearance testing after removal work is complete may be required by the Control Officer for the protection of public health.

C. Asbestos Contamination And Abatement

Under no condition may any person store, remove, transport or destroy any asbestos containing materials in a manner which is likely to release asbestos fibers into the atmosphere. Safe asbestos removal work practices, sufficient to prevent a danger to public health as defined below, shall be required for any remodeling or demolition of NESHAP regulated facilities which disturbs any quantity of RACM. The Control Officer may require cleanup or abatement of damaged or degraded asbestos containing materials where their storage, handling or continued presence represents a danger to public health. Unsafe work practices or danger to public health as noted above shall be concluded only when testing results demonstrate asbestos levels exceeding one of the following limits: 1) 0.01 asbestos fibers per cubic centimeter as determined by any method of air sampling as specified by the Control Officer; or 2) greater than one percent asbestos as determined by vacuum, bulk or wipe sampling of surfaces. The Control Officer may require such sampling to be performed at the owners expense by a qualified person when unsafe work practices or a danger to public health are suspected. The Control Officer shall approve procedures for sample collection, including the type of

sampling as listed above, sample duration and volume, or analytical methods, such as the use of TEM or PCM depending on the type of suspected contamination and building materials present. Failure to use acceptable work practices during RACM removal or disturbance may result in the issuance of a stop work order, a citation, or both.

030.108 PROHIBITION ON USE OR SALE OF ASBESTOS-CONTAINING MATERIALS FOR SURFACING, LANDSCAPING OR PAVING (Adopted 9/27/00)

The Control Officer may require testing for the asbestos content of any material represented as being suitable or used for surfacing, including landscaping or paving operations. For the purposes of this regulation, surfacing means the act of covering any surface used for pedestrian, vehicular, or non-vehicular travel; or decoration, including, but not limited to, roads, road shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, yard areas, trails, squares, plazas, and fairgrounds.

- A. Effective October 1, 2000, no person shall import, use, sell, supply, or offer for sale or supply in Washoe County, any of the following materials for surfacing, including landscaping or paving operations:
 - 1. Serpentine or serpentine rock material,
 - 2. Any rock material that has been tested and found to have an asbestos content of 0.25 percent or more. The asbestos content of rock materials shall be determined using California Air Resources Board Test method 435, or an equivalent method approved by the Control Officer.
- B. After October 1, 2000, any existing supplies of materials listed under A (1) or A (2) may only be sold for use in locations outside of Washoe County.

030.109 FEE FOR ASBESTOS SAMPLING

If the Control Officer deems an onsite sampling evaluation for asbestos is necessary for investigation or enforcement action on the improper removal, storage, demolition or disposal of asbestos-containing materials, the owner of the property shall pay a fee per sample set by the District Board of Health.

030.110 Before issuance of an authority to construct, an applicant for any new major stationary source or major modification shall meet all general registration requirements, and, depending upon location, meet all the requirements set forth in **Sections 030.500 and 030.600**.

030.140 If at any time prior to issuing a Permit to Operate, the Control Officer determines that the proposed construction, installation, alteration or establishment of the source:

- A. Will not be in accordance with the provisions of the plans, specifications and other design criteria submitted with the registration application;
- B. Is being done before receiving an authority to construct;

It shall be considered a violation of these regulations and, in addition to a notice of violation, the Control Officer may issue a stop work order prohibiting the construction, installation or alteration or establishment of the source.

- 030.1401** A person served with a stop work order shall immediately stop all activities specified in the stop work order. Service of the stop work order shall be done in the manner outlined in **Section 020.030**.
- 030.1402** A stop work order shall specify the reasons for the issuance.
- 030.1403** A person served with a stop work order may apply to the Control Officer for its revocation, setting forth the reasons he believes the stop work order is no longer valid. The Control Officer must take final action on an application for revocation of a stop work order within twenty-four (24) hours after receipt of the application. If the Control Officer finds that the reasons for which the stop work was issued no longer exist, he shall revoke the order immediately. If the Control Officer finds that the reasons for which the stop work order was issued still exist, he shall furnish a written statement of his reasons to the person concerned.
- 030.1404** Any person aggrieved by the issuance or affirmance of a stop work order by the Control Officer may appeal to review the actions of the Control Officer in issuing the stop work order. An appeal to the Hearing Board does not vacate the effect of the stop work order. A stop work order may only be removed or vacated by the Control Officer, the Hearing Board, the District Board of Health or court action.

WASHOE COUNTY PERMIT TO OPERATE REQUIREMENTS

030.200 PERMIT TO OPERATE (Amended 10/20/93, Revised 10/25/95)

Any source with the potential to emit two pounds per day of any criteria pollutant or one pound per day of any toxic pollutant shall be required to obtain and hold a Permit to Operate.

A person shall not cause, suffer or allow the operation of any equipment or process requiring a Permit To Operate, except those specifically exempted by these regulations, without a valid permit issued by the Control Officer. Any new source required to obtain a Part 70 permit under **Section 030.905** of these regulations must obtain a permit prior to beginning operation of equipment. Sources in existence on the date of EPA Part 70 program approval which meet the applicability criteria in **Section 030.905** shall submit applications as specified in **Regulation 030.900**.

030.210 PERMIT TO OPERATE ISSUANCE (Revised 10/25/95)

The Permit to Operate will be issued when the Control Officer determines:

- A. All registration requirements have been fulfilled;
- B. The source can be operated in compliance with all local, state and federal regulations;
- C. The source will not interfere with the attainment or maintenance of the Ambient Air Quality Standards; and
- D. The proper fees, as established by the District Board of Health, have been paid.
 - 1. Sources emitting less than 730 pounds of total pollutants per year will be assessed a flat rate permit to operate fee as set by the District Board of Health.

2. A 50% reduction in the permit to operate fee will be allowed for any source around which fewer than fifty (50) people reside within a twenty-five (25) mile radius, including those residing at the site of the source, if the emissions are not significant (Table 4).

030.215 Nothing contained herein exempts any person in control of, or responsible for any article, machine, structure or process for which a Permit To Operate has been issued pursuant to these regulations from the responsibility of complying with the regulations, with all applicable control strategies contained in the approved State Implementation Plan which limits, either directly or indirectly, the emission of air contaminants into the atmosphere and with all national, state and local ambient air quality standards.

030.216 ALTERATION OR FALSIFYING OF PERMIT

No person may deface, alter, forge, or falsify any permit issued under these regulations.

030.217 PERMIT CONDITIONS

To assure compliance with all applicable state, local and federal regulations, the Control Officer may impose written conditions of operation including, but not limited to, restrictions on emissions outputs, operating times and process temperatures on any permit. The Control Officer may, after notice and consultation with the permittee, add or amend written conditions on any existing source permit to assure compliance. When operating permit conditions are changed, the Control Officer shall specify a reasonable time period for these changes to take effect. Commencing work or operation under such a permit shall be deemed acceptance of the conditions so specified. The permittee may appeal these conditions to the Control Officer in writing within ten (10) days of the notice of changes to the conditions in the permit. Until such an appeal is heard, however, all operations shall be subject to the conditions specified on the permit. (Also see **030.240 - 030.260**).

030.2175 OPERATIONS CONTRARY TO PERMIT (Amended 10/20/93)

No person may operate equipment contrary to the permit conditions specified on the Permit to Operate for that equipment. Violation of the conditions of a permit to operate shall constitute a major violation under the provisions of **Section 020.040** and **Section 020.042**, or both of these regulations, and may constitute grounds for immediate suspension of the permit.

030.218 DEMONSTRATION OF COMPLIANCE

The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Permit to Operate. Such data submission requirements may include, but would not be limited to, graphs, charts or other records of items such as plant operational temperatures, plant production levels, continuous stack monitor outputs, plant operating hours, equipment engineering and design specifications or chemical product consumption. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data as requested by the Control Officer constitutes a violation of the conditions of the Permit to Operate, and the affected source would be subject to a citation under these regulations, suspension of their Permit to Operate or both.

030.219 **EMISSION STATEMENTS** for sources which emit or may emit NOx or reactive VOCs (Adopted 9/23/92)

In accordance with sections 182(a)(3)(B) and 184(b)(2) of the 1990 Clean Air Act Amendments owners or operators of any source operation which emits or has the potential to emit 25 tons per year or more of oxides of nitrogen (Nox) or reactive volatile organic compounds (VOCs) shall provide the Control Officer with a written statement, in such form as the Control Officer prescribes, showing actual emissions of NOx and VOC's from that source. The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The first statement will cover 1992 emissions and shall be submitted to the District by April 1, 1993. Statements shall be submitted annually thereafter by April 1st.

030.220 The Control Officer may issue a temporary Permit to Operate, on a conditional basis, to any new or existing single source requiring some reasonable time for initial testing or to any existing source which is not in compliance with applicable emission limitations, but which has a compliance schedule or variance approved by the District Board of Health.

030.221 **TEMPORARY PERMIT TO OPERATE** (Renamed and Revised 2/26/09)

- A. New Equipment - A person shall notify the Control Officer before operating or using any new equipment for which an Authority to Construct has been granted. Upon such notification, the Control Officer may choose to grant permission for the operation of such equipment with the Authority to Construct deemed as being a Temporary Permit to Operate. The Control Officer may also choose to impose additional conditions to the Temporary Permit to Operate before start-up, or may require a complete new application for a Permit to Operate. The equipment must not be operated in a manner contrary to the conditions specified in the Temporary Permit to Operate.

- B. Modified Equipment - A person shall notify the Control Officer before operating or using any modified equipment for which an Authority to Construct has been granted. Upon such notification, the Control Officer may grant permission for the operation of such equipment with the Authority to Construct deemed as being a Temporary Permit to Operate for that newly modified equipment. If the modification is an additional control device for reducing pollutant emissions, the continued operation of that control device shall be required for the operation of the plant as a whole. In no case may the equipment be operated in a manner contrary to the conditions specified in the Authority to Construct.

- C. Mobile Equipment Surface Finishing – A person shall notify the Control Officer before operating or using any equipment for the purpose of resurfacing mobile equipment for which an Authority to Construct may be required. Upon such notification, the Control Officer may grant permission for the operation of such equipment with the issuance of the Authority to Construct and Temporary Permit to Operate. In no case may the equipment be operated in a manner contrary to the conditions specified in the Authority to Construct and Temporary Permit to Operate.
 - 1. Resurfacing of mobile equipment will be limited to no more than ten (10) pieces of equipment in any ninety (90) day period at any location within Washoe County.

2. All applicable fees for the Temporary Permit to Operate must be submitted within 30 days of issuance.

030.225 Each Permit to Operate shall be renewed annually, and each renewal must be accompanied by the appropriate fee. Any change in emissions or operation must be noted in the renewal.

030.228 **METHODS TO DETERMINE SOURCE EMISSION RATES**

The Control Officer shall use accepted engineering practice to determine source emission rates for the purposes of establishing annual permit renewal fees, new source control technology requirements or in taking enforcement action. These methods may include, but are not limited to, the use of emission factors from approved publications such as "AP - 42 COMPILATION OF AIR POLLUTION EMISSION FACTORS" published by the U.S. EPA, stack emissions surveys, or mass balance emissions calculations. It is the burden of the source operator to provide satisfactory scientific evidence of different emission rates if the operator wishes to dispute the findings of the Control Officer.

030.230 **RECORD KEEPING (Amended 9/23/92)**

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

030.235 **REQUIREMENTS FOR SOURCE SAMPLING AND TESTING**

To determine the exact quantity and effect of emissions produced by stationary sources, the Control Officer may require source stack testing, or other types of source testing including, but not limited to, mass balance types of analysis, be made by the operator. Alternatively, and after consultation with the permittee, the Control Officer may require that testing be reviewed and overseen by an independent third party of the Control Officer's selection to insure the quality and accuracy of the test results. The Control Officer may also require other types of pollutant impact analysis, including but not limited to, epidemiological testing of persons who may be affected by the operations of the source, risk assessment determinations, source or receptor modeling and off-site ambient pollutant level monitoring. Completion of testing may be required prior to the issuance or continuance of a permit to operate. The Control Officer may require that all costs of any testing required under this section be borne by the operator or source owner.

030.240 A person who has been granted a Permit to Operate shall display the permit in a room or office on the premises which is readily accessible to air pollution control personnel for inspection or examination, and reasonably close to the equipment or other contrivance which is the subject of the permit.

030.245 A Permit to Operate is not transferable, by operation of law or otherwise, from one location to another, or from one piece of equipment or process to another but may be transferred from one person to another upon approval of the Control Officer and payment of a transfer fee set by the District Board of Health. (Revised 4/22/98)

The new permit holder is entitled to use the permit until expiration at no further cost. It is unlawful to deface, alter, forge, counterfeit, or falsify any Permit to Operate issued by the Control Officer.

030.250 Permits to Operate are subject to suspension or revocation for violation of these regulations. If the Control Officer determines that a permittee is in violation, or has had two (2) or more written Revocation of a Permit violations in a 365 day period, he may serve upon the permittee, at the address given on the Registration Application, through personal service or certified mail, a Notice of Suspension or to Operate, setting forth in detail the violations charged. The suspension or revocation becomes final and effective ten (10) days after service of the written notice and the Permit To Operate shall thereupon be surrendered to the Control Officer unless the permittee files with the Hearing Board, in writing, within ten (10) days of receipt of the notice of suspension or revocation pending the decision of the District Board of Health. The Hearing Board shall meet to hear the appeal no later than thirty (30) days after receiving the appeal.

030.255 If a Permit to Operate is suspended, reinstatement may be accomplished by submitting to the Control Officer sufficient evidence for him to determine if the reason for which the permit was suspended has been corrected.

030.260 If a Permit to Operate is revoked, all fees paid shall be forfeited. Reinstatement of a revoked permit must be accompanied by a new registration application and payment of the annual fee. In such cases, the date of the reinstatement becomes the annual renewal date.

030.265 **EMERGENCY TEMPORARY SUSPENSION OF PERMIT TO OPERATE**

If the Control Officer determines that the emissions or operations of a source represent a hazard to public health, or an imminent risk to public welfare, he may issue an emergency closure order or an emergency suspension of the Permit to Operate. The Control Officer's decision shall be based upon the best medical and scientific information available to him at the time of his decision. The operator of any source so ordered shall cease all emissions as soon as safely practicable, and shall not resume operations until the cause of the hazard or risk has been eliminated, and the Control Officer approves of the resumption of operations. An emergency closure order issued under these regulations may be immediately appealed to the District Board of Health, and the Board shall provide the opportunity for a hearing within three (3) working days of the date of the request therefore. If no hearing is provided within that time, the operator may immediately seek judicial review of the suspension order.

030.270 **SUSPENSION OF PERMIT TO OPERATE FOR REPEATED VIOLATIONS**

A Permit to Operate will be automatically suspended if the permittee committed five (5) or more violations of these regulations in a 365-day period. The suspension becomes effective ten (10) days after the District Board of Health has upheld the fifth violation and may not be appealed. The permit may be reinstated only after the Control Officer and the District Board of Health have received evidence that the cause of the violations has been corrected.

030.280 **SUSPENSION OF PERMIT TO OPERATE FOR FAILURE TO PAY FINES**

A Permit to Operate will be automatically suspended if the permittee fails to pay administrative fines levied for violations of these regulations. The suspension becomes effective 45 days after the District Board of Health has upheld the fine and may not be appealed. The permit will be reinstated only after any and all administrative fines have been paid in full.

FEES AND FEE SCHEDULES

030.300 **EXEMPTIONS** (Amended 11/16/94; Rescinded 10/25/2007, Effective January 1, 2008)

030.304 **DUST CONTROL PLAN** (Revised 4/22/98)

Fees for the processing of dust control plans shall be set by the District Board of Health for projects where the area disturbed exceeds one acre.

030.305 **PLAN REVIEW** (Amended 10/20/93)

Plan review fees shall be charged for review of Authority to Construct applications. Fees for new, existing or modified sources shall be set by the District Board of Health. Separate fees for emission sources requiring Part 70 Permits under section 030.905, shall be set by the Board of Health.

030.310 **PERMIT TO OPERATE** (Amended 10/20/93)

Except as otherwise provided in **Section 030.3101 and 030.3102**, Permit to Operate fees are as set by the District Board of Health. The District Board of Health shall increase the permit fee rate each year by an amount equal to or greater than the Federal Consumer Price Index. This increase shall be made before the beginning of each calendar year.

030.3101 **STORAGE TANKS**

The fee for stationary tanks, reservoirs or other containers of more than 40,000 gallons capacity containing any liquid have a Reid vapor pressure of 1.5 pounds per square inch or greater under conditions of storage is as set by the District Board of Health.

030.3102 **HAZARDOUS MATERIAL PROCESSES** (Adopted 6/27/90, Revised 4/22/98)

Any operations which emit more than one pound per day of hazardous air pollutants, including those pollutants set forth in the National Emission Standards for Hazardous Air Pollutants and those substances listed in **Section 030.400**, shall be assessed an annual hazardous air pollutant emission fee set by the District Board of Health. For sources also currently requiring operating permits, the fees will be assessed concurrently with those operating permits. Persons performing asbestos removal operations under the requirements of the National Emission Standards for Hazardous Air Pollutants shall pay an inspection fee as set by the District Board of Health. All inspection fees will be assessed at the time of NESHAP notification.

030.320 The fee for transfer of a Permit to Operate is as set by the District Board of Health.

030.330 The cost of replacement of a lost or destroyed Permit to Operate is as set by the District Board of Health.

030.335 **LATE PERMIT FEE ASSESSMENT** (Adopted 9/25/03)

The owner or operator of a source who does not submit the annual permit to operate fee by the specified due date will be assessed a late penalty in the amount of 25 percent of the amount of the total fee due. The late fee must be paid in addition to the annual fee.

TOXIC OR HAZARDOUS AIR POLLUTANTS

030.400 TOXIC AIR POLLUTANTS LISTING (Adopted 6/27/90)

For the purpose of toxic air contaminant determinations and other definitions identifying harmful non-criteria air pollutants, the Board of Health adopts by reference, the listing of toxic air pollutants contained in the Clean Air Act amendments of 1990.

The Control Officer may, from time to time, review and update the toxics list. Any alteration of the list by the Control Officer must be accompanied by a written explanation of the need for the change and the basis for his decision.

030.410 NEW SOURCES EMITTING TOXIC AIR POLLUTANTS (Adopted 6/27/90)

- A. New or modified air pollution sources which emit any contaminant listed in Section 030.400 must obtain a Permit To Operate and use the Best Available Control Technology (BACT) to control the contaminants emitted. The operator must then perform a risk assessment to determine the increased health risk associated with the emissions from the new facility after the BACT controls. The assessment must be performed using techniques specified by the Control Officer. If preliminary analysis of the application indicates the cancer risk will be less than one in one million and projected emissions are unlikely to cause adverse health effects, the Control Officer may exempt the source from the requirements of this section. Any exemption issued by the Control Officer must be documented in the source's permit file.
- B. For any source with a predicted risk exceeding one in one million after BACT controls are applied, additional controls must be applied to reduce the projected cancer risk to below one in one million before the source is granted authority to construct.
- C. For sources processing, consuming or producing but not normally emitting listed substances, information stating which listed substances will be found, the quantities to be stored or consumed and maximum potential emissions in a catastrophic release must be provided with the application for a permit to construct the source.
- D. For any new source required to prepare a risk analysis under the requirements of this section, the Control Officer shall publish a notice by prominent advertisement in at least one newspaper of general circulation within the District, stating the preliminary decision of the Control Officer. The information submitted by the source (less any data determined to be confidential trade secrets in accordance with **Section 020.055** of these (regulations) will be made public. Any report of analysis made by the Control Officer reviewing these materials shall also be made available to the public at that time. The notice shall allow at least 30 days for the public to submit written comments on the preliminary decision. The Control Officer shall consider all public comments received during the comment period before taking final action on the application to construct the source or Permit to Operate. The costs of publication shall be borne by the applicant.

030.420 REVIEW OF EXISTING SOURCES OF TOXIC AIR POLLUTANTS (Adopted 6/27/90)

Existing sources of toxic air pollutants listed in **Section 030.400** may be required to perform screening risk assessments or to demonstrate compliance with any State Of Nevada, Federal or District ambient pollutant standards. Any risk assessments must conform to the requirements

established by the Control Officer. If the source's predicted cancer risk exceeds one in one million, fails to meet any ambient standard, or shows quantities of emissions likely to cause observable health effects, emissions control sufficient to reduce concentrations below these criteria must be applied.

030.450 ESTABLISHMENT OF AN INVENTORY OF TOXIC AIR EMISSIONS (Adopted 6/27/90)

The Control Officer shall establish an inventory of sources of toxic air emissions as defined in **Section 030.400**. This inventory must contain estimates of the toxic air contaminant contributions from all identifiable sources, including area and industrial sources. This listing shall be complete by September 1, 1990 and shall be updated and revised every two years. The information contained in this inventory is a public record.

030.460 STRATOSPHERIC OZONE PROTECTION PLAN (Adopted 6/27/90)

The Control Officer shall review the scientific literature and identify those contaminants deemed harmful to the stratospheric ozone layer. An inventory of emissions of these contaminants shall be prepared by September 1, 1990. The inventory must contain estimates of emissions from major identifiable sources including area and industrial sources. The Control Officer shall review the inventory and make recommendations to the District Board of Health on feasible strategies to reduce emissions of these substances.

030.480 TREATMENT OF HAZARDOUS OR TOXIC WASTE MATERIALS (Adopted 6/27/90)

Solid or liquid waste which must be treated to remove hazardous or toxic chemicals prior to disposal, release, or public use shall not be decontaminated by ventilation of those hazardous or toxic chemicals to the atmosphere. This includes, but is not limited to, waste regulated under RCRA (Resource Conservation and Recovery Act) or contaminated with materials designated as toxic under USEPA or state regulation. All emissions of these substances must pass through an approved control device before discharge to the atmosphere. Any operator treating these materials must register as an air pollution source with the Control Officer and must use the Lowest Achievable Emission Rate control technology (LAER) as specified in **Section 030.700**.

FEDERAL NEW SOURCE REVIEW (NSR)

030.500 NEW SOURCE REVIEW (NSR) APPLICABILITY

A major new source or major modification which would locate in an area designated as nonattainment for a pollutant for which the source or modification would be major shall not be allowed to construct unless the stringent conditions set forth below are met. These conditions are designed to insure that the new source's or modification's emission will be controlled to the greatest degree possible, that more than equivalent offsetting emission reductions ("emission offsets") will be progress toward achievement of the national ambient air quality standards. For the purposes of this part, a reconstructed source shall be treated as a new stationary source. Since major facility definition and requirements vary upon State and EPA area designations, a map (**Figure 1**) is included to facilitate the determination of which requirements must be met.

030.502 REVIEW FOR EMISSION LIMITATION COMPLIANCE

Authority to construct any new source or modification shall be denied unless the new source or modification meets all applicable emission requirements in the Nevada State Implementation Plan (SIP), all applicable Federal New Source Performance Standards, and all applicable National Emission Standards For Hazardous Air Pollutants.

030.503 CONDITIONS FOR APPROVAL (Amended 7/28/93, Revised 10/25/95)

If a major stationary source or major modification would be constructed in an area designated as nonattainment for a pollutant for which the stationary source or modification is major, an Authority to Construct shall be denied unless the following conditions are met:

Condition 1 The new source or modification is required to meet an emission limitation which specifies lowest achievable emission rate for such source.

Condition 2 The applicant must certify that all existing major sources owned or operated by the applicant for any entity controlling, controlled by, or under common control of the applicant in the State of Nevada are in compliance with all applicable emission limitations and standards under the Clean Air Act (or are in compliance with an expeditious schedule which is federally enforceable or contained in a court decree).

Condition 3 Emission reductions ("offsets") from existing sources in the same nonattainment area as the proposed new source or modification (whether or not under the same ownership) are required such that they shall not interfere with or contribute to the interference with the attainment of the applicable National Ambient Air Quality Standards. Only intrapollutant emission offsets will be acceptable (e.g. hydrocarbon increases may not be offset against SO₂ reductions). All emission reductions for the purpose of offsets shall be enforceable under the Clean Air Act.

The terms of the offset emission reductions shall be specified and federally enforceable prior to permit issuance.

All offset emissions reductions shall be, by the time a new or modified source commences operation, in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction.

All offset emissions reductions must be obtained from decreases in actual emissions from the same or other sources in the area. No emissions reductions otherwise required by the Clean Air Act or other regulatory action may be credited for the purpose of meeting offset requirements.

Condition 4 The emission offsets will provide a positive net air quality benefit in the affected area. Atmospheric simulation modeling is not necessary for volatile organic compounds and NOX. Fulfillment of **Condition 3** and **Section 030.504** of these regulations will be considered adequate to meet this condition.

- Condition 5 The applicant must perform an analysis of at least two (2) alternative sites for the facility, production processes, and environmental control techniques. This analysis must demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.
- Condition 6 The Control Officer shall also require the review of any Major Stationary Source or Major Modification subject to New Source Review under this section that may have an impact on visibility in any mandatory Class I Federal area. Such visibility review will ensure the source's emissions will be consistent with making reasonable progress toward State and National visibility goals.
- Condition 7 The Administrator has not made a determination that the applicable implementation plan is not being adequately implemented for the attainment area in which the proposed source is to be constructed or modified.
- Condition 8 The proposed major source or major modification shall not contribute to nonattainment in, or interfere with maintenance by, any other State with respect to any national ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other State with respect to prevention of significant deterioration of air quality or to protect visibility.

All emission limitations shall be assessed in light of the limits of "good engineering practice" on stack heights as specified in **Section 030.614**.

Any major stationary source or major modification commencing construction without an Authority to Construct shall be subject to an enforcement action. Obtaining an Authority To Construct does not relieve the owner from complying with any applicable local, state or federal regulation.

At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to this section shall apply to the source or modification as though construction had not yet commenced on the source or modification. All permits issued by the Control officer shall comply with all applicable terms of the State Implementation Plan for the non-attainment area in which the source is to be constructed.

030.504 EMISSION OFFSET RATIOS (Amended 7/28/93)

Emission reductions required under **Section 030.503** shall be offset at a ratio of 1.2 to 1 when the offset sources are five (5) miles or less from the new source or modification. For offset sources that are greater than five (5) miles from the new source or modification, the applicant shall determine an offset ratio based on atmospheric simulation modeling or an equivalent method to ensure a positive net air quality benefit. In no case shall the offset ratio for source located greater than five miles from the proposed project be less than 1.2 to 1. Non-reactive organic compounds (those which are listed in 40 CFR 51.100(s)) cannot be used for offsets.

030.505

COMPLETENESS OF APPLICATION

Following submittal by the applicant, the Control Officer shall determine whether the application for permit to construct is complete not later than thirty (30) calendar days after receipt of the application, or after such longer time as both the applicant and the Control Officer may agree. Such determination shall be transmitted in writing immediately to the applicant at the address indicated on the application if it is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete. Upon receipt by the Control Officer of any re-submittal of the application, a new thirty (30) day period in which the Control Officer must determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the guideline for such, published by the Control Officer. After acceptance of an application as complete, the Control Officer shall not subsequently request of an applicant any new or additional information which was not specified in the Control Officer's list of items to be included within such applications. However, the Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct or otherwise supplement the information required in such list in effect at the time the complete application was received. Making any such request does not waive, extend, or delay the time limits in this section for decision on the completed application, except as the applicant and Control Officer may both agree.

030.506

REQUIREMENTS FOR PUBLIC NOTICE (Amended 7/28/93, Revised 10/25/95)

For those sources subject to Section 030.500, following acceptance of an application as complete, the Control Officer shall:

- A. Perform the evaluations required to determine compliance with this section and make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis;
- B. Within ten (10) calendar days following such decision, publish a notice by prominent advertisement in at least one (1) newspaper of general circulation in the County, stating the preliminary decision of the Control Officer and where the public may inspect the information required to be made available. The notice shall provide thirty (30) days from the date of publication for the publication for the public to submit written comments on the preliminary decision;
- C. At the time notice of the preliminary decision is published, make available for public inspection at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision to grant or deny the Authority to Construct, including any proposed permit conditions, and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with **Section 020.055** of these regulations;
- D. No later than the date of publication of the notice, a copy of said notice and any appropriate data is to be sent to the Nevada Department of Conservation and Natural Resources Division of Environmental Protection, the regional planning authority of Washoe County, local government offices, any Indian governing body whose lands may be affected by facility emissions, any Federal Land Manager whose lands may be affected (including visibility effects) and the Regional Office of the U.S. Environmental Protection Agency; and

- E. Applicant to bear cost of all public notices under this section and **Section 030.508**.
- F. The Control Officer shall contact any Federal Land Manager whose lands may be affected for comments on the proposed project within 30 days after the application has been deemed complete. This shall be for the purpose of obtaining comments on the proposed scope of review for affected lands and species.

030.507 COMMENTS

The Control Officer shall consider all written comments submitted during the thirty (30) day public comment period.

030.508 FINAL ACTION (Amended 7/28/93)

Within 180 days after acceptance of the application as complete and the completion of all required preconstruction monitoring and public notice periods (including those required under the District's Part 70 Permit regulations), the Control Officer shall take final action on the application after considering all written comments. The Control Officer shall provide written notice of the final action to the applicant, the U.S. Environmental Protection Agency, other Affected States and the Nevada Department of Conservation and Natural Resources and shall publish such notice in a newspaper of general circulation. The notice and all supporting documents shall be made available for public inspection during normal business hours.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

030.600 PREVENTION OF SIGNIFICANT DETERIORATION (PSD) - PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS (Revised 5/24/07, Revised and Renamed 12/15/16)

SECTION A - GENERAL

1. **PURPOSE:** The federal Prevention of Significant Deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas classified as attainment or in areas that are unclassifiable for any criteria air pollutant. The application, processing requirements, and procedures are those contained in the District Board of Health Regulations Governing Air Quality Management (District Regulations) Section 030.600. The intent of this regulation is to incorporate the federal PSD rule requirements into the District Regulations by reference.
2. **APPLICABILITY:** The provisions of this regulation shall apply to any source and the owner or operator of any source subject to any requirement under Title 40 of the Code of Federal Regulations Part 52.21 (40 CFR 52.21) as incorporated into this regulation by reference. Sources to be located in an area within Washoe County that has been classified as nonattainment pursuant to 40 CFR 81.329 shall also meet the applicable requirements of Regulation **030.500**. In addition, this regulation (**030.600**) shall apply to the following:
 - a. Any major stationary source requesting a plant-wide applicability limitation (PAL).
 - b. Any major stationary source that has been issued a (PAL), but which now seeks to allow the PAL to expire without renewal.

To determine if a proposed project is subject to this regulation, the applicant must determine if the project will result in both a significant emissions increase and a significant net emissions increase. Definitions for all terms necessary to make this determination are provided in 40 CFR 52.21. As an aid to the applicant, the following citations are provided to determine if a project will result in emissions increases subject to this regulation:

- c. An emissions increase or a net emissions increase for a project shall be determined by the procedures specified in 40 CFR 52.21 (a)(2)(iv)(b) through (d) and (f).
- d. To determine the post-project projected actual emissions from existing units, the procedures specified in 40 CFR 52.21 (b)(41) shall be used.
- e. To determine the pre-project baseline actual emissions, the procedures specified in 40 CFR 52.21 (b)(48)(i) and (ii) shall be used.
- f. Emissions increases calculated pursuant to this regulation are significant if they exceed the significance thresholds specified in 40 CFR 52.21 (b)(23).
- g. If the project is determined not to be a major modification pursuant to the provisions of 40 CFR 52.21 (a)(2)(iv)(b) through (d) and (f), but there is a reasonable possibility that the project may result in a significant emissions increase, the owner or operator shall comply with all of the provisions of 40 CFR 52.21 (r)(6) and (r)(7).
- h. Greenhouse Gas Applicability:
Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR 52.21 in effect on July 1, 2016.

SECTION B - DEFINITIONS: For the purpose of this regulation, the definitions specified in 40 CFR 52.21 (b)(1) through (54) shall apply. In addition, the following incorporated provisions of 40 CFR 52.21 are revised as follows:

1. The term "Administrator" shall read as follows:
 - a. "EPA Administrator" in 40 CFR 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (l)(2) and (p)(2); and
 - b. "Control Officer" elsewhere, as defined in 010.042.
2. The phrase "paragraph (q) of this section" in 40 CFR 52.21(l)(2) and (p)(1) shall read as follows: the public notice and comment provisions of **030.600.D.1**.

SECTION C - STANDARDS: The following standards shall apply:

1. Upon the adoption of this regulation except as provided below, the provisions of 40 CFR 52.21, in effect on July 1, 2016, are incorporated herein by reference and made part of the District Board of Health Regulations Governing Air Quality Management.
 - a. The following paragraphs of 40 CFR 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (p)(6-8), (q), (s), (t), (u), (v), (w), (x), (y), (z) and (cc).
2. The incorporated requirements of 40 CFR 52.21 shall apply to all sources and projects which meet the applicability requirements of this regulation.

3. Compliance with the requirements of 40 CFR 52.21 shall be required for any Authority to Construct, or a revision of a Permit to Operate issued to sources and facility modifications subject to this regulation.
4. For all sources subject to this regulation as defined by **030.600.A.(2)**:
 - a. An Authority to Construct shall be required to construct, erect, alter, or replace any equipment that may cause, potentially cause, reduce, control, or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. All modifications, which are major modifications as defined in this regulation, shall require an Authority to Construct permit prior to commencing construction.
 - b. An Authority to Construct is not required for the performance of routine repairs and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc.
5. An owner or operator must obtain a Prevention of Significant Deterioration (PSD) permit pursuant to this regulation before beginning actual construction of a new major stationary source or a major modification, as defined in 40 CFR 52.21(b) or a PAL major modification, as defined in 40 CFR 52.21(aa)(2).
6. Notwithstanding the provisions of any other District Regulation, the Control Officer shall require compliance with this regulation prior to issuing a federal PSD permit as required by Clean Air Act (CAA) Section 165.
7. The applicant shall pay the applicable fees specified in Section 030.310.
8. Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR 52.21 in effect on July 1, 2016.

SECTION D - ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

The Control Officer shall provide written notice of any permit application for a proposed major stationary source or major modification to the EPA Administrator. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 calendar days of receipt and at least 60 calendar days prior to any public hearing on the application for a permit to construct.

The Control Officer shall determine whether an application is complete not later than 30 calendar days after receipt of the application or after such longer time as both the applicant and the Control Officer may agree. If the Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information that is required. Upon receipt of any re-submittal of the application, a new 30-calendar day period to determine completeness shall begin. Upon determination that the application is complete, the Control Officer shall notify the applicant in writing. The date of receipt of the application shall be the date on which the reviewing authority received all required information.

1. **PUBLIC PARTICIPATION:** Prior to issuing a federal PSD permit pursuant to this regulation and within one year after receipt of a complete application, the Control Officer shall:

- a. Make a preliminary determination whether construction should be approved with conditions or disapproved.
- b. Make available in at least one location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit, and a copy or summary of other materials, if any, considered in making the preliminary determination.
- c. Notify the public, by advertisement in a newspaper of general circulation in the Washoe County Health District, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, the opportunity for comment at a public hearing, and the opportunity for written public comment.
- d. Send a copy of the notice of public comment to the applicant, EPA Region IX, any persons requesting such notice and any other interested parties such as: any other State or local air pollution control agencies, the chief executives of the city and county where the source would be located, any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.
- e. Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the Control Officer's judgment such a hearing is warranted.
- f. Consider all written comments that were submitted within 30 calendar days after the notice of public comment is published and all comments received at any public hearing(s) in making a final decision on the approvability of the application and make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made available preconstruction information relating to the proposed source or modification.
- g. Make a final determination whether construction should be approved with conditions or disapproved.
- h. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the District made available preconstruction information and public comments relating to the source.

The Applicant is to bear cost of all public notices under this regulation.

2. PUBLIC HEARING: The Control Officer shall hold a public hearing on an application for a permit in the vicinity of the proposed source or modification if she/he receives such a request during public comment and deems a hearing to be in the public interest. At such a public hearing, the applicant and members of the public may submit any information relating to the application and the air quality impacts of the proposed operations described in the application. If a hearing is to be held, the Control Officer shall notify the public 30 calendar days prior to the hearing by advertisement in a newspaper of general circulation in the region where the proposed source or modification would be constructed, of the date, time, and place for the hearing.

3. **BUILDING PERMIT ISSUANCE:** No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source that requires an Authority to Construct or Permit to Operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.

SECTION E - COMPLIANCE AND RECORDS: In addition to the requirements of 40 CFR 52.21, the following additional compliance and record requirements shall also apply:

1. **RECORD REQUIREMENTS:** All records required by **Sections 030.600.A through 030.600.E** shall be maintained at the site of the facility by the operator for a period of at least 5 years. All required records shall be provided to the Control Officer upon request.
2. **COMPLIANCE DEMONSTRATIONS:** The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Authority to Construct and/or Permit to Operate. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data constitutes a violation of the conditions of the Authority to Construct and/or Permit to Operate, and the affected source will be subject to a citation under these regulations, suspension of their Permit to Operate or both.
3. **PUBLIC NOTICE RECORDS:** The Control Officer shall maintain all notice of decisions, any public notice issued, or comments received for a period of 5 years from the time of issuance or denial of any permit issued or denied under the requirements of **Sections 030. 600.A through 030.600.E**.
4. **COMPLIANCE WITH OTHER RULES, LAWS AND STATUTES:** Obtaining an Authority to Construct and/or a Permit to Operate shall not relieve any owner or operator of their responsibility to comply with applicable provisions of the Nevada State Implementation Plan and any other requirements under local, state, or federal law.

030.601 PSD APPLICABILITY TO PM10 SOURCES (Rescinded 5/24/07)

030.602 REQUIREMENTS OF REVIEW (Rescinded 5/24/07)

030.6021 SUBMITTAL OF INFORMATION (Rescinded 5/24/07)

030.6022 REVIEW OF CONTROL TECHNOLOGY (Rescinded 5/24/07)

030.6023 EFFECT ON AIR QUALITY (Rescinded 5/24/07)

030.6024 PRE-CONSTRUCTION MONITORING (Rescinded 5/24/07)

030.6025 POST-CONSTRUCTION MONITORING (Rescinded 5/24/07)

030.6026 ADDITIONAL ANALYSIS (Rescinded 5/24/07)

030.603 PUBLIC PARTICIPATION (Rescinded 5/24/07)

030.604 (Rescinded 5/24/07)

030.605 (Rescinded 5/24/07)

030.606 (Rescinded 5/24/07)

- 030.607 RELOCATION OF PORTABLE STATIONARY SOURCES (Rescinded 5/24/07)
- 030.608 EXCLUSIONS FROM INCREMENTAL CONSUMPTION (Rescinded 5/24/07)
- 030.609 AMBIENT AIR INCREMENTS (Rescinded 5/24/07)
- 030.610 AMBIENT AIR CEILINGS (Rescinded 5/24/07)
- 030.611 PERIODIC ASSESSMENT (Rescinded 5/24/07)
- 030.612 TECHNICAL REQUIREMENTS (Rescinded 5/24/07)
- 030.613 MONITORING (Rescinded 5/24/07)
- 030.614 STACK HEIGHTS (Rescinded 5/24/07)
- 030.620 SOURCE OBLIGATION (Rescinded 3/23/06)
- 030.625 FEDERAL CLASS 1 AREAS (Rescinded 5/24/07)
- 030.630 NITROGEN DIOXIDE INCREMENTS PROGRAM (Adopted 10/24/90; Rescinded 5/24/07)

**WASHOE COUNTY
CONTROL TECHNOLOGY REQUIREMENTS (LAER & BACT)**

- 030.700 **LOWEST ACHIEVABLE EMISSION RATE CONTROL TECHNOLOGY REQUIREMENTS**
(Adopted 12/88, Revised 10/25/95)

GENERAL

The Control Officer shall deny an Authority to Construct for any unit or units of a stationary source which fails to meet the applicable requirements of Subsection (A) or (B) of this section. Subsection (C) applies to existing sources required to mitigate emissions by adding additional control equipment. For the purposes of this section, lowest achievable emission control technology means the more stringent of: a) the most effective control technique which has been achieved in practice; or b) the control technique which will result in the achievement of the most stringent emissions limitation in effect, which the EPA certifies is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such control techniques are not available (i.e. that such emissions limitations are not presently achievable). No control technique, the application of which would result in emissions from a new or modified source greater than the amount allowable under the applicable new source performance standards, may be considered to be the lowest achievable emission control technology. Final determination of the qualifications of a pollution control system to meet lowest achievable control technology requirements shall be made by the Control Officer.

A. New Stationary Sources

The Control Officer shall deny an Authority to Construct for any unit or units constituting a new stationary source if the source will emit more than a total of 125 pounds per day of Nitrogen Oxides, Organic gasses, or any contaminant for which there is a National

Ambient Air Quality Standard, unless the applicant shows that the source is constructed using the lowest achievable emission control technology. If the Control Officer determines that the amount and type of pollutant may constitute a danger to public health, the use of lowest achievable emission control technology may be required at emission rates of 125 pounds per day or lower.

B. Modifications to Existing Stationary Sources

The Control Officer shall deny an Authority to Construct for any modification of any existing stationary source if the modifications will result in net emissions of more than a total of 125 pounds per day of Nitrogen Oxides, Organic gasses, or any contaminant for which there is a National Ambient Air Quality Standard, unless the applicant shows that the source is constructed using the lowest achievable emission control technology. If the Control Officer determines that the amount and type of pollutant may constitute a danger to public health, the use of lowest achievable emission control technology may be required at emission rates of 125 pounds per day or lower.

C. Any existing source or category of sources that is required by the Board of Health to be modified so that their processes meet lowest achievable emission control technology standards shall have 60 days to submit plans for construction of the additional control equipment required under these regulations, and an additional time period to complete that construction, and to have the control equipment operational, as determined by the Control Officer.

D. Phased Construction of Sources

Any source or modification which is planned to be constructed in phases shall review the requirements of LAER for changes at least 18 months prior to beginning construction on the next phase.

030.750 TECHNOLOGY REQUIREMENTS FOR SOURCES EMITTING BETWEEN 10 AND 125 POUNDS PER DAY (BACT) (Adopted 3/25/92)

Best Available Control Technology (BACT) shall be applied to all new stationary sources or existing sources undergoing modification with potential daily emissions between 10 and 125 pounds of any criteria pollutant. For existing sources, BACT will only be required for the unit or group of units being modified. Failure to apply BACT shall result in denial of the Authority to Construct permit by the Control Officer.

GEOHERMAL FACILITIES-CONSTRUCTION/OPERATION

Regulatory Intent - The intent of Sections 030.002, 030.004, and 030.800 is to regulate air pollution emissions from geothermal sources.

030.800 GEOHERMAL FACILITIES-CONSTRUCTION/OPERATION (Adopted 4/89)

Notwithstanding the source registration requirements of the District rules, the Control Officer shall issue an Authority to Construct, or other required documents, to any geothermal facility which meets the applicable criteria and utilizes the Best Available Control Technology (BACT). For geothermal facilities whose closest emission point is located at the following distances from a

residential dwelling(s), so designated at the time of construction, the following parts, listed below, shall apply:

For geothermal facilities from 0 to 1.0 kilometers, parts A, B, C, and D shall apply.

For geothermal facilities from 1.0 to 5.0 kilometers, parts C, D, and E shall apply.

For geothermal facilities greater than 5.0 kilometers, parts C and D shall apply.

- A. Power plants and geothermal fluid transmission lines shall limit, on a continuous basis, the hydrogen sulfide emission rate to no more than 5.5 pounds per hour (2.5 kg/hr.) or 25 g/hr/GMW, whichever is less. For sources constructed prior to January 1, 1989, the emission limitation shall be a maximum of 5.5 pounds per hour for the entire facility.
- B. Geothermal stacking emissions limitations for hydrogen sulfide: After January 1, 1991, no geothermal facility shall emit hydrogen sulfide at an hourly rate which is greater than the permitted hydrogen sulfide emission rate for that facility's associated power plant.
- C. In the judgment of the Control Officer, the facility must be able to readily show compliance with all other rules and regulations limiting emissions of contaminants other than hydrogen sulfide.
- D. For any proposed new facilities after July 1, 1989, the power plant operator and the steam supplier shall jointly, or if the same entity, singularly, develop a proposed written plan to limit geothermal steam stacking emissions. The proposed plan incorporating the Best Available Control Technology (BACT), shall be submitted with the power plant application for authority to construct(s) prior to the District Health Department considering the application(s) complete for district permitting or preparation of a determination of compliance process. The plan shall: (a) identify the specific technology(ies) proposed to control said emissions; and (b) provide operating procedures for the emissions control system(s), clearly specifying the respective duties of the power plant operator and steam supplier. Upon approval by the Control Officer, the plan shall be incorporated in the authority to construct(s), the determination of compliance, and permit(s) to operate for the power plant and geothermal fluid transmission line.
- E. Emissions from power plants and geothermal fluid transmission lines shall not exceed 12.5 pounds per hour or 100 g/hr./GMW of hydrogen sulfide, whichever is more restrictive.

PART 70 PERMITTING REGULATIONS (Federal CAAA)

030.900 PART 70 PERMITTING REGULATIONS (Adopted 10/20/93)

Title V of the Act requires the issuance of special operating permits for certain classes of air pollution sources. Sections 030.900 to 030.990, inclusive, establish the regulations under which such permits shall be issued. Sources obtaining a Part 70 operating permit satisfy the requirements of section 030.200 of the District regulations and do not need to obtain an additional operating permit. Compliance with the provisions of the Part 70 permit shall not, of itself, be deemed as compliance with the provisions of the Act. Unless otherwise specified in sections

030.900 to 030.990, inclusive, sources obtaining a Part 70 operating permit shall comply with all applicable District regulations.

These regulations for issuance of Part 70 permits become effective on the date the EPA Administrator issues an approval for Washoe County's regulations. All existing sources subject to Part 70 regulations shall apply for permit within six months of the initial EPA program approval date. This requirement shall apply even if the EPA issues a partial or interim approval. No source subject to Part 70 permits may operate after the time it is required to submit a timely and complete application except in compliance with a Part 70 permit. A source which has submitted a complete application with timely updates as required by the Control Officer shall not be held in violation of any requirement to hold a Part 70 Permit until after the Control Officer takes final action on the application.

Sources not subject to Part 70 permits shall be exempted from Sections 030.900 to 030.990, inclusive.

030.905 SOURCES REQUIRING PART 70 PERMITS (Adopted 10/20/93, Revised 10/25/95, 6/23/11)

A. Sources Required to Obtain a Part 70 Permit

The following sources and source categories shall be subject to Part 70 permitting:

1. Any Major Stationary Source;
2. Any source, including area sources, subject to a standard, limitation or other requirement under section 111 (New Source Performance Standards) of the Act;
3. Any source, including an area source, subject to a standard or other requirement under section 112 (Hazardous Air Pollutants) of the Act. However, a source which is subject to regulations or requirements only under section 112(r) of the Act shall not be required to obtain a permit;
4. Any source that includes one or more units subject to Title IV (Acid Rain) of the Act;
5. Any source in a source category designated by the EPA Administrator pursuant to 40 CFR Part 70.
6. Any new or modified existing sources of greenhouse gasses are subject to regulation if they exceed the thresholds specified in 40 CFR 70.2.

B. Exemptions

The following sources and source categories shall be exempted from Part 70 permit requirements:

1. Any source subject to this regulation solely because it is subject to 40 CFR Part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters.

2. Any source subject to this regulation solely because it is subject to 40 CFR Part 61, subpart M, National Emission Standards for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation.

3. Insignificant Emission Levels

Sources with the potential to emit less than an annual average of two (2) pounds per day of any criteria pollutant or less than one (1) pound per day of any hazardous air pollutant on a facility wide basis are exempted from all part 70 permitting requirements. Such sources may still be required by the Control Officer to obtain a non-Part 70 operating permit under District regulations. No source which is itself subject to an applicable requirement may qualify as an insignificant source.

4. All Dry Cleaning operations with the potential to emit less than ten (10) tons per year of any criteria or hazardous air pollutant shall be exempted for a period of five (5) years from the initial EPA Part 70 program approval date unless required to obtain a permit under **Section 030.905(A) (5)**.

5. All sources which would be subject to Part 70 permits under **Section 030.905 (A)** which are not major sources, affected sources or solid waste incineration units subject to permitting under section 129(e) of the act, are exempt from requirements to obtain a Part 70 permit for a period of 5 years from the date of EPA approval of the Washoe County Part 70 permit program.

6. Sources may seek exempt status by limiting facility emissions to levels below those defined for a major source as provided in **Section 010.090, part D (prohibitory status) and part E (Synthetic Minor sources)**.

C. Sources Which Must be Permitted by the State of Nevada

Any facility whose principal business is to generate electricity using steam derived from the burning of fossil fuels must obtain any necessary Part 70 permit(s) from the State of Nevada.

030.910 PART 70 PERMIT STANDARDS (Adopted 10/20/93, Revised 10/25/95)

Part 70 Permits issued under these regulations shall be good for a period of five (5) years. The Control Officer shall conduct compliance inspections and review the compliance status of the facilities at least annually.

Permit to Operate fees shall be collected annually, and shall be due each year on the anniversary of the date the permit was issued. Failure to pay annual permit fees may result in citations, suspension or revocation of the Part 70 permit.

Any Part 70 permittee or permit applicant must submit any previously unknown, supplementary or corrected information upon becoming aware of any failure to submit relevant facts or the submittal of incorrect information. The permittee shall also notify the Control Officer of any change in operations or change in applicable requirements.

PART 70 PERMIT APPLICATION PROCESS (Adopted 10/20/93)**A. General**

The owner or operator of each source required under 030.905 to obtain a Part 70 permit shall make application for a permit in a timely manner as required under these regulations.

Any existing sources that submit complete applications for initial permit issuance or renewal within the specified submission deadlines, and provide timely updates, including submission of any additional information requested in writing by the Control Officer within the time frame allowed, shall not be held in violation of operating without a permit during the time the application is being processed.

Part 70 permits shall allow for alternative operating scenarios. It shall be the responsibility of the source seeking permits to identify those alternative scenarios. If the scenarios meet all applicable requirements and District regulations, the alternative operating scenarios shall be included in the permit.

Fugitive emissions from a part 70 source shall be reported and included in the permit application and part 70 permit in the same manner as stack emissions.

B. New Permit Issuance, Renewals or Existing Permit Modifications

The Control Officer shall establish standard application forms and procedures for obtaining Part 70 permits. The design of these forms shall meet the content requirements of 40 CFR Part 70.5 (c). The applicant must provide all necessary information for the evaluation and permitting of the source as required by the Control Officer in a timely manner including information required after the application is deemed complete. The applicant must also identify any alternative operating scenarios under which the facility should be permitted. Applications for permit revision need only address the information related to the proposed change. Any application must be certified by a responsible official.

Within 30 days of the receipt of a Part 70 Permit application, the Control Officer shall make a determination as to the completeness of the application. If no completeness determination has been made by the Control Officer within 60 days of receipt of the application, the application shall be deemed complete by default. If the application is deemed incomplete, the Control Officer shall notify the applicant in writing within ten (10) days of his determination. The notification shall state the additional items or information needed to take final action on the permit. A completeness determination shall be required for all permit applications except for those addressing minor permit modifications.

Within 12 months of the receipt of a complete application the Control Officer shall:

1. Issue a draft permit or modification for the proposed operations; or
2. Deny the permit application or modification.

If no objections from the EPA Administrator are received within the allotted 45 day review period, and all required 30 day affected state and public comment periods have been completed, the Control Officer shall take final action on any draft permit within 12 months

of the receipt of a complete application. If, at the end of one year, the required review and comment periods have not been completed, final action on the permit shall be issued as soon as practical after these periods have been completed but not later than 18 months after a complete application has been received. A copy of all final permits shall be sent to EPA.

All new sources subject to Part 70 permitting must obtain an Authority to Construct prior to commencement of construction under District regulation 030.002. A complete application for Authority To Construct/Permits to Operate must be submitted at least 12 months prior to commencement of operations.

Any existing sources which have not previously been subject to Part 70 permitting but become subject due to any increase in facility emissions shall submit a complete application for Authority To Construct/Permit to Operate at least 6 months prior to commencing construction or changing plant operations.

Any existing sources which have not previously been subject to Part 70 permitting but become subject due to regulation changes or for any other reason, shall submit a complete application for Permit to Operate within 6 months after the change which makes them subject takes place.

Sources subject to Phase II acid rain permits under 40 CFR Part 72, must make application for the phase II acid rain portion of their Part 70 permits by January 1, 1996 for sulfur dioxide and by January 1, 1998 for nitrogen oxides. The Control Officer shall take final action on these Phase II applications within 18 months of receipt or no later than December 31, 1997 for initial Phase II permits.

C. Renewal of Permits

All sources seeking renewal of expiring Part 70 permits must submit a written application for renewal at least six (6) (but not more than 12 months) prior to expiration. Payment of application review fees as well as all necessary supplemental information and standard forms as required by the Control Officer must accompany the permit renewal application. If the Part 70 permit expires without the source submitting a timely and complete renewal application, or the applicant fails to submit any requested additional information by the specified deadline, the source's right to operate terminates. If a Part 70 source submits a timely and complete application and the District fails to renew the Part 70 operating permit in a timely manner, the terms and operating conditions of the former Part 70 permit will remain in full force and effect until the District takes final action on the application.

The procedures for completeness review and processing shall be the same as specified under 030.920 (B), for new applications. The requirements for public, affected state and EPA notice shall be the same as for initial permit issuances. All procedures for EPA permit veto and public judicial appeal shall be the same as for initial permit issuance.

030.930 PART 70 PERMIT PUBLIC NOTICE (Adopted 10/20/93, Revised 10/25/95)

A. Permit Issuance and Modification

Public notice shall be given of any Part 70 draft permit addressing an initial permit issuance, renewal or significant permit modification. Such notice shall be made in a

newspaper of general circulation within Washoe County and by mailing notice to persons on a list which shall be developed for such Part 70 notifications, or by other means if necessary to assure adequate notice to the affected public. At least 30 days shall be allowed for public comment under such notifications. The public notice shall include the following:

1. The name and address of the applicant and identification of the affected facility;
2. The activities involved in the permit action;
3. The emission changes involved in any permit modification;
4. The address of the District Health Department and the name and phone number of a person from whom additional information on the draft permit may be obtained, including copies of the draft permit, the application, reports on the basis of the permit conditions, and relevant supporting materials;
5. A brief description of the procedures for making comment, including any deadlines for making such comment;
6. A brief description of the procedures for requesting a Public Hearing on the draft permit or the date, time and location for such a hearing if one has been scheduled.

The Control Officer shall keep records of the commenter's and the issues raised during the public participation process.

The Control Officer shall grant a public hearing to address any germane objections made during the Part 70 application review process, upon request from the affected members of the general public. Any public hearing will be noticed at least 30 days in advance.

030.940 PART 70 PERMIT ISSUANCE (Adopted 10/20/93)

A. Affected States Review

The Control Officer shall provide notification of any draft permit to any affected state, including minor permit revisions, for comment and review. The Control Officer shall allow at least 30 days for review by affected states. The affected state review period shall begin on or before the time that notice is provided to the public. The Control Officer shall address the recommendations of the affected state, and shall give, in writing to the affected state and to EPA, the reasons for the rejection of any recommendation made by an affected state.

B. EPA Review

The Control Officer shall provide notification of any draft permit action to the EPA Administrator and allow 45 days for comment and review as specified in 40 CFR part 70.8. The notice shall include a copy of the proposed permit, the application, reports on the basis of the permit conditions, and necessary supporting materials. If agreed upon by the Control Officer and EPA, a summary of the application and other materials may be

provided in lieu of the specific items noted above. If any changes are made to the proposed permit, an additional 45 day review period shall be provided for EPA review. No permit shall be issued if the EPA Administrator objects to any provisions of the proposed permit within the 45 day review period. If any necessary information has not been included in the notice packet, EPA may request such information and the 45 day review period will begin when such information is received. If the Administrator objects to the permit after the 45 day review period has expired, but before the final permit has been issued, the Control officer must address these objections before the final permit can be issued.

If the Control Officer fails to revise and submit a proposed permit within 90 days in response to objections from the EPA Administrator, the Administrator may issue or deny the permit in accordance with the Act. If no objections to the draft permit are raised by the EPA Administrator within the 45 day review period, the Control Officer may issue the permit in its final form.

C. Appeals of the Final Permit

Any person may petition the EPA Administrator within 60 days after the expiration of the Administrator's 45 day review period. The objections must be based on grounds raised during the public comment process under section 030.930, unless it was impracticable to raise such objections or new grounds arise.

The applicant or any person who participated in the public comment process may petition the District Board of Health concerning any final permit action within 30 days of such action. Such appeals will be heard first by the Air Pollution Control Hearing Board and shall be scheduled for hearing within 30 days after the appeal has been made. Any persons appealing final permit actions may submit their petitions to the District Court for judicial review after appeals to the Air Hearing Board and District Board of Health have been exhausted. Any appeal to District Court for judicial review must be made within 90 days of the final permit action as per section 020.010 of these regulations, unless it can be demonstrated that the petition is based solely on new grounds arising after the date for judicial review. Any appeal based on new grounds must be filed within 90 days after such new grounds arise.

If the District fails to issue or deny a Part 70 permit within 18 months of the receipt of a complete application, this shall be treated as a final permit action solely to allow for judicial review by the applicant or any person who participated in the public comment process under **Section 030.930**.

030.950 PART 70 PERMIT MODIFICATIONS (Adopted 10/20/93)

A. General

Part 70 permits may be modified to reflect changes in operation, procedure, ownership or other provisions as necessary. Nothing in these regulations shall limit the obligation of the applicant to obtain an Authority To Construct permit under District regulation 030.002 prior to commencement of construction. Sources seeking such changes must make application to the Control Officer and follow the appropriate procedures as specified in this regulation. In general, administrative changes cover minor changes such as change of ownership or personnel; minor permit changes cover a limited number of items addressing operating

conditions or emissions; and significant modifications cover substantial changes to the plant equipment or emissions. Specific details are addressed below.

Where an existing Part 70 permit would prohibit some construction or change in operations, the source proposing a change which would violate that prohibition must obtain a permit revision before commencing operation.

The Control Officer shall establish standard forms for permit modification requests in accordance with 40 CFR Part 70.7. Fees for administrative, minor and significant Part 70 permit modifications shall be established and set by the Board of Health.

B. Changes not Requiring a Part 70 Permit Revision

Changes to the operation of sources may be made without a permit revision if the changes comply with the provisions of **Section 030.950 (B) parts 1 and 2** (below). However, no changes subject to regulation under Title IV of the Act, that violate applicable requirements, or that are prohibited by federally enforceable permit terms or conditions that are monitoring (including test methods) record keeping, reporting, or compliance certification requirements shall be allowed without a revision of the Part 70 permit.

1. Section 502 (b)(10) Changes

Changes in the operation of a source, which contravene express permit terms but do not exceed the allowable emissions stated in the permit (either as a rate of emissions or in terms of total emissions) of that source and are not modifications under any provision of Title I of the Act, may be made without a permit revision.

2. Provisions for Emissions Trading

The Control Officer shall, if requested by an applicant, issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements.

The emissions trades must be quantifiable, enforceable, have replicable procedures, may not exceed the allowable emissions stated in the permit (either as a rate of emissions or in terms of total emissions) of that source, must not be modifications under any provision of Title I of the Act, and must comply with all applicable requirements.

3. Reporting Requirements

Any changes in the operation of the source made under parts 1 or 2 of these operational flexibility provisions must be noticed, in writing, to the Control Officer and to the EPA Administrator at least seven (7) days prior to enactment. The source and the Control Officer shall attach a copy of each notice to their copy of the relevant permit. Any such required written notice shall include:

- a. A brief description of the proposed change to the permitted facility;
- b. The date on which the change will occur;
- c. Any change in the type, rate or concentration of emissions;
- d. Notation of any permit term or condition which will no longer be applicable as a result of the change or any applicable requirement that would apply as a result of the change.
- e. For emissions trades, a description of how the increases and decreases in emissions will comply with the terms and conditions of the permit.

C. Administrative Part 70 Permit Changes

Administrative permit changes shall be for the purpose of:

1. Correcting typographical errors;
2. Identifying change in the name, address or phone number of any person identified in the permit;
3. Requiring more frequent monitoring or reporting by the permittee;
4. Allowing for a change in ownership or control, but only if a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted and the Control Officer determines that no other change in the permit is necessary.

The Control Officer shall take final action within 60 days of receipt of any request for an administrative permit change. The permittee may implement an administrative change immediately upon submission of the request. No notice to the public or affected states shall be provided. A revised copy of the permit shall be submitted to the EPA Administrator.

Administrative permit amendments relating to any portion of any permit subject to Title IV of the act shall be governed by regulations promulgated under Title IV of the Act.

D. Minor Part 70 Permit Changes

Minor permit changes shall be only for those permit modifications that:

1. Do not violate any applicable requirement;
2. Do not involve any significant changes to existing monitoring, reporting or record keeping requirements in the permit;
3. Do not require or change a case-by-case determination of an emission limitation or other standard or a source specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - a. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Act;
 - b. An alternative emissions limit approved pursuant to regulations promulgated under section 112 (i)(5) of the Act;
5. Are not modifications under any provision of Title I of the Act.

The Control Officer shall provide notification to EPA and affected states of any proposed minor permit modifications within five (5) working days of the receipt of a complete application. The notice to EPA shall include all applications except those belonging to types which EPA agrees to waive.

Within 90 days of the receipt of a complete application for a minor permit modification or 15 days after the EPA Administrator has completed the 45 day review period allowed for under 030.940 (B) (whichever is later), the Control Officer shall take one of the following actions:

1. Issue the permit modification as proposed;
2. Deny the permit modification;
3. Determine that the requested modification does not meet the minor permit modification requirement criteria and that it should be reviewed as a significant modification;
4. Revise the Draft permit modification and transmit to the EPA Administrator the new proposed permit modification.

The source may implement the proposed change on receipt of the modified permit from the Control Officer.

E. Significant Part 70 Permit Changes

All changes to a permit that require a permit modification which cannot be considered as administrative or minor must be evaluated through a significant permit modification. All significant changes in monitoring permit terms or conditions and every relaxation of reporting or record-keeping permit terms or conditions shall be considered significant.

All significant permit modifications shall meet all the requirements of initial permit issuance as specified in these regulations, including those for application forms, public participation, review by affected states and review by EPA but the application need only address information related to the proposed change. The Control Officer shall take final action on significant permit changes within nine (9) months of the receipt of a complete application.

No changes covered under a significant permit modification may be implemented by the source without an Authority To Construct permit if such authorization is required under **Regulation 030.002**. The source must submit a complete application at least nine (9) months prior to the time it intends to implement the change. (Revised 10/25/95)

030.960 PART 70 PERMIT OPERATING CONDITIONS (Adopted 10/20/93)

A. General

The Control Officer shall establish terms and conditions of operation for each Part 70 permit issued. Such terms and conditions shall be designed to ensure compliance with all federal "applicable requirements" and any applicable District regulations.

All permit terms and conditions established by the Control Officer must be identified on the permit as to the origin and authority for each item and whether or not each is an applicable requirement. Terms and conditions which are not required by the Act or its applicable requirements shall be designated as not federally enforceable. All terms and conditions of a Part 70 permit shall be enforceable by the Control Officer and citizens under the provisions of the Act. The Control Officer shall make allowance for alternative operating scenarios at permitted facilities.

B. General Permits

The Control Officer shall establish procedures for granting operations under general Part 70 permits and establish the categories of sources for which such permits will be granted. General permits may be issued for numerous and similar sources and shall be established after completing all required notice and opportunities for public participation, EPA and affected state review required under **Sections 030.930 and 030.940**.

Sources belonging to a category for which a "general" permit has been approved may request to be granted a Part 70 permit to operate under these provisions by submitting an application. Such applications must include all applicable information as specified in **030.020**. No additional public comment will be provided for when operation under a general permit is granted. Any general permit shall comply with all applicable requirements as defined in **Section 010.0135** and shall identify criteria by which sources may qualify for the general permit. Affected sources may not be issued general permits. Permit holders operating under a general permit may be subject to enforcement action if it is later determined that they do not qualify for operation under that general permit. Granting operation under a general permit does not qualify as a final action for purposes of judicial review.

C. Operating Permit Conditions

The Control Officer shall establish requirements as necessary to ensure that all permit terms, conditions, alternative operating scenarios and/or provisions for trading emissions increases and decreases within the facility comply with all applicable requirements of the Act.

All Part 70 permits shall contain the following terms and conditions of operation:

1. Requirements that the source must comply with all conditions of the Part 70 permit and any applicable requirements of the Act.
2. Notice that failure to comply constitutes a violation of the Act and is grounds for enforcement actions; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. Notification that any filing by the permittee for any permit modification, notice of planned non-compliance or other planned changes do not stay the conditions of the permit.
3. Emissions limitations and standards, including operational requirements, emission rate limits or pollutant concentration limits that assure compliance with all applicable requirements at the time of permit issuance. Where an applicable requirement is more stringent than a requirement of the acid rain program, both requirements are federally enforceable and shall be incorporated into the permit.
4. Provisions for alternative operating scenarios as identified by the source in its application and as approved by the Control Officer. Such alternative operating terms shall provide that the source maintain contemporaneous records of which operating scenario they are operating under together with the times and dates for which any changes in operating scenarios are made.
5. Provisions for trading emissions increases and decreases within the facility to the extent the applicable requirements provide for such trading if requested by the source in its application and approved by the Control Officer.
6. Provisions for inspection and entry (as provided for under **020.0201**), reporting, monitoring, record keeping and data collection required under the applicable requirements and sufficient to demonstrate compliance with permit terms and conditions. All methods for the collection of such data shall be specified in the permit including the time periods for data, any necessary supporting information concerning data collection and requirements for timely submission of reports to the District (not to exceed six (6) months or more often if required by an applicable requirement or the Control Officer). These reports should include any required monitoring information and indicate all instances of deviations from permit requirements. Where the applicable requirement does not require periodic testing or monitoring, periodic monitoring sufficient to yield reliable data representative of the source's compliance with the permit shall be required. Permit to operate conditions would include requirements concerning the use, maintenance and, where appropriate, the installation of monitoring equipment or methods. These monitoring requirements shall assure use of terms, test methods, units averaging periods and other statistical conventions consistent with the applicable requirement. All required data and supporting information shall be retained by the source for a period of at least five (5) years. Supporting information shall include all calibration and maintenance records, strip charts, dates, places and times of sampling, the date the analysis were performed and by whom, the analytical techniques and results of the analyses, the operating conditions at the time of sampling, and any reports required by the permit. Copies of such records shall be furnished to the Control Officer upon request,

and if confidential, provided to directly to EPA on request with a claim of confidentiality.

7. Requirements for prompt reporting of any deviations from the permit terms and conditions, including those due to emergency upset conditions, in accordance with District **regulations 020.075 and 020.076**.
8. Requirements that any document submitted under a Part 70 permit contain a certification of the truth, accuracy and completeness of the compliance statement by a responsible official, and that all certifications are based on information and belief formed after a reasonable inquiry. (Revised 10/25/95)
9. Provisions to allow automatic reopening of permits to enforce future provisions of the Act promulgated after permit issuance. Such newly promulgated federal standards shall be incorporated into any permit with three or more years remaining before renewal.
10. Notice that the Part 70 permit may be reopened and revised for cause under District **regulation 030.960 (D)**. Notice that the permit is subject to termination, revocation and re-issuance or modification for cause under these regulations. That data necessary to determine if cause exists for such reopening shall be submitted to the Control Officer upon request in a timely manner as specified by the Control Officer in writing.
11. A severability clause to ensure the continued validity of various permit terms and conditions in the event of a challenge to any portion of the permit.
12. Notice that the permit does not convey any property rights of any sort or any exclusive privilege.
13. Notice that failure to pay any fines, fees or other approved charges from the District may result in enforcement action or termination of the permit or both.
14. Requirements that sources subject to Part 70 permits shall submit to the permitting authority and EPA a compliance plan signed by a responsible official. Submission of the annual compliance plan shall be due each year on anniversary of the date of issuance or more frequently if specified in an applicable requirement. The compliance plan shall be in conformance with the provisions of **Section 030.970** of District regulations.
15. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce activity to maintain compliance.

D. Permit Reopenings

Part 70 permits may be reopened and revised by the Control Officer or the EPA Administrator. Procedures for reopening and revision shall be the same as specified for initial permit issuance in these regulations, including those for public participation, review by affected states and review by EPA, excepting that only the portion to be revised shall be considered.

1. Reopening permits for cause

Part 70 permits may be reopened and revised by the District for the following reasons:

- a. Additional applicable requirements become applicable to a Part 70 source with three (3) or more years remaining on the permit. New provisions pertaining to the acid rain program shall take affect without respect to the permit expiration date. If a permit is reopened under this section, a thirty-day notice must be provided to the permittee before the permit is reopened.
- b. If the Control Officer or the EPA Administrator determines that the permit contains a material mistake, inaccurate statements were made in establishing the emissions standards, other terms or conditions of the permit, or that the permit must be revised or revoked to ensure compliance with the applicable requirements or other District regulations.

2. Reopening by EPA

If the EPA Administrator finds that cause exists to terminate, modify or revoke and reissue a permit pursuant to regulation 030.960 (D) 1 a or b, or in response to a public petition, the EPA Administrator will notify the District and the permittee in writing.

Within 90 days of the receipt of such notice from EPA, the Control Officer shall submit to the EPA a proposed determination of termination, modification or revocation and reissuance, as appropriate. The EPA Administrator shall have 90 days from receipt of the proposed determination to review the proposal from the Control Officer. After that time the Control Officer shall have 90 days to resolve any EPA objection and terminate, modify, revoke and reissue the permit in accordance with the EPA Administrator's objections.

E. Temporary Sources

The Control Officer may issue a single Part 70 permit to the same source owner or operator for similar operations at multiple temporary locations. In addition to the permit requirements of 030.960 (C), the source will be required to provide the Control Officer with at least ten (10) days advance notice of any relocation. No affected source may be issued a temporary permit. To qualify for a temporary permit the source must undergo at least one change of location during the permit term.

F. Title IV Implementation

The Control Officer shall establish procedures consistent with 40 CFR Part 72 for any source subject to or choosing to implement the acid rain program under Title IV of the Act. Nothing in any permit or compliance plan issued pursuant to Title V of the Act shall be construed as affecting allowances under the acid rain program (section 408(b) of the Act). Any sources seeking permits under phase II of Title IV shall submit such applications as required in the Act. Applications for permits with sulfur dioxide related requirements will be

submitted by January 1, 1996 and applications to add requirements related to Nitrogen Oxide emissions by January 1, 1998. Any source which becomes subject to Title IV of the Act shall have the following supplementary terms and conditions of operation in its Part 70 permit:

1. Requirements to meet all applicable Acid Rain requirements promulgated under Title IV of the Act, including any requirements related to control or limitations on SO₂ and NO_x emissions. If another applicable requirement that is stricter than the Acid Rain requirement applies, to a source, both requirements shall be included in the permit.
2. Limitations to prevent sulfur dioxide emissions greater than allowed under any applicable requirement or emission allowances lawfully held under Title IV of the Act.

G. EPA Permit Implementation

Consistent with the provisions of 40 CFR Part 70.10, the EPA Administrator may supersede the District's Part 70 regulations and issue Part 70 permits as necessary.

030.970 PART 70 PERMIT MONITORING AND COMPLIANCE (Adopted 10/20/93, Revised 10/25/95)

A. Compliance Statements

Sources subject to Part 70 permits shall submit a statement of compliance signed by a responsible official. The annual compliance statement shall be due each year on the anniversary of the date of issuance (or more frequently if required in an applicable requirement). The compliance statement shall address each term or condition of operation on an item by item basis. The compliance statement shall contain the following:

1. Identification of each term or condition of operation that is the basis for certification.
2. The compliance status of the facility with respect to each term or condition of operation and a statement that the operator will continue to comply with such requirements.
3. Whether the compliance with each term or condition of operation was continuous or intermittent.
4. The method(s) used for determining the compliance status of the source including a description of monitoring, record keeping and reporting requirements, and test methods.
5. For any term or condition of operation for which the source is not in compliance, the source must submit a compliance schedule and a narrative description of how the source will achieve compliance with such requirements as described in **030.970 (B)** of these regulations.
6. For any source for which the Control Officer has established requirements for progress reports on compliance schedules, the source must provide these

progress reports in a timely manner and address dates milestones and other activities that have been specified by the Control Officer. The progress report shall also include the dates on which any milestones were achieved and an explanation of any dates or milestones that were not or are not expected to be met, why they were not met and any corrective actions to be taken as a result.

7. Any other specific information needed to determine compliance as required by the Control Officer.
8. A certification of the truth, accuracy and completeness of the compliance statement by a responsible official.
9. Any additional requirements as may be specified pursuant to sections 114(a) and 504(b) of the Act.

All Statements of compliance must be made in writing to both the EPA Administrator as well as to the Control Officer. Failure to submit a statement of compliance in a timely manner may result in citation, penalties, suspension or revocation of the Part 70 permit.

B. Schedules For Compliance And Remedial Measures

The Control Officer may issue a Part 70 permit to sources which will not be in compliance with the applicable requirements of its permit at the time of permit issuance. Any Part 70 permit issued to a source which is operating out of compliance with the applicable requirements of its permit shall be issued in conjunction with a compliance schedule. Submission of a compliance schedule does not release the permittee from compliance with any applicable requirement. A compliance schedule shall be submitted with the compliance statement for all part 70 sources. Any schedule of compliance shall include the following:

1. A list of remedial measures, including enforceable sequences of actions with milestones, leading to compliance with any applicable requirements in a timely manner.
2. A schedule for certified progress reports to be made no less frequently than every six (6) months or more frequent if specified in the applicable requirement.
3. A statement that for all terms and conditions for which the source is in compliance that the source will continue to comply with such requirements.
4. A certification of the truth, accuracy and completeness of the compliance schedule by a responsible official.
5. A commitment to meet the standards and specifications of any future effective applicable requirements in a timely fashion.
6. Any schedule for compliance must be at least as stringent as that contained in any judicial consent decree or administrative order.

C. Annual Inspection and Compliance Review

1. Compliance inspections of the facilities shall be made at least annually. The Control Officer shall inspect the equipment, practices and operations required or regulated under the Part 70 permit.
2. The Control Officer shall evaluate the compliance status of each Part 70 permit on an annual basis. The compliance statement and the results of the most recent on site inspection shall be reviewed and the progress of any compliance schedule shall be assessed. The Control Officer shall consider the comments or complaints received from the public during the compliance review process.

030.990

PART 70 PERMIT HAZARDOUS AIR POLLUTANT PROVISIONS (Adopted 10/20/93)

The Control Officer shall establish terms and conditions of operations to ensure the compliance of all sources permitted under Part 70 and subject to the provisions of section 112 of the Act (Hazardous Air Pollutants). The Control Officer shall establish permit requirements for risk management plans as per section (r)(7).

The Control Officer shall adopt MACT standards as established by the EPA as soon as practicable after such standards have been promulgated.

The Control Officer shall undertake a case by case control technology evaluation, consistent with the provisions of section 112(g) of the Act, for all major sources of hazardous air pollutants which are new, modified or reconstructed. Based upon this evaluation, the Control Officer shall determine appropriate control technology and emissions limitations. The emissions limits must reflect the Maximum Achievable Control Technology (MACT), even if MACT control standards have not yet been promulgated or proposed for that category of sources. In cases where no standards have been proposed by EPA, or EPA has missed a statutory deadline for standard promulgation, the Control Officer must establish conditions at least as stringent as those that would have been established if EPA had promulgated such standards on time. If EPA subsequently issues technology base standards which would apply to that source, the permit must be revised to reflect the new standard if the requirements are more stringent than those previously required. These emission limits shall become an enforceable part of the Part 70 permit. Sources may offset emissions of pollutants, subject to certain restrictions as established by EPA and the Control Officer, to avoid triggering a permit modification. Deadline extensions for emissions reductions shall be given as applicable under the Act to sources participating in the early reductions program as specified in section 112 (i) (5) of the Act.

030.995

SMALL BUSINESS ASSISTANCE PROGRAM (Adopted 10/20/93)

The Control Officer shall provide a program assisting small business sources in complying with the provisions of the District's air quality regulations. This program will be operated in compliance with section 507 of the Act (small business assistance) and relevant EPA guidance.

The Control Officer may hire a contractor to operate the small business compliance assistance program or participate with the State of Nevada and/or Clark County in contracting to make such services available. If a joint agreement is created, Washoe County will participate in financial and other advisory panel or program oversight functions. Any contract for the provision of these small business assistance services will be reviewed periodically.