

# CHAPTER 030 - SOURCE PERMITTING AND OPERATION

## PART 030.500 - PART 70 PERMIT TO CONSTRUCT REQUIREMENTS

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

## **PART 030.500 - PART 70 PERMIT TO CONSTRUCT REQUIREMENTS (Adopted 9/26/24, Effective 1/1/25)**

### **SECTION A - PERMIT TO CONSTRUCT REQUIRED; DURATION**

#### **1. COMMENCEMENT OF CONSTRUCTION: TIMING REQUIREMENT AND PRECONSTRUCTION REVIEW APPLICABILITY CRITERIA.**

- a. Except as provided in paragraph 030.500.C.2.(e) for minor revisions of a PART 70 Operating Permit, an owner or operator of an existing or new PART 70 source shall obtain Permit to Construct from the Control Officer before beginning actual construction or continuing to operate any of the following:
  - (1) A new PART 70 source;
  - (2) A "Major Modification" as defined in PARTS 030.300 or 030.400;
  - (3) A modification that increases the PART 70 source's PTE by an amount equal to or greater than the minor NSR significant level in SECTION 030.500.B;
  - (4) Construction, modification, or reconstruction of an affected facility that becomes newly subject to a standard, limitation, or other requirement under 40 CFR PART 60;
  - (5) Construction or reconstruction of a new source or of an affected source that becomes newly subject to a standard, limitation, or other requirement under 40 CFR PART 63, including, but not limited to, construction or modification that requires preconstruction review under 40 CFR PART 63.5; or
  - (6) A modification to a solid waste incinerator unit as defined by an applicable standard under 40 CFR PART 60.
- b. Unless the Control Officer receives and grants a written request to extend the eighteen (18) month period referenced in paragraphs 030.500.A.1.b.(1) or b.(2) at least thirty (30) calendar days before the deadline, a Permit to Construct issued under PART 030.500 or a Permit to Construct authorization issued under PART 030.510 shall remain in effect only if:
  - (1) The owner or operator commences the construction, modification, or reconstruction of the PART 70 source within eighteen (18) months of the issuance date of a Permit to Construct or authorization to construct;
  - (2) Such activity is not discontinued for a period greater than eighteen (18) months; and
  - (3) The Control Officer does not revoke and reissue, or terminate, the Permit to Construct for cause.
- c. Notwithstanding the provisions of paragraphs 030.500.A.1.a or 030.500.A.1.b, if an existing PART 70 Operating Permit would prohibit such construction, modification, or reconstruction, the owner or operator of the PART 70 source must obtain a PART 70 Operating Permit revision pursuant to paragraphs 030.510.B.13 or 030.510.B.14, as appropriate, before commencing operation.

## SECTION B - DEFINITIONS

**USE OF TERMS.** The following definitions apply to terms used in PART 030.500. Unless the context requires otherwise, the following terms shall have the meanings set forth for the purposes of PART 030.500. When a term is not defined, it shall have the meaning provided in PART 030.000, 40 CFR PART 70.2, the Act, or common usage, in that order of priority.

**AFFECTED EMISSIONS UNIT** means any PART or activity of a stationary source that increases emissions due to construction, modification, or reconstruction at the PART 70 source and emits, or has the potential to emit, any regulated air pollutant, but is not constructed, modified, or reconstructed.

**CONSTRUCTED EMISSIONS UNIT** means any PART or activity of a stationary source that is newly constructed, modified, or reconstructed and emits, or has the potential to emit, any regulated air pollutant.

**EXISTING PART 70 SOURCE** means a PART 70 source that either has a valid PART 70 Operating Permit issued prior to the effective date of PART 030.500 or has an application for a PART 70 Operating Permit deemed complete prior to the effective date of PART 030.500.

**MINOR NSR SIGNIFICANT LEVELS** means an increase in the potential to emit that equals or exceeds the following rates for the pollutants listed:

| POLLUTANT   | PTE THRESHOLD,<br>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),<br>including H <sub>2</sub> S | 5                     |

**MODIFICATION OR MODIFY** means a project which meets any of the preconstruction review applicability criteria in the definition of preconstruction or that requires a minor or significant permit revision pursuant to paragraph 030.510.B.14.

**NEW PART 70 SOURCE** means a PART 70 source that is not an existing PART 70 source.

**PRECONSTRUCTION REVIEW APPLICABILITY CRITERIA** means any of the following:

- At an existing major stationary source, a project that will result in a “major modification” as defined in PARTS 030.300 or 030.400;
- A new PART 70 source or a modification to an existing PART 70 source that is subject to paragraph 030.500.C.2;
- Any project that is subject to a standard, limitation, or other requirement under 40 CFR PART 60;

- d. Any project that is subject to a standard under 40 CFR PART 63, including, but not limited to, construction or reconstruction that requires preconstruction review under 40 CFR PART 63.5; or
- e. For a solid waste incineration unit, a project that will result in a modification for purposes of SECTION 129(g)(3) of the Act.

PROJECT means a physical change in, or change in the method of operation of, a PART 70 source. For purposes of this definition, a physical change or change in the method of operation shall not include:

- a. Routine maintenance, repair, and replacement.
- b. Use of an alternative fuel or raw material by reason of any order under SECTION 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.
- c. Use of an alternative fuel by reason of an order or rule under SECTION 125 of the Act.
- d. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- e. Use of an alternative fuel or raw material by a stationary source which:
  - (1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51 Subpart I; or
  - (2) The source is approved to use under any permit issued under 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51, Subpart I.
- f. An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR PART 52.21 or under regulations approved pursuant to 40 CFR PART 51, Subpart I or 40 CFR PART 51.166.
- g. Any change in ownership at a stationary source.

RESPONSIBLE OFFICIAL means one (1) of the following:

- a. For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (1) The operating facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or
  - (2) The delegation of authority to such representative is 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, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a

principal geographic unit of the agency; or  
d. For Title IV affected sources:

- (1) The designated representative, as defined in 40 CFR PART 72.2, in so far as actions, standards, requirements, or prohibitions under Title IV of the Act, "Acid Deposition Control," or the regulations promulgated there under are concerned; or
- (2) The responsible official as defined above for any other purposes under PART 030.500.

## SECTION C - PERMIT TO CONSTRUCT FOR PART 70 SOURCES

### 1. APPLICATION SUBMISSION REQUIREMENTS.

- a. Application Requirements. The owner or operator of the PART 70 source shall submit an application for a Permit to Construct on a form provided by the Control Officer. The application shall contain the following information related to the construction, modification, or reconstruction:
  - (1) A description of all emissions of regulated air pollutants from all affected emissions units and a projected operating schedule for each emissions unit;
  - (2) An identification and a description of all points of emissions and a process description of all activities, including design capacity, which may generate emissions of the regulated air pollutants described pursuant to paragraph 030.500.C.1.a.(1) in sufficient detail to establish the basis for the applicability of standards and fees;
  - (3) The emission rates of all regulated air pollutants, including fugitive emission rates. The emission rates must be described in tons per year (tpy) and for such shorter-term averages as are necessary to establish compliance using the applicable standard reference test method or other methodology specified in paragraph 030.500.C.1.a.(7);
  - (4) A description of any new or modified air pollution control equipment to be operated at the stationary source;
  - (5) The calculations on which the information described in paragraph 030.500.C.1 are based, including a fuel description and specifications;
  - (6) Citations to and a description of all applicable requirements;
  - (7) The applicable test method or other methodology used for determining compliance with each applicable requirement;
  - (8) A control technology demonstration for Best System of Control (BSC) shall be submitted for a modification to an existing PART 70 source that requires a Permit to Construct because:
    - (a) The modification will increase the source's potential to emit by an amount that is equal to or greater than the minor NSR significant level found in the definition of minor NSR significant level in SECTION 030.500.B;
    - (b) A control technology demonstration is not otherwise required by PARTS 030.300 or 030.400; or
    - (c) The modification will be major for one (1) pollutant and will increase the source's potential to emit by an amount equal to or greater than the minor NSR significant level for one (1) or more pollutants that are not PART of or precursors to the pollutant associated with the major modification. The BSC control technology demonstration shall only apply to the pollutant(s) exceeding the minor NSR significant level. The application shall describe how BSC was determined and how compliance with BSC is to be measured, including, if applicable, material usage limits, performance testing, and continuous emissions monitoring.
  - (9) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols;
  - (10) If applicable, the information necessary to establish a basic design parameter;
  - (11) If applicable, a description of how the permittee proposes to comply with the compliance assurance monitoring requirements in 40 CFR PART 64, including a plan describing how the applicant will comply with the monitoring design criteria in 40 CFR PART 64.3;

- (12) If any information or data in the application is proposed to be treated as confidential, a demonstration of compliance with SECTION 020.000.D;
  - (13) If the applicant wishes to be subject to the enhanced public participation procedures in paragraph 030.400.P.6, a declaration to that effect; and
  - (14) For construction, modification, or reconstruction that increases the PART 70 source's PTE by an amount equal to or greater than the minor NSR significant level defined in SECTION 030.500.B for a regulated air pollutant, but less than the major source or major modification threshold in PARTS 030.300 or 030.400, a demonstration that the construction will not cause an exceedance of the National Ambient Air Quality Standards (NAAQS) or an exceedance of the ambient air increments specified in SECTION 030.400.C.
- b. Additional Application Requirements for Sources Subject to PART 030.400 (Major Source PSD). If the new or modified PART 70 source is subject to the Prevention of Significant Deterioration preconstruction review provisions of PART 030.400, the application shall also contain the following:
- (1) The control technology review required by SECTION 030.400.I;
  - (2) The source impact analysis required by SECTION 030.400.J;
  - (3) The air quality analysis required by SECTION 030.400.L;
  - (4) The source information required by SECTION 030.400.M;
  - (5) The additional impact analyses required by SECTION 030.400.N; and
  - (6) Any other information that the Control Officer determines is necessary to process the application in accordance with PARTS 030.300 and 030.400.
- c. Additional Application Requirements for Sources Subject to PART 030.300 (Major Source Nonattainment NSR). If the new or modified PART 70 source is subject to the nonattainment area preconstruction review provisions of PART 030.300, the application shall also contain the following:
- (1) The statewide compliance demonstration required by SECTION 030.300.C;
  - (2) The alternatives analysis required by SECTION 030.300.D;
  - (3) The LAER demonstration and draft permit conditions required to ensure compliance with LAER required by paragraph 030.300.E.2;
  - (4) An air impact analysis, including dispersion modeling;
  - (5) The information necessary to demonstrate that the applicant has satisfied or will satisfy the emissions offset requirements in SECTION 030.300.F; and
  - (6) Any other information that the Control Officer determines is necessary to process the application in accordance with PARTS 030.300 and 030.400.
- d. Additional Requirements for Construction, or Requirements for Construction or Reconstruction of a PART 70 Source Subject to a Standard under Sections 112(d), (f), or (h) of the Act (MACT Source).
- (1) In addition to any other application requirements in PART 030.500, if the construction of a new PART 70 source, or the construction or reconstruction of an existing PART 70 source, creates a "new affected source" or "reconstructed affected source" that is a major source under 40 CFR PART 63, the owner or operator shall comply with the application requirements under 40 CFR PART 63.5 and paragraph 030.500.C.1.a. The Permit to Construct for such a source shall comply with the requirements in 40 CFR PART 63.5(e).

## 2. APPLICATION PROCESSING PROCEDURES.

- a. For construction or modifications subject to PARTS 030.300 or 030.400, the Control Officer shall follow the procedures in either SECTION 030.400.P or paragraph 030.500.C.2.d to process the application and to provide for public participation.
- b. When an owner or operator of a PART 70 source must revise the PART 70 Operating Permit before construction, modification, or reconstruction (as specified in paragraph 030.500.A.1.c), the Control Officer shall follow the procedures in paragraphs 030.510.B.13 or 030.510.B.14, as applicable, to process the application for a Permit to Construct and revise the PART 70 Operating Permit.
- c. For construction, modification, and reconstruction not subject to paragraphs 030.500.C.2.a or 030.500.C.2.b, and except as provided in paragraphs 030.500.C.2.e or 030.500.C.2.d, the Control Officer shall determine whether the application is complete and issue the Permit to Construct in accordance with the following procedures:
  - (1) Within one hundred (100) calendar days of receiving an application for a Permit to Construct, the Control Officer shall determine if the application is complete. If substantial additional information is required, the Control Officer shall determine the application is incomplete and return it to the applicant. If substantial additional information is not required, the Control Officer shall determine the application is complete. If the Control Officer does not make a determination on application completeness within one hundred (100) calendar days, the application is automatically deemed complete on the one hundred first (101<sup>st</sup>) calendar day after the date of receipt.
  - (2) If the Control Officer discovers, after the date the application is determined to be complete, that additional information is required to act on it, the Control Officer may request the additional information needed to determine whether the proposed project will comply with all applicable requirements. The applicant must provide in writing any additional information requested within the time specified in the Control Officer's written request. A delay in submitting the requested information may result in a corresponding delay in Control Officer action on the application, or the Control Officer may withdraw the previous completeness determination and declare the application incomplete.
  - (3) When paragraph 030.500.A.1.a.(3) requires a Permit to Construct, the Control Officer shall follow the public participation procedures in paragraph 030.500.C.3 before issuing the permit.
  - (4) When paragraphs 030.500.A.1.a.(4) or 030.500.A.1.a.(6) require a Permit to Construct, the owner or operator of the PART 70 source shall follow the notification requirements in 40 CFR PART 60, Subpart A, and the Control Officer shall follow the applicable procedures in 40 CFR PART 60, Subpart A before issuing the Permit to Construct.
  - (5) When paragraph 030.500.A.1.a.(5) requires a Permit to Construct, the owner or operator of the PART 70 source shall follow the notification requirements in 40 CFR PART 63, Subpart A; the Control Officer shall determine that the construction or reconstruction will not cause emissions in violation of the relevant standard(s) and any other federally enforceable requirements and, if applicable, will provide for participation procedures in accordance with 40 CFR PART 63, Subpart B when making a case-by-case Maximum Achievable Control Technology determination before issuing the Permit to Construct.
  - (6) The Control Officer shall not issue a Permit to Construct unless, after the date an application is determined to be complete, the Control Officer determines that the new or modified source will



meet all applicable requirements.

- d. PART 70 Operating Permit Significant Permit Revision. For construction, modification, or reconstruction that meets the criteria for a significant permit revision under paragraph 030.510.B.14.c.(1), the owner or operator may submit an application for a Permit to Construct that fulfills both the requirements of paragraph 030.500.C.1.a and the requirements for an application for a significant revision to an existing PART 70 Operating Permit in paragraph 030.510.B.14.c.(2); the owner or operator and Control Officer may then follow the procedures for significant permit revisions in paragraph 030.510.B.14.c to obtain authorization to construct and operate under a revised PART 70 Operating Permit and/or a Permit to Construct.
  - e. PART 70 Operating Permit Minor Permit Revision. For modifications that increase the PART 70 source's PTE by an amount less than the minor NSR significance level defined in SECTION 030.500.B and meet the criteria for a minor permit revision under paragraph 030.510.B.14.a.(1):
    - (1) The owner or operator may submit an application for a Permit to Construct that fulfills both the requirements of paragraph 030.500.C.1.(a) and the requirements for an application for a minor permit revision in paragraph 030.510.B.14.a.(3); the Control Officer may follow the procedures for minor permit revision in paragraph 030.510.B.14 to issue an authorization to construct and operate under a revised PART 70 Operating Permit and/or a Permit to Construct.
  - f. When an owner or operator and the Control Officer follow the PART 70 Operating Permit procedures in paragraphs 030.500.C.2.b, d, or e, then in accordance with paragraph 030.500.E.2.b, the revised PART 70 Operating Permit serves as both the PART 70 Operating Permit and the Permit to Construct for the affected and constructed emissions units at the PART 70 source when the Control Officer does not issue a separate Permit to Construct.
3. PUBLIC PARTICIPATION. The Control Officer shall provide for public notice, public comment, and opportunity for a hearing in accordance with this section before issuing a Permit to Construct for a PART 70 source requiring one (1) under paragraph 030.500.A.1.a.(3) or before approving a portable source relocation request.
- a. Notice of Proposed Action on Permit to Construct Application. Within one (1) year from when the Control Officer determines an application is complete, the Control Officer shall post a Notice of Proposed Action on the department website that meets the requirements of paragraph 030.500.C.3.c for any of the following:
    - (1) A request to establish or revise a voluntarily accepted emission limitation.
    - (2) An application subject to the BSC control technology demonstration requirement in paragraph 030.500.C.1.a.(8).
    - (3) An application subject to paragraph 030.500.C.1.a.(14) requirements to demonstrate that the construction will not cause an exceedance of the NAAQS or an exceedance of the ambient air increments specified in SECTION 030.400.C.
    - (4) Any action for which the Control Officer determines that public participation would better inform a decision on the application.
  - b. The Notice of Proposed Action required by paragraph 030.500.C.3.a shall be published on the department website at least thirty (30) calendar days before the Control Officer issues a final

decision on the Permit to Construct application or on the relocation of a portable source.

(1) The Notice of Proposed Action shall contain all of the following:

- (a) The name and address of the owner or operator and, if different, of the PART 70 source.
- (b) If the Notice of Proposed Action involves relocation of a portable source, the current address of the portable source and the address to which the portable source proposes to relocate;
- (c) The date the Control Officer received the complete application for a Permit to Construct or the notice of proposed relocation;
- (d) The nature of the construction, reconstruction, or modification proposed in a Permit to Construct application;
- (e) The pollutants to be emitted by the PART 70 source and their projected quantities;
- (f) The name, address, and telephone number of the department representative interested persons may contact for instructions on how to obtain additional information;
- (g) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all information in the administrative record for the action (except confidential information, in accordance with NRS 445B.570 and SECTION 020.000.D) is available for public inspection;
- (h) The Control Officer's preliminary determination whether the application for a Permit to Construction Permit or the relocation of a portable source should be approved or disapproved;
- (i) Directions on how any person may submit written comments on the Notice of Proposed Action and documents in the administrative record, including the date by which the Control Officer must receive comments; and
- (j) Directions on how any person may request a public hearing on the Notice of Proposed Action, including the date by which the Control Officer must receive the request; or, if the Control Officer has already scheduled a public hearing, the date and location of the hearing and directions for requesting to speak at the hearing.

(2) The Control Officer shall send a copy of the Notice of Proposed Action and Final Action to the applicant, EPA (if requested), and any other person who requests such notice.

c. Public Hearing on Notice of Proposed Action.

- (1) During the thirty (30) calendar day public comment period, any person may petition the Control Officer in writing for a public hearing. All such petitions shall contain the petitioner's name, address, daytime telephone number, email address, and reason for requesting a hearing.
- (2) The Control Officer shall notify petitioners whether the request will be granted or denied within thirty (30) calendar days of receipt.
- (3) The hearing request shall be granted if the Control Officer determines there is a significant degree of public interest in the Notice of Proposed Action after considering all relevant factors, including, but not limited to, the number of petitioners, the nature of the concerns stated in the petitions, and the type and quantity of emissions emitted by the PART 70 source.
- (4) If the request is granted, the Control Officer shall publish the hearing date, time, and location on the department website for at least thirty (30) calendar days prior and provide directions in the notice for requesting to speak at the hearing.

d. Final Action on Permit to Construct Application or Proposed Relocation.

- (1) The Control Officer shall consider all relevant written and oral comments, and all other documents in the administrative record, before taking final action on a Permit to Construct application.
- (2) The Control Officer shall send a written notice to the owner or operator of the PART 70 Source approving or disapproving the relocation of a portable source after considering public comments received on the Notice of Proposed Action.
  - (a) The Control Officer may disapprove the relocation based on information received during the public comment period.
  - (b) The Control Officer may disapprove the relocation upon finding that operations in the new location would cause or contribute to a new violation of a NAAQS or cause an unreasonable risk to public health, welfare, or the safety of any person.
  - (c) Before approving operations in the new location, the Control Officer may issue an order to limit emissions or operations at the new location as necessary to prevent the source from causing or contributing to a new violation of a NAAQS or causing an unreasonable risk to public health, welfare, or the safety of any person at the new location, or to establish enforceable restrictions agreed to by the source owner or operator.

4. PERMIT CONTENT.

- a. A Permit to Construct issued pursuant to PART 030.500 shall contain each of the following conditions:
  - (1) The permittee shall retain records of all required monitoring and performance demonstration data and supporting information for five (5) years after the date of the sample collection, measurement, report, or analysis. Supporting information includes all records regarding calibration and maintenance of the monitoring equipment, all original strip-chart recordings for continuous monitoring instrumentation and, if applicable, all other records required to be maintained pursuant to 40 CFR PART 64.9(b).
  - (2) Each of the conditions and requirements of the permit is severable and, if any are held invalid, the remaining conditions and requirements continue in effect;
  - (3) The permittee shall comply with all conditions contained in the permit. Any noncompliance constitutes a violation and is grounds for:
    - (a) An action for noncompliance;
    - (b) Revocation and reissuance or the termination of the permit by the Control Officer; or
    - (c) The reopening or revising of the permit by the permittee as directed by the Control Officer.
  - (4) The need to halt or reduce activity to maintain compliance with the conditions of the permit is not a defense to noncompliance with any condition of the permit;
  - (5) The Control Officer may revise, revoke and reissue, reopen and revise, or terminate the permit for cause;
  - (6) The permit does not convey any property rights or any exclusive privilege;
  - (7) The permittee shall provide the Control Officer, within a reasonable time, with any information

- that the Control Officer requests in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the conditions of the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality;
- (8) The permittee shall allow the Control Officer, or any authorized representative of the Control Officer, upon presentation of credentials, to enter the permittee's premises where the source is located or emissions related activity is conducted and to:
- (a) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the permit;
  - (b) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
  - (c) Sample or monitor substances or parameters to determine compliance with the conditions of the permit or applicable requirements; and
  - (d) Document alleged violations using devices such as cameras or video equipment.
- (9) A responsible official of the source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the permit are true, accurate, and complete;
- (10) The permit must contain:
- (a) All applicable requirements, emission limits, and standards, provided, however, that applicable requirements that are not required by the Act or implementing federal regulations, and that are not in the Nevada State Implementation Plan (SIP), may be included in the permit but shall be specifically designated as being not federally enforceable and not enforceable by a citizen's suit pursuant to the Act, and shall be designated as "county only requirements." Terms and conditions so designated are not subject to the requirements that apply to permit review by EPA and affected states;
  - (b) Monitoring, recordkeeping, and reporting requirements sufficient to meet the requirements of 40 CFR PART 64 or paragraph 030.510.B.6.d, as deemed necessary by the Control Officer;
  - (c) Such other conditions as necessary to demonstrate compliance with the requirements in PARTS 030.300 and 030.400 for construction, subject to those sections.
  - (d) A condition that states that the approval of a Permit to Construct or Permit to Operate shall not affect the responsibility of the permittee to comply with the applicable requirements of the Nevada State Implementation Plan or any other applicable requirements.
  - (e) A statement, consistent with paragraph 030.500.E.2.(a), that where the terms and conditions of the Permit to Construct conflict with applicable requirement(s) in a subsequently issued or revised PART 70 Operating Permit, such terms and conditions are superseded by or appended to the PART 030.500 applicable requirement in the PART 70 Operating Permit.
- (11) The permittee shall maintain documentation of the records required by paragraph 030.400.A.6.a or paragraph 030.300.A.6.a, if applicable.
- (12) The permittee shall report start of construction, construction interruptions exceeding nine (9)

- months, and completion of construction. The report shall be given to the Control Officer not later than fifteen (15) calendar days after occurrence of the event;
- (13) The permittee shall provide written notification of the actual date of commencing operation, received by the Control Officer, within fifteen (15) calendar days after such date;
  - (14) The permittee shall provide separate written notification for commencing operation for each unit of phased construction, which may involve a series of units commencing operation at different times;
  - (15) A source that is a new PART 70 source or a major modification to an existing PART 70 source shall, within sixty (60) calendar days after achieving the maximum rate of production of the new source or modification, but not later than one hundred eighty (180) calendar days after commencing operation, conduct performance tests and furnish the Control Officer a written report of the results of the tests. The Control Officer may require such testing to occur sooner than the one hundred eighty (180) calendar day limit if there are adequate grounds to do so. The performance tests required by a Permit to Construct shall be conducted in accordance with the applicable test method; and
  - (16) The permittee shall post the permit in a location which is clearly visible and accessible to the facility's employees and representatives of the department.
  - (17) The permittee shall pay all fees assessed pursuant to PART 020.200.
  - (18) If the permittee owns or operates a portable source, the permittee shall:
    - (a) Provide the Control Officer with advance notice of the proposed relocation on a form specified by the Control Officer, and give notice to the Control Officer with enough time to allow for public Participation before relocation.
      - i. At a minimum, the notice shall identify the proposed new location, the proposed relocation date, the probable duration of operation at the new location, and the potential to emit each air pollutant at that location; and
      - ii. If the portable source would relocate to within one thousand (1,000) feet of the outer boundary of a school, hospital, or residential area, the permittee shall notify the Control Officer at least sixty (60) calendar days before the proposed relocation date.
      - iii. For all other relocation requests, the permittee shall submit advance notice to the Control Officer at least thirty (30) calendar days before the proposed relocation date.
    - (b) Not relocate to a proposed location until the Control Officer notifies the permittee that operations in the new location are approved;
    - (c) Not relocate to the proposed location if the Control Officer disapproves the relocation; and
    - (d) Comply with any order issued under the authority of CHAPTER 020 and paragraph 030.500.C.3.d.(2).(c) that restricts operations or emissions at a specific location.

5. APPLICATION, SUBMISSION, AND PROCESSING REQUIREMENTS FOR PART 70 SOURCES NOT SUBJECT TO PART 030.300, PART 030.400, OR PARAGRAPH 030.500.C.3.

- a. In order to obtain a Permit to Construct, the owner or operator of a proposed new PART 70 source that is not subject to PARTS 030.300 and 030.400, or the owner or operator of an existing PART 70 source proposing a modification that increases the source's potential to emit by an amount equal to or greater than the minor NSR significant level, but that is not a major modification under PARTS 030.300 and 030.400, shall submit an application on a form prescribed by the Control

Officer.

- (1) The application shall contain the information specified in paragraph 030.500.C.1.a and a "Control Technology Review" that meets the requirements of SECTION 030.400.I, except that BSC shall be the technology standard instead of Best Available Control Technology. The BSC Technology Review shall be submitted for any pollutant for which the source's potential to emit increases by an amount equal to or greater than the minor NSR significant level, but less than the major source or major modification thresholds. The applicant shall also include a demonstration that the new PART 70 source or modification does not cause an exceedance of the ambient air quality standards as defined in 40 CFR PART 50 or an exceedance of the ambient air increments specified in SECTION 030.400.C.
  - (2) The determination of completeness and the procedures for processing the application shall be those in paragraph 030.500.C.2.(c).
  - (3) The public Participation procedures specified in paragraph 030.200.E.3 shall apply to a permit revision processed under paragraph 030.500.C.2.a.
  - (4) The contents of the Permit to Construct issued pursuant to paragraph 030.500.C.2.a shall be those in paragraph 030.500.C.4.
- b. In order to obtain a Permit to Construct, the owner or operator of an existing PART 70 source that is proposing a modification that increases the source's potential to emit by an amount less than the minor NSR significance level shall comply with the minor revision process listed in paragraph 030.510.B.14, including the application procedures listed in paragraph 030.510.B.14.a.(3).

## **SECTION D - PERMIT TO CONSTRUCT REVISIONS**

### **1. PERMIT REVISION PROCEDURES.**

a. The Control Officer may revise a Permit to Construct only through:

- (1) An administrative or significant permit revision, as specified in paragraph b. and c. of this section;
- (2) The PART 70 Operating Permit procedures specified in SECTION 030.510.B.14; or
- (3) A revision of PART 030.500 applicable requirements in a PART 70 Operating Permit using the procedures in paragraphs 030.510.B.13 or 030.510.B.14. Revising applicable requirements of, or adding terms and conditions to, the PART 70 Operating Permit may supersede or append certain terms and conditions to the Permit to Construct, as specified in paragraph 030.500.E.2.a.

b. ADMINISTRATIVE PERMIT REVISIONS.

(1) An administrative permit revision is a revision that:

- (a) Corrects typographical errors;
- (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change;
- (c) Requires more frequent monitoring or reporting by the permittee;
- (d) Allows for a change in ownership or operational control of a source when the Control Officer determines that no other change in the permit is necessary, provided the current and new permittee have submitted to the Control Officer a written agreement with a specific date for transfer of permit responsibility, coverage, and liability, and that the permit transfer procedures are complied with;
- (e) Incorporates PART 030.500 terms and conditions governing construction or operation of an emissions unit at the PART 70 source that are first recorded as terms and conditions in a PART 70 Operating Permit and that supersede, or are omitted from, the terms and conditions of the Permit to Construct, as provided in paragraph 030.500.E.2.a;
- (f) Revises an existing Permit to Construct before the construction, modification, or reconstruction becomes operational (following a reasonable shakedown period, if necessary, not to exceed one hundred eighty (180) calendar days) if such a revision would not result in an increase in the amount or type of emissions authorized under the permit, relocate stack emissions closer to a property boundary, change any control technology requirement, change the applicability of PARTS 030.300 and 030.400, or reduce the amount of record-keeping, reporting, or monitoring of emissions at an emissions unit; or
- (g) Incorporates any other type of change the Administrator has determined are similar to those in paragraphs 030.500.D.1.b.(1)(a) through (f) of this section.

(2) An administrative permit revision may be made by the Control Officer consistent with the following:

- (a) The Control Officer shall take no more than thirty (30) calendar days from receiving an administrative permit revision request to take final action. The Control Officer may incorporate the revision without providing notice to the public or affected states, provided

the revised permit designates all revisions as having been made pursuant to this section.

(b) The Control Officer shall provide a copy of the revised permit to the Administrator.

(c) The source may implement the changes in the request immediately upon submittal. However, if the Control Officer determines the change does not qualify as an administrative revision, the source may be subject to enforcement proceedings for violation of existing permit terms and conditions.

c. Significant Permit Revision. A significant permit revision to a Permit to Construct is any revision that is not an administrative permit revision. A significant permit revision shall be subject to the same application, determination of completeness, processing procedures, public Participation, notification, and timetables as the original Permit to Construct, except that the scope of procedures shall be limited to the revision and issues relevant to that revision; the procedures specified in paragraphs 030.510.B.18.c and 030.510.B.18.d do not apply.

2. ADMINISTRATIVE PERMIT REVISIONS FOR TITLE IV ACID RAIN SOURCES. Administrative revisions to permit conditions governed by the federal Clean Air Act Title IV Acid Rain Program shall comply with 40 CFR PART 72.



## **SECTION E - PART 030.500 APPLICABLE REQUIREMENTS IN PART 70 OPERATING PERMITS**

The provisions of this section apply to all PART 030.500 applicable requirements and associated periodic monitoring requirements in PART 70 Operating Permits and to all Permits to Construct.

1. PERMIT TO CONSTRUCT AND ISSUANCE OR REVISION OF THE PART 70 OPERATING PERMIT.
  - a. Except as provided in paragraph 030.500.E.2.b, the Permit to Construct serves as the Permit to Construct and operate the affected and constructed emissions units during the period before a PART 70 Operating Permit is granted or denied, or until the Permit to Construct is incorporated into a PART 70 Operating Permit through a permit revision.
    - (1) After the Control Officer issues or revises the PART 70 Operating Permit, the owner or operator may not operate the affected or constructed emissions units without both a valid PART 70 (or, alternatively, PART 71) Operating Permit and valid Permit to Construct, except as provided in paragraph 030.500.C.2.f.
    - (2) If the Control Officer denies issuance of the PART 70 Operating Permit, or subsequently revokes the PART 70 Operating Permit without reissuing it (or, alternatively, without EPA issuing a PART 70 Operating Permit), the owner or operator may no longer operate any element of the PART 70 source under the Permit to Construct.
  - b. The Control Officer shall list PART 030.500 as an authority citation in the PART 70 Operating Permit when incorporating applicable requirements of a Permit to Construct in a PART 70 Operating Permit, or when recording an authorization to construct and operate under PART 030.500 directly in a PART 70 Operating Permit.
2. RECONCILING PART 030.500 REQUIREMENTS IN THE PART 70 OPERATING PERMIT WITH A PERMIT TO CONSTRUCT.
  - a. The PART 70 Operating Permit shall govern the construction and/or operations of the affected and constructed emissions units at the PART 70 source; it shall supersede and/or append to the applicable requirements of a previously issued Permit to Construct, but only with respect to any conflicting or omitted terms and conditions in the Permit to Construct, when:
    - (1) The PART 030.500 applicable requirements, as written in the PART 70 Operating Permit, differ from a previously issued Permit to Construct;
    - (2) The Control Officer revises the terms of an issued Permit to Construct only by revising the PART 70 Operating Permit, as authorized under paragraph 030.500.D.1.a.(3); or
    - (3) The PART 70 Operating Permit contains additional terms and conditions, such as paragraphs 030.510.B.6.d.(1)(a)-(b) or 030.510.B.8.a monitoring requirements, that are related to construction or operation of the affected or constructed emissions units.
  - b. When the Control Officer records or revises an Permit to Construct and operate under PART 030.500 directly in the PART 70 Operating Permit without issuing a separate Permit to Construct, as authorized under paragraphs 030.500.C.2.f and 030.500.D.1.a.(3), then the PART 70 Operating Permit serves as both the PART 70 Operating Permit and the Permit to Construct for the affected and constructed emissions units at the PART 70 source.

3. SURVIVAL OF PART 030.500 REQUIREMENTS FOLLOWING EXPIRATION OR TERMINATION OF THE PART 70 OPERATING PERMIT.
- a. When a PART 70 Operating Permit includes terms and conditions that supersede and/or append to the Permit to Construct under paragraph 030.500.E.2.a, or when a PART 70 Operating Permit includes terms and conditions that serve as the Permit to Construct as provided under paragraph 030.500.E.2.b, and the PART 70 Operating Permit subsequently expires or terminates, any such terms or conditions in the permit shall survive expiration or termination if:
    - (1) The PART 70 Operating Permit expires only because the owner or operator failed to submit a timely renewal application under paragraph 030.510.B.1; or
    - (2) The PART 70 Operating Permit terminates because the stationary source no longer qualifies as a PART 70 source but it will continue to operate as a minor source, as defined in PART 030.200.
  - b. If the terms and conditions survive termination in accordance with paragraph (a)(1) of this section, they remain applicable requirements; the owner or operator may not operate the PART 70 source until the applicable requirements are incorporated into a new or reissued PART 70 Operating Permit or, alternatively, PART 71 Operating Permit.
  - c. If terms and conditions survive termination in accordance with paragraph (a)(2) of this section, the Control Officer shall issue a new Minor Source Permit (as defined in PART 030.200) that includes the terms and conditions surviving termination by following the procedures in paragraph 030.510.B.1. The Control Officer need not follow the public participation procedures in paragraph 030.200.E.3 to incorporate the terms and conditions surviving termination of the PART 70 Operating Permit into a Minor Source Permit. The minor source may continue to operate the affected and constructed emissions units under the authority of paragraph (a) of this section until the new permit authorizes continued operation, or until the Control Officer denies issuance of a Minor Source Permit.