

CHAPTER 030 - SOURCE PERMITTING AND OPERATION

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

SECTION A - APPLICABILITY PROCEDURES

1. Preconstruction Review Requirements. The preconstruction review requirements of PART 030.300 shall apply to the *construction* of any *new major stationary source* or any *project* at an *existing major stationary source* in an area designated as *nonattainment* for any National Ambient Air Quality Standard under Section 107(d)(1)(B) of the Act [42 USC PART 7407(d)(1)(B)] as set forth in paragraphs 030.300.A.2 through A.8.
2. *Construction of Major sources or Major Modifications*
 - a. For any new *major stationary source*, the requirements of paragraph 030.300.A.3 and SECTIONS 030.300.C through H apply to emissions of a *regulated NSR pollutant* from such *construction* if:
 1. Based on preconstruction estimates, the *Potential to emit (PTE)* of the *regulated NSR pollutant* will qualify the *stationary source* as a major stationary for that *regulated NSR pollutant* as defined in SECTION 030.300.B; or
 2. The *Owner* or *Operator* or *Control Officer* determines that the *construction*, in fact, resulted in a *major stationary source* for the *regulated NSR pollutant* (as defined in SECTION 030.300.B).
 - b. For any *major modification* at a *major stationary source* that is not subject to a PAL for the *regulated NSR pollutant*, the requirements of paragraph 030.300.A.3 and SECTIONS 030.300.C through H apply to emissions of *regulated NSR pollutants* from such *project* if, at the time the *Owner* or *Operator* begins actual *construction*, the *stationary source* is a *major stationary source* for that *regulated NSR pollutant(s)*, and:
 1. The *Owner* or *Operator* or the *Control Officer* determines that, based on preconstruction projections made in accordance with paragraph 030.300.A.4, a *major modification* for that *regulated NSR pollutant* will result from the *project*; or
 2. The *Owner* or *Operator* or the *Control Officer* determines that a *major modification* for that *regulated NSR pollutant*, in fact, resulted from the *project* in accordance with paragraph 030.300.A.4.c.
3. Permit to *Construct* Requirement. No new *major stationary source*, or *major modification* to which the requirements of SECTIONS 030.300.C through H apply, shall begin actual *construction* or operate without a Permit to *Construct* that requires that the *major stationary source* or *major modification* meet these requirements.
4. Projects. The requirements of this section apply to projects at *major stationary sources* in accordance with the principles set out in paragraphs 030.300.A.4.a through A.4.e.
 - a. Except as otherwise provided in paragraph 030.300.A.5, a *project* is a *major modification* for a

regulated NSR pollutant if either the required preconstruction projection or the post-construction emissions show that the *project* causes two (2) types of emissions increases: a *significant* emissions increase and a *significant net emissions increase*. The *project* is not a *major modification* if it does not cause a *significant* emissions increase. If the *project* causes a *significant* emissions increase, then the *project* is a *major modification* only if it also results in a *significant net emissions increase*.

- b. The procedure for calculating (before beginning actual *construction*) whether a *significant* emissions increase will occur depends upon the type of *emissions units* being added or modified as part of the *project*, according to paragraphs 030.300.A.4.c through A.4.e. The procedure for calculating (before beginning actual *construction*) whether a *significant net emissions increase* will occur at the *major stationary source* is contained in the definition of *net emissions increase* and *significant*. Regardless of any such preconstruction projections, a *major modification* results if the *project* causes a *significant* emissions increase and a *significant net emissions increase*.

(1) The procedures in paragraph 030.300.A.4.b also apply for determining whether a *project* resulted in a *major modification after construction*, except that the phrase “emitted” shall be substituted for “projected to emit” in calculating the *projected actual emissions*.

- c. Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing *Emissions units*. A *significant* emissions increase of a *regulated NSR pollutant* is projected to occur if the sum of the difference between the *projected actual emissions* and the *baseline actual emissions* for each existing *emissions unit* equals or exceeds the *significant* amount for that pollutant.
- d. Actual-to-Potential Test for Projects that Only Involve *construction* of a New *emissions unit(s)*. A *significant* emissions increase of a *regulated NSR pollutant* is projected to occur if the sum of the difference between the PTE from each new *emissions unit* following completion of the *project* and the *baseline actual emissions* of these units before the *project* equals or exceeds the *significant* amount for that pollutant.
- e. Hybrid Test for Projects that Involve Multiple Types of *emissions units*. A *significant* emissions increase of a *regulated NSR pollutant* is projected to occur if the sum of the emissions differences for each *emissions unit*, calculated using the methods specified in paragraphs 030.300.A.4.c or A.4.d, as applicable with respect to each *emissions unit*, equals or exceeds the *significant* amount for that pollutant.

5. *Major sources with Plantwide Applicability Limitations (PAL)*. For any *major stationary source* with a PAL for a *regulated NSR pollutant*, the *Owner* or *Operator* shall comply with the requirements in SECTION 030.300.I.

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

6. Existing *Emission unit* Projects. The provisions of this paragraph apply to emissions of a *regulated NSR pollutant* from a *project* at a *major stationary source*, other than a *source* with a PAL for the *regulated NSR pollutant*; when the *Owner* or *Operator* elects to use the method specified in paragraphs a.(1) through a.(4) in the definition of *projected actual emissions* to estimate emissions increases of the *regulated NSR pollutant* from any existing *emissions unit*, and determines that with respect to that

pollutant, the *project* is not a *major modification*.

- a. Except as provided in paragraph 030.300.A.6.b, in addition to the information required under paragraph 030.500.C.1, the *Owner* or *Operator* shall include the following information in an application for a Permit to *Construct*, and as a condition of the *source's* Permit to *Construct*, the *Owner* or *Operator* shall document and maintain a record of this information:
 - (1) A description of the *project*; including a reason why the *Owner* or *Operator* is undertaking the *project*, and an explanation as to whether the *project* will increase an existing *emissions unit's* availability, utilization, or capacity;
 - (2) Identification of the *emissions unit(s)* whose emissions of a *regulated NSR pollutant* could be affected by the *project*, new *emissions units*, and constructed *emissions units* that will be modified by the *project*; and
 - (3) A detailed accounting of emissions increases and decreases from each *emissions unit* identified in paragraph 030.300.A.6.a.(2), including a description of the applicability test used to determine that the *project* is not a *major modification* for any *regulated NSR pollutant*, and for each *emissions unit*:
 - a. The *baseline actual emissions*;
 - b. The *projected actual emissions*;
 - c. The amount of emissions excluded under paragraph a.(4) in the definition of *projected actual emissions*; and
 - d. A detailed explanation for why the amount excluded meets the criteria for exclusion under paragraph a.(4) in the definition of *projected actual emissions* of the definition of *projected actual emissions*; and
 - e. Any netting calculations, if applicable.
- b. If the *project* does not require a Permit to *Construct*, then before beginning actual *construction*, the *Owner* or *Operator* shall provide a copy of the information set out in paragraph 030.300.A.6.a to the *Control Officer*. Nothing in this paragraph shall be construed to require the *Owner* or *Operator* to obtain any applicability determination from the *Control Officer* before beginning actual *construction*, except such *Owner* or *Operator* may still be subject to the requirements of CHAPTER 030, or other *applicable requirements*.
- c. The *Owner* or *Operator* shall monitor and maintain a record of the emissions of any *regulated NSR pollutant* from any existing *emissions unit* identified in paragraph 030.300.A.6.a.(2) that did not rely on the *emissions unit's Potential to emit* to estimate the *emissions unit's projected actual emissions*; and calculate and maintain a record of the annual emissions (in tons per year (tpy)) for the *project*, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the *project* increases the design capacity of, or *Potential to emit* that *regulated NSR pollutant* at, any existing *emissions unit*.
- d. If the *emissions unit* is an existing electric utility steam generating unit, the *Owner* or *Operator* shall submit a report to the *Control Officer* within sixty (60) days after the end of each twelve (12) month period during which records must be generated under paragraph 030.300.A.6.c setting out the unit's annual emissions during the twelve (12) month period that preceded submission of the report.
- e. If the *emissions unit* is an existing *emissions unit* other than an electric utility steam generating unit, the *Owner* or *Operator* shall submit a report to the *Control Officer* if the annual emissions, in tpy,

from the *project* identified in paragraph 030.300.A.6.a exceed the *baseline actual emissions* (as documented and maintained pursuant to paragraph 030.300.A.6.a.(3)), by a *significant* amount for that *regulated NSR pollutant*, and if such emissions differ from the *projected actual emissions* (prior to exclusion of the amount of emissions under the definition of *projected actual emissions*) as documented and maintained pursuant to paragraph 030.300.A.6.a.(3). Such report shall be submitted to the *Control Officer* within sixty (60) days after the end of such year. The report shall contain the following:

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

7. *Availability of Information.* The *Owner* or *Operator* of the *source* shall make the information required to be documented and maintained pursuant to paragraph 030.300.A.6 available for review upon a request for inspection by the *Control Officer*.
8. *Secondary emissions.* *Secondary emissions* shall not be considered in determining whether a stationary *source* would qualify as a *major stationary source*. If a stationary *source* is subject to PART 030.300 on the basis of the direct emissions from the stationary *source*, the requirements of SECTION 030.300.F, but no other provisions of PART 030.300, must also be met for *Secondary emissions*.

SECTION B - DEFINITIONS

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

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

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

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

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

- a. For any existing electric utility steam generating unit, *baseline actual emissions* means the average rate, in tpy, at which the unit actually emitted the pollutant during any consecutive twenty-four (24) month period selected by the *Owner* or *Operator* within the five (5) year period immediately preceding when the *Owner* or *Operator* begins *actual construction* of the *project*. The *Control Officer* shall allow the use of a different time period upon a determination that it is more representative of normal *source* operation.
 - (1) The average rate shall include *fugitive emissions*, to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - (2) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the *source* was operating above any *emission* limitation that was legally *enforceable* during the consecutive twenty four (24) month period.
 - (3) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an *emission* limitation with which the *major stationary source* must comply as of the particular date, had such *major stationary source* been required to comply with such limitations

- during the consecutive twenty-four (24) month period. For the purposes of determining *baseline actual emissions* for contemporaneous changes pursuant to paragraph a.2 of the definition of *net emissions increase*, the particular date is the date on which the particular change occurred. However, if an *emission* limitation is part of a *Maximum Achievable Control Technology* standard that the Administrator proposed or promulgated under 40 CFR PART 63, the *baseline actual emissions* need only be adjusted if the State of Nevada has taken credit for such emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR PART 51.165(a)(3)(ii)(G).
- (4) For a *regulated NSR pollutant*, when a *project* involves multiple *emissions units*, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for the *emissions units* being changed. A different consecutive twenty-four (24) month period can be used for each *regulated NSR pollutant*.
 - (5) The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by this definition.
- b. For an existing *emissions unit* (other than an electric utility steam generating unit), *baseline actual emissions* means the average rate, in tpy, at which the *emissions unit* actually emitted the pollutant during any consecutive twenty four (24) month period selected by the *Owner* or *Operator* within the ten (10) year period immediately preceding either the date the *Owner* or *Operator* begins actual *construction* of the *project*, or the date a *Complete* permit application is received by the *Control Officer* for a permit required under CHAPTER 030, whichever is earlier, except that the ten (10) year period shall not include any period earlier than November 15, 1990.
- (1) The average rate shall include *fugitive emissions* to the extent quantifiable.
 - (2) The average rate shall include emissions associated with startups, shutdowns, and malfunctions.
 - (3) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the *source* was operating above an *emission* limitation that was legally *enforceable* during the consecutive 24-month period.
 - (4) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an *emission* limitation with which the *major stationary source* must comply as of a particular date, had such *major stationary source* been required to comply with such limitations during the consecutive 24-month period. For the purposes of determining *baseline actual emissions* for contemporaneous changes pursuant to paragraph a.2 of the definition of *net emissions increase*, the particular date is the date on which the particular change occurred. However, if an *emission* limitation is part of a *Maximum Achievable Control Technology* standard that the Administrator proposed or promulgated under 40 CFR PART 63, the *baseline actual emissions* need only be adjusted if the State of Nevada has taken credit for such emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G).
 - (5) For a *regulated NSR pollutant*, when a *project* involves multiple *emissions units*, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for all the *emissions units* being changed. A different consecutive 24-month period can be used for each *regulated NSR pollutant*.
 - (6) The average rate shall not be based on any consecutive 24- month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraphs b.(2) and b.(3) of this definition.

- c. For a new *emissions unit*, the *baseline actual emissions* for purposes of determining the emissions increase that will result from the initial *construction* and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's PTE.
- d. For a PAL for a stationary *source*, the *baseline actual emissions* shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph a of this definition; for other existing *emissions units*, in accordance with the procedures contained in paragraph b of this definition; and for a new *emissions unit*, in accordance with the procedures contained in paragraph c of this definition.

BASIC DESIGN PARAMETER means:

- a. Except as provided in paragraph c of this definition, for a process unit at a steam electric generating facility, the *Owner* or *Operator* may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.
- b. Except as provided in paragraph c of this definition, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the *Owner* or *Operator* should consider the primary product or primary raw material when selecting a basic design parameter.
- c. If the *Owner* or *Operator* believes the basic design parameter(s) in paragraphs a and b of this definition is not appropriate for a specific industry or type of process unit, the *Owner* or *Operator* may propose to the *Control Officer* an alternative basic design parameter(s) for the *source's* process unit(s). If the *Control Officer* approves of the use of an alternative basic design parameter(s), the *Control Officer* shall issue a permit that is legally *enforceable* that records such basic design parameter(s) and requires the *Owner* or *Operator* to comply with such parameter(s).
- d. The *Owner* or *Operator* shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in paragraphs a and b of this definition.
- e. If design information is not available for a process unit, then the *Owner* or *Operator* shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.
- f. Efficiency of a process unit is not a basic design parameter.
- g. The replacement activity shall not cause the process unit to exceed any *emission* limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally *enforceable*.

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

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

BUILDING, STRUCTURE, FACILITY, OR INSTALLATION

- a. means all of the pollutant- emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same *Person* (or *Persons* under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same SIC or NAICS code) as described in either the Standard Industrial Classification (SIC) manual, 1972, as amended by the 1977 supplement or the North American Industry Classification System (NAICS) manual.
- b. Notwithstanding the provisions of paragraph a of this definition, *building, structure, facility, or installation* means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same *person* (or *persons* under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within 1/4 mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this paragraph b of this definition, has the same meaning as in 40 CFR PART 63.761.

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

- a. Coal cleaning plants (with thermal dryers);
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants;
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;

- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants (furnace process);
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- u. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- w. Taconite ore processing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;
- z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
- aa. Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

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

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

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

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

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

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

- a. A "New Emissions unit" is any *emissions unit* which is (or will be) newly constructed and which has existed for less than two (2) years from the date such *emissions unit* first operated. For the purposes

of this definition, the date an *emissions unit* first operated shall not be extended by any shakedown period established pursuant to paragraph f of the definition of *net emissions increase*.

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

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

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

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

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

- c. 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.
- d. 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 for a PAL for that *regulated NSR pollutant*. Instead, the definition of PAL *major modification* shall apply.
- d. The *fugitive emissions* of a *major stationary source* shall be included in determining, for any of the purposes of PART 030.300, whether a particular physical change or change in the method of operation is a *major modification*.

MAJOR STATIONARY SOURCE or MAJOR SOURCE means:

- a. Any stationary source of *Air pollutants* which emits, or has the *Potential to emit*, one hundred (100) tpy or more of any *regulated NSR pollutant* except:
 - (1) For an area designated nonattainment for PM10 and classified as “serious,” a *major stationary source* is a stationary source which emits, or has the *Potential to emit*, seventy (70) tpy or more of PM10.
 - (2) A *major stationary source* is a stationary source which emits, or has the *Potential to emit*, fifty (50) tpy or more in an area classified as “serious” nonattainment for CO where *stationary sources significantly* contribute to ambient CO levels, as determined under regulations issued by EPA pursuant to the *Act*.
 - (3) For an area designated nonattainment for ozone, a source with the *Potential to emit* VOC or NO_x in the following amounts shall be considered a *major stationary source*:
 - (a) ≥100 tpy in areas classified as “marginal” or “moderate”;
 - (b) ≥50 tpy in areas classified as “serious”;
 - (c) ≥25 tpy in areas classified as “severe”; and
 - (d) ≥10 tpy in areas classified as “extreme.”
- b. Any physical change that would occur at a stationary source not qualifying as a *major stationary source* under paragraph a of this definition, if the change would constitute a *major stationary source* by itself under paragraph a of this definition.
- c. A *major stationary source* that is major for *Volatile organic compounds* shall be considered major for ozone.
- d. A *major stationary source* that is major for nitrogen oxides shall be considered major for ozone, unless EPA has granted a waiver for nitrogen oxides emissions under Section 182(f) of the *Act* and the waiver continues to apply.
- e. The *fugitive emissions* of a *major stationary source* shall be included in determining, for any of the purposes of PART 030.300, whether a source is a *major stationary source*.

NET EMISSIONS INCREASE means, with respect to any *regulated NSR pollutant* emitted by a *major stationary source*, the following:

- a. The amount by which the sum of the following exceeds zero:

- (1) The increase in emissions from a particular physical change, or change in the method of operation, at a stationary *source* as calculated pursuant to paragraphs 030.300.A.4.a through A.4.e; and
 - (2) Any other increases and decreases in *actual emissions* at the *major stationary source* that are contemporaneous with the particular change and are otherwise creditable.
 - (a) For the purposes of calculating increases and decreases under paragraph a.(2) of this definition, *baseline actual emissions* prior to the contemporaneous *project* shall be determined as provided in the definition of *baseline actual emissions*, except that paragraphs a.(4) and b.(5) of that definition shall not apply.
- b. An increase or decrease in *actual emissions* is contemporaneous with the increase from the particular change only if it occurs between the date five (5) years before *construction* on the particular change commences and the date that the increase from the particular change occurs.
 - c. An increase or decrease in *actual emissions* is creditable only if the *Control Officer* has not relied on it in issuing a permit for the *source* under CHAPTER 030, or any other regulation approved by the Administrator pursuant to 40 CFR PART 51 or 40 CFR PART 52.21, which permit is in effect when the increase in *actual emissions* from the particular change occurs.
 - d. An increase in *actual emissions* is creditable only to the extent that the new level of *actual emissions* exceeds the old level.
 - e. A decrease in *actual emissions* is creditable only to the extent that:
 - (1) The old level of *actual emissions* or the old level of *allowable emissions*, whichever is lower, exceeds the new level of *actual emissions*;
 - (2) It is *enforceable* as a practical matter at and after the time that actual *construction* on the particular change begins;
 - (3) The *Control Officer* has not relied on it in issuing any permit under CHAPTER 030 or any other regulations approved pursuant to 40 CFR PART 51, SUBPART I, nor has the State of Nevada relied on it in demonstrating attainment or reasonable further progress; and
 - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
 - f. An increase that results from a physical change at a *source* occurs when the *emissions unit* on which *construction* becomes operational and begins to emit a particular pollutant. Any *replacement unit* that requires shakedown, or any new *emissions unit* that replaces an existing *emissions unit* and that requires shakedown, becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR) Program means a *major source* preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada State Implementation Plan (SIP), or a program that implements 40 CFR PART 51, Appendix S, Sections I through VI. Any permit issued under such a program is a major NSR permit.

PORTABLE SOURCE means a stationary *source* that is specifically designed to be transferred to a new location as need warrants and operated at that new location for no more than twenty four (24) months.

Portable sources may be subject to other applicable federal requirements under the *Act*.

PREDICTIVE EMISSIONS MONITORING SYSTEM (PEMS) means all of the equipment necessary to monitor process and control device operational parameters and other information, and calculate and record the mass emissions rate on a continuous basis.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT means any permit that is issued under a *major source* preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada SIP to implement the requirements of PART C, SUBCHAPTER I of the *Act*.

PROJECT means a physical change in, or change in the method of operation of, an existing *major stationary source*.

PROJECTED ACTUAL EMISSIONS (PAE) means the maximum annual rate, in tpy, at which an existing *emissions unit* is projected to emit a *regulated NSR pollutant* in any one of the five (5) years (12-month period) following the date the unit resumes regular operation after the *project*, or in any one of the ten (10) years following that date, if the *project* involves increasing the design capacity or PTE of any *emissions unit* for that *regulated NSR pollutant* and full utilization of the unit would result in a *significant* emissions increase or a *significant net emissions increase* at the *major stationary source*.

- a. In determining the *projected actual emissions* (before beginning actual *construction*), the *Owner* or *Operator* of the *major stationary source*:
 - (1) Shall consider all relevant information, including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the county, State or federal regulatory authorities, and compliance plans under CHAPTER 030;
 - (2) Shall include *fugitive emissions* to the extent quantifiable;
 - (3) Shall include emissions associated with startups, shutdowns, and malfunctions; and
 - (4) Shall exclude, only for calculating any increase in emissions that results from the particular *project*, that portion of the unit's emissions following the *project* that an existing unit could have accommodated during the consecutive 24- month period used to establish the *baseline actual emissions* and that are also unrelated to the particular *project*, including any increased utilization due to product demand growth.
- b. In lieu of using the method set out in paragraphs a.(1) through a.(4) of this definition, the *Owner* or *Operator* of the *major stationary source* may elect to use the *emissions unit's* PTE in tpy.

REGULATED NSR POLLUTANT, for purposes of PART 030.300, means:

- a. Any pollutant for which a National Ambient Air Quality Standard has been promulgated, and for which pollutant the area is designated nonattainment;
- b. Any pollutant that is identified as a constituent or precursor of a pollutant regulated under paragraph a of this definition provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the criteria *Air pollutant*. The Administrator has identified the following precursors for the purposes of NSR:

- (1) *Volatile organic compounds* and nitrogen oxides are precursors to ozone in all ozone *Nonattainment areas*.
 - (2) Sulfur dioxide is a precursor to PM2.5 in all PM2.5 *Nonattainment areas*.
 - (3) Nitrogen oxides are presumed to be precursors to PM2.5 in all PM2.5 *Nonattainment areas*, unless the State or county demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a *significant* contributor to that area's ambient PM2.5 concentrations.
- c. PM2.5 emissions and PM10 emissions shall include gaseous emissions from a *source* or activity which condense to form *Particulate matter* at ambient temperatures. On or after January 1, 2011, such condensable *Particulate matter* shall be accounted for in applicability determinations and in establishing emissions Limitations for PM2.5 and PM10 in PSD permits. Compliance with emissions limitations for PM2.5 and PM10 issued prior to this date shall not be based on condensable *Particulate matter* unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable *Particulate matter* shall not be considered in violation of this section unless the applicable implementation plan required condensable *Particulate matter* to be included.

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

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

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

SIGNIFICANT means, in reference to a net *emission* increase or the potential of a *source* to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- a. Carbon monoxide:
 - (1) 100 tpy; or
 - (2) 50 tpy in an area designated nonattainment for CO and classified as "serious," and where *stationary sources significantly* contribute to ambient CO levels as determined under regulations issued by EPA pursuant to the *Act*.
- b. Nitrogen oxides: 40 tpy;
- c. Sulfur dioxide: 40 tpy;
- d. Ozone:

- (1) 40 tpy of VOCs; or
- (2) 40 tpy of nitrogen oxides, unless EPA has granted a waiver for nitrogen oxides emissions under SECTION 182(f) of the *Act* and the waiver continues to apply.

- e. PM10: 15 tpy;
- f. PM2.5: 10 tpy of direct PM2.5 emissions or 40 tpy of sulfur dioxide emissions or 40 tpy of nitrogen dioxide emissions; and
- g. Lead: 0.6 tpy.

SIGNIFICANT EMISSIONS INCREASE means, for a *regulated NSR pollutant*, an increase in emissions that is *significant* for that pollutant.

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

SECTION C - STATEWIDE COMPLIANCE

Prior to issuance of a Permit to *Construct* for a new *major stationary source* or *major modification* subject to PART 030.300, the *Owner* or *Operator* shall either demonstrate that each existing *major stationary source* owned or operated by the applicant in the State of Nevada is in compliance with all applicable *emission* limitations and standards under the *Act* or is in compliance with an expeditious schedule which is *Federally enforceable* or contained in a court decree.

SECTION D - ANALYSIS OF ALTERNATIVES

In addition to the permit application submission requirements in SECTION 030.300.A, the *Owner* or *Operator* shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed *construction* or *major modification* that demonstrates, to the satisfaction of the *Control Officer*, that the benefits of the proposed *construction* or *major modification* significantly outweigh the environmental and social costs imposed as a result of its location, *construction*, or *modification*.

SECTION E - LOWEST ACHIEVABLE EMISSION RATE

1. *Applicable requirements.* An *Owner* or *Operator* shall meet each applicable requirement that applies to the *major stationary source* or *major modification*.
2. *Permit Requirements to Achieve LAER.* A Permit to *Construct* for a new *major stationary source* or *major modification* shall contain terms and conditions sufficient to ensure that the *major stationary source* or *major modification* will achieve LAER in accordance with paragraphs 030.300.E.2.a and E.2.b:
 - a. A new *major stationary source* shall achieve LAER for each *regulated NSR pollutant* that it would have the *Potential to Emit* in significant amounts.
 - b. A *major modification* shall achieve LAER for each *regulated NSR pollutant* for which it would result in a *significant net emissions increase* at the stationary source. This requirement applies to each proposed *emissions unit* at which a *net emissions increase* in the pollutant would occur as a result of a physical change, or change in the method of operation, in the *emissions unit*.

SECTION F - EMISSIONS OFFSET

1. *Sufficiency of Reductions.* Prior to issuance of a Permit to *Construct* for a new *major stationary source* or *major modification*, the *Control Officer* shall make a determination that, by the time the *source* is to Commence Operation, sufficient offsetting emissions reductions will be surrendered prior to commencing operation, such that *allowable emissions* from existing sources in the *Nonattainment area*, from new or modified sources which are not *major stationary sources*, and from the proposed *source* or *modification* will be sufficiently less than total emissions from existing sources prior to the application for the offset. At a minimum, this determination requires the *Owner* or *Operator* to satisfy the offset requirements in paragraph 030.300.F.2.
2. *Offset Methods.* Pollutant-specific emissions shall be offset with *Federally enforceable* ERCs or with internal *emission* reductions.
 - a. ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
 - b. Internal emission reductions used to satisfy offset requirements shall be governed by 030.300.F.3 through 030.300.F.8.
 - c. ERCs used to satisfy offset requirements shall be governed by Sections 030.300.F.3 through

030.300.F.6, 030.300.F.8.

3. Restrictions on Trading Pollutants

- a. Pursuant to the Nevada Revised Statutes, SECTION 445B.508(2)(c), purchasing or selling credits of one type of pollutant is prohibited if such credits would be used subsequently to produce a different type of pollutant.
- b. For the purposes of satisfying the offset requirements with respect to ozone, offsetting of VOC emissions increases with NOX emissions decreases, or NOX emissions increases with VOC emissions decreases, shall not be prohibited trading. The Control Officer may approve interpollutant emission offsets for precursor pollutants on a case-by-case basis except for PM2.5. In such cases, the Control Officer shall impose, based on an air quality analysis, emission offset ratios in addition to the requirements of Table 030.300-1. PM10 emissions shall not be allowed to offset nitrogen oxide or volatile organic compound emissions in ozone nonattainment areas. In no case shall the compounds excluded from the definition of volatile organic compounds be used as offsets for volatile organic compounds. No emission credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in 40 CFR PART 51.100(s). Interpollutant emission offsets used at a *major stationary source* must receive written approval from the U.S. Environmental Protection Agency.
- c. For the purposes of satisfying the offset requirements with respect to PM2.5, offsetting of PM2.5 emissions increases with sulfur dioxide or nitrogen oxide emissions decreases, or sulfur dioxide or nitrogen oxide emissions increases with PM2.5 decreases, shall not be prohibited trading. Interpollutant offsets between PM2.5 and PM2.5 precursors are not allowed unless modeling has been used to demonstrate that PM2.5 interpollutant offset ratios are appropriate as approved in a PM2.5 nonattainment plan.

4. Timing

- a. Internal *emission* reductions used to satisfy an offset requirement must be *Federally enforceable* at the time of issuance of the Permit to *Construct* containing the offset requirements.
- b. Except as provided by paragraph 030.300.F.4.c, the decrease in *actual emissions* used to generate internal *emission* reductions must occur by no later than the commencement of operation of the new or modified *major stationary source*.
- c. Where the new facility is a replacement for a facility that is being shut down in order to provide the necessary offsets, the *Control Officer* may allow up to one hundred eighty (180) calendar days for shake-down or commissioning of the new facility before the existing facility is required to cease operation.

5. Quantity. The quantity of internal *emission* reductions required to satisfy off- set requirements shall be determined in accordance with the following:

- a. The unit of measure for offsets and internal *emission* reductions shall be tpy. All calculations and transactions shall use *emission rate* values rounded to the nearest one one-hundredth (0.01) tpy.
- b. The quantity of internal *emission* reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph 030.300.F.5.c, and the offset ratio, as determined in accordance with paragraph 030.300.F.5.d.

- c. The amount of increased emissions shall be determined as follows:
 - (1) The amount of increased emissions includes *fugitive emissions* in the case of all *major stationary sources*, including categorical sources.
 - (2) When the offset requirement is triggered by the *construction* of a new *major stationary source*, the amount of increased emissions shall be the sum of the PTE of all *emissions units* plus any *Secondary emissions* as specified in paragraph 030.300.A.8.
 - (3) When the offset requirement is triggered by a *major modification* of an existing *major stationary source*, the amount of increased emissions shall be the sum of the differences between the *allowable emissions* after the *modification* and the *actual emissions* before the *modification* for each *emissions unit* plus any *Secondary emissions* as specified in paragraph 030.300.A.8.

- d. The baseline for determining credit for emissions reductions is the *emission* Limit under the State Implementation Plan (including the demonstration of Reasonable Further Progress) in effect at the time the affected permit application is filed, except that the offset baseline shall be the *actual emissions* of the *source* from which the offset credit is obtained where:
 - (1) The demonstration of Reasonable Further Progress and attainment of National Ambient Air Quality Standards is based upon the *actual emissions* of sources located within a designated area for which the requirements of PARTS 030.400, 030.500, and 030.510 were adopted; or
 - (2) The applicable State Implementation Plan does not contain an *emission* limitation for the *source* or *source* category.
 - (3) In accordance with paragraphs 030.300.F.5.d.(1) and F.5.d.(2), the baseline for determining credit for emissions reductions for the 2015 ozone National Ambient Air Quality Standards is *actual emissions*.

- e. The offset ratio shall be expressed as a ratio of emissions reductions to emissions increases.
 - (1) The following table contains offset ratios by designated area and pollutant.
 - (2) The ratios listed in Table 030.300-1 shall be applied based on the classifications contained in the table for a specific pollutant.

Table 030.300-1 Federal Offset Ratio Requirements by Area Designation and Pollutant

| Area Designation | Pollutant | Offset Ratio |
|-----------------------------------|-----------|--------------|
| Marginal Ozone Nonattainment Area | NOx | 1.1:1 |
| | VOC | 1.1:1 |
| Moderate Ozone Nonattainment Area | NOx | 1.15:1 |
| | VOC | 1.15:1 |
| Serious Nonattainment Area | PM10 | 1:1 |

- f. The *major stationary source* shall be given credit for any portion of emissions increase that was previously offset. A *pre-modification* PTE may only include *fugitive emissions* if the *fugitive emissions* were included in the emissions inventory prior to the *modification*.
6. *Emission* Reduction Requirements. *Emission* reductions used to satisfy an offset requirement shall meet the following requirements:

- a. *Emission* reductions used to satisfy offset requirements must be real, surplus, permanent, quantifiable, and *Federally enforceable*.
 - b. Permitted sources whose internal *emission* reductions are used to satisfy offset requirements must appropriately amend or cancel their Permit to *Construct* and/or PART 70 *Operating permit* to reflect their new reduced PTE, including Practicably *Enforceable* conditions to limit their PTE.
 - c. *Emission* reductions used to satisfy offset requirements must be surplus at the time of issuance of the Permit to *Construct* containing the offset requirements.
7. Location of Internal Reductions. Internal *emission* reductions used to satisfy offset requirements shall occur at the same *major stationary source* at which the increase in emissions occurs.
8. Emission Reduction Credit (ERC) Requirements. ERCs used to satisfy an offset requirement shall meet the following requirements:
- a. Restrictions on offsetting emissions between airshed regions:
 - (1) Except as provided by paragraph 030.300.F.8.a.(2), offsetting emissions from a source located within an airshed region with ERCs from a source located in a different airshed region shall not be allowed.
 - (2) The Control Officer may approve the use of NOX and VOC ERCs between airshed regions for the same nonattainment area within the Washoe County boundary to satisfy NOX and VOC offset requirements for that nonattainment area.
 - (3) The location of offsetting emissions must follow the requirements outlined in SECTION IV.D of 40 CFR PART 51 Appendix S.
 - b. The source owner or responsible official utilizing ERCs to satisfy offsets must demonstrate to the satisfaction of the Control Officer that such utilization will not significantly cause or contribute to a violation of a National Ambient Air Quality Standard or an exceedance of a PSD increment identified in PART 030.400.
 - c. The use of ERCs shall not provide:
 - (1) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - (2) An exemption to a stationary source for emission limitations established in accordance with New Source Performance Standards;
 - (3) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - (4) An exemption to a stationary source from any other air pollution control requirements of federal, state, or county laws, rules, and regulations.
 - d. For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. AQMD will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.

- e. Credit for an emissions reduction can be claimed to the extent that AQMD has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR PART 51 Subpart I or AQMD has not relied on it in demonstration attainment or reasonable further progress.

9. ERC Registry

- a. The ERC Registry and its use shall not interfere with the attainment or maintenance of any National Ambient Air Quality Standard.
- b. The ERC Registry and its use shall assure that the use of ERCs does not contravene applicable requirements of the Act and Nevada Revised Statutes (NRS) Chapter 445B.

SECTION G - SOURCE OBLIGATION

1. Enforcement

- a. An *Owner* or *Operator* of a *major stationary source* may be subject to enforcement action if:

- (1) The *Owner* or *Operator* who constructs or operates a *major stationary source* or *major modification* not in accordance with the application submitted pursuant to PART 030.300 or 030.500 and any changes to the application as required by the *Control Officer*, or with the terms of its Permit to *Construct*; or any *Owner* or *Operator* of a *major stationary source* or *major modification* subject to PART 030.300 who begins actual *construction* or operates after the effective date of these regulations without applying for and receiving a Permit to *Construct*, shall be subject to enforcement action;
- (2) The *Owner* or *Operator* improperly estimated emissions increases that would result from the *construction* or *project* and circumvented the requirements of paragraphs 030.300.A.2.b or 030.300.A.6 using these estimates;
- (3) The *Control Officer* determines that post-change emissions from a *project* resulted in *construction* of a *major stationary source* or a *major modification* of an existing *major stationary source*, and the *Owner* or *Operator* did not obtain a Permit to *Construct* meeting the requirements of paragraph 030.300.A.3.

- b. Nothing in this section shall limit the *Control Officer's* authority to take enforcement action for other violations of PART 030.300.

- 2. Termination. Approval to *construct* shall terminate if *construction* is not commenced within eighteen (18) months after receipt of such approval, if *construction* is discontinued for a period of eighteen (18) months or more, or if *construction* is not completed within a reasonable time. The *Control Officer* may extend the 18-month period upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between *construction* of the approved phases of a phased *construction project*; each phase must *commence construction* within eighteen (18) months of the projected and approved commencement date.
- 3. Compliance. Approval to *construct* shall not relieve any *Owner* or *Operator* of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, State, or federal law.
- 4. Relaxation in *Enforceable* Limitations. If within the period of the *projected actual emissions* estimate under paragraph 030.300.A.4 (five (5) or ten (10) years as defined in the *projected actual emissions*

definition in SECTION 030.300.B) a particular stationary *source* or *modification* becomes a *major stationary source* or *major modification* solely by virtue of a relaxation in any *enforceable* limitation which was established after August 7, 1980, on the capacity of the stationary *source* or *modification* otherwise to emit a pollutant, then the requirements of SECTIONS 030.300.C through G shall apply to the stationary *source* or *modification* as though *construction* had not yet Commenced on the stationary *source* or *modification*. Nothing in this paragraph shall limit the *Control Officer's* enforcement authority with respect to new *major stationary source* or *major modifications* subject to PART 030.300.

5. Permit Application and Permit to *Construct* Revisions

- a. An *Owner* or *Operator* remains under a continuing obligation to provide timely updates to its permit application submitted in accordance with PART 030.300 or 030.500, until issuance of a *Permit to Construct*.
- b. No later than thirty (30) days before commencing operation, the *Owner* or *Operator* shall provide a written notice to the *Control Officer* if the *source* as constructed or modified differs from the *source* or *modification* authorized by the *Permit to Construct*.
- c. The *Owner* or *Operator* shall include in the notice required by paragraph 030.300.G.5.b, a *complete* list and description of the differences, and determine whether such differences alter the emissions increase calculations made under paragraph 030.300.A.4, or other applicability requirements in SECTIONS 030.300.C through H.
- d. All *permit revisions* shall follow the procedures in PART 030.510.
- e. Submission of the notice required by paragraph 030.300.G.5.b does not affect the *Control Officer's* ability to undertake an enforcement action.

SECTION H - PUBLIC PARTICIPATION

1. Issuance of a Permit to *Construct* pursuant to PART 030.300 and 030.500 shall be subject to the public participation requirements in SECTION 030.400.P.

SECTION I - PLANT-WIDE APPLICABILITY LIMITS (PALS)

1. Applicability

- a. The *Control Officer* may approve the use of an actuals PAL for any existing *major stationary source* if the PAL meets the requirements in paragraphs 030.300.I.1 through 030.300.I.15. The term "PAL" shall mean "actuals PAL" throughout SECTION 030.300.I.
- b. Any physical change in, or change in the method of operation of, a *major stationary source* that maintains its total *source-wide* emissions below the PAL level, meets the requirements of paragraphs 030.300.I.1 through 030.300.I.14, and complies with the PAL conditions in its PART 70 *Operating permit*:
 - (1) Is not a *major modification* for the PAL pollutant;
 - (2) Does not have to be approved through the plan's Nonattainment Major NSR Program; and
 - (3) Is not subject to the provisions in paragraph 030.300.G.4.
- c. Except as provided under paragraph 030.300.I.1.b.(3), a *major stationary source* shall continue to comply with all applicable federal or State requirements, *emission* limitations, and work practice requirements that were established prior to the effective date of the PAL.

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

- a. "Actuals PAL for a *major stationary source*" means a PAL based on the *baseline actual emissions* of all *emissions units* at the *source* that emit, or have the *Potential to Emit*, the PAL pollutant.
- b. "Allowable emissions" means *allowable emissions* as defined in SECTION 030.300.B, except as this definition is modified according to paragraphs b.(1) and b.(2) of this definition:
 - (1) The *allowable emissions* for any *emissions unit* shall be calculated considering any *emission* limitations that are *Enforceable* as a Practical Matter on the *emissions unit's* PTE.
 - (2) An *emissions unit's* PTE shall be determined using the definition in SECTION 030.300.B (definition of "*significant*"), except that the words "or *Enforceable* as a Practical Matter" should be added after "*Federally enforceable*."
- c. "Major *emissions unit*" means:
 - (1) Any *emissions unit* that emits, or has the *Potential to emit*, 100 tpy or more of the PAL pollutant in an attainment area; or
 - (2) Any *emissions unit* that emits, or has the *Potential to emit*, the PAL pollutant in an amount that is equal to or greater than the *major source* threshold for the PAL pollutant as defined by the *Act* for *Nonattainment areas*.
- d. "PAL" means an *emission* limitation, expressed in tpy, for a pollutant at a *major stationary source* that is *enforceable* as a practical matter and established *source-wide* in accordance with paragraphs 030.300.I.1 through 030.300.I.15.
- e. "PAL effective date" generally means the date of issuance of the PART 70 *Operating permit*

containing the PAL conditions, or the date on which a *significant permit revision* containing the PAL conditions becomes effective. However, the PAL effective date for an increased PAL is the date any *emissions unit* which is part of the PAL *major modification* becomes operational and begins to emit the PAL pollutant.

- f. "PAL effective period" means the period beginning with the PAL effective date and ending ten (10) years later.
 - g. "PAL *major modification*" means, notwithstanding the definitions for *major modification* and *net emissions increase*, any physical change in, or change in the method of operation of, the PAL *source* that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
 - h. "PAL pollutant" means the pollutant for which a PAL is established at a *major stationary source*.
 - i. "*Project*" means a physical change in, or change in the method of operation of, an existing stationary *source*.
 - j. "*Significant emissions unit*" means an *emissions unit* that emits, or has the *Potential to emit*, a PAL pollutant in an amount that is equal to or greater than the *significant* level as defined in SECTION 030.300.B or in the *Act*, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a major *emissions unit*.
 - k. "Small *emissions unit*" means an *emissions unit* that emits, or has the *Potential to emit*, the PAL pollutant in an amount less than the *significant* level as defined in SECTION 030.300.B or in the *Act*, whichever is lower, for that PAL pollutant.
3. Permit Application Requirements. As part of an application for a PART 70 *Operating permit* requesting a PAL, the *Owner* or *Operator* of a *major stationary source* shall submit the following information to the *Control Officer* for approval:
- a. A list of all *emissions units* at the *source* designated as small, *significant*, or major based on their PTE. In addition, the *Owner* or *Operator* of the *source* shall indicate which, if any, federal, State or county *applicable requirements*, *emission* limitations, or work practices apply to each unit;
 - b. Calculations of the *baseline actual emissions* (with supporting documentation). *Baseline actual emissions* are to include emissions associated not only with operation of the unit, but also emissions associated with startup, Shutdown, and malfunction;
 - c. The calculation procedures that the *major stationary source Owner* or *Operator* proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as required by paragraph 030.300.I.13.a.
4. General Requirements for Establishing PALs
- a. The *Control Officer* may establish a PAL at a *major stationary source*, provided that, at a minimum, the following requirements in paragraphs 030.300.I.4.a.(1) through I.4.a.(7) are met.
 - (1) The PAL shall impose an annual *emission* limitation, in tpy, that is *Enforceable* as a Practical Matter, for the entire *major stationary source*. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the *major stationary source Owner* or *Operator* shall show that the sum of the monthly emissions from each *emissions unit* under the PAL for the previous twelve (12) consecutive months is less than the PAL (a 12-month total rolled monthly). For each month during the first eleven (11) months from the PAL effective date, the *major stationary source Owner* or *Operator* shall show that the sum of the preceding monthly emissions from the PAL effective date for each *emissions unit* under the PAL is less than the

PAL.

- (2) The PAL shall be established in a PART 70 *Operating permit* as a *significant permit revision*.
 - (3) The PART 70 *Operating permit* shall contain all the requirements of paragraph 030.300.I.7.
 - (4) The PAL shall include *fugitive emissions*, to the extent quantifiable, from all *emissions units* that emit or have the *Potential to emit* the PAL pollutant at the *major stationary source*.
 - (5) Each PAL shall regulate emissions of only one pollutant.
 - (6) Each PAL shall have a PAL effective period of ten (10) years.
 - (7) The *Owner* or *Operator* of the *major stationary source* with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs 030.300.I.12 through I.14 for each *emissions unit* under the PAL through the PAL effective period.
- b. At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under SECTION 030.300.F unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.
5. Public Participation Requirements for PALs. PALs for existing *major stationary sources* shall be established, renewed, or increased through the public participation procedures in PART 030.400.P.
6. Setting the 10-year Actuals PAL Level
- a. Except as provided in paragraph 030.300.I.6.b, the Actuals PAL level for a *major stationary source* shall be established as the sum of the *baseline actual emissions* of the PAL pollutant for each *emissions unit* at the *source*; plus an amount equal to the applicable *significant* level for the PAL pollutant under these AQRs or under the *Act*, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for all existing *emissions units*. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The *Control Officer* shall specify a reduced PAL level(s) (in tons/yr) in the PART 70 *Operating permit* to become effective on the future compliance date(s) of any applicable federal or State regulatory requirement(s) that the *Control Officer* is aware of prior to issuance of the permit.
 - b. For newly constructed units (which does not include modifications to existing units) on which actual *construction* began after the 24-month period, in lieu of adding the *baseline actual emissions* as specified in paragraph 030.300.I.6.a, the emissions must be added to the PAL level in an amount equal to the PTE of the units.
7. PART 70 *Operating permits* with PALs. Contents of a PART 70 *Operating permit* containing a PAL shall include the information in paragraphs 030.300.I.7.a through j:
- a. The PAL Pollutant and the applicable *source-wide emission* limitation in tpy;
 - b. The effective date and the expiration date of the PAL conditions (PAL effective period).
 - c. Specification in the permit that if a *major stationary source Owner* or *Operator* applies to renew the PAL conditions in accordance with paragraph 030.300.I.9 before the end of the PAL effective period, then the PAL conditions shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PART 70 *Operating permit* is issued by the *Control Officer*.
 - d. A requirement that *emission* calculations for compliance purposes include emissions from startups,

shutdowns, and malfunctions;

- e. A requirement that, once the PAL conditions expire, the *major stationary source* is subject to the requirements of paragraph 030.300.I.9;
- f. The calculation procedures that the *major stationary source Owner* or *Operator* shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total, as required by paragraph 030.300.I.13.a;
- g. A requirement that the *major stationary source Owner* or *Operator* monitor all *emissions units* in accordance with the provisions under paragraph 030.300.I.12;
- h. A requirement to retain the records required under paragraph 030.300.I.13 on-site. Such records may be retained in an electronic format;
- i. A requirement to submit the reports required under paragraph 030.300.I.14 by the required deadlines; and
- j. Any other requirements that the *Control Officer* deems necessary to implement and enforce the PAL conditions.

8. PAL Effective Period and Reopening of PAL Conditions

- a. PAL Effective Period. The *Control Officer* shall specify a PAL effective period of ten (10) years from the date of issuance.
- b. Reopening of the PAL conditions in a PART 70 *Operating permit*.

(1) During the PAL effective period, the *Control Officer* shall reopen the PAL conditions in a PART 70 *Operating permit* to:

- (a) Correct typographical/calculation errors made in setting the PAL, or reflect a more accurate determination of emissions used to establish the PAL;
- (b) Reduce the PAL if the *Owner* or *Operator* of the *major stationary source* creates creditable emissions reductions for use as offsets under SECTION 030.300.F; or
- (c) Revise the PAL to reflect an increase in the PAL as provided under paragraph 030.300.I.11.

(2) The *Control Officer* may reopen the PAL conditions in a PART 70 *Operating permit* for the following:

- (a) Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date.
- (b) Reduce the PAL consistent with any other requirement that is *Enforceable* as a Practical Matter, and that the *Control Officer* may impose on the *major stationary source* under the Nevada SIP.
- (c) Reduce the PAL if the *Control Officer* determines that a reduction is necessary to avoid causing or contributing to a National Ambient Air Quality Standard or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a federal Class I area by a *Federal Land Manager* and for which information is available to the general public.

(3) Reopening of specific permit conditions during the PAL effective period does not affect or reopen any of other permit conditions.

(4) Except for the permit reopening in paragraph 030.300.I.8.b.(1)(a) for the correction of

typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out as *significant permit revisions* to a PART 70 *Operating permit*.

9. Expiration of a PAL. Any PAL which is not renewed in accordance with the procedures in paragraph 030.300.I.10 shall expire at the end of the PAL effective period, and the requirements in paragraphs 030.300.I.9.a through e shall apply.
 - a. Each *emissions unit* (or each group of *emissions units*) that existed under the PAL shall comply with an allowable *emission* limitation under a revised PART 70 *Operating permit* established according to the procedures in paragraphs 030.300.I.9.a.(1) and a.(2).
 - (1) Within the time frame specified for PAL *Renewals* in paragraph 030.300.I.10.b, the *major stationary source* shall submit a proposed allowable *emission* limitation for each *emissions unit* (or each group of *emissions units*, if such a distribution is more appropriate as decided by the *Control Officer*) by distributing the PAL *allowable emissions* for the affected *major stationary source* among each of the *emissions units* that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph 030.300.I.10.e, such distribution shall be made as if the PAL had been adjusted.
 - (2) The *Control Officer* will decide whether and how the PAL *allowable emissions* will be distributed and issue a revised PART 70 *Operating permit* incorporating allowable limits for each *emissions unit*, or each group of *emissions units*, as the *Control Officer* determines is appropriate.
 - b. Each *emissions unit(s)* shall comply with the allowable *emission* limitation on a 12-month rolling basis. The *Control Officer* may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable *emission* limitation.
 - c. Until the *Control Officer* issues the revised PART 70 *Operating permit* incorporating allowable limits for each *emissions unit*, or each group of *emissions units*, as required under paragraph 030.300.I.9.a.(2), the *source* shall continue to comply with a *source-wide*, multi-unit emissions cap equivalent to the level of the PAL *emission* limitation.
 - d. Any physical change or change in the method of operation at the *major stationary source* will be subject to the nonattainment major NSR requirements if such change meets the definition of *major modification*.
 - e. The *major stationary source Owner* or *Operator* shall continue to comply with any federal, State or county *applicable requirements* that may have applied either during the PAL effective period or prior to the PAL effective period except as provided in paragraph 030.300.I.1.b.(3).

10. *Renewal* of a PAL

- a. The *Control Officer* shall follow the procedures specified in paragraph 030.300.I.5 and PART 030.510 in approving any request to renew the PAL conditions in a PART 70 *Operating permit* for a *major stationary source*, and will provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any *Person* may propose a PAL level for the *source* for consideration by the *Control Officer*.
- b. Application deadline. A *major stationary source Owner* or *Operator* shall submit a timely application to the *Control Officer* to request *Renewal* of the PAL conditions in a PART 70 *Operating permit*. A timely application is one that is submitted at least six (6) months prior to, but not earlier than eighteen

(18) months prior to, the date of expiration of the PART 70 *Operating permit*. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the *Owner* or *Operator* of a *major stationary source* submits a *Complete* application to renew the PAL conditions in a PART 70 *Operating permit* within this time period, then the PAL conditions shall continue to be effective until the revised permit with the renewed PAL conditions is issued.

- c. Application Requirements. The application to renew PAL conditions shall be incorporated in the application for *Renewal* of the affected PART 70 *Operating permit* and shall contain the information required in paragraphs 030.300.1.10.c.(1) through c.(4):

- (1) The information required in paragraph 030.300.1.3.a through c;
- (2) A proposed PAL level;
- (3) The sum of the PTE of all *emissions units* under the PAL (with supporting documentation); and
- (4) Any other information the *Owner* or *Operator* wishes the *Control Officer* to consider in determining the appropriate level for renewing the PAL conditions.

- d. PAL Adjustment. In determining whether and how to adjust the PAL, the *Control Officer* will consider the options outlined in paragraphs 030.300.1.10.d.(1) and d.(2). However, in no case may any such adjustment fail to comply with paragraph 030.300.1.10.d.(3).

- (1) If the emissions level calculated in accordance with paragraph 030.300.1.6 is equal to or greater than eighty (80) percent of the PAL level, the *Control Officer* may renew the PAL at the same level without considering the factors set forth in paragraph 030.300.1.10.d.(2); or
- (2) The *Control Officer* may set the PAL at a level that the *Control Officer* determines to be more representative of the *source's baseline actual emissions*, or to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the *source's* voluntary emissions reductions, or other factors as specifically identified by the *Control Officer* in a written rationale.
- (3) Notwithstanding paragraphs 030.300.1.10.d.(1) and d.(2):

- a. If the PTE of the *major stationary source* is less than the PAL, the *Control Officer* shall adjust the PAL to a level no greater than the PTE of the *source*; and
- b. The *Control Officer* shall not approve a renewed PAL level higher than the current PAL unless the *major stationary source* has complied with the provisions of paragraph 030.300.1.11.

- e. If the compliance date for a federal or State requirement that applies to the PAL *source* occurs during the PAL effective period, and if the *Control Officer* has not already adjusted for such requirement, the PAL shall be adjusted at the time the *major source's* PART 70 *Operating permit* is renewed.

11. Increasing a PAL during the PAL Effective Period

- a. The *Control Officer* may increase a PAL *emission* limitation only if the *major stationary source* complies with the provisions in paragraphs 030.300.1.11.a.(1) through a.(4).

- (1) The *Owner* or *Operator* of the *major stationary source* shall submit a *Complete* application to request an increase in the PAL limit as a *significant* revision to the affected PART 70 *Operating permit*. Such application shall identify the *emissions unit(s)* contributing to the increase in

- emissions so as to cause the *major stationary source's* emissions to equal or exceed its PAL.
- (2) As part of this application, the *major stationary source Owner or Operator* shall demonstrate that the sum of the *baseline actual emissions* of the small *emissions units*, plus the sum of the *baseline actual emissions* of the *significant* and *major emissions units*, assuming application of BACT equivalent controls, plus the sum of the *allowable emissions* of the new or modified *emissions unit(s)*, exceeds the PAL. The level of control that would result from BACT equivalent controls on each *significant* or *major emissions unit* shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the *emissions unit* is currently required to comply with a BACT or LAER requirement that was established within the preceding ten (10) years. In such a case, the assumed control level for that *emissions unit* shall be equal to the level of BACT or LAER with which that *emissions unit* must currently comply.
 - (3) The *Owner or Operator* obtains a Permit to *Construct* pursuant to PART 030.500 for all *emissions unit(s)* identified in paragraph 030.300.I.11.a.(1), regardless of the magnitude of the emissions increase resulting from them. These *emissions unit(s)* shall comply with any emissions requirements resulting from the nonattainment Permit to *Construct* issuance process, even though they have also become subject to the PAL or continue to be subject to the PAL.
 - (4) The PAL conditions in a PART 70 *Operating permit* shall require that the increased PAL level shall be effective on the day any *emissions unit* that is part of the PAL *significant permit revision* becomes operational and begins to emit the PAL pollutant.
- b. The *Control Officer* shall calculate the new PAL as the sum of the *allowable emissions* for each modified or new *emissions unit*, plus the sum of the *baseline actual emissions* of the *significant* and *major emissions units* (assuming application of BACT-equivalent controls as determined in accordance with paragraph 030.300.I.11.a.(2)), plus the sum of the *baseline actual emissions* of the small *emissions units*.
 - c. The PAL conditions in a PART 70 *Operating permit* shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph 030.300.I.5.

12. Monitoring Requirements for PALs

- a. General requirements.
 - (1) The PAL conditions in a PART 70 *Operating permit* must include *enforceable* requirements for the monitoring system that accurately determines plant-wide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL conditions must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL conditions.
 - (2) The PAL monitoring system must employ one or more of the four (4) general monitoring approaches meeting the minimum requirements set forth in paragraphs 030.300.I.12.b.(1) through b.(4) and must be approved by the *Control Officer*.
 - (3) Notwithstanding paragraph 030.300.I.12.a.(2), the PAL monitoring system may also employ an alternative monitoring approach that meets paragraph 030.300.I.12.a.(1) if approved by the *Control Officer*.
 - (4) Failure to use a monitoring system that meets the requirements of paragraph 030.300.I.12 renders the PAL invalid.

- b. Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs 030.300.I.12.c through i:
- (1) Mass balance calculations for activities using coatings or solvents;
 - (2) CEMS;
 - (3) CPMS or PEMS; and
 - (4) *Emission* factors.
- c. Mass Balance Calculations. An *Owner* or *Operator* using mass balance calculations to monitor PAL pollutant emissions from activities using coatings or solvents shall meet the following requirements:
- (1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the *emissions unit*;
 - (2) Assume that the *emissions unit* emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the *emissions unit*, if it cannot otherwise be accounted for in the process; and
 - (3) Where the vendor of a material or fuel which is used in or at the *emissions unit* publishes a range of pollutant content from such material, the *Owner* or *Operator* must use the highest value of the range to calculate the PAL pollutant emissions unless the *Control Officer* determines there is site-specific data or a site-specific monitoring program to support another content within the range.
- d. CEMS. An *Owner* or *Operator* using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
- (1) The CEMS must comply with applicable performance specifications found in 40 CFR PART 60, Appendix B; and
 - (2) The CEMS must sample, analyze, and record data at least every fifteen (15) minutes while the *emissions unit* is operating.
- e. CPMS or PEMS. An *Owner* or *Operator* using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:
- (1) The CPMS or PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the *emissions unit*; and
 - (2) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another, less frequent interval approved by the *Control Officer* while the *emissions unit* is operating.
- f. *Emission* Factors. An *Owner* or *Operator* using *emission* factors to monitor PAL pollutant emissions shall meet the following requirements:
- (1) All *emission* factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

- (2) The *emissions unit* shall operate within the designated range of use for the *emission* factor, if applicable; and
 - (3) If technically practicable (as determined by the *Control Officer*), the *Owner* or *Operator* of a *significant emissions unit* that relies on an *emission* factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific *emission* factor within six (6) months of permit issuance unless the *Control Officer* determines that testing is not required.
- g. A *source Owner* or *Operator* must record and report maximum potential emissions without considering *enforceable emission* limitations or operational restrictions for an *emissions unit* during any period of time whenever there is no monitoring data unless another method for determining emissions during such periods is specified in the PART 70 *Operating permit* containing the PAL.
- h. Notwithstanding the requirements in paragraphs 030.300.I.12.c through g, when an *Owner* or *Operator* of an *emissions unit* cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the *emissions unit*, then the *Control Officer* shall, at the time of permit issuance:
- (1) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or
 - (2) Determine that operation of the *emissions unit* during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
- i. Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the *Control Officer*. Such testing must occur at least once every five (5) years after issuance of the PART 70 *Operating permit* containing the PAL conditions.

13. Recordkeeping Requirements for PALs

- a. The PAL permit shall require an *Owner* or *Operator* to retain a copy of all records necessary to determine compliance with any requirement of SECTION 030.300.I and of the PAL, including a determination of each *emissions unit's* twelve (12) month rolling total emissions, for five (5) years from the date of such record.
- b. The PAL permit shall require an *Owner* or *Operator* to retain a copy of the following records for the duration of the PAL effective period plus five (5) years:
 - (1) A copy of the PAL provisions in the PART 70 *Operating permit* application and any applications for revisions to the PART 70 *Operating permit*; and
 - (2) Each annual certification of compliance pursuant to the conditions in the affected PART 70 *Operating permit* and the data relied on in certifying the compliance.

14. Reporting and Notification Requirements for PALs. The *Owner* or *Operator* shall submit semiannual monitoring reports and prompt deviation reports to the *Control Officer*, in accordance with the conditions in the affected PART 70 *Operating permit*. The reports shall meet the requirements in paragraphs 030.300.I.14.a through c.

- a. Semiannual Report. The semiannual report shall be submitted to the *Control Officer* within thirty (30)

calendar days of the end of each reporting period. This report shall contain the information required in paragraphs 030.300.I.14.a.(1) through a.(7):

- (1) The identification of *Owner* and *Operator* and the permit number;
- (2) Total annual emissions (in tpy) based on a twelve (12) month rolling total for each month in the reporting period.
- (3) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;
- (4) A list of any *emissions units* modified or added to the *major stationary source* during the preceding six (6) month period;
- (5) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken;
- (6) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the *emissions unit* monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph 030.300.I.12.g; and
- (7) A signed statement by the *Responsible official* certifying the truth, accuracy, and completeness of the information provided in the report.

- b. Deviation Report. The *major stationary source Owner* or *Operator* shall promptly submit reports of any deviations or exceedance of the PAL conditions, including periods where no monitoring is available. A report submitted pursuant to PART 030.000 shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the affected PART 70 *Operating permit*. The reports shall contain the following information:

- (1) The identification of *Owner* and *Operator* and the permit number;
- (2) The PAL requirement that experienced the deviation or that was exceeded;
- (3) Emissions resulting from the deviation or the exceedance; and
- (4) A signed statement by the *Responsible official* certifying the truth, accuracy, and completeness of the information provided in the report.

- c. Revalidation Results. The *Owner* or *Operator* shall submit to the *Control Officer* the results of any revalidation test or method within three (3) months after completion of such test or method.

15. Transition Requirements for PALs

- a. The *Control Officer* may not issue a PAL that does not comply with the requirements in paragraphs 030.300.I.1 through 030.300.I.15 after the Administrator has approved regulations incorporating these requirements into the Nevada SIP.
- b. The *Control Officer* may supersede any PAL which was established prior to the date of approval of the Nevada SIP by the Administrator with a PAL that complies with the requirements of paragraphs 030.300.I.1 through 030.300.I.15.

SECTION J - POTENTIAL VISIBILITY IMPACTS

The *Control Officer* shall consult with the *Federal Land Manager* on a proposed *major stationary source* or *major modification* that may impact visibility in any Class I Area, in accordance with 40 CFR PART 51.307.

SECTION K - INVALIDATION

If any provision of PART 030.300, or the application of such provision to any *Person* or circumstance, is held invalid, the remainder of PART 030.300, or the application of such provision to *Persons* or circumstances other than those as to which it is held invalid, shall not be affected thereby.