

CHAPTER 030 - SOURCE PERMITTING AND OPERATION

PART 030.000 - GENERAL PROVISIONS

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PART 030.000 - GENERAL PROVISIONS

SECTION A - GENERAL

1. **PURPOSE.** This regulation requires the owner or operator of any stationary source(s) (“source(s)”) emitting air pollutants (“pollutants”) located within Washoe County to obtain a Permit to Construct (PTC) and/or a Permit to Operate (PTO) prior to constructing, modifying, or operating that stationary source, except for sources listed in SECTION 030.020.B.
 - a. The overarching purpose in requiring a PTC and/or PTO is to protect the health and welfare of the public from exposure to unhealthy concentrations of air pollutants. The PTC and PTO, by requiring information on new and existing stationary sources and modifications to those sources, not only provide information on air pollution emissions (thus facilitating air quality management), but also limit and/or track air pollution emissions, thereby reducing emissions and/or managing exposure from new and modified sources; this allows economic growth within Washoe County while minimizing associated air pollution emissions. Since protection of public health is the Air Quality Management Division’s (AQMD’s) primary concern, an application for a new source or a modification to an existing source that would adversely impact public health may be denied; should this occur, the owner or operator is encouraged to contact the AQMD to discuss revisions to the proposed source or modification that would reduce the source’s impact on air quality to acceptable levels.
 - b. Time and resources are necessary to prepare and to process applications for construction and operation of a source, and these regulations may require the installation and operation of control equipment or other measures to limit emissions. In addition, there may be monitoring, reporting and recordkeeping requirements included in the permits. Therefore, the owner/operator should include application preparation and processing time and the cost of control devices and monitoring/testing in their project plans.
 - c. Constructing or operating a source without obtaining the proper PTC or PTO, exceeding emissions limitations, or violating a permit term or condition can result in fines and other penalties (including an order to cease construction or operation). Therefore, owners and operators should review this regulation carefully to determine whether they are required to obtain a PTC or PTO and, if so, what standards and conditions apply. If it is unclear whether a specific source is subject to this regulation, the owner/operator should contact the AQMD for guidance.
 - d. A source may be subject to one or more of the air pollution permit regulations within PART 030.000, GENERAL REQUIREMENTS, depending on the source’s type, size, and emissions, and on the air quality status of the area the source will locate in or impact. Therefore, owner/operators should review the applicability criteria in PART 030.020 carefully to determine which of the following apply to the construction, modification, and/or operation of their source:
 - (1) 030.100 – General Permits
 - (2) 030.200 – Minor Source Permit Requirements
 - (3) 030.300 – Nonattainment New Source Review (NNSR)
 - (4) 030.400 – Prevention of Significant Deterioration (PSD)
 - (5) 030.500 – PART 70 Permit to Construct Requirements
 - (6) 030.510 – PART 70 Operating Permit Requirements

SECTION B - GENERAL PROHIBITIONS

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

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

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

SECTION C - GENERAL PERMIT PROVISIONS

1. PERMITS: REVOCATION AND REISSUANCE.

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

2. PERMITS: TRANSFERS; ADMINISTRATIVE AMENDMENT.

- a. A permit may not be transferred from one owner or piece of equipment to another unless otherwise specified in paragraph 030.000.C.2.c.(5).
- b. An owner or operator may apply for an administrative amendment reflecting a change of ownership or the name of the stationary source.
- c. The holder of a permit may request in writing, or the Control Officer may initiate, an administrative amendment of a permit to:
 - (1) Correct typographical errors;
 - (2) Identify a change in the name, address or telephone number of any person identified in the operating permit, or provide a similar minor administrative change at the stationary source;
 - (3) Require more frequent monitoring or reporting by the holder of the permit;
 - (4) Add the serial numbers of specific pieces of equipment which were not available at the time of the issuance of or revision of the operating permit; or
 - (5) Allow for a change in ownership or operational control of a stationary source if the Control Officer determines that no other change in the permit is necessary. A person who requests an administrative amendment pursuant to this paragraph must submit to the Control Officer a written agreement specifying a date for the transfer of responsibility for the permit.
- d. A holder of an operating permit must request an administrative amendment on an application provided by the Director. The application must be accompanied by a fee as determined by the District Board of Health.
- e. The Director shall:
 - (1) Issue or deny an application for an administrative amendment within thirty (30) calendar days after receipt of the application.
 - (2) If the administrative amendment is for a PART 70 Operating Permit, send a copy of the administrative amendment to the Administrator.

SECTION D - GENERAL ENFORCEMENT PROVISIONS

1. VIOLATIONS: ACTS CONSTITUTING; NOTICE.

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