

CHAPTER 030 - SOURCE PERMITTING AND OPERATION

NOTE: The *italicized* words and phrases used in this regulation have specific meanings: see DEFINITIONS in each of the subparts.

PART 030.000 - GENERAL PROVISIONS

SECTION A - GENERAL

1. PURPOSE: This regulation requires the *owner* or *operator* of any *stationary source(s)* ("*source(s)*") emitting *air pollutants* ("*pollutants*") located within Washoe County to obtain a *Permit to Construct* (PTC) and/or a *Permit to Operate* (PTO) prior to *constructing, modifying, or operating* that *stationary source*, except for sources listed in SECTION 030.020.B.
 - a. The overarching purpose in requiring a PTC and/or PTO is to protect the health and welfare of the public from exposure to unhealthy concentrations of air pollutants. The PTC and PTO, by requiring information on new and existing stationary sources and *modifications* to those sources, not only provide information on *air pollution emissions* (thus facilitating air quality management), but also limit and/or track *air pollution emissions*, thereby reducing *emissions* and/or managing exposure from new and modified sources; this allows economic growth within Washoe County while minimizing associated *air pollution emissions*. Since protection of public health is the Air Quality Management Division's (AQMD's) primary concern, an application for a new source or a *modification* to an existing source that would adversely impact public health may be denied; should this occur, the *owner* or *operator* is encouraged to contact the AQMD to discuss revisions to the proposed source or *modification* that would reduce the source's impact on air quality to acceptable levels.
 - b. Time and resources are necessary to prepare and to process applications for *construction* and operation of a source, and these regulations may require the *installation* and operation of *control equipment* or other measures to limit *emissions*. In addition, there may be monitoring, reporting and recordkeeping requirements included in the permits. Therefore, the *owner/operator* should include application preparation and processing time and the cost of control devices and monitoring/testing in their *project plans*.
 - c. Constructing or operating a *source* without obtaining the proper PTC or PTO, exceeding *emissions* limitations, or violating a permit term or condition can result in fines and other penalties (including an order to cease *construction* or operation). Therefore, *owners* and *operators* should review this regulation carefully to determine whether they are required to obtain a PTC or PTO and, if so, what standards and conditions apply. If it is unclear whether a specific *source* is subject to this regulation, the *owner/operator* should contact the AQMD for guidance.
 - d. A source may be subject to one or more of the *air pollution* permit regulations within PART 030.000, GENERAL REQUIREMENTS, depending on the source's type, size, and *emissions*, and on the air quality status of the area the source will locate in or impact. Therefore, *owner/operators* should review the applicability criteria in PART 030.020 carefully to determine which of the following apply to the *construction, modification, and/or operation* of their source:
 - (1) 030.100 – General Permits
 - (2) 030.200 – Minor Source Permits
 - (3) 030.300 – Nonattainment New Source Review Permits
 - (4) 030.400 – Prevention of Significant Deterioration (PSD) Permits

- (5) 030.500 – PART 70 Permit to Construct Requirements
- (6) 030.510 – PART 70 Operating Permit Requirements

SECTION B - GENERAL PROHIBITIONS

1. **SEVERABILITY.** If any provision of these regulations or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.
2. **PROHIBITED CONDUCT: CONCEALMENT OF EMISSIONS.** No *person* may install, *construct* or use any device which conceals any *emission* without reducing the total release of regulated air pollutants to the atmosphere.
3. **PROHIBITED CONDUCT: OPERATION OF SOURCE WITHOUT REQUIRED EQUIPMENT; REMOVAL OR MODIFICATION OF REQUIRED EQUIPMENT; MODIFICATION OF REQUIRED PROCEDURE.** Except as otherwise provided in these regulations, no *person* may:
 - a. Operate a stationary source of *air pollution* unless the *control equipment* for air pollution, which is required by *applicable requirements* or conditions of the permit, is installed and operating.
 - b. Disconnect, alter, modify or remove any of the *control equipment* for *air pollution* or modify any procedure required by an applicable requirement or condition of the permit.
4. **PROHIBITED ACTS.** As required by Nevada Revised Statute (NRS) 445B.470,
 - a. A *person* shall not knowingly:
 - (1) Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of information;
 - (2) Fail to pay any fee;
 - (3) Falsify any material statement, representation or certification in any notice or report; or
 - (4) Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.640, inclusive, CHAPTER 030, or any regulation adopted pursuant to those provisions.
 - b. Any *person* who violates any provision of NRS 445B.470.1 shall be punished by a fine of not more than \$10,000 for each day of the violation.
 - c. The burden of proof and degree of knowledge required to establish a violation of NRS 445B.470.1 are the same as those required by 42 U.S.C. PART 7413(c).
 - d. If, in the judgment of the *Control Officer* or the *Control Officer's* designee, any *person* is engaged in any act or practice which constitutes a criminal offense pursuant to NRS 445B.100 to 445B.640, inclusive, the *Control Officer* or the designee may request that the Attorney General or the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the *person*.
 - e. If, in the judgment of the *Control Officer* of a local *air pollution* control board, any *person* is engaged in such an act or practice, the *Control Officer* may request that the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the *person*.

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

- a. Except as otherwise provided in this section, no *owner* or *operator* may cause or permit the discharge into the atmosphere from any *emission* unit which is of an *opacity* equal to or greater than 20 percent. *Opacity* shall be determined by one of the following methods:
 - (1) If *opacity* is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in 40 CFR PART 60 Appendix A.
 - (2) If a source uses a *continuous monitoring system* for the measurement of *opacity*, the data must be reduced to 6-minute averages as set forth in 40 CFR PART 60.13(h).
- b. The provisions of this section do not apply to that part of the *opacity* that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to use the exemption.
- c. If the provisions of 40 CFR PART 60, Subpart D or Da apply to an *emission* unit, the *emission* unit must be allowed one 6-minute period per hour of not more than 27 percent *opacity* as set forth in 40 CFR PART 60.42(a)(2) and 40 CFR PART 60.42a(b).
- d. The *continuous monitoring system* for monitoring *opacity* at a *facility* must be operated and maintained by the *owner* or *operator* as specified in the permit for the *facility* in accordance with the requirements of PART 030.040.

SECTION C - GENERAL PERMIT PROVISIONS

1. PERMITS: REVOCATION AND REISSUANCE.

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

2. PERMITS: TRANSFERS; ADMINISTRATIVE AMENDMENT.

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

- (1) Correct typographical errors;
 - (2) Identify a change in the name, address or telephone number of any person identified in the operating permit, or provide a similar minor administrative change at the stationary source;
 - (3) Require more frequent monitoring or reporting by the holder of the permit;
 - (4) Add the serial numbers of specific pieces of equipment which were not available at the time of the issuance of or revision of the operating permit; or
 - (5) Allow for a change in ownership or operational control of a stationary source if the *Control Officer* determines that no other change in the permit is necessary. A person who requests an administrative amendment pursuant to this paragraph must submit to the *Control Officer* a written agreement specifying a date for the transfer of responsibility for the permit.
- d. A holder of an *operating permit* must request an administrative amendment on an application provided by the Director. The application must be accompanied by a fee as determined by the District Board of Health.
- e. The Director shall:
- (1) Issue or deny an application for an administrative amendment within thirty (30) calendar days after receipt of the application.
 - (2) If the administrative amendment is for a PART 70 Operating Permit, send a copy of the administrative amendment to the *Administrator*.

SECTION D - GENERAL ENFORCEMENT PROVISIONS

1. VIOLATIONS: ACTS CONSTITUTING; NOTICE.

- a. Failure to comply with any requirement of these regulations, any applicable requirement or any condition of a permit constitutes a violation. As required by NRS 445B.450, the *Control Officer* shall issue a written notice of an alleged violation to any *owner* or *operator* for any violation, including, but not limited to:
- (1) Failure to apply for and obtain a permit;
 - (2) Failure to *construct* a stationary source in accordance with the application for a permit or any condition in the Permit to Construct, as approved by the *Control Officer*;
 - (3) Failure to *construct* or operate a stationary source in accordance with any condition of a permit;
 - (4) Commencing *construction* or *modification* of a stationary source without applying for and receiving a permit or a *modification* of a permit;
 - (5) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in a permit; or
 - (6) Failure to pay fees.
- b. The written notice must specify the provision of these regulations, the condition of the permit or the applicable requirement that is being violated.
- c. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the *person*.

PART 030.010 - GENERAL DEFINITIONS

SECTION A - DEFINITIONS AND ACRONYMS

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

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

ACTUAL EMISSIONS means:

- a. The actual rate of *emissions* from an *emissions unit*, as determined in accordance with paragraphs (1) through (2) of this section, except that this definition shall not apply for calculating whether a *significant emissions* increase has occurred, or for establishing a PAL. Instead, the definitions of *baseline actual emissions* and *projected actual emissions* shall apply for those purposes.
 - (1) In general, *actual emissions* as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the *pollutant* during a consecutive 24-month period (except for purposes of annual *emissions* reporting) which precedes the particular date and which is representative of normal *source* operation. The *Control Officer* shall allow the use of a different time period upon a determination that it is more representative of normal *source* operation. *Actual emissions* shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - (2) For any *emissions unit* that has not begun normal operations on the particular date, *actual emissions* shall equal the *potential to emit* of the unit on that date.
- b. For the purposes of annual *emissions* reporting, *actual emissions* shall be calculated for each calendar year.

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

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

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

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

AFFECTED SOURCE means a *source* made up of one or more affected units. An affected unit shall be any unit or segment of a *facility*, which is subject to *emissions* reductions or limitations under Title IV of the *Act*.

AFFECTED STATE means all States that are contiguous to Washoe County whose air quality may be

affected, or all States and tribes that are within 50 miles of the *PART 70 source* under consideration. Notice of all *PART 70* issuances, *renewals*, or *modifications* shall be provided to *Affected states* as applicable.

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

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

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

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

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

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

APPLICABLE REQUIREMENTS means:

- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by *EPA* through rule making under Title I of the *Act* that implements the relevant requirements of the *Act*, including any revisions to that plan promulgated in 40 CFR PART 52;
- b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rule making under Title I including PARTS C or D, of the *Act*;
- c. Any standard or other requirement under section 111 of the *Act*, including section 111(d);
- d. Any standard or other requirement under section 112 of the *Act*, including any requirement concerning accident prevention under section 112(r)(7) of the *Act*;
- e. Any standard or other requirement of the acid rain program under Title IV of the *Act* or the regulations promulgated thereunder;
- f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the *Act*;
- g. Any standard or other requirement under section 126(a)(1) and (c) of the *Act*;

- h. Any standard or other requirement governing solid waste incineration under section 129 of the *Act*;
- i. Any standard or other requirement for consumer and commercial products under section 183(e) of the *Act*;
- j. Any standard or other requirement for tank vessels under section 183(f) of the *Act*;
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the *Act*, unless the *Administrator* has determined that such requirements need not be contained in a Title V permit; and
- l. Any national *ambient air* quality standard or increment or visibility requirement under part C of Title I of the *Act*, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the *Act*.

AUTHORITY TO CONSTRUCT means an authorization to *construct* a stationary source of air pollution, generally conveyed by a permit. This term was superseded in 2023 by the term *PERMIT TO CONSTRUCT*, but means the same.

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

- a. For any existing *electric utility steam generating unit*, *baseline actual emissions* means the average rate, in tons per year, at which the unit actually emitted the *pollutant* during any consecutive 24-month period selected by the *owner* or *operator* within the 5-year period immediately preceding when the *owner* or *operator* begins actual *construction* of the *project*. The *Control Officer* shall allow the use of a different time period upon a determination that it is more representative of normal *source* operation.
 - (1) The average rate shall include *fugitive emissions* to the extent quantifiable, and *emissions* associated with startups, shutdowns, and *malfunxions*.
 - (2) The average rate shall be adjusted downward to exclude any non-compliant *emissions* that occurred while the *source* was operating above any *emission* limitation that was legally *enforceable* during the consecutive 24-month period.
 - (3) The average rate shall be adjusted downward to exclude any *emissions* that would have exceeded an *emission* limitation with which the *major stationary source* must currently comply, had such *major stationary source* been required to comply with such limitations during the consecutive 24-month period. However, if an *emission* limitation is part of a *Maximum Achievable Control Technology* standard that the *Administrator* proposed or promulgated under 40 CFR PART 63, the *baseline actual emissions* need only be adjusted if the *Control Officer* has taken credit for such *emissions* reductions in an attainment demonstration or maintenance plan.
 - (4) For a *regulated NSR pollutant*, when a *project* involves multiple *emissions units*, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for the *emissions units* being changed. A different consecutive 24-month period can be used for each *regulated NSR pollutant*.
 - (5) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph a.(2). of this definition.
- b. For an existing *emissions unit* (other than an *electric utility steam generating unit*), *baseline actual emissions* means the average rate, in tons per year, at which the *emissions unit* actually emitted the

pollutant during any consecutive 24-month period selected by the *owner* or *operator* within the 10-year period immediately preceding either the date the *owner* or *operator* begins actual *construction* of the *project*, or the date a *complete* permit application is received by the *Control Officer* for a permit required under this section, whichever is earlier.

- (1) The average rate shall include *fugitive emissions* to the extent quantifiable, and *emissions* associated with startups, shutdowns, and *malfunctions*.
 - (2) The average rate shall be adjusted downward to exclude any non-compliant *emissions* that occurred while the *source* was operating above an *emission* limitation that was legally *enforceable* during the consecutive 24-month period.
 - (3) The average rate shall be adjusted downward to exclude any *emissions* that would have exceeded an *emission* limitation with which the *major stationary source* must currently comply, had such *major stationary source* been required to comply with such limitations during the consecutive 24-month period. However, if an *emission* limitation is part of a *Maximum Achievable Control Technology* standard that the *Administrator* proposed or promulgated under 40 CFR PART 63, the *baseline actual emissions* need only be adjusted if the *Control Officer* has taken credit for such *emissions* reductions in an attainment demonstration or maintenance plan.
 - (4) For a *regulated NSR pollutant*, when a *project* involves multiple *emissions units*, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for all the *emissions units* being changed. A different consecutive 24-month period can be used for each *regulated NSR pollutant*.
 - (5) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs b.2 and b.3 of this definition.
- c. For a new *emissions unit*, the *baseline actual emissions* for purposes of determining the *emissions* increase that will result from the initial *construction* and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's *potential to emit*.
- d.
- e. For a PAL for a stationary *source*, the *baseline actual emissions* shall be calculated for existing *electric utility steam generating units* in accordance with the procedures contained in paragraph a. of this definition, for other existing *emissions units* in accordance with the procedures contained in paragraph b. of this definition, and for a new *emissions unit* in accordance with the procedures contained in paragraph c. of this definition.

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

BEST SYSTEM OF CONTROL (BSC) means:

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

- (2) Cost-effectiveness;
 - (3) Control technology in use by similar sources; and
 - (4) Technical feasibility.
- b. *BSC* may be determined on a case-by-case or source category-specific basis, whichever is more stringent, and should take into account relevant findings and determinations in *EPA's* RACT/BACT/LAER Clearinghouse.
 - c. The determination of cost-effectiveness shall use the analysis methodologies contained in the *EPA* Office of Air Quality Planning and Standards Cost Control Manual.
 - d. If the *Control Officer* determines that technological or economic limitations would make the imposition of an *emissions* standard infeasible, a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to, in the judgment of the *Control Officer*, satisfy the requirements for the application of *BSC*.
 - e. **BSC Threshold**. *BSC* must be determined and applied to:
 - (1) Each *pollutant* at a new source with a source-wide PTE that equals or exceeds the thresholds listed below unless that *pollutant* is subject to BACT or LAER requirements under the major source provisions of PARTS 030.300 or 030.400; and
 - (2) Each *pollutant* at an existing source with a source-wide PTE increase resulting from a *modification* that equals or exceeds the thresholds listed below unless that *pollutant* is subject to BACT or LAER requirements under the major source provisions of PARTS 030.300 or 030.400:

REGULATED MINOR SOURCE POLLUTANT	BSC PTE THRESHOLD, TPY
PM10	15
PM2.5	10
CO	100
VOC	20
NOx	20
SO ₂	40
LEAD	0.6
H ₂ S	5
TOTAL REDUCED SULFUR (TRS), (including H ₂ S)	5

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

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

BSC SIGNIFICANT EMISSIONS INCREASE and BSC THRESHOLD: See *Best System of Control*.

BUILDING, STRUCTURE, FACILITY OR INSTALLATION means:

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

CLASS / AREA means any area listed as Class I in 40 CFR PART 81 Subpart D, including SECTION 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

COMMENCE as used in reference to *construction* or *modification* of a stationary source, means that the owner or operator has:

- a. Obtained all necessary preconstruction approvals or permits, including those required by federal air quality control laws and regulations, Washoe County District Board of Health Regulations Governing Air Quality Management, and air quality laws and regulations which are part of the applicable state implementation plan; and
- b. Taken affirmative steps toward *construction* or *modification*, in one of the following ways:
 - (1) Has begun, or caused to begin, a continuous program of actual on-site *construction* of the source to be *completed* within a reasonable time, as demonstrated by the initiation of physical on-site *construction* activities on an *emission* unit which are of a permanent nature, which may include, without limitation, the *installation* of *building* supports and foundations, laying of underground pipework and the *construction* of permanent storage *structures*;
 - (2) Has entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the *owner* or *operator*, to undertake a program of actual *construction* of the source, to be *completed* within a reasonable time; or
 - (3) For *modification* of a stationary source, has begun those on-site activities, other than preparatory activities, which mark the initiation of the *modification*.

COMPLETE means in reference to an application for a permit that the application, in the judgment of the *Control Officer*, contains all of the information necessary for processing the application. Such a determination does not prohibit the *Control Officer* from a finding during the permitting process that additional or clarifying

information is needed to *complete* the review process and determine whether to issue a permit or deny the application.

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

CONSTRUCTION means any physical change or change in the method of operation of an *emission* unit, including, without limitation, the fabrication, erection, *installation* or *modification* of an *emission* unit, that would result in a change in emissions.

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

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

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

CONTINUOUS MONITORING SYSTEM means the equipment required for monitoring *emissions* which is used to sample and, if applicable, condition, to analyze, and to provide a permanent record of *emissions* or process parameters.

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

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

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

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

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

EMERGENCY GENERATOR means a stationary combustion device, such as a reciprocating internal

combustion engine or turbine that serves solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the *owner* or *operator* of a *facility*.

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

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

EMISSIONS UNIT:

- a. For all stationary sources, means any part of a stationary source that emits or would have the potential to emit any regulated *pollutant* and includes an *electric utility steam generating unit*.
- b. For purposes of calculating *emissions* increases from *emissions units* in PARTS 030.300 and 030.400, there are two types of *emissions units*:
 - (1) A *new emissions unit* is any *emissions unit* that is (or will be) newly constructed and that has existed for less than two (2) years from the date such *emissions unit* first operated.
 - (2) An *existing emissions unit* is any *emissions unit* that does not meet the requirements in paragraph b.(1) of this definition. A *replacement unit* is, by definition, an existing *emissions unit*.

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

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

EPA means the United States Environmental Protection Agency.

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

EXCESS EMISSIONS generally means any *emission* which exceeds any applicable *emission* limitation prescribed by these regulations or that is contained in an operating permit. The averaging time and test

procedures for determining *excess emissions* must be as specified in the relevant condition or conditions of the operating permit, except that this does not preclude the use, including the exclusive use, of any credible evidence or information relevant to the determination of whether a source would have been in compliance with the *applicable requirements* if the appropriate performance or compliance test or procedure had been performed to determine excess emissions.

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

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

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

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

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

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

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

GAS means matter that has no definite shape or volume.

GENERAL PERMIT means:

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

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

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

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

HEAT INPUT means the maximum actual or design *fuel* capacity, whichever is greater, stated in British thermal units (Btu) per hour for the *emission unit* and will be expressed using the higher heating value of the *fuel* unless otherwise specified.

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

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

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

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

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

MAJOR STATIONARY SOURCE means,

- a. For purposes of NNSR permitting in PART 030.300:
- b. For purposes of PSD permitting in PART 030.400
 - (1) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants (with thermal dryers), primary copper smelters, municipal incinerators capable of charging more than fifty (50) tons of refuse per day,

- hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, *fuel* conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140), fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;
- (2) Notwithstanding the stationary source size specified in (1) of this definition, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or
 - (3) Any physical change that would occur at a stationary source not otherwise qualifying under this definition as a major stationary source, if the change would constitute a *major stationary source* by itself.
- c. A major source that is major for volatile organic compounds or NOX shall be considered major for ozone.
- d. The *fugitive emissions* of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
- (1) Coal cleaning plants (with thermal dryers);
 - (2) Kraft pulp mills;
 - (3) Portland cement plants;
 - (4) Primary zinc smelters;
 - (5) Iron and steel mills;
 - (6) Primary aluminum ore reduction plants;
 - (7) Primary copper smelters;
 - (8) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day;
 - (9) Hydrofluoric, sulfuric, or nitric acid plants;
 - (10) Petroleum refineries;
 - (11) Lime plants;
 - (12) Phosphate rock processing plants;
 - (13) Coke oven batteries;
 - (14) Sulfur recovery plants;
 - (15) Carbon black plants (furnace process);
 - (16) Primary lead smelters;
 - (17) Fuel conversion plants;
 - (18) Sintering plants;
 - (19) Secondary metal production plants;
 - (20) Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
 - (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
 - (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
- (27) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

MAJOR MODIFICATION means, for purposes of NNSR permitting in PART 030.300 or PSD permitting in PART 030.400, any physical change in, or change in the method of operation of, a *major stationary source* that would result in a *significant* emissions increase of a *regulated NSR pollutant* and a *significant net emissions increase* of that pollutant from the *major stationary source*.

- a. Any significant *emissions* increase or any *net emissions increase*, from any *emissions units*, at a *major stationary source* that is significant for volatile organic compounds or nitrogen oxides shall be considered *significant* for ozone.
- b. A physical change or change in the method of operation shall not include:
 - (1) Routine maintenance, repair, and replacement;
 - (2) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
 - (3) Use of an alternative fuel by reason of an order or rule under SECTION 125 of the *Act*;
 - (4) Use of an alternative fuel at a steam generating unit, to the extent that the fuel is generated from municipal solid waste;
 - (5) Use of an alternative fuel or raw material by a stationary *source* which:
 - (a) The *source* was capable of accommodating before December 21, 1976, unless such change would be prohibited under any *Federally enforceable* permit condition which was established after December 21, 1976, pursuant to PART 030 or under regulations approved pursuant to 40 CFR PART 51, Subpart I.
 - (b) The *source* is approved to use under any permit issued under CHAPTER 030.
 - (6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any *Federally enforceable* permit condition which was established after December 21, 1976;
 - (7) Any change in ownership at a stationary *source*;
- c. This definition shall not apply with respect to a particular *regulated NSR pollutant* when the *Major stationary source* is complying with the requirements under SECTION 030.300.I or 030.400.S for a PAL for that *regulated NSR pollutant*. Instead, the definition of PAL *major modification* shall apply.
- d. The *fugitive emissions* of a *major stationary source* shall be included in determining, for any of the purposes of PART 030.300 or 030.400, whether a particular physical change or change in the method of operation is a *major modification*.

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

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

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

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

POLLUTANT	PTE THRESHOLD, TPY
PM10	5
PM2.5	5
CO	5
VOC	5
NOx	5
SO ₂	5
LEAD	0.3
H ₂ S	5
TOTAL REDUCED SULFUR (TRS), including H ₂ S	5

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

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

- a. The trigger date is:
 - (1) In the case of PM₁₀ and sulfur dioxide, August 7, 1977;
 - (2) In the case of nitrogen dioxide, February 8, 1988; and
 - (3) In the case of PM_{2.5}, October 20, 2011.

- b. The baseline date is established for each regulated NSR *pollutant* for which increments or other equivalent measures have been established if:
 - (1) The area in which the proposed source or *modification* would *construct* is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the *pollutant* on the date of its *complete* application under PART 030.400 and/or 40 CFR PART 52.21 ; and
 - (2) In the case of a major stationary source, the *pollutant* would be emitted in significant amounts, or, in the case of a *major modification*, there would be a *significant net emissions increase* of the pollutant.

MODIFICATION means:

- a. When applied to a stationary source: means any physical change in, or change in the method of operation of a source which:
 - (1) Increases the amount of any regulated air pollutant, to which a standard applies, emitted into the atmosphere by that stationary source; or
 - (2) Results in the *emission* of any regulated air pollutants, to which a standard applies, into the atmosphere if the regulated air pollutants were not previously emitted.
 - (a) For Nonattainment New Source Review (NNSR) purposes under PARTS 030.300 (NNSR) and 030.400 (PSD), *modifications* at a *major stationary source* can be major (because there is both a *significant emissions* increase and a *significant net emissions increase* of that *pollutant* resulting from the *modification*), or minor or both depending on the attainment designation of each pollutant. Major *modifications* are subject to a number of regulatory conditions, such as air impact analyses. Minor *modifications* at major stationary sources are not subject to NNSR or PSD permitting, but are addressed in these regulations (see paragraph a.(3) below) and, if a regulated *minor source* pollutant, generally require a permit *modification*.
 - (b) For *PART 70* (Title V) *operating permit* purposes under PART 030.510, there are several classifications of *modifications*. These are defined and discussed in PART 030.510.
 - (c) *Minor modifications*, whether at major or minor stationary sources, are classified as either significant or insignificant.
 - (i) A *minor modification* is significant if:
 - (A) the PTE of the source for that *pollutant* prior to the *modification* equals or exceeds the *significant minor source* permitting threshold for that pollutant, and
 - (B) the *modification* results in any increase in the PTE of the source for that pollutant.

- (ii) A *minor modification* is insignificant if it is not a significant *minor modification*.
- (iii) If the source-wide PTE increase resulting from a significant *minor modification* equals or exceeds the *BSC threshold* for that regulated *minor source* pollutant, it is significant and *BSC* must be applied to that PTE increase as specified in the *BSC* definition.

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

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

NEW STATIONARY SOURCE means:

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

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

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

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

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

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

NONROAD ENGINE means:

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

- (1) It is (or will be) used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers).
 - (2) It is (or will be) used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers).
 - (3) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
- b. An internal combustion engine is not a *nonroad engine* if it meets any of the following criteria:
- (1) The engine is used to propel a motor vehicle, an aircraft, or equipment used solely for competition.
 - (2) The engine is regulated under 40 CFR PART 60, (or otherwise regulated by *NSPS*) promulgated under Section 111 of the Act. Note that this criterion does not apply for engines meeting any of the criteria of paragraph a of this definition that are voluntarily certified under 40 CFR PART 60.
 - (3) The engine otherwise included in paragraph a.(3) of this definition remains or will remain at a location for more than twelve (12) consecutive months, or a shorter period of time for an engine located at a seasonal source. A location is any single site at a *building, structure, facility, or installation*. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two (2) years) and that operates at that single location approximately three (3) months (or more) each year but less than a full year.

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

ONE-HOUR PERIOD means any 60-minute period.

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

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

OPERATING PERMIT has the same meaning as *Permit to Operate*.

PART 70 PERMIT or *PART 70 OPERATING PERMIT* means any permit or group of permits that is issued, renewed, amended or revised pursuant to PART 030.510, which are approved by *EPA* under 40 CFR PART 70.

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

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

PERMIT MODIFICATION means:

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

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

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

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

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

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

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

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

PM₁₀ EMISSIONS means finely-divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal (ten) 10 micrometers (microns or μ) emitted

to the *ambient air* as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR PART 51 Appendix M or by a test method specified in the SIP.

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

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

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

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

PSD PERMIT means a permit issued pursuant to PART 030.400.

RECONSTRUCTION OR RECONSTRUCT means:

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

REFERENCE CONDITIONS means that all measurements of *ambient air* quality are corrected to a reference temperature of 77 °F (25 °C) and to a reference pressure of thirty (30) inches (760 millimeters, 1013.2 millibars) of mercury.

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

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

- a. *Nitrogen oxides* or any volatile organic compounds;
- b. Any *pollutant* for which a national *ambient air* quality standard has been promulgated.
- c. Any *pollutant* that is subject to any standard promulgated under Section 111 of the Act.
- d. Any class I or II substance subject to a standard promulgated under or established by Title VI of the Act.
- e. Any *pollutant* subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Act, including the following:
 - (1) Any *pollutant* subject to requirements under Section 112(j) of the Act. If the *Administrator* fails to promulgate a standard pursuant to Section 112(e) of the Act, any *pollutant* for which a subject *source* would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established pursuant to Section 112(e) of the Act; and
 - (2) Any *pollutant* for which the requirements of Section 112(g)(2) of the Act have been met, but only with respect to the individual *source* subject to the Section 112(g)(2) requirement.
- f. Greenhouse gases that are *subject to regulation* as defined in 40 CFR PART 70.2.

REGULATED MINOR SOURCE POLLUTANT means all criteria pollutants, hydrogen sulfide (H₂S), and Total Reduced Sulfur (TRS). TRS includes H₂S.

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

- a. Any *pollutant* for which a national *ambient air* quality standard has been promulgated. This includes, but is not limited to, the following:
 - (1) PM_{2.5} *emissions* and PM₁₀ *emissions* shall include gaseous *emissions* from a source or activity, which condense to form *particulate matter* at ambient temperatures. On or after January 1, 2011, such condensable *particulate matter* shall be accounted for in applicability determinations and in establishing *emissions* limitations for PM_{2.5} and PM₁₀ in PSD permits. Compliance with *emissions* limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable *particulate matter* unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable *particulate matter* shall not be considered in violation of this section unless the applicable implementation plan required condensable *particulate matter* to be included.
 - (2) Any *pollutant* identified under 40 CFR PART 52.21(b)(50)(i)(b) as a constituent or precursor for a *pollutant* for which a national *ambient air* quality standard has been promulgated. Precursors identified by the *Administrator* for purposes of NSR are the following:
 - (a) Volatile organic compounds and *nitrogen oxides* are precursors to ozone in all attainment and unclassifiable areas.
 - (b) Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas.
 - (c) *Nitrogen oxides* are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the State demonstrates to the *Administrator's* satisfaction or EPA demonstrates that *emissions* of *nitrogen oxides* from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

- (d) Volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area, unless the State demonstrates to the *Administrator's* satisfaction or EPA demonstrates that *emissions* of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations.

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

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

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

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

RESPONSIBLE OFFICIAL means:

- a. For a corporation:
 - (1) A President;
 - (2) A vice president in charge of a principal business function;
 - (3) A Secretary;
 - (4) A Treasurer; or
 - (5) An authorized representative of such a person who is responsible for the overall operation of the *facility* and who is designated in writing by an officer of the corporation and approved in advance by the *Control Officer*.
- b. For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
- c. For a municipality or a state, federal or other public agency, a ranking elected official or a principal executive officer, including, for a federal agency, a chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.

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

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

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

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

SIGNIFICANT or SIGNIFICANTLY means, for purposes of *emissions* increases:

a. For purposes of NNSR permitting in PART 030.300 and 40 CFR PART 51:

- (1) Significant means, in reference to a *net emissions increase* or the potential of a source to emit any of the following pollutants, a rate of *emissions* that would equal or exceed any of the following rates:
 - (a) Carbon monoxide: 100 tons per year (tpy)
 - (b) Nitrogen oxides: 40 tpy
 - (c) Sulfur dioxide: 40 tpy
 - (d) Ozone: 40 tpy of Volatile organic compounds or Nitrogen oxides
 - (e) Lead: 0.6 tpy
 - (f) PM10: 15 tpy
 - (g) PM2.5: 10 tpy of direct PM2.5 emissions; 40 tpy of Sulfur dioxide emissions, 40 tpy of Nitrogen oxide emissions, or 40 tpy of VOC emissions, to the extent that any such *pollutant* is defined as a precursor for PM2.5 in 40 CFR PART 51.165(a)(1)(xxxvii).
- (2) Notwithstanding the significant *emissions* rate for ozone in 40 CFR PART 51.165(a)(1)(x)(A), significant means, in reference to an *emissions* increase or a *net emissions* increase, any increase in *actual emissions* of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a *major stationary source* locating in a serious or severe ozone *nonattainment area* that is subject to SUBPART 2, PART D, TITLE I of the Act, if such *emissions* increase of volatile organic compounds exceeds 25 tons per year.
- (3) For the purposes of applying the requirements of 40 CFR PART 51.165(a)(8) to *modifications* at major stationary sources of *nitrogen oxides* located in an ozone *nonattainment area* or in an ozone transport region, the significant *emission* rates and other requirements for volatile organic compounds in 40 CFR PART 51.165(a)(1)(x)(A), (B), and (E) shall apply to *nitrogen oxides emissions*.
- (4) Notwithstanding the significant *emissions* rate for carbon monoxide under 40 CFR PART 51.165(a)(1)(x)(A), significant means, in reference to an *emissions* increase or a *net emissions* increase, any increase in *actual emissions* of carbon monoxide that would result from any physical change in, or change in the method of operation of, a *major stationary source* in a serious *nonattainment area* for carbon monoxide if such increase equals or exceeds 50 tons per year, provided the *Administrator* has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- (5) Notwithstanding the significant *emissions* rates for ozone under 40 CFR PART 51.165(a)(1)(x)(A) and (B), any increase in *actual emissions* of volatile organic compounds from any *emissions unit* at a *major stationary source* of volatile organic compounds located in an extreme ozone *nonattainment area* that is subject to SUBPART 2, PART D, Title I of the Act

shall be considered a significant net *emissions* increase.

- (6) For the purposes of applying the requirements of 40 CFR PART 51.165(a)(13) to *modifications* at existing major stationary sources of Ammonia located in a PM2.5 nonattainment area, if the plan requires that the control requirements of this section apply to major stationary sources and major *modifications* of Ammonia as a regulated NSR *pollutant* (as a PM2.5 precursor), the plan shall also define "significant" for Ammonia for that area, subject to the approval of the *Administrator*.

b. For purposes of PSD permitting in PART 030.400 and 40 CFR PART 52.21:

- (1) *Significant* means, in reference to a *net emissions increase* at an existing source or the potential of a *source* to emit at a new source any of the following pollutants, a rate of *emissions* that would equal or exceed any of the following rates:

- (a) Carbon monoxide: 100 tons per year (tpy)
- (b) Nitrogen oxides: 40 tpy
- (c) Sulfur dioxide: 40 tpy
- (d) Particulate matter: 25 tpy of *particulate matter emissions*
- (e) PM10: 15 tpy
- (f) PM2.5: 10 tpy of direct PM2.5 emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide *emissions* unless demonstrated not to be a PM2.5 precursor
- (g) Ozone: 40 tpy of volatile organic compounds or nitrogen oxides
- (h) Lead: 0.6 tpy
- (i) Fluorides: 3 tpy
- (j) Sulfuric acid mist: 7 tpy
- (k) Hydrogen sulfide (H₂S): 10 tpy
- (l) Total reduced sulfur (including H₂S): 10 tpy
- (m) Reduced sulfur compounds (including H₂S): 10 tpy
- (n) Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5×10^{-6} tons per year)
- (o) Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year)
- (p) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year)
- (q) Municipal solid waste landfill *emissions* (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

- e. Significant means, in reference to a *net emissions increase* or the potential of a source to emit a regulated NSR *pollutant* that paragraph a.(1) of this section does not list, any *emissions* rate.
- f. Notwithstanding paragraph a.(1) of this section, significant means any *emissions* rate or any *net emissions increase* associated with a *major stationary source* or *major modification*, which would *construct* within ten (10) kilometers of a Class I area, and have an impact on such area equal to or greater than one (1) $\mu\text{g}/\text{m}^3$, (24-hour average).

c. For purposes of *minor source modifications* in PART 030.200:

- (1) *Significant* means, in reference to an *emissions increase* in the PTE of a *significant minor source* to emit any *regulated minor source pollutants*, any increase in PTE. Such increase requires a permit *modification*.
- (2) *Significant* also means, for purposes of applying *BSC*, in reference to an *emissions increase* in the PTE of a source, a rate of PTE increase that would equal or exceed any of the following rates:
 - (a) Carbon monoxide: 100 tons per year (tpy)
 - (b) Nitrogen oxides: 20 tpy
 - (c) Sulfur dioxide: 40 tpy
 - (d) PM10: 15 tpy
 - (e) PM2.5: 10 tpy of direct PM2.5 emissions;
 - (f) VOC: 20 tpy
 - (g) Lead: 0.6 tpy
 - (h) Hydrogen sulfide (H₂S): 5 tpy
 - (i) Total reduced sulfur (including H₂S): 5 tpy

SIGNIFICANT MINOR SOURCE: See *Minor Source*.

SIGNIFICANT MODIFICATION: See *Modification*.

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

SOURCE means:

- a. Any property, real or personal, under common ownership or control that directly emits, or may emit, any *air pollutant*.
- b. A source may be stationary, mobile, portable, temporary or permanent and can include:
 - (1) Any *building, structure, facility or installation*;
 - g. One or more pieces of equipment or machinery, devices, articles, contrivances, or facilities;
 - h. One or more activities that may emit (such as open burning); and/or
 - i. One or more area sources (such as storage piles, bare land, or unpaved roads) that may emit under certain conditions (e.g., wind or traffic).
- c. A *source* consists of one or more *emissions units*.
- d. As used in this CHAPTER 030, *source* and *stationary source* are used interchangeably; *non-stationary sources* are specifically identified (e.g., as a *mobile source*).
- e. There are a number of different types of regulated *air pollution* sources identified and defined in various regulations; see, for example, the definitions for *minor sources, major sources, PART 70 (Title V) sources, and HAP sources, as well as* the different designations for mobile sources and internal combustion engines (ICE), such as *non-road engines, propulsion units, and vessels*.

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

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

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

STATIONARY SOURCE means:

- a. *All buildings, structures, facilities and installations*, including temporary sources, which:
 - (1) Belong to the same major industrial groupings described in the Standard Industrial Classification Manual, as incorporated by reference in NAC 445B.221;
 - (2) Are located on one or more contiguous or adjacent properties;
 - (3) Are owned or operated by the same person or by persons under common control; and
 - (4) Emit or may emit any regulated air pollutant.
- b. Contracted operations that support the primary operations of the stationary source are part of the stationary source, except that temporary *construction* activities, including, without limitation, the *construction of emissions units*, are not part of the stationary source.
- c. The term does not include motor vehicles, nonroad engines and nonroad vehicles.

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

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

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

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

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

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

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

ACRONYMS

BACT	Best Available Control Technology
BAE	Baseline Actual Emissions
BSC	Best System of Control
CO	Control Officer (or, in context, carbon monoxide)
FLM	Federal Land Manager
GHG	Greenhouse Gases
HAP	Hazardous Air Pollutant
LAER	Lowest Achievable Emissions Rate
MACT	Maximum Achievable Control Technology
NAAQS	National Ambient Air Quality Standard
NEI	Net Emissions Increase
NNSR	Nonattainment New Source Review (generally referring to major sources)
NSR	New Source Review
PAE	Projected Actual Emissions
PSD	Prevention of Significant Deterioration
PTC	Permit to Construct
PTE	Potential To Emit
PTO	Permit to Operate
RACT	Reasonably Available Control Technology
SER	Significant Emissions Rate
SSM	Startup, Shutdown, and Malfunction
VOC	Volatile Organic Compounds

PART 030.020 - GENERAL SOURCE PERMITTING APPLICABILITY

SECTION A - APPLICABILITY

1. REGULATORY REQUIREMENTS. Stationary sources emitting air pollutants located in Washoe County, depending on their type, location, and size, may be subject to one or more of the County's *air pollution* control regulations. Sources may have only one *emission* source (such as gasoline dispensing) or multiple activities (e.g., an asphalt plant with storage piles, unpaved roads, an incinerator, and a wood stove in the office) that subject them to various regulations and *emissions* and/or operating limitations. Therefore, *owner/operators* should review all applicable *air pollution* regulations to determine whether their source is subject to CHAPTER 030.
2. PERMITS. Except as provided in SECTION 030.020.B, *owners* and *operators* of new sources and *modifications* to existing sources of *air pollution* must obtain a *Permit To Construct* (PTC) before *beginning actual construction*.
 - a. A PTC authorizes the *construction* of a *source* or *modification* and, for a period of time, its operation (generally, until a *Permit To Operate* (PTO) is issued following completion of the authorized *construction* and by way of submittal of a *complete* application, but no longer than twelve (12) months after initial start-up).
 - (1) A PTC expires if *construction* does not *commence* within eighteen (18) months of permit issuance.
 - (2) *Construction* authorized by the PTC must be completed within a reasonable time, based on typical *construction* times for that type of source or *modification*.
 - b. A PTO, whether for a minor or a *major source*, expires five (5) years from the date of issuance and must be renewed by submitting a *complete* application. Since a PTC is only required for proposed new sources and for *modifications* to existing sources, existing sources that are not being modified, but which are, or become, subject to CHAPTER 030, shall be issued a PTO without having to obtain a PTC.
 - c. A permit must contain the following conditions:
 - (1) The term or expiration date of the permit.
 - (2) That the holder of the permit shall retain records of all required monitoring data and supporting information for five (5) years after the date of the sample collection, measurement, report or analysis, where supporting information includes all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.
 - (3) Requirements for monitoring that are sufficient to ensure compliance with the conditions of the operating permit, including:
 - (i) All procedures or test methods for monitoring and analyzing *emissions* required pursuant to the *applicable requirements* or adopted pursuant to 42 USC 7414(a)(3) or 7661c(b).
 - (ii) If the applicable requirement does not require periodic testing or monitoring, periodic monitoring that is sufficient to yield reliable data from the relevant period which is representative of the stationary source's compliance with the conditions of the operating

- permit. Such monitoring requirements must use terms, test methods, units, averaging periods and other statistical conventions consistent with the applicable requirement.
- (iii) As necessary, requirements concerning the use, maintenance and the *installation* of equipment, or methods for monitoring.
- (4) All *applicable requirements* for recordkeeping and requirements, where applicable, to keep:
- (i) Records of monitoring information required by the conditions of the permit, including the date, the location, and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and
 - (ii) The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used and the results of such analyses.
- (5) All reporting requirements and requirements to:
- (i) Promptly report all deviations from the requirements of the operating permit; and
 - (ii) State the probable cause of all deviations and any action taken to correct the reported deviations.
- (6) That each of the conditions and requirements of the permit is severable, and if any are held invalid, the remaining conditions and requirements continue in effect.
- (7) That the holder of the permit shall comply with all conditions of the permit and that any noncompliance constitutes a violation and is grounds for:
- (i) An action for noncompliance;
 - (ii) Revising, revoking, reopening and revising, or terminating the permit by the *Control Officer*; or
 - (iii) Denial of an application for a renewal of an *operating permit* by the *Control Officer*.
- (8) That the need to halt or reduce activity to maintain compliance with the conditions of the permit is not a defense to noncompliance with any condition of the permit.
- (9) That the *Control Officer* may revise, revoke and reissue, reopen and revise, or terminate the permit for cause.
- (10) That the permit does not convey any property rights or any exclusive privilege.
- (11) That the holder of the permit shall provide the *Control Officer*, in writing and within a reasonable time, with any information that the *Control Officer* requests to determine whether cause exists for revising, revoking and reissuing, reopening and revising, or terminating the permit, or to determine compliance with the conditions of the permit.
- (12) That the holder of the permit shall pay fees to the *Control Officer* in accordance with the provisions set forth in these regulations.
- (13) That the holder of the permit shall allow the *Control Officer* or any authorized representative, upon presentation of credentials, to:
- (i) Enter upon the premises of the holder of the permit where:
 - (A) The stationary source is located;
 - (B) Activity related to *emissions* is conducted; and/or

(C) Records are kept pursuant to the conditions of the permit;

- (ii) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the permit;
- (iii) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the permit; and
- (iv) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the permit or applicable requirements.

(14) That a responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the permit are true, accurate and *complete*.

(15) That permits must be posted conspicuously at or near the stationary source.

- d. A single *Permit To Construct* may be issued for an entire stationary *source* or for all components of an integrated system or process consisting of one or more *emissions units*, or for a *modification* to an existing source, even if the *modification* involves more than one new *emissions unit* and/or *modification* of more than one existing *emissions unit*.
- e. Sources and *modifications* are generally classified based on quantity of *emissions* (as *major* or *minor*) and on the air quality of the area where they are located (either attainment or nonattainment with the NAAQS). A *source* can be both major and minor and located in both attainment and *nonattainment areas*, depending on the *air pollutants* emitted, so may fall within several or all these classifications. For example, a *source* may emit major amounts of NO₂ but only a minor amount of PM_{2.5} and be located in an area that is in attainment of the NO₂ NAAQS but nonattainment for the PM_{2.5} NAAQS.
- f. *Stationary sources* not subject to either minor or *major source* permitting may still be required to obtain a *general permit* under PART 030.100.
- g. *Minor stationary sources* are generally subject to the permitting regulations in PART 030.200; but may also be subject to national, state or county *source-specific emissions* limitations (e.g., Federal nationwide *New Source Performance Standards (NSPS)* or National Emission Standards for *Hazardous Air Pollutants (NESHAP)* or local requirements for that specific *source* category).
- h. If a *source* is a new *major stationary source* or a *major modification to an existing major stationary source* for a *pollutant* for which the area is designated attainment (air quality complies with the NAAQS for that pollutant), then the source is subject to *Prevention of Significant Deterioration (PSD)* permitting. See PART 030.400.
- i. If a *source* is a new *major stationary source* or a *major modification to an existing major stationary source* for a *pollutant* for which the area is designated nonattainment (air quality exceeds the NAAQS for that pollutant), then the *source* is subject to major Nonattainment NSR. See PART 030.300.
- j. If the *source* is a *major source* as defined in PART 030.500 and/or 030.510, it must obtain a PART 70 *operating permit*, even if it is an existing *source* that has not been modified. New and modified *stationary sources* that meet the definition of major source under in PART 030.500 and/or 030.510, must submit a *complete* application within twelve (12) months of commencing operation under the PTC. See PART 030.500 and/or 030.510.
- k. In addition, new and/or existing sources (minor and major) may be subject to Federal national *emissions* standards, specifically *New Source Performance Standards (NSPS)* and/or National

Emission Standards for *Hazardous Air Pollutants* (NESHAP).

3. APPLICABILITY PROCEDURES AND *EMISSIONS* CALCULATIONS: The following procedures and calculations shall be used when determining whether a *new stationary source* or a *modification* to an existing *stationary source* is a minor or major source or *modification*; whether it is required to obtain a *Permit To Construct* (PTC) and/or *Permit To Operate*, and if so, under which NSR program(s) the permit is required: a New Source Review (NSR), including Minor Source, Prevention of *Significant Deterioration* (PSD), and/or Nonattainment NSR (NNSR) PTC; and if a *PART 70 operating permit* is required.
 - a. Applicability is first determined on the basis of whether the *source* is of the type or size exempted from permit requirements, then (if not exempt), on a *potential to emit* and pollutant-by-pollutant basis. The *source* can be a *minor source* for some pollutants, a *major source* of other pollutants and can be located in an area that is nonattainment for certain pollutants and in attainment for other pollutants.
 - b. Generally, all *applicable requirements* are combined into a single permit. For example, a proposed new *source* that will be minor for one pollutant, PSD for another, and NNSR for another will apply for a single permit that combines the requirements for all these programs.
 - c. EXEMPTIONS: The first step in making applicability determinations is to determine whether the *source* is exempt from the permit requirements of CHAPTER 030. If so, the *source* is not required to obtain any permits, although certain *air pollution* control requirements and limitations in CHAPTERS 020 and 040 may still apply.
 - (1) For new stationary sources, determine whether it belongs to the type, size or category of source that is exempt from the requirements of CHAPTER 030. Exempt sources are listed in SECTION 030.020.B. If your source is listed in SECTION 030.020.B, it is exempt and does not require a permit. If the source consists of multiple activities or *emissions units*, certain activities may be exempt, while other activities may require a permit; if any one activity or *emissions unit* requires a permit, the source must obtain a permit for that part of the source.
 - (2) For proposed changes to an existing stationary source that is not exempt, determine whether the proposed change is a physical change or change in the method of operation. If not, the proposed change is not a *modification* and does not require a permit. If it is a *modification*, the next step is to determine whether the *modification* is classified as major or minor. This is determined by following the applicability criteria for *modifications* to minor sources in PART 030.200 or for major sources in PARTS 030.300 through 510.
 - d. POTENTIAL TO EMIT (PTE): The next step in making applicability determinations is to determine the PTE of the proposed new or modified source in tons of *emissions* per year.
4. REGULATED AIR POLLUTANTS: There are different groups of pollutants for purposes of CHAPTER 030 for which permits are required:
 - a. Criteria pollutants. These are the pollutants for which there are National *Ambient Air Quality Standards* (NAAQS). They are PM_{2.5} (which includes precursors NO_x and SO₂ (and in nonattainment areas, VOC and ammonia)), PM₁₀, SO₂, NO₂, ozone (regulated through its precursors: VOC and NO_x), CO, and lead (Pb). Stationary sources (unless exempt) emitting these pollutants at or above the significant *minor source* threshold must, at a minimum, obtain a *minor source* permit (new sources must obtain a PTC; existing sources must obtain a PTO and modified sources must obtain both a PTC and PTO) or a *general permit* for those pollutants (See PARTS

030.100 and 030.200). They may also be subject to PSD (See PART 030.400), NNSR in nonattainment areas (see PART 030.300), and/or PART 70 (See PARTS 030.500 and/or 030.510) permit requirements, depending on the quantity of emissions.

- b. Regulated Minor Source Pollutants. This group consists of the *criteria pollutants* plus Hydrogen Sulfide (H₂S) and Total Reduced Sulfur (TRS) compounds (which includes H₂S). Sources with a PTE for these pollutants at or above the thresholds found in the definition of *minor source* are termed significant minor sources and require a permit. See PART 030.200 and the definitions in PART 030.010.
- c. Regulated NSR pollutants. For minor NSR and NNSR, this group only consists of criteria pollutants and their precursors. For PSD, this group consists of certain noncriteria pollutants in addition to all the *criteria pollutants* and includes the pollutants *subject to regulation* under the PSD permitting program. Unless exempt, *major stationary sources* (new or modified) emitting these noncriteria pollutants may be subject to PSD permitting and require a PTC. See PART 030.400.
- d. Regulated air pollutants. This group consists of the *regulated NSR pollutants* plus the *Hazardous Air Pollutants* (HAP) regulated under SECTION 112(b) of the *Act*. Sources that are major for any one of these pollutants must obtain a PART 70 (Title V) *operating permit* (PTO). See PART 030.500 and/or 030.510.
- e. Regulated pollutants. This group consists of all the air pollutants regulated by Washoe County, and includes all of the *air pollutant* groups listed in this paragraph and any other air pollutants subject to various Washoe County regulations.

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

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

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

Regulated Minor Source Pollutant	Minor Source Threshold Potential to Emit (PTE), tpy
PM10	5
PM2.5	5
CO	5
VOC	5
NOx	5
SO2	5
Lead (Pb)	0.3
H2S	5
Total reduced sulfur (including H2S)	5

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

REGULATED MINOR SOURCE POLLUTANT	BSC PTE THRESHOLD, TPY
PM10	15
PM2.5	10
CO	100
VOC	20
NOx	20
SO ₂	40
LEAD	0.6
H ₂ S	5
TOTAL REDUCED SULFUR (TRS), including H ₂ S)	5

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

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

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

(4) EXISTING MINOR STATIONARY SOURCES:

(i) If the existing source is minor (based on its PTE), then a modification is minor unless the *emissions* increase resulting from the *project* constitutes a *major stationary source* by itself; this is determined by reviewing the applicability provisions in the definition of a *major stationary source* (not the definition of a *major modification*) in PARTS 030.300 and 030.400.

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

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

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

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

- (A) If the existing source is an *insignificant minor source* (based on its PTE) and the PTE *emissions* increase, as a result of the *modification*, maintains the *facility-wide* PTE below the significant *minor source* permitting threshold, then the *modification* is an *insignificant minor source modification* and does not require a *permit*.
- (B) If the existing source is an *insignificant minor source* (based on its PTE) and the PTE *emissions* increase, as a result of the *modification*, equals or exceeds the *significant minor source* permitting threshold but is not major in and of itself, then the *modification* is a *significant minor source modification* and requires a PTC. In addition, if the PTE *emissions* increase equals or exceeds the *BSC threshold*, *BSC* must be determined and applied to those emissions.
- (C) If the existing source is a significant *minor source* (based on its PTE), any *modification* that results in a PTE increase, that is not major in and of itself, is significant and requires a *permit modification*. In addition, if the PTE *emissions* increase equals or exceeds the *BSC threshold*, *BSC* must be determined and applied to those emissions.

(5) EXISTING MAJOR STATIONARY SOURCES:

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

- (A) The *modification* is minor for each *pollutant* for which either the *emissions* increase, or the *net emissions increase*, is not *significant*. *Minor modifications*, even those at *major stationary sources*, are not subject to *major source* PTC requirements (PSD, NNSR), but may be subject to *minor source modification* PTC and PTO permitting based on PTE increases and the *minor source* permitting thresholds (See PART 030.200) and subject to *BSC* based on PTE increases and the *BSC thresholds*.
- (B) The *major modification* significance levels (thresholds) for PSD permitting are provided in PART 030.400 and NNSR permitting are provided in PART 030.300.
- (C) The *modification* is major for each *pollutant* for which both the *emissions* increase and the *net emissions increase* is *significant*. If the area is attainment or unclassifiable for a pollutant, then that *pollutant* is subject to PSD permitting (See PART 030.400). If the area is nonattainment for that *pollutant* and the *source* is major for that *nonattainment pollutant*, then that *pollutant* is subject to NNSR permitting (See PART 030.300)

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

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

preconstruction projections, a *major modification* results if the project causes a significant *emissions* increase and a significant net *emissions* increase.

- (2) Actual-to-projected-actual applicability test for projects that only involve existing *emissions units*. A significant *emissions* increase of a regulated NSR *pollutant* is projected to occur if the sum of the difference between the projected *actual emissions* and the baseline actual emissions, for each existing *emissions unit*, equals or exceeds the significant amount for that *pollutant* (as defined in 40 CFR PART 51.165(a)(1)(x)).
- (3) Actual-to-potential test for projects that only involve *construction* of a new *emissions unit(s)*. A significant *emissions* increase of a regulated NSR *pollutant* is projected to occur if the sum of the difference between the potential to emit from each new *emissions unit* following completion of the project and the *baseline actual emissions* (as defined in PART 030.010) of these units before the project equals or exceeds the significant amount for that *pollutant* (as defined in 40 CFR PART 51.165(a)(1)(x)).
- (4) Hybrid test for projects that involve multiple types of *emissions units*. A significant emissions increase of a regulated NSR *pollutant* is projected to occur if the sum of the difference for all *emissions units*, using the method specified in paragraphs 030.020.A.5.c.(2) and (3) as applicable with respect to each *emissions unit*, equals or exceeds the significant amount for that pollutant.
- (5) The “sum of the difference” as used in paragraphs 030.020.A.5.c.(2), (3), and (4) include both increases and decreases in *emissions* calculated in accordance with those paragraphs.

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

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

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

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

b. The *Control Officer* may extend the eighteen (18) month period upon written request and a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between *construction* of the approved phases of a phased *construction* project; each phase must *commence construction* within eighteen (18) months of the projected and approved commencement date.

c. An expired PTC cannot be reauthorized or reinstated. If a PTC expired prior to completion of the *construction* authorized in the PTC, a new PTC application must be submitted if the permittee wishes to resume and complete that *construction*.

d. For sources required to obtain a PTC, a PTO can only be issued if the *construction* of the source is completed in accordance with and in compliance with all *applicable requirements* in the PTC.

e. A PTC will be denied if the application, engineering data or any other documentation submitted by

the applicant shows, or the *Control Officer* determines, that the *source*:

- (1) Cannot meet the requirements of, or be operated in compliance with, federal, state, or local regulations;
 - (2) Will prevent the attainment or maintenance of state or national *ambient air* standards; or
 - (3) Will cause a violation of the approved State Implementation Plan.
- f. If the source or *modification* has not been constructed in accordance with the PTC, and/or the *air pollution* control system or equipment is less effective as specified in the Permit To Construct, the permittee will be denied a *Permit To Operate* until and unless such deficiencies are corrected.
- g. To assure compliance with all applicable state, local and federal regulations, the PTC and PTO may impose written conditions of operation including, but not limited to, restrictions on *emissions* outputs, operating times, process temperatures, and other parameters on the source or *modification*.

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

- a. A *Permit To Operate* expires and is invalid:
- (1) Five (5) years from the date of issuance;
- b. An expired PTO cannot be reauthorized or reinstated. If a PTO expired prior to renewal completion, a new PTO application must be submitted if the permittee wishes to resume operation.
- c. A PTO will be denied if the application, engineering data or any other documentation submitted by the applicant shows, or the *Control Officer* determines, that the *source*:
- (1) Cannot meet the requirements of, or be operated in compliance with, federal, state, or local regulations;
 - (2) Will prevent the attainment or maintenance of state or national *ambient air* standards; or
 - (3) Will cause a violation of the approved State Implementation Plan.
- d. To assure compliance with all applicable state, local and federal regulations, the *Control Officer* may impose written conditions of operation including, but not limited to, restrictions on *emissions* outputs, operating times and process temperatures on any permit.
- e. RENEWALS. A PTO expires five (5) years from the date of issuance and can be renewed by applying for a new PTO.
- (1) The *renewal* process for *PART 70 permits* is detailed in PART 030.510.
 - (2) The *renewal* process for minor sources is detailed in PART 030.200.
 - (3) Timely filing of the *renewal* application provides the applicant a *permit shield*.
 - (4) Each *renewal* must be accompanied by the appropriate fee.

SECTION B - EXEMPTIONS AND INSIGNIFICANT SOURCES

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

1. Exemptions - Categorical

- a. The following sources or source categories are exempt from all permitting requirements in CHAPTER 030 unless otherwise specified. Any applicable county, state, and/or federal requirements shall still apply to these sources or source categories.
 - (1) Agricultural equipment used in *agricultural operations*, other than agricultural equipment that is classified as, or located at, a source for which a permit is required under Title V of the *Clean Air Act*, or that is subject to any standard set forth in 40 CFR PARTS 60, 61, or 63.
 - (2) Motor vehicles, special mobile equipment licensed for highway travel, and any internal combustion engines associated with the operation of licensed mobile equipment.
 - (3) Nonroad engines as defined in 40 CFR 1068.30.
 - (4) *Emergency* (backup) electrical generators located and/or operated at residential locations;
 - (5) Tobacco/cannabis smoking rooms and areas;

2. Exemptions - Insignificant Sources

- a. *Emissions* from insignificant activities, as determined pursuant to this section, must be included in the calculation of potential to emit and any determination of whether a stationary source requires a PTC or PTO.
- b. A stationary source is not required to obtain a permit for *emissions* below the threshold for a *minor source* as set forth in paragraph 030.020.A.5.a.(1) or for any *emission* unit determined to be an insignificant activity in accordance with this section, as long as the stationary source is not otherwise subject to any other requirement to obtain a permit under Title V of the Act. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement relating to the operation of the *emission* unit determined to be an insignificant activity.
- c. A stationary source which consists solely of insignificant activities, as determined pursuant to this section, and which exceeds the threshold for a *minor source* as set forth in paragraph 030.020.A.5.a.(1), may be required to obtain a permit as determined by the *Control Officer*.
- d. The following *emissions units* are considered to be insignificant activities and not required to be permitted unless the *emission* unit is otherwise subject to another specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 CFR PART 60, 61 or 63, or in the determination of a major source:
 - (1) An Internal Combustion Engine that is stationary and has an output rating that is less than two hundred fifty (250) horsepower;
 - (2) Hydraulic and hydrostatic testing equipment;
 - (3) Air conditioning equipment or *fuel-burning equipment* used for human comfort and/or safety of properties that do not have *applicable requirements* under Title VI of the *Clean Air Act* and individually has a rating that is less than 1,000,000 Btu's per hour;
 - (4) Commercial food preparation equipment that does not use solid *fuel*;
 - (5) Standalone laundry activities, such as independent laundry mats, laundry facilities in apartment

- complexes, except for dry-cleaning, and steam boilers greater than or equal to 1,000,000 Btu/hr;
- (6) Blacksmith forges;
 - (7) Drop hammers or hydraulic presses for forging or metalworking (excluding engines);
 - (8) Plant maintenance and upkeep activities (e.g., grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), provided these activities are not included as part of a manufacturing process, are not related to the source's primary business activity. Cleaning and painting activities qualify as insignificant activities if they are not subject to volatile organic compound (VOC or HAP) control requirements;
 - (9) Handheld equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic; including air compressors, pneumatically operated equipment, and hand tools;
 - (10) Brazing, soldering, welding equipment, and cutting torches related to manufacturing and *construction* activities if:
 - (i) These activities do not result in *emission* of HAP metals;
 - (ii) The *emissions* of *particulate matter* are vented to a control device located and vented inside the *building*;
 - (11) Batteries and battery charging stations, except at battery manufacturing plants;
 - (12) Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs;
 - (13) Equipment used to mix and package non-VOC or non-HAPs emitting liquids;
 - (14) Vents from continuous *emissions* monitors and other analyzers;
 - (15) Handheld applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation;
 - (16) CO₂ lasers used only on metals and other materials that do not contain any HAPs;
 - (17) Laser trimmers using *dust* collection to prevent fugitive emissions;
 - (18) Electric or steam-heated drying ovens and autoclaves, but not the *emissions* from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;
 - (19) Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs;
 - (20) Onsite cleaning, stripping, and subsequent coating of outdoor objects and *structures* such as *buildings*, bridges, billboards, signs, water towers, swimming pools, lampposts, fences, railings, monuments, etc. that must be done periodically for maintenance purposes, provided the following requirements are met:
 - (i) Abrasive blasting operations, if conducted, employ tarps, enclosures, or other techniques as required by SECTION 040.029, "Abrasive Blasting," to prevent *dust* nuisances;
 - (ii) Solid waste, hazardous waste, and waste waters generated by the operations are managed in accordance with applicable regulations;
 - (21) Grinding, machining, and sanding operations, abrasive cleaning operations (dry or wet), pneumatic conveying and woodworking operations that vent to the inside of a *building* and have no visible *emissions* to the outside of the *building*;
 - (22) Parts washers and rinse tanks using detergent cleaners that will not emit any VOCs or HAPs;

- (23) Tumblers used for the cleaning and deburring of metal products without abrasive blasting;
- (24) Abrasive blasting operations that do not exhaust or release particulate *emissions* to the ambient air;
- (25) Non-commercial brick and clay products (tiles, ceramic, etc.) manufacturing operations, including any drying equipment if the *heat input* is less than 1,000,000 btu/hr.
- (26) An *emission* unit is an insignificant activity if the *emission* unit is not otherwise subject to a specific *applicable requirement*, including, without limitation, any requirement or standard set forth in 40 CFR PART 60, 61 or 63, and meets the following criteria:
 - (i) The operation of the *emission* unit, not considering controls or limits on production, type of materials processed, combusted or stored, or hours of operation, will not result in:
 - (A) *Emissions* of a regulated air pollutant, on a potential to emits basis, that exceed Four thousand (4,000) pounds per year; and
 - (B) *Emissions* of regulated air pollutants that adversely impact public health or safety, or exceed any *ambient air* quality standards.
 - (ii) The *emissions* from the *emission* unit are not relied on to avoid any other applicable requirements.

PART 030.030 - GENERAL APPLICATIONS REQUIREMENTS

SECTION A - APPLICATIONS CONTENT

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

- rates, or other pertinent information for each emission unit;
 - s. Such other information or documentation requested by the *Control Officer* as necessary to determine compliance with all requirements and standards;
 - t. A declaration signed by the Responsible Official under penalty of perjury stating that, the statements and information in the application are true, accurate, and *complete*. Signature of the declaration statement shall subject the Responsible Official to liability for perjury under NRS 199.145.
 - u. A wet original signature of the responsible official;
 - v. Any fees as set by the District Board of Health.
4. METHODS TO DETERMINE SOURCE EMISSION RATES. *Emission* rates for each emission unit must be determined using accepted engineering practice methods. Such *emission* rates shall be used to establish annual *emissions* fees, applicability of permit requirements and any other applicable requirement (including new *source* control technology requirements), and for the purposes of determining whether there are *emissions* violations. These methods include, but are not limited to, the use of *emission* factors from approved publications such as "AP - 42 COMPILATION OF AIR POLLUTION EMISSION FACTORS" published by the U.S. EPA, source test data from an approved *reference test method*, manufacturers specification, or mass balance *emissions* calculations. The methodology selected is subject to the approval of the Control Officer, who may reject the proposed methodology and require use of another methodology, including requiring the *owner* or *operator* to conduct reference method testing to determine *emissions* rates. It is the burden of the *source operator* to provide satisfactory scientific evidence of different *emission* rates if the *operator* wishes to dispute *emission* rates determined by the *Control Officer*.
5. In case of a dispute regarding *emission* rates, the *Control Officer* may require that the application and reports be certified by a licensed professional engineer as to the accuracy of the technical information concerning equipment, calculations, or other items submitted by the applicant. The certification shall be given under oath or upon information and belief that statements made in the application are truthful, accurate and correct.

SECTION B - APPLICATION PROCESSING

1. PROCESSING STEPS AND DEADLINES. Applications for permits are received, evaluated and will result in either issuance or denial of the requested permit. A summary of the steps in the process are:
 - a. Application is received by the *Control Officer*.
 - b. The *Control Officer* has a specified time frame from receipt of the application to determine whether the application is administratively *complete*. If the determination is not made within the specified timeframe, the application is deemed administratively *complete*.
 - c. If the application is:
 - (1) Administratively *complete*, the *Control Officer* notifies the permittee the application is *complete* and advises of the next steps of the permitting process.
 - (2) Administratively incomplete, the *Control Officer* returns the application to the permittee in conjunction with a description of what is deficient.
 - d. During the technical review, the *Control Officer* may discover that information needed to *complete* the processing of the application is missing. Written correspondence will be provided to the permittee with specific details of what additional information is required. Upon notification of missing information, the timeline for application processing will cease until the necessary information is provided. The discovery of missing information may occur more than once during the processing of an application.
 - e. At any time that additional information is requested, the number of days between and including the date that the request for information is sent and the date that the information received is considered sufficient, are not counted in determining the deadline for issuing or denying the permit. If, for example, a request for missing information is sent on day forty (40) of a one hundred eighty (180) day processing period (which would end on April 1) and the information is provided and determined sufficient on day sixty one (61), then twenty one (21) days (Day 61 – Day 40) are added to the original one hundred eighty (180) day date of April 1, making the new one hundred eighty (180) day ending date April 22.
 - f. During the review, the *Control Officer* may provide public notice of the *proposed permit*, including, where required, an opportunity to comment and a public hearing.
2. PROCESSING. The *Control Officer*, using standard engineering practices and methods, will determine which local, state and/or federal regulations apply to the *source*, determine if the proposed project and associated control technology will meet regulatory requirements, and determine what, if any, pre-*construction* monitoring or testing will be required before the permit is issued.
 - a. The *Control Officer* will perform the evaluations required to determine compliance with all *applicable requirements* and make a preliminary written decision as to whether a *Permit to Construct* and/or *Permit to Operate* should be approved, conditionally approved, or disapproved. This decision will be supported by a succinct written analysis;
 - b. The *Control Officer* shall provide notice, if required pursuant to CHAPTER 030, stating the preliminary decision of the *Control Officer* and where the public may inspect the information required to be made available. The notice must provide thirty (30) calendar days from the date of publication for the public to submit written comments on the preliminary decision;
 - c. At the time notice of the preliminary decision is published, the *Control Officer* shall make available for public inspection the information submitted by the applicant, the supporting analysis for the

preliminary decision to grant or deny the *Permit to Construct* and/or *Permit to Operate*, including any *proposed permit* conditions, and the reasons therefore.

- d. The *Control Officer* will consider and respond to all public comments received during the comment period before taking final action on whether to issue the *Permit to Construct* or *Permit To Operate*.
- e. Public notice shall be accomplished by posting a notice on a website maintained by the agency and establishing a list of *persons* interested in receiving air quality information and notifying those people, by email or other means.
- f. The costs of publication of the notice, if any, may be borne by the applicant.

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

SECTION A - TESTING

1. EXCESS EMISSIONS: SCHEDULED MAINTENANCE, TESTING OR REPAIRS; NOTIFICATION OF DIRECTOR; MALFUNCTION, UPSET, START-UP, SHUTDOWN OR HUMAN ERROR.
 - a. Scheduled maintenance, testing, or repairs which may result in *excess emissions* of regulated air pollutants prohibited by this regulation and/or permit terms and conditions must be approved in advance in writing by the *Control Officer* and performed during a time designated by the *Control Officer* as being favorable for atmospheric ventilation.
 - b. Each *owner* or *operator* shall notify the *Control Officer* of the proposed time and expected duration at least thirty (30) calendar days before any scheduled maintenance or testing which may result in *excess emissions* of regulated air pollutants prohibited in this regulation. The scheduled maintenance or testing must not be conducted unless the scheduled maintenance or testing is approved in writing by the *Control Officer*.
 - c. Each *owner* or *operator* shall notify the *Control Officer* of the proposed time and expected duration at least twenty-four (24) hours before any scheduled repairs which may result in *excess emissions* of regulated air pollutants prohibited by this regulation and/or permit terms and conditions. The scheduled repairs must not be conducted unless the scheduled repairs are approved in writing by the *Control Officer*.
 - d. The *owner* or *operator* of the stationary source shall promptly report to the *Control Officer* any deviations from the requirements of a permit or these regulations. The report to the *Control Officer* shall include the probable cause of all deviations and any action taken to correct the deviations. Prompt is defined as submittal of a report within fifteen (15) calendar days of the deviation. This definition does not alter any reporting requirements as established for reporting of excess emissions.
 - e. Each *owner* or *operator* shall notify the *Control Officer* of any *excess emissions* within twenty-four (24) hours after any *malfunction* or upset of the process equipment, or equipment for controlling pollution, or during start-up or shutdown of that equipment.
 - f. Each *owner* or *operator* shall provide the *Control Officer*, within fifteen (15) calendar days after any *malfunction*, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to quantify the excess emissions. The information must include at least the following:
 - (1) The identity of the stack or other point of emission, or both, where the *excess emissions* occurred.
 - (2) The estimated magnitude of the *excess emissions* expressed in *opacity*, or in the units of the applicable limitation on emissions, and the operating data and methods used in estimating the magnitude of the excess emissions.
 - (3) The time and duration of the excess emissions.
 - (4) The identity of the equipment causing the excess emissions.
 - (5) If the *excess emissions* were the result of a *malfunction*, the steps taken to remedy the *malfunction* and the steps taken or planned to prevent the recurrence of the *malfunction*.
 - (6) The steps taken to limit the excess emissions.
 - (7) Documentation that the equipment for controlling air pollution, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

- g. Each *owner* or *operator* shall ensure that any notification or related information submitted to the *Control Officer* pursuant to this section is provided in a format specified by the *Control Officer*.
- h. Nothing in this section limits the authority of the *Control Officer* to institute actions under SECTIONS 113 and 303 of the Act or to exercise his or her authority under CHAPTER 030.

2. TESTING AND SAMPLING.

- a. If specified in the permit to *construct*, a new or modified source shall conduct or have testing and sampling conducted to demonstrate compliance with any permit limit (e.g., visible emissions, *emission* rates, control efficiencies, VOC content). Testing and/or sampling must be conducted and the results submitted to the *Control Officer* within sixty (60) calendar days after achieving the maximum rate of production at which the *affected facility* will be operated, but not later than one hundred eighty (180) calendar days after initial start-up of the *facility* and at such other times as may be required by the *Control Officer*.
- b. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the *Control Officer*:
 - (1) Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
 - (2) Approves the use of an equivalent method;
 - (3) Approves the use of an alternative method, the results of which the *Control Officer* has determined to be adequate for indicating whether a specific stationary source is in compliance; or
 - (4) Waives the requirement for tests of performance because the *owner* or *operator* of a stationary source has demonstrated by other means to the *Control Officer's* satisfaction that the *affected facility* is in compliance with the standard.
- c. Tests of performance must be conducted under such conditions as the *Control Officer* specifies to the *operator* of the plant based on representative performance of the *affected facility*. The *owner* or *operator* shall make available to the *Control Officer* such records as necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and *malfunction* do not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.
- d. The *owner* or *operator* of an *affected facility* shall give notice to the *Control Officer* thirty (30) calendar days before the test of performance to allow the *Control Officer* to have an observer present. A written testing procedure for the test of performance must be submitted to the *Control Officer* at least thirty (30) calendar days before the test of performance to allow the *Control Officer* to review and approve the proposed testing procedures.
- e. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the *Control Officer's* approval.

- f. All testing and sampling shall be performed in accordance with approved methods and as specified by the *Control Officer*.
- g. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the *Control Officer* must be provided and paid for by the *owner* of the stationary source.
- h. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the *Control Officer* no later than sixty (60) calendar days after the testing or sampling, or both.
- i. Notwithstanding the provisions of paragraph 030.040.A.2.b, the *Control Officer* shall not approve an alternative method or equivalent method to determine compliance with a standard or *emission* limitation contained in 40 CFR PART 60, 61 or 63 or for an *affected source*.

SECTION B - MONITORING, RECORDKEEPING AND REPORTING

1. *MONITORING SYSTEMS: CALIBRATION, OPERATION AND MAINTENANCE OF EQUIPMENT.* The *owners* or *operators* of all stationary sources identified in Appendix P of 40 CFR PART 51(1.1) as amended from time to time, are required to install, calibrate, operate and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in Appendix P for the applicable source category. Those stationary sources must meet the basic requirements of Appendix P of 40 CFR PART 51(2.0 et seq.).
2. *MONITORING SYSTEMS: LOCATION.*
 - a. All continuous monitoring systems or monitoring devices must be installed so that representative measurements of *emissions* or process parameters from the *affected facility* are obtained. Additional procedures for the location of continuous monitoring systems are contained in the applicable Performance Specifications of Appendix B of 40 CFR PART 60.
 - b. When the effluents from a single *affected facility* or two or more *affected facilities* subject to the same *emission* standards are combined before being released to the atmosphere, the *owner* or *operator* may install applicable continuous monitoring systems for each effluent or for the combined effluent. When the *affected facilities* are not subject to the same *emission* standards, separate continuous monitoring systems must be installed for each effluent. When the effluent from one *affected facility* is released to the atmosphere through more than one point, the *owner* or *operator* shall install applicable continuous monitoring systems on each separate effluent unless the *installation* of fewer systems is approved by the *Control Officer*.
3. *MONITORING SYSTEMS: VERIFICATION OF OPERATIONAL STATUS.*
 - a. Unless otherwise approved by the *Control Officer* or specified in these regulations, the requirements of SECTION 030.040.B apply to all continuous monitoring systems required under applicable provisions of CHAPTER 030.
 - b. All continuous monitoring systems and monitoring devices must be installed and operational before conducting performance tests. Verification of operational status must, as a minimum, consist of the following:
 - (1) For continuous monitoring systems referred to in paragraph 030.040.B.4.b, completion of the conditioning period specified by *applicable requirements* in Appendix B of 40 CFR PART 60.
 - (2) For monitoring devices referred to in SECTION 030.040.B, completion of the manufacturer's

written requirements or recommendations for checking the operation or calibration of the device.

4. MONITORING SYSTEMS: PERFORMANCE EVALUATIONS.

- a. During any performance tests required under paragraph 030.040.A.2 or within thirty (30) calendar days thereafter and at such other times as may be required by the *Control Officer* under PART 114 of the Act, the *owner* or *operator* of any *affected facility* shall conduct continuous evaluations of the performance of monitoring systems and furnish the *Control Officer* within sixty (60) calendar days thereof two, or upon request more, copies of a written report of the results of such tests. These evaluations must be conducted in accordance with the specifications and procedures provided in SECTION 030.040.B.
- b. Continuous monitoring systems listed within SECTION 030.040.B must be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B of 40 CFR PART 60. Continuous monitoring systems for measuring:
 - (1) *Opacity of emissions* must comply with Performance Specification 1.
 - (2) *Nitrogen oxides emissions* must comply with Performance Specification 2.
 - (3) *Sulfur dioxide emissions* must comply with Performance Specification 2.
 - (4) The oxygen and carbon dioxide content of effluent gases must comply with Performance Specification 3.

5. MONITORING SYSTEMS: ADJUSTMENTS.

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

6. MONITORING SYSTEMS: MEASUREMENT OF OPACITY.

- a. For continuous monitoring systems measuring *opacity* of emissions, the optical surfaces exposed to the effluent gases must be cleaned before performing the zero or span drift adjustments, except that for systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent *opacity*. Unless otherwise approved by the *Control Officer*, the following procedures, as applicable, must be followed:
 - (1) For extractive continuous monitoring systems measuring gases, minimum procedures must include introducing applicable zero and span *gas* mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Institute of Standards and Technology reference gases must be used whenever these reference gases are available. The span and zero *gas* mixtures must be the same composition as specified in Appendix B of 40 CFR PART 60. Every six (6) months after the date of manufacture, span and zero gases must be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO₂, 7 for NO, and 3 for O₂ and CO₂, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

- (2) For non-extractive continuous monitoring systems measuring gases, minimum procedures include upscale checks using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.
 - (3) For continuous monitoring systems measuring *opacity* of emissions, minimum procedures include a method for producing a simulated zero *opacity* condition and an upscale (span) *opacity* condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. These procedures must provide a system check of the analyzer internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly.
- b. Notwithstanding the provisions of paragraph 030.040.B.6 above, the *Control Officer* shall not approve an alternative method or equivalent method to determine compliance with a standard or *emission* limitation contained in 40 CFR PART 60, 61 or 63 or for an *affected source*.

7. MONITORING SYSTEMS: FREQUENCY OF OPERATION.

- a. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required by paragraph 030.040.B.5, all continuous monitoring systems must be in continuous operation and meet minimum frequency of operation requirements as follows:
- (1) All continuous monitoring systems referred to in this section for measuring *opacity of emissions* must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 10-second period.
 - (2) All continuous monitoring systems referred to in paragraph 030.040.B.4 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide or oxygen must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period.

8. MONITORING SYSTEMS: RECORDATION OF DATA.

- a. *Owners* or *operators* of all continuous monitoring systems for the measurement of *opacity* shall reduce all data to 6-minute averages and for systems other than *opacity* to 1-hour averages.
- b. For systems other than *opacity*, 1-hour averages must be computed from four (4) or more data points equally spaced over each 1-hour period.
- c. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages computed under this section. An arithmetic or integrated average of all calibrated data must be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form, e.g., ppm *pollutant* and percent O₂ or lb/million Btu of pollutant.
- d. All *excess emissions* must be converted into units of the standard using the applicable conversion procedures specified in these regulations. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in those sections to specify the applicable standard, e.g., rounded to the nearest one (1) percent *opacity*.
- e. As used in this section, "calibrated data" means data which is precise and accurate within a stated acceptance criteria for the instrument.

9. MONITORING SYSTEMS: RECORDS; REPORTS.

- a. Any *owner* or *operator* subject to the provisions of SECTION 030.040.B shall maintain records of the occurrence and duration of any start-up, shutdown or *malfunction* in the operation of an *affected facility* and any *malfunction* of the *air pollution control equipment* or any periods during which a *continuous monitoring system* or monitoring device is inoperative.
- b. Each *owner* or *operator* required to install a *continuous monitoring system* shall submit a written report of *excess emissions* to the *Control Officer* for every calendar quarter. All quarterly reports must be postmarked by the thirtieth (30th) day following the end of each calendar quarter and must include the following information:
 - (1) The magnitude of *excess emissions* computed in accordance with this section, any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
 - (2) Specific identification of each period of *excess emissions* that occurs during start-ups, shutdowns and *malfunctions* of the *affected facility*.
 - (3) The nature and cause of any *malfunction*, if known, the corrective action taken or preventative measures adopted.
 - (4) Specific identification of each period during which the *continuous monitoring system* was inoperative, except for zero and span checks, and the nature of any repairs or adjustments that were made. When no *excess emissions* have occurred and the *continuous monitoring system* has not been inoperative, repaired or adjusted, such information must be included in the report.
- c. Any *owner* or *operator* subject to the provisions of SECTION 030.040.B, shall maintain a file of all measurements, including:
 - (1) Continuous monitoring systems, monitoring devices and performance testing measurements;
 - (2) All *continuous monitoring system* performance evaluations;
 - (3) All continuous monitoring systems or monitoring device calibration checks;
 - (4) Adjustments and maintenance performed on these systems or devices; and
 - (5) All other information required by this section, recorded in a permanent form suitable for inspection. The file must be retained for at least two (2) years following the date of the measurements, maintenance, reports, and records.

10. ALTERNATIVE MONITORING PROCEDURES OR REQUIREMENTS.

- a. Upon written application by an *owner* or *operator*, the *Control Officer* may approve alternatives to any monitoring procedures or requirements of this section, including, but not limited to, the following:
 - (1) Alternative monitoring requirements when *installation* of a *continuous monitoring system* or monitoring device specified by those sections would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.
 - (2) Alternative monitoring requirements when the *affected facility* is infrequently operated.
 - (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

- (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the *owner* or *operator* can demonstrate that *installation* at alternate locations will enable accurate and representative measurements.
 - (5) Alternative methods of converting regulated *air pollutant* concentration measurements to units of the standards.
 - (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
 - (7) Alternatives to the test methods of the American Society for Testing and Materials or sampling procedures specified by any provision of this section.
 - (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 CFR PART 60, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of *opacity* by a system complying with the requirements in Performance Specification 1. The *Control Officer* may require that such demonstration be performed for each affected facility.
 - (9) Alternative monitoring requirements when the effluent from a single *affected facility* or the combined effluent from two or more *affected facilities* are released to the atmosphere through more than one point.
- b. Notwithstanding the provisions of paragraph 030.040.B.10.a, the *Control Officer* shall not approve an alternative method or equivalent method to determine compliance with a standard or *emission* limitation contained in 40 CFR PART 60, 61 or 63 and for an *affected source*.
11. **RECORD KEEPING.** Each holder of a *Permit To Construct* or *Permit To Operate* shall keep adequate records concerning *pollutant emissions* for any equipment or process for which the permit was issued. All permittees operating add-on *emissions control equipment* shall maintain records sufficient to legally demonstrate that the equipment has operated in compliance with all applicable Federal, State and *Health District* regulations. The permittee shall also record any times or occasions when the *emissions control equipment* is not in operation due to equipment failure, maintenance or any other reason.
12. **NOTIFICATION TO CONTROL OFFICER: CONSTRUCTION, RECONSTRUCTION AND INITIAL START-UP; DEMONSTRATION OF CONTINUOUS MONITORING SYSTEM PERFORMANCE.**
- a. Any *owner* or *operator* subject to the provisions of these regulations, shall furnish the *Control Officer* written notification of:
- (1) The date that *construction* or reconstruction of an *affected facility* is commenced, postmarked no later than thirty (30) calendar days after such date.
 - (2) The anticipated date of initial start-up of an *affected facility*, postmarked not more than sixty (60) calendar days and not less than thirty (30) calendar days before such date.
 - (3) The actual date of initial start-up of an *affected facility*, postmarked within fifteen (15) calendar days after such date.
 - (4) If applicable, the date upon which a demonstration of the *continuous monitoring system* performance commences in accordance with SECTION 030.040.B. Notification must be postmarked not less than thirty (30) calendar days before such date.

13. YEARLY REPORTS, ANNUAL EMISSIONS

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