

PART 70 PERMITTING REGULATIONS (Federal CAAA)

030.900

PART 70 PERMITTING REGULATIONS (Adopted 10/20/93, [Revised 08/xx/18](#))

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

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

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

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

~~A. Sources Required to Obtain a Part 70 Permit~~

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

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

~~B. Exemptions~~

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

- ~~1. Any source subject to this regulation solely because it is subject to 40 CFR Part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters.~~
- ~~2. Any source subject to this regulation solely because it is subject to 40 CFR Part 61, subpart M, National Emission Standards for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation.~~
- ~~3. Insignificant Emission Levels~~

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

- ~~4. All Dry Cleaning operations with the potential to emit less than ten (10) tons per year of any criteria or hazardous air pollutant shall be exempted for a period of five (5) years from the initial EPA Part 70 program approval date unless required to obtain a permit under **Section 030.905(A) (5)**.~~
- ~~5. All sources which would be subject to Part 70 permits under **Section 030.905 (A)** which are not major sources, affected sources or solid waste incineration units subject to permitting under section 129(e) of the act, are exempt from requirements to obtain a Part 70 permit for a period of 5 years from the date of EPA approval of the Washoe County Part 70 permit program.~~
- ~~6. Sources may seek exempt status by limiting facility emissions to levels below those defined for a major source as provided in **Section 010.090, part D (prohibitory status) and part E (Synthetic Minor sources)**.~~

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

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

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

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

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

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

~~030.920 PART 70 PERMIT APPLICATION PROCESS (Adopted 10/20/93)~~

~~A. General~~

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

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

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

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

~~B. New Permit Issuance, Renewals or Existing Permit Modifications~~

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

~~Within 30 days of the receipt of a Part 70 Permit application, the Control Officer shall make a determination as to the completeness of the application. If no completeness determination has been made by the Control Officer within 60 days of receipt of the application, the application shall be deemed complete by default. If the application is deemed incomplete, the Control Officer shall notify the applicant in writing within ten (10) days of his determination. The notification shall state the additional items or information~~

~~needed to take final action on the permit. A completeness determination shall be required for all permit applications except for those addressing minor permit modifications.~~

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

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

~~If no objections from the EPA Administrator are received within the allotted 45 day review period, and all required 30 day affected state and public comment periods have been completed, the Control Officer shall take final action on any draft permit within 12 months of the receipt of a complete application. If, at the end of one year, the required review and comment periods have not been completed, final action on the permit shall be issued as soon as practical after these periods have been completed but not later than 18 months after a complete application has been received. A copy of all final permits shall be sent to EPA.~~

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

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

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

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

~~C. Renewal of Permits~~

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

~~Part 70 permit will remain in full force and effect until the District takes final action on the application.~~

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

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

~~A. Permit Issuance and Modification~~

~~Public notice shall be given of any Part 70 draft permit addressing an initial permit issuance, renewal or significant permit modification. Such notice shall be made in a newspaper of general circulation within Washoe County and by mailing notice to persons on a list which shall be developed for such Part 70 notifications, or by other means if necessary to assure adequate notice to the affected public. At least 30 days shall be allowed for public comment under such notifications. The public notice shall include the following:~~

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

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

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

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

~~A. Affected States Review~~

~~The Control Officer shall provide notification of any draft permit to any affected state,~~

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

~~B. EPA Review~~

~~The Control Officer shall provide notification of any draft permit action to the EPA Administrator and allow 45 days for comment and review as specified in 40 CFR part~~

~~70.8. The notice shall include a copy of the proposed permit, the application, reports on the basis of the permit conditions, and necessary supporting materials. If agreed upon by the Control Officer and EPA, a summary of the application and other materials may be provided in lieu of the specific items noted above. If any changes are made to the proposed permit, an additional 45 day review period shall be provided for EPA review. No permit shall be issued if the EPA Administrator objects to any provisions of the proposed permit within the 45 day review period. If any necessary information has not been included in the notice packet, EPA may request such information and the 45 day review period will begin when such information is received. If the Administrator objects to the permit after the 45 day review period has expired, but before the final permit has been issued, the Control officer must address these objections before the final permit can be issued.~~

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

~~C. Appeals of the Final Permit~~

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

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

~~If the District fails to issue or deny a Part 70 permit within 18 months of the receipt of a~~

~~complete application, this shall be treated as a final permit action solely to allow for judicial review by the applicant or any person who participated in the public comment process under Section 030.930.~~

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

~~A. General~~

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

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

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

~~B. Changes not Requiring a Part 70 Permit Revision~~

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

~~1. Section 502 (b)(10) Changes~~

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

~~2. Provisions for Emissions Trading~~

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

~~independent of otherwise applicable requirements.~~

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

~~3. Reporting Requirements~~

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

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

~~C. Administrative Part 70 Permit Changes~~

~~Administrative permit changes shall be for the purpose of:~~

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

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

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

~~D. Minor Part 70 Permit Changes~~

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

- ~~1. Do not violate any applicable requirement;~~
- ~~2. Do not involve any significant changes to existing monitoring, reporting or record keeping requirements in the permit;~~
- ~~3. Do not require or change a case by case determination of an emission limitation or other standard or a source specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;~~
- ~~4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - ~~a. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Act;~~
 - ~~b. An alternative emissions limit approved pursuant to regulations promulgated under section 112 (i)(5) of the Act;~~~~
- ~~5. Are not modifications under any provision of Title I of the Act.~~

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

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

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

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

~~E. Significant Part 70 Permit Changes~~

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

~~All significant permit modifications shall meet all the requirements of initial permit issuance as specified in these regulations, including those for application forms, public participation, review by affected states and review by EPA but the application need only address information related to the proposed change. The Control Officer shall take final action on significant permit changes within nine (9) months of the receipt of a complete application. No changes covered under a significant permit modification may be implemented by the source without an Authority To Construct permit if such authorization is required under Regulation 030.002. The source must submit a complete application at least nine (9) months prior to the time it intends to implement the change. (Revised 10/25/95)~~

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

~~A. General~~

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

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

~~B. General Permits~~

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

~~Sources belonging to a category for which a "general" permit has been approved may request to be granted a Part 70 permit to operate under these provisions by submitting an application. Such applications must include all applicable information as specified in~~

~~030.020. No additional public comment will be provided for when operation under a~~

~~general permit is granted. Any general permit shall comply with all applicable requirements as defined in Section 010.0135 and shall identify criteria by which sources may qualify for the general permit. Affected sources may not be issued general permits. Permit holders operating under a general permit may be subject to enforcement action if it is later determined that they do not qualify for operation under that general permit. Granting operation under a general permit does not qualify as a final action for purposes of judicial review.~~

~~C. Operating Permit Conditions~~

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

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

- ~~1. Requirements that the source must comply with all conditions of the Part 70 permit and any applicable requirements of the Act.~~
- ~~2. Notice that failure to comply constitutes a violation of the Act and is grounds for enforcement actions; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. Notification that any filing by the permittee for any permit modification, notice of planned non-compliance or other planned changes do not stay the conditions of the permit.~~
- ~~3. Emissions limitations and standards, including operational requirements, emission rate limits or pollutant concentration limits that assure compliance with all applicable requirements at the time of permit issuance. Where an applicable requirement is more stringent than a requirement of the acid rain program, both requirements are federally enforceable and shall be incorporated into the permit.~~
- ~~4. Provisions for alternative operating scenarios as identified by the source in its application and as approved by the Control Officer. Such alternative operating terms shall provide that the source maintain contemporaneous records of which operating scenario they are operating under together with the times and dates for which any changes in operating scenarios are made.~~
- ~~5. Provisions for trading emissions increases and decreases within the facility to the extent the applicable requirements provide for such trading if requested by the source in its application and approved by the Control Officer.~~
- ~~6. Provisions for inspection and entry (as provided for under 020.0201), reporting, monitoring, record keeping and data collection required under the applicable requirements and sufficient to demonstrate compliance with permit terms and conditions. All methods for the collection of such data shall be specified in the permit including the time periods for data, any necessary supporting information concerning data collection and requirements for timely submission of reports to the District (not to exceed six (6) months or more often if required by an~~

~~applicable requirement or the Control Officer). These reports should include any required monitoring information and indicate all instances of deviations from permit requirements. Where the applicable requirement does not require periodic testing or monitoring, periodic monitoring sufficient to yield reliable data representative of the source's compliance with the permit shall be required. Permit to operate conditions would include requirements concerning the use, maintenance and, where appropriate, the installation of monitoring equipment or methods. These monitoring requirements shall assure use of terms, test methods, units averaging periods and other statistical conventions consistent with the applicable requirement. All required data and supporting information shall be retained by the source for a period of at least five (5) years. Supporting information shall include all calibration and maintenance records, strip charts, dates, places and times of sampling, the date the analysis were performed and by whom, the analytical techniques and results of the analyses, the operating conditions at the time of sampling, and any reports required by the permit. Copies of such records shall be furnished to the Control Officer upon request, and if confidential, provided to directly to EPA on request with a claim of confidentiality.~~

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

~~Submission of the annual compliance plan shall be due each year on anniversary of the date of issuance or more frequently if specified in an applicable requirement. The compliance plan shall be in conformance with the provisions of Section 030.970 of District regulations.~~

- ~~15. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce activity to maintain compliance.~~

~~D. Permit Reopenings~~

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

~~1. Reopening permits for cause~~

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

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

~~2. Reopening by EPA~~

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

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

~~E. Temporary Sources~~

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

~~F. Title IV Implementation~~

~~The Control Officer shall establish procedures consistent with 40 CFR Part 72 for any source subject to or choosing to implement the acid rain program under Title IV of the Act. Nothing in any permit or compliance plan issued pursuant to Title V of the Act shall be construed as affecting allowances under the acid rain program (section 408(b) of the Act). Any sources seeking permits under phase II of Title IV shall submit such applications as required in the Act. Applications for permits with sulfur dioxide related requirements will be submitted by January 1, 1996 and applications to add requirements related to Nitrogen Oxide emissions by January 1, 1998. Any source which becomes subject to Title IV of the Act shall have the following supplementary terms and conditions of operation in its Part 70 permit:~~

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

~~G. EPA Permit Implementation~~

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

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

~~A. Compliance Statements~~

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

- ~~1. Identification of each term or condition of operation that is the basis for certification.~~

- ~~2. The compliance status of the facility with respect to each term or condition of operation and a statement that the operator will continue to comply with such requirements.~~
- ~~3. Whether the compliance with each term or condition of operation was continuous or intermittent.~~
- ~~4. The method(s) used for determining the compliance status of the source including a description of monitoring, record keeping and reporting requirements, and test methods.~~
- ~~5. For any term or condition of operation for which the source is not in compliance, the source must submit a compliance schedule and a narrative description of how the source will achieve compliance with such requirements as described in **030.970 (B)** of these regulations.~~
- ~~6. For any source for which the Control Officer has established requirements for progress reports on compliance schedules, the source must provide these progress reports in a timely manner and address dates milestones and other activities that have been specified by the Control Officer. The progress report shall also include the dates on which any milestones were achieved and an explanation of any dates or milestones that were not or are not expected to be met, why they were not met and any corrective actions to be taken as a result.~~
- ~~7. Any other specific information needed to determine compliance as required by the Control Officer.~~
- ~~8. A certification of the truth, accuracy and completeness of the compliance statement by a responsible official.~~
- ~~9. Any additional requirements as may be specified pursuant to sections 114(a) and 504(b) of the Act.~~

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

~~B. Schedules For Compliance And Remedial Measures~~

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

- ~~1. A list of remedial measures, including enforceable sequences of actions with~~

~~milestones, leading to compliance with any applicable requirements in a timely manner.~~

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

~~C. Annual Inspection and Compliance Review~~

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

SECTION A - GENERAL

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

1. APPLICABILITY: The provisions of this regulation shall apply to any source and the owner or operator of any source subject to any requirement under Title 40 of the Code of Federal Regulations Part 70 (40 CFR 70) as incorporated into this regulation by reference. In addition, this regulation (030.900) shall apply to the following:

a. Sources Required to Obtain a Part 70 Permit

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

- 1) Any Major Stationary Source as defined in 40 CFR 70.3;

- 2) Any source, including area sources, subject to a standard, limitation or other requirement under Section 111 (New Source Performance Standards) of the Act;
- 3) Any source, including an area source, subject to a standard or other requirement under Section 112 (Hazardous Air Pollutants) of the Act. However, a source that is subject to regulations or requirements only under Section 112(r) of the Act shall not be required to obtain a permit;
- 4) Any source that includes one or more units subject to Title IV (Acid Rain) of the Act;
- 5) Any source in a source category designated by the EPA Administrator pursuant to 40 CFR Part 70.
- 6) Any source required to obtain a Title V permit by source category, regardless of calculated emissions rate.

b. Exemptions

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

- 1) Any source subject to this regulation solely because it is subject to 40 CFR Part 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.
- 2) Any source subject to this regulation solely because it is subject to 40 CFR Part 61, Subpart M, National Emission Standards for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation.
- 3) Insignificant Emission Levels
Sources with the potential to emit less than an annual average of two (2) pounds per day of any criteria pollutant or less than one (1) pound per day of any hazardous air pollutant on a facility-wide basis are exempted from all Part 70 permitting requirements. Such sources may still be required by the Control Officer to obtain a non-Part 70 operating permit under District regulations. No source that is itself subject to an applicable requirement may qualify as an insignificant source.
- 4) Sources may seek exempt status by limiting facility emissions to levels below those defined for a major source as provided in Section 010.090, Part D (prohibitory status) and Part E (Synthetic Minor sources).

c. Sources That Must be Permitted by the State of Nevada

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

SECTION B - DEFINITIONS: The following shall apply:

For the purpose of this regulation, the definitions specified in 40 CFR 70.2 and Section 010.001 through 010.265 of the District regulations shall apply.

SECTION C - STANDARDS: The following standards shall apply:

1. Upon the adoption of this regulation, the provisions of 40 CFR 70.6 a (1)-(6) and (8)-(10), b through g are incorporated herein by reference and made part of the District Board of Health Regulations Governing Air Quality Management.
2. Permit to Operate fees shall be assessed and collected annually in accordance with Section 030.310 thru 030.335 of the District regulations as established under 40 CFR 70.6 a (7) and shall be due each year on the anniversary of the date the permit was issued. Failure to pay annual permit fees may result in citations, suspension or revocation of the Part 70 permit.

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

1. GENERAL

The owner or operator of any source requiring a permit under 40 CFR 70.3 must obtain an authority to construct prior to any construction or installation activities associated with equipment or process that triggers the Part 70 permit.

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

2. NEW PERMIT ISSUANCE

a. The Control Officer shall establish standard application forms and procedures for obtaining Part 70 permits. The design of these forms shall meet the content requirements of 40 CFR Part 70.5 (c). The applicant must provide all necessary information for the evaluation and permitting of the source as required by the Control Officer in a timely manner including information required after the application is deemed complete. The application must meet all necessary requirements of 40 CFR 70.7.

b. Compliance with the requirements of 40 CFR 70.7 and 70.8 shall be required for any Authority to Construct, or a modifications of a Permit to Operate issued for new sources or facility modifications.

c. Within 30 calendar days of the receipt of a Part 70 Permit application, the Control Officer shall make a determination as to the completeness of the application. If no completeness determination has been made by the Control Officer within 60 calendar days of receipt of the application, the application shall be deemed complete by default. If the application is deemed incomplete, the Control Officer shall notify the applicant in writing within ten (10) calendar days of his determination. The notification shall state the

additional items or information needed to take final action on the permit. A completeness determination shall be required for all permit applications except for those addressing minor permit modifications including administrative.

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

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

- 1) Issue an authority to construct or modification for the proposed operations; or
- 2) Deny the permit application or modification.

- e. If no objections from the EPA Administrator are received within the allotted 45-day review period, and all required 30 day affected state and public comment periods have been completed, the Control Officer shall take final action on any Authority to Construct or Permit Modification within 12 months of the receipt of a complete application. If, at the end of one year, the required review and comment periods have not been completed, final action on the permit shall be issued as soon as practical after these periods have been completed but no later than 18 months after a complete application has been received. A copy of all final permits shall be sent to EPA.

- f. The procedures for completeness review and processing shall be the same as specified under 40 CFR 70.5, for new applications. The requirements for public, affected state and EPA notice shall be the same as for initial permit issuances. All procedures for EPA permit veto and public judicial appeal shall be the same as for initial permit issuance. If the District fails to issue or deny a Part 70 permit within 18 months of the receipt of a complete application, this shall be treated as a final permit action solely to allow for judicial review by the applicant or any person who participated in the public comment process under 40 CFR 70.5 and NRS 445B.215.

- g. Temporary location sources. The AQMD may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:

- 1) Conditions that will assure compliance with all applicable requirements at all authorized locations;
- 2) Requirements that the owner or operator notify the permitting authority at least 10 days in advance of each change in location; and
- 3) Conditions that assure compliance with all other provisions of this section.

- h. In accordance with 40 CFR Part 70.10, the EPA Administrator may supersede the District's Part 70 regulations and issue Part 70 permits as necessary.

3. FACILITY MODIFICATIONS

- a. INSIGNIFICANT MODIFICATIONS: Changes to the operation of sources may be made

without a permit revision if the changes comply with the provisions of 40 CFR 70.4 (b)(12)(i) through (iii) and Section 502 (b)(10).

b. ADMINISTRATIVE MODIFICATIONS: Administrative permit changes shall be for the purpose of:

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

c. MINOR MODIFICATIONS: Minor permit changes shall be only for those permit modifications that:

- 1) Within 90 calendar days of the receipt of a complete application for a minor permit modification or 21 calendar days after the EPA Administrator has completed the 45-calendar day review period allowed for under 030.940 (D.5) (whichever is later), the Control Officer shall take one of the following actions:
 - i. Issue the permit modification as proposed;
 - ii. Deny the permit modification;
 - iii. Determine that the requested modification does not meet the minor permit modification requirement criteria and that it should be reviewed as a significant modification;
 - iv. Revise the Draft permit modification and transmit to the EPA Administrator the new proposed permit modification.
- 2) Do not violate any applicable requirement;
- 3) Do not involve any significant changes to existing monitoring, reporting or record keeping requirements in the permit;
- 4) Do not require or change a case-by-case determination of an emission limitation or other standard or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- 5) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

- i. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Act;
 - ii. An alternative emissions limit approved pursuant to regulations promulgated under Section 112 (i)(5) of the Act;
 - 6) Are not modifications under any provision of Title I of the Act.
- d. SIGNIFICANT MODIFICATIONS: Any changes to a permit that require a permit modification that cannot be considered as insignificant, administrative or minor must be evaluated as a significant permit modification. Any significant changes in permit terms or conditions and every relaxation of reporting or record-keeping permit terms or conditions shall be considered significant.
 - 1) All significant permit modifications shall meet all the requirements of initial permit issuance as specified in these regulations, including those for application forms, public participation, review by affected states and review by EPA, but the application need only address information related to the proposed changes. The Control Officer shall take final action on significant permit changes within nine (9) months of the receipt of a complete application.
 - 2) No changes covered under a significant permit modification may be implemented by the source without an Authority to Construct being issued, if such authorization is required under Section 030.002 of the District regulations. The source must submit a complete application at least nine (9) months prior to the time it intends to implement the change. (Revised 10/25/95)
 - 3) The Control Officer shall provide notification to EPA and affected states of any proposed permit modifications within seven (7) calendar days of the receipt of a complete application. The notice to EPA shall include all applications except those belonging to types which EPA agrees to waive.
 - 4) The source may implement the proposed changes on receipt of the modified permit from the Control Officer.

4. RENEWAL OF PERMITS

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

under 030.920 (D.2), for new applications. The requirements for public, affected state and EPA notice shall be the same as for initial permit issuances. All procedures for EPA permit veto and public judicial appeal shall be the same as for initial permit issuance.

5. PUBLIC NOTICE:

Public notice shall be given of any Part 70 draft permit addressing an initial permit issuance or significant permit modification. Three such notices shall be made in a newspaper of general circulation within Washoe County in accordance with 40 CFR 70.5 and NRS 445B.215. At least 30 calendar days shall be allowed for public comment under such notifications. The public notice shall include the following:

- a. The name and address of the applicant and identification of the affected facility;
- b. The activities involved in the permit action;
- c. The emission changes involved in any permit modification;
- d. The address of the Washoe County Air Quality Management Division and the name and phone number of a person from whom additional information on the draft permit may be obtained, including copies of the draft permit, the application, reports on the basis of the permit conditions, and relevant supporting materials;
- e. A brief description of the procedures for making comment, including any deadlines for making such comment;
- f. A brief description of the procedures for requesting a Public Hearing on the draft permit or the date, time and location for such a hearing if one has been scheduled.

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

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

6. PUBLIC HEARING:

The Control Officer shall hold at least one public hearing on an application for a part 70 permit. At such a public hearing, the applicant and members of the public may submit any information relating to the application and the air quality impacts of the proposed operations described in the application.

7. GENERAL PERMITS:

The control officer may, after notice and opportunity for public participation provided under 40 CFR 70.7(h), issue a general permit covering similar sources.

- a. Any general permit shall comply with all applicable Part 70 permit requirements and shall identify criteria by which sources may qualify for the general permit. For sources that qualify, the control officer will determine the conditions and terms of the general permit.

- b. As specified in the permit shield provisions of 40 CFR 70 (f), the source shall be subject to enforcement action for operation without a Part 70 permit if the source is later determined not to qualify for the conditions and terms of the general permit.
- c. General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the Act.
- d. Part 70 sources that would qualify for a general permit must apply to the control officer for coverage under the terms of the general permit or must apply for a Part 70 permit consistent with 40 CFR 70.5, and are exempt from a 30 day public comment period.
- e. The control officer may, in the general permit, provide for applications that deviate from the requirements of 40 CFR 70.5, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under 40 CFR 70.7(h), the control officer may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

8. APPEALS OF THE FINAL PERMIT:

- a. Any person may petition the EPA Administrator within 60 days after the expiration of the Administrator's 45 day review period. The objections must be based on grounds raised during the public comment process, unless it was impracticable to raise such objections or new grounds arise.
- b. The applicant or any person who participated in the public comment process may petition the District Board of Health concerning any final permit action within 30 days of such action. Such appeals will be heard first by the Air Pollution Control Hearing Board and shall be scheduled for hearing within 30 days after the appeal has been made. Any persons appealing final permit actions may submit their petitions to the District Court for judicial review after appeals to the Air Pollution Control Hearing Board and District Board of Health have been exhausted. Any appeal to District Court for judicial review must be made within 90 days of the final permit action as per Section 020.010 of the District regulations, unless it can be demonstrated that the petition is based solely on new grounds arising after the date for judicial review. Any appeal based on new grounds must be filed within 90 days after such new grounds arise.
- c. If the District fails to issue or deny a Part 70 permit within 18 months of the receipt of a complete application, this shall be treated as a final permit action solely to allow for judicial review by the applicant or any person who participated in the public comment process under Section D 6 of this rule.

9. PERMIT REOPENINGS

Part 70 permits may be reopened and revised by the Control Officer or the EPA Administrator. Procedures for reopening and revision shall be in accordance with 40 CFR 70.7 f and g

SECTION E - COMPLIANCE AND RECORDS: In addition to the requirements of 40 CFR 70.6, the following additional compliance and record requirements shall also apply:

1. RECORD REQUIREMENTS: All records required by Sections 030.900 1 through 4 shall be maintained at the site of the facility by the operator for a period of at least 5 years. All required records shall be provided to the Control Officer upon request.
2. COMPLIANCE DEMONSTRATIONS: The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Authority to Construct and/or Permit to Operate. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data constitutes a violation of the conditions of the Authority to Construct and/or Permit to Operate, and the affected source will be subject to a citation under these regulations, suspension of their Permit to Operate, or both.
3. PUBLIC NOTICE RECORDS: The Control Officer shall maintain all notice of decisions, any public notice issued, or comments received for a period of 5 years from the time of issuance or denial of any permit issued or denied under the requirements of Sections 030.900 1 through 4.
4. COMPLIANCE WITH OTHER RULES, LAWS AND STATUTES: Obtaining an Authority to Construct and/or a Permit to Operate shall not relieve any owner or operator of their responsibility to comply with applicable provisions of the Nevada State Implementation Plan and any other requirements under local, state, or federal law.