

# **CHAPTER 030 - SOURCE PERMITTING AND OPERATION**

## **PART 030.010 - GENERAL DEFINITIONS**

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## **PART 030.010 - GENERAL DEFINITIONS (Adopted 9/26/24, Effective 1/1/25)**

### **SECTION A - DEFINITIONS AND ACRONYMS**

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

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

ACTUAL EMISSIONS means:

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

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

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

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

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

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

AFFECTED STATE means all States that are contiguous to Washoe County whose air quality may be affected, or all States and tribes that are within fifty (50) miles of the PART 70 source under consideration. Notice of all PART 70 issuances, renewals, or modifications shall be provided to Affected states as applicable.

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

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

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

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

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

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

APPLICABLE REQUIREMENTS means:

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

- regulations promulgated thereunder;
- f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;
  - g. Any standard or other requirement under section 126(a)(1) and (c) of the Act;
  - h. Any standard or other requirement governing solid waste incineration under section 129 of the Act;
  - i. Any standard or other requirement for consumer and commercial products under section 183(e) of the Act;
  - j. Any standard or other requirement for tank vessels under section 183(f) of the Act;
  - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and
  - l. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

**AUTHORITY TO CONSTRUCT** means an authorization to construct a stationary source of air pollution, generally conveyed by a permit. This term was superseded in 2024 by the term PERMIT TO CONSTRUCT, but means the same.

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

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

this amount if required by paragraph a.(2). of this definition.

- b. For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Control Officer for a permit required under this section, whichever is earlier.
  - (1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
  - (2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.
  - (3) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the Administrator proposed or promulgated under 40 CFR PART 63, the baseline actual emissions need only be adjusted if the Control Officer has taken credit for such emissions reductions in an attainment demonstration or maintenance plan.
  - (4) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
  - (5) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs b.(2) and b.(3) of this definition.
- c. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.
- d. For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph a. of this definition, for other existing emissions units in accordance with the procedures contained in paragraph b. of this definition, and for a new emissions unit in accordance with the procedures contained in paragraph c. of this definition.

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

BEST SYSTEM OF CONTROL (BSC) means:

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

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

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

result of a physical change or change in the method of operation in the unit.

BRITISH THERMAL UNIT (Btu) means the quantity of heat required to raise the temperature of one (1) pound of water by one (1) degree Fahrenheit at or near its point of maximum density (39.16 °F or 3.98 °C).

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

BUILDING, STRUCTURE, FACILITY OR INSTALLATION means:

- a. All of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00716-0, respectively).
- b. Notwithstanding the provisions of paragraph a. of this 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 (1) 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 one-quarter (1/4) mile of one (1) 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, has the same meaning as in 40 CFR PART 63.761.

CLASS I AREA means any area listed as Class I in 40 CFR PART 81 Subpart D, including SECTION 81.418, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

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

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

- modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source, to be completed within a reasonable time; or
- (3) For modification of a stationary source, has begun those on-site activities, other than preparatory activities, which mark the initiation of the modification.

COMPLETE means in reference to an application for a permit that the application, in the judgment of the Control Officer, contains all of the information necessary for processing the application. Such a determination does not prohibit the Control Officer from a finding during the permitting process that additional or clarifying information is needed to complete the review process and determine whether to issue a permit or deny the application.

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

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

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

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

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

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

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

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

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

ELECTRIC UTILITY STEAM GENERATING UNIT means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five (25) MW electrical output to any utility power distribution system for sale. Any steam



supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

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

EMERGENCY GENERATOR means a stationary combustion device, such as a reciprocating internal combustion engine or turbine that serves solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the owner or operator of a facility.

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

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

EMISSIONS UNIT:

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

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

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

in the permit or document, as applicable.

EPA means the United States Environmental Protection Agency.

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

EXCESS EMISSIONS generally means any emission which exceeds any applicable emission limitation prescribed by these regulations or that is contained in an operating permit. The averaging time and test procedures for determining excess emissions must be as specified in the relevant condition or conditions of the operating permit, except that this does not preclude the use, including the exclusive use, of any credible evidence or information relevant to the determination of whether a source would have been in compliance with the applicable requirements if the appropriate performance or compliance test or procedure had been performed to determine excess emissions.

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

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

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

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

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

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

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

GAS means matter that has no definite shape or volume.

GENERAL PERMIT means:

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

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

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

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

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

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

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

INSIGNIFICANT MINOR SOURCE MODIFICATION: See definition of modification.

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

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

MAJOR STATIONARY SOURCE means,

- a. For purposes of NNSR permitting, the definition specified in PART 030.300.
- b. For purposes of PSD permitting, the definition specified in PART 030.400.

MAJOR MODIFICATION means,

- a. For purposes of NNSR permitting, the definition specified in PART 030.300.
- b. For purposes of PSD permitting, the definition specified in PART 030.400.

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

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

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

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

POLLUTANT	PTE THRESHOLD, TPY
PM10	5
PM2.5	5
CO	5
VOC	5
NOx	5
SO <sub>2</sub>	5
Lead (Pb)	0.3
H <sub>2</sub> S	5
TOTAL REDUCED SULFUR (TRS), including H <sub>2</sub> S)	5

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

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

- a. The trigger date is:
  - (1) In the case of PM<sub>10</sub> and sulfur dioxide, August 7, 1977;
  - (2) In the case of nitrogen dioxide, February 8, 1988; and
  - (3) In the case of PM<sub>2.5</sub>, October 20, 2011.
- b. The baseline date is established for each regulated NSR pollutant for which increments or other equivalent measures have been established if:
  - (1) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under PART 030.400 and/or 40 CFR PART 52.21 ; and
  - (2) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

MODIFICATION means:

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

- (i) A minor modification is significant if:
    - (A) the PTE of the source for that pollutant prior to the modification equals or exceeds the significant minor source permitting threshold for that pollutant, and
    - (B) the modification results in any increase in the PTE of the source for that pollutant.
  - (ii) A minor modification is insignificant if it is not a significant minor modification.
  - (iii) If the source-wide PTE increase resulting from a significant minor modification equals or exceeds the BSC threshold for that regulated minor source pollutant, it is significant and BSC must be applied to that PTE increase as specified in the BSC definition.
- b. When applied to a permit (either a PTC or PTO): a revision or change to a permit, usually by adding new or revising existing permit terms or conditions, including emissions limitations and monitoring, recording, and reporting requirements. There are different types of permit modifications, depending on the regulation being applied.

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

NEW STATIONARY SOURCE means:

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

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

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

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

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

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

NONROAD ENGINE means:

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

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

ONE-HOUR PERIOD means any 60-minute period.

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

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

OPERATING PERMIT has the same meaning as Permit to Operate.

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

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

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

PERMIT MODIFICATION means:

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

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

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

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

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

PM<sub>2.5</sub> means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or  $\mu$ ) as measured by a reference method based on 40 CFR PART 50 Appendix L and designated in accordance with 40 CFR PART 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

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



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

PM10 EMISSIONS means finely-divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal (ten) 10 micrometers (microns or  $\mu$ ) emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR PART 51 Appendix M or by a test method specified in the SIP.

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

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

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

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

PSD PERMIT means a permit issued pursuant to PART 030.400.

RECONSTRUCTION OR RECONSTRUCT means:

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

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

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

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

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

REGULATED MINOR SOURCE POLLUTANT means all criteria pollutants, hydrogen sulfide (H<sub>2</sub>S), and Total Reduced Sulfur (TRS). TRS includes H<sub>2</sub>S.

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

- a. Any pollutant for which a national ambient air quality standard has been promulgated. This includes, but is not limited to, the following:
  - (1) PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions shall include gaseous emissions from a source or activity, which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> in PSD permits. Compliance with emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.
  - (2) Any pollutant identified under 40 CFR PART 52.21(b)(50)(i)(b) as a constituent or precursor for a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified by the Administrator for purposes of NSR are the following:
    - (a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment

- and unclassifiable areas.
- (b) Sulfur dioxide is a precursor to PM<sub>2.5</sub> in all attainment and unclassifiable areas.
  - (c) Nitrogen oxides are presumed to be precursors to PM<sub>2.5</sub> in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.
  - (d) Volatile organic compounds are presumed not to be precursors to PM<sub>2.5</sub> in any attainment or unclassifiable area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.

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

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

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

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

RESPONSIBLE OFFICIAL means:

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

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

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

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

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

SIGNIFICANT or SIGNIFICANTLY for purposes of emissions increases, means:

- a. For purposes of minor source permitting, the definition specified in PART 030.200:
- b. For purposes of NNSR permitting, the definition specified in PART 030.300.
- c. For purposes of PSD permitting, the definition specified in PART 030.400.

SIGNIFICANT MINOR SOURCE: See Minor Source.

SIGNIFICANT MODIFICATION: See Modification.

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

SOURCE means:

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

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

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

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

STATIONARY SOURCE means:

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

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

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

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

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

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

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

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

#### ACRONYMS

BACT	Best Available Control Technology
BAE	Baseline Actual Emissions
BSC	Best System of Control
Btu	British Thermal Unit
CAA	Clean Air Act
CFR	Code of Federal Regulations
CO	Control Officer (or, in context, carbon monoxide)
EPA	Environmental Protection Agency
FLM	Federal Land Manager
GEP	Good Engineering Practices
GHG	Greenhouse Gases
HAP	Hazardous Air Pollutant
ICE	Internal Combustion Engine
LAER	Lowest Achievable Emissions Rate
MACT	Maximum Achievable Control Technology
MW	Megawatt
NAAQS	National Ambient Air Quality Standard
NEI	Net Emissions Increase
NNSR	Nonattainment New Source Review (generally referring to major sources)
NSPS	New Source Performance Standards
NSR	New Source Review
PAE	Projected Actual Emissions
PAL	Plantwide Applicability Determination
PSD	Prevention of Significant Deterioration
PTC	Permit to Construct
PTE	Potential to Emit
PTO	Permit to Operate
RACT	Reasonably Available Control Technology
SER	Significant Emissions Rate
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SSM	Startup, Shutdown, and Malfunction
TRS	Total Reduced Sulfur
VOC	Volatile Organic Compounds