

AIR POLLUTION

Definitions

NAC 445B.001 Definitions. As used in NAC 445B.001 to 445B.3791, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.002 to 445B.211, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Environmental Comm'n, 12-5-84; 10-15-85; 8-22-86; 9-25-87; 10-22-87; 12-15-88; 12-8-89; 9-13-91; 12-26-91; 9-4-92; 10-29-93; 12-13-93; 3-29-94, eff. 11-15-94; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002; R125-04, 9-24-2004; R096-05, 10-31-2005; R189-05, 5-4-2006; R162-06, 9-18-2006; R154-06, 11-13-2006, eff. 1-1-2007)

6/26/07

445.431 "Acid mist" defined.

"Acid mist" means sulfuric acid mist, as measured by Method 8 of 40 C.F.R. § 60, Appendix A, or an equivalent or alternative method.

[Environmental Comm'n, Air Quality Reg. § 1.1, eff. 12-4-76; A 8-28-79]

10/26/82

NAC 445B.002 "Act" defined. "Act" means the Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended.

[Environmental Comm'n, Air Quality Reg. § 1.2, eff. 12-4-76; A 8-28-79]—(Substituted in revision for NAC 445.432)

1/12/06

NAC 445B.003 "Adjacent properties" defined. (NRS 445B.210) "Adjacent properties" means parcels of land that lie near each other or in close proximity.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.4325)

1/12/11

NAC 445B.0035 "Administrative revision to a Class I operating permit" defined. (NRS 445B.210) "Administrative revision to a Class I operating permit" means a revision of an existing Class I operating permit that incorporates the relevant conditions of an operating permit to construct.

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004)

1/12/11

NAC 445B.004 "Administrator" defined. "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's representative or delegate.

[Environmental Comm'n, Air Quality Reg. § 1.2.5, eff. 10-16-80]—(NAC A 10-14-82)—(Substituted in revision for NAC 445.433)

1/12/06

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NAC 445B.005 "Affected facility" defined. "Affected facility" means, with reference to a stationary or temporary source, any apparatus to which a standard is applicable.
[Environmental Comm'n, Air Quality Reg. § 1.3, eff. 12-4-76; A 8-28-79]—(NAC A 10-22-87; 10-30-95)

1/12/06

NAC 445B.006 "Affected source" defined. "Affected source" means a stationary source subject to the requirements relating to acid rain set forth in 42 U.S.C. §§ 7651 to 7651o, inclusive.
(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95; R040-01, 10-25-2001)

1/24/11

NAC 445B.007 "Affected state" defined. (NRS 445B.210) "Affected state" means a state that is within 50 miles of a Class I source located in this State, or a state that is contiguous to this State whose air quality may be affected by emissions from a Class I source located in this State.
(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4346)

1/12/06

NAC 445B.009 "Air-conditioning equipment" defined. "Air-conditioning equipment" means equipment utilized to heat or cool the interior of a building or structure.
[Environmental Comm'n, Air Quality Reg. § 1.1, eff. 11-7-75; renumbered as § 1.4, 12-4-76; A 8-28-79]—(Substituted in revision for NAC 445.435)

10/26/82

445.436 "Air contaminant" defined.

"Air contaminant" means any substance discharged into the atmosphere except water vapor and water droplets.

[Environmental Comm'n, Air Quality Reg. § 1.2, eff. 11-7-75; renumbered as § 1.5, 12-4-76; A 8-28-79]

1/12/06

NAC 445B.011 "Air pollution" defined. "Air pollution" has the meaning ascribed to it in NRS 445B.115.
[Environmental Comm'n, Air Quality Reg. §§ 1.3-1.3.3, eff. 11-7-75; renumbered as § 1.6, 12-4-76; A 8-28-79]—(NAC A by R105-97, 3-5-98)

NAC 445B.013 "Allowable emissions" defined. (NRS 445B.210) "Allowable emissions" means the emissions from a stationary source at its designed maximum capacity or at its actual maximum capacity, whichever is greater, except as reduced by any federally enforceable limitations on its emissions which are established:

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1. By Nevada laws or regulations;
2. By any applicable requirement; or
3. By conditions of the stationary source's operating permit, imposed on the emission rate, the type or amount of materials combusted or processed, the operating rates, the hours of operation, or any other factor limiting production or emission, whichever is most stringent.

[Environmental Comm'n, Air Quality Reg. § 1.6.5, eff. 10-16-80]—(NAC A 10-22-87; 12-13-93; 10-30-95; R096-05, 10-31-2005)

NAC 445B.014 "Alteration" defined. (NRS 445B.210) "Alteration" means any addition to, or enlargement, replacement, modification or change of the design, capacity, process, arrangement, operating hours or control apparatus that will affect the kind or amount of regulated air pollutants emitted.

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(Added to NAC by Environmental Comm'n, eff. 12-8-89; A 10-30-95)

NAC 445B.015 "Alternative method" defined. "Alternative method" means any method of sampling and analyzing for a regulated air pollutant which is not a reference or equivalent method, but which has been demonstrated to the satisfaction of the director that, in specific cases, it produces results adequate to determine compliance.

1/21/06

[Environmental Comm'n, Air Quality Reg. § 1.7, eff. 12-4-76; A 8-28-79]—(NAC A 10-30-95)

NAC 445B.016 "Alternative operating scenarios" defined. (NRS 445B.210) "Alternative operating scenarios" means two or more modes or types of operation specifically identified by a stationary source in its application and approved by the Director as a condition or as conditions of the source's operating permit.

1/24/11

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.018 "Ambient air" defined. "Ambient air" means that portion of the atmosphere which is external to buildings, structures, facilities or installations to which the public has access.

1/21/06

[Environmental Comm'n, Air Quality Reg. § 1.4, eff. 11-7-75; renumbered as § 1.9, 12-4-76; A 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.441)

NAC 445B.019 "Applicable requirement" defined. (NRS 445B.210) "Applicable requirement" means, as applied to a stationary source:

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1. Any standard or other relevant requirement:
 - (a) Provided in NRS 445B.100 to 445B.640, inclusive, and NAC 445B.001 to 445B.3689, inclusive, except for the standards for ambient air established in NAC 445B.22097.
 - (b) Provided in the applicable implementation plan approved or adopted by the EPA pursuant to 42 U.S.C. §§ 7401 to 7515, inclusive;
 - (c) For a hazardous air pollutant adopted pursuant to 42 U.S.C. § 7412, including any requirement regarding the prevention of accidental releases;
 - (d) For a program to control acid rain adopted pursuant to 42 U.S.C. §§ 7651 to 7651o, inclusive;

- (e) For enhanced monitoring or for compliance certification adopted pursuant to 42 U.S.C. § 7413(a)(3) or 7661c(b);
 - (f) For solid waste incineration units adopted pursuant to 42 U.S.C. § 7429;
 - (g) For consumer and commercial products or tank vessels adopted pursuant to 42 U.S.C. § 7511b; and
 - (h) For the protection of stratospheric ozone adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive, unless the Administrator determines that such provisions are not required in an operating permit;
 - 2. A new source performance standard adopted pursuant to 42 U.S.C. § 7411;
 - 3. Any term or condition of any permit issued pursuant to the requirements of 42 U.S.C. §§ 7401 to 7515, inclusive, including provisions regarding the prevention of significant deterioration of air quality and new source review; and
 - 4. Any national ambient air quality standard or requirement regarding increments or visibility adopted pursuant to 42 U.S.C. §§ 7470 to 7492, inclusive, as the standard applies to a temporary source for which the owner or operator has applied for and obtained an operating permit pursuant to NAC 445B.287 to 445B.3497, inclusive.
- (Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R040-10, 7-22-2010)

1/2/06

NAC 445B.022 "Atmosphere" defined. "Atmosphere" means all the air surrounding the earth and external to buildings and structures.
 [Environmental Comm'n, Air Quality Reg. § 1.7, eff. 11-7-75; renumbered as § 1.14, 12-4-76; A and renumbered as § 1.13, 8-28-79]—(Substituted in revision for NAC 445.444)

9/20/11

NAC 445B.029 "Best available retrofit technology" defined. (NRS 445B.210) "Best available retrofit technology" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility as defined in 40 C.F.R. § 51.301.
 (Added to NAC by Environmental Comm'n by R190-08, eff. 4-23-2009)

10/26/82

445.445 "Barite" defined.

"Barite" means a naturally occurring sulfate of barium, BaSO₄, which is transparent to opaque and is whitish in color.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 1-25-79; renumbered as § 1.14, 8-28-79]

445.447 "Barite grinding mill" defined.

10/26/82

"Barite grinding mill" means any single source designed to reduce crude barite to a finished product.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff.

1-25-79]

1/12/06

NAC 445B.030 "British thermal units" defined. "British thermal units (Btu)" means that quantity of heat required to raise the temperature of one pound of water from 60 degrees Fahrenheit to 61 degrees Fahrenheit at a constant, absolute pressure of 14.7 pounds per square inch (29.92 inches of mercury).

1/24/11

NAC 445B.035 "Class I-B application" defined. (NRS 445B.210) "Class I-B application" means an application for a Class I operating permit that is required for any new stationary source or significant modification to an existing stationary source which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)

1/24/11

NAC 445B.036 "Class I source" defined. (NRS 445B.210) "Class I source" means any stationary source:

- 1. Which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive;
 - 2. For which the owner or operator has proposed the construction of a major modification;
- or
- 3. Which is a major stationary source.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R125-04, 9-24-2004)

1/24/11

NAC 445B.037 "Class II source" defined. (NRS 445B.210) "Class II source" means any stationary source which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive, but which is otherwise subject to the requirements of NAC 445B.001 to 445B.3689, inclusive. The term does not include a stationary source that is operating under a Class III operating permit issued pursuant to NAC 445B.001 to 445B.3689, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R040-01, 10-25-2001; R040-10, 7-22-2010)

NAC 445B.038 "Class III source" defined. (NRS 445B.210) "Class III source" means a stationary source which is subject to the requirements set forth in NAC 445B.001 to 445B.3689, inclusive, and:

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1. Which emits or has the potential to emit, individually or in combination, a total of not more than 5 tons per year of PM₁₀, NO_x, SO₂, VOC and H₂S;
2. Which emits less than 1,000 pounds of lead per year;
3. Which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive;
4. Which does not exceed 750 horsepower and is not subject to the requirements of 40 C.F.R. Part 60 except for:

(a) A stationary compression ignition internal combustion engine subject to Subpart III; or

(b) A stationary spark ignition internal combustion engine subject to Subpart JJJJ;

5. Which is not subject to the requirements of 40 C.F.R. Part 61;
6. Which is not subject to the requirements of 40 C.F.R. Part 63, except for a stationary reciprocating internal combustion engine subject to Subpart ZZZZ and which does not exceed 750 horsepower;

7. Which is not a temporary source;
8. Which is not located at or a part of another stationary source;
9. Which does not operate a thermal unit that emits mercury, as defined in NAC 445B.3643; and

10. Whose owner or operator:

(a) Is not seeking a limitation on emissions to avoid the requirements of 40 C.F.R. Part 63; or

(b) Is not required to obtain an operating permit to operate the stationary source solely to comply with NAC 445B.22037 relating to surface area disturbances.

(Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001; A by R189-05, 5-4-2006; R142-07, 4-17-2008; R076-08, 8-26-2008; R040-10, 7-22-2010)

10/26/82

445.458 "Calcine" defined.

"Calcine" means the solid materials produced by a roaster.

[Environmental Comm'n, Air Quality Reg. § 1.22, eff. 12-4-76]

10/26/82

445.464 "Coal" defined.

"Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous or lignite as defined by Designation D-388-66 of the American Society for Testing and Materials.

[Environmental Comm'n, Air Quality Reg. § 1.29, eff. 12-4-76]

10/26/82

445.470 "Colemanite" defined.

"Colemanite" means naturally occurring hydrated calcium borate with a molecular formula of $Ca_2B_6O_{11} \cdot 5H_2O$, and which is normally white or colorless.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff. 11-17-78]

445.471 "Colemanite processing plant" defined.

"Colemanite processing plant" means a facility which has the capability of treating colemanite ore for the production of calcined or uncalcined concentrate. Treating may consist of crushing, screening, grinding, transferring, storing, calcining as required and loading.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 11-17-78]

10/26/82

1/12/06

NAC 445B.042 "Combustible refuse" defined. "Combustible refuse" means any waste material which can be consumed by combustion.

[Environmental Comm'n, Air Quality Reg. § 1.11, eff. 11-7-75; renumbered as § 1.35, 12-4-76]—(Substituted in revision for NAC 445.472)

NAC 445B.0423 "Commence" defined. (NRS 445B.210) "Commence," as used in reference to construction or modification of a stationary source, means that the owner or operator has:

1. Obtained all necessary preconstruction approvals or permits, including those required by federal air quality control laws and regulations, NAC 445B.001 to 445B.3689, inclusive, and air quality laws and regulations which are part of the applicable state implementation plan; and

2. Taken affirmative steps toward construction or modification, in one of the following ways:

(a) Has begun, or caused to begin, a continuous program of 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;

(b) 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 construction of the source, to be completed within a reasonable time; or

(c) For modification of a stationary source, has begun those on-site activities, other than preparatory activities, which mark the initiation of the modification.

(Added to NAC by Environmental Comm'n by R142-07, eff. 4-17-2008).

5/21/12

1/12/06

NAC 445B.0425 "Commission" defined. "Commission" has the meaning ascribed to it in NRS 445B.120.

(Added to NAC by Environmental Comm'n, eff. 10-30-95; A by R105-97, 3-5-98)

NAC 445B.044 "Construction" defined. (NRS 445B.210) "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.

[Environmental Comm'n, Air Quality Reg. § 1.42, eff. 12-4-76]—(NAC A by R105-97, 3-5-98; R096-05, 10-31-2005)

1/24/11

NAC 445B.046 "Contiguous property" defined. (NRS 445B.210) "Contiguous property" means any property under single or joint ownership or operatorship which is in physical contact, touching, near or adjoining. Public property or a public right-of-way, shall not be deemed as a break in any otherwise contiguous property.

[Environmental Comm'n, Air Quality Reg. § 1.16, eff. 11-7-75; renumbered as § 1.43, 12-4-76]—(Substituted in revision for NAC 445.479)

1/24/11

NAC 445B.047 "Continuous monitoring system" defined. "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.

[Environmental Comm'n, Air Quality Reg. § 1.44, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.480)

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10/26/82

445.482 "Converter" defined.

"Converter" means any vessel in which lead concentrate or bullion is charged and refined.

[Environmental Comm'n, Air Quality Reg. § 1.46, eff. 12-4-76]

1/12/06

NAC 445B.051 "Day" defined. "Day" means a 24-hour period which begins at midnight.

[Environmental Comm'n, Air Quality Reg. § 1.51, eff. 12-4-76]—(NAC A 10-22-87)—
(Substituted in revision for NAC 445.486)

1/12/06

NAC 445B.053 "Director" defined. "Director" means the director of the state department of conservation and natural resources or his designee or a person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations.

[Environmental Comm'n, Air Quality Reg. § 1.19, eff. 11-7-75; renumbered as § 1.53, 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.488)

NAC 445B.054 "Dispersion technique" defined. (NRS 445B.210)

1. "Dispersion technique" means any technique that attempts to affect the concentration of a pollutant in the ambient air by:

- (a) Using that portion of a stack which exceeds good engineering practice stack height;
- (b) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- (c) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters or stack parameters, combining exhaust gases from several existing stacks into one stack or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

2. The term does not include:

(a) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(b) The merging of exhaust gas streams where:

(1) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(2) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" applies only to the emission limitation for the pollutant affected by such a change in operation; or

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(3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence before the merging, an increase in the quantity of pollutants actually emitted before the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such an intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

- (c) Smoke management in agricultural or silvicultural prescribed burning programs.
- (d) Episodic restrictions on residential woodburning and open burning.
- (e) Techniques under paragraph (c) of subsection 1 which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

10/26/82

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445.492 "Dryer" defined.

"Dryer" means any facility in which a charge of a copper sulfide ore concentrate is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility.

[Environmental Comm'n, Air Quality Reg. § 1.57, eff. 12-4-76]

12/29/78

1.60 Effective date. [Thirty days after these regulations or amendments to these regulations have been filed with the Secretary of State.] *The Date when these regulations become effective, either upon filing with the Secretary of State or as specified in the exceptions contained in NRS 233B.070.*

1/12/06

NAC 445B.055 "Effective date of the program" defined. "Effective date of the program" means the date on which the Administrator approves the program.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.4915)

NAC 445B.056 "Emergency" defined. "Emergency" means any situation arising from a sudden and reasonably unforeseeable event beyond the control of the owner or operator, including an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed an emission limitation contained in the operating permit which is based on a specific type of technology. The term does not include the failure to comply with emission limitations because of the improper design of the source, the lack of preventative maintenance, the careless or improper operation of the source, or any error by the operator.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4955)

NAC 445B.058 "Emission" defined.

1. "Emission" means the act of passing into the atmosphere a regulated air pollutant or a gas stream which contains, or may contain, a regulated air pollutant.
2. The term includes the material passed to the atmosphere.

[Environmental Comm'n, Air Quality Reg. § 1.22, eff. 11-7-75; renumbered as § 1.65, 12-4-76]—(NAC A by R105-97, 3-5-98)

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NAC 445B.059 "Emission unit" defined. "Emission unit" means a part of a stationary source which emits or has the potential to emit any regulated air pollutant.

[Environmental Comm'n, Air Quality Reg. § 1.57.5, eff. 10-16-80]—(NAC A 10-22-87; 3-29-94, eff. 11-15-94; 10-30-95)

1/12/06

NAC 445B.060 "Enforceable" defined. "Enforceable" means enforceable under federal, state or local law.

(Added to NAC by Environmental Comm'n, eff. 10-14-82)—(Substituted in revision for NAC 445.5005)

1/12/06

NAC 445B.061 "EPA" defined. "EPA" means the United States Environmental Protection Agency.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5008)

1/12/06

NAC 445B.062 "Equivalent method" defined. "Equivalent method" means any method of sampling and analyzing for a regulated air pollutant which has been demonstrated to the director's satisfaction to have a consistent and quantitatively known relationship to the reference method under specified conditions.

[Environmental Comm'n, Air Quality Reg. § 1.67, eff. 12-4-76]—(NAC A 10-30-95)

6/26/07

NAC 445B.063 "Excess emissions" defined. "Excess emissions" means any emission which exceeds any applicable emission limitation prescribed by NAC 445B.001 to 445B.3791, inclusive, 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.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 8-29-79]—(NAC A 10-22-87; 12-13-93; R096-05, 10-31-2005)

NAC 445B.064 "Excessive concentration" defined. (NRS 445B.210) "Excessive concentration" means, for the purpose of determining good engineering practice stack height:

1. For sources seeking credit for stack height exceeding that established under paragraph (b) of subsection 1 of NAC 445B.083, a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to 40 C.F.R. § 52.21, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations pursuant to NAC 445B.001 to 445B.3689, inclusive, must be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate must be established in consultation with the source owner or operator.

2. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under paragraph (b) of subsection 1 of NAC 445B.083, either:

(a) A maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in subsection 1, except that the emission rate specified by any applicable state limit or, in the absence of such a limit, the actual emission rate, must be used; or

(b) The actual presence of a local nuisance caused by the existing stack, as determined by the Director.

3. For sources seeking credit after January 12, 1979, for a stack height determined under paragraph (b) of subsection 1 of NAC 445B.083, where the Director requires the use of a field study or fluid model to verify good engineering practice stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in paragraph (b) of subsection 1 of NAC 445B.083, a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

NAC 445B.066 "Existing stationary source" defined. (NRS 445B.210) "Existing stationary source" means:

1. For stationary sources subject to 42 U.S.C. § 7412, any stationary source other than a new stationary source.

2. For all other stationary sources, a stationary source which was constructed, or for which the owner or operator submitted a complete application for an operating permit, before the effective date of the program.

[Environmental Comm'n, Air Quality Reg. § 1.26, eff. 11-7-75; renumbered as § 1.73, 12-4-76]—(NAC A 12-13-93; 10-30-95)

1.73

Existing source. Equipment, machines, devices, articles, contrivances, or facilities which are constructed, purchased, or in operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a "new source."

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12/10/76

10/26/82

445.512 "Floating roof" defined.

"Floating roof" means a cover of a storage vessel consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained and is equipped with a seal or seals to close the space between the edge of the roof and wall of the tank.

[Environmental Comm'n, Air Quality Reg. § 1.78, eff. 12-4-76]

445.513 "Fossil fuel" defined.

"Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating useful heat.

[Environmental Comm'n, Air Quality Reg. § 1.79, eff. 12-4-76]

NAC 445B.068 "Facility" defined. (NRS 445B.210) "Facility" includes any groups of activities which emit regulated air pollutants, are located on one or more contiguous properties, and are owned, operated or controlled by the same person.

[Environmental Comm'n, Air Quality Reg. § 1.64, eff. 5-7-80]—(NAC A 10-30-95)

NAC 445B.069 "Federally enforceable" defined. (NRS 445B.210) "Federally enforceable" means all limitations and conditions which are enforceable by the Administrator pursuant to any provision of the Act, 40 C.F.R. §§ 52.21, any requirements developed pursuant to the applicable state implementation plan and 40 C.F.R. §§ 51.160 to 51.166, inclusive, 40 C.F.R. Parts 60, 61 and 63, or 40 C.F.R. Part 70, or by other persons pursuant to 42 U.S.C. § 7604.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; R142-07, 4-17-2008)—(Substituted in revision for NAC 445.5095)

NAC 445B.070 "Federally enforceable emissions cap" defined. (NRS 445B.210) "Federally enforceable emissions cap" means a condition of an operating permit containing an emission limitation that the holder of the operating permit requested and the Director approved and which is independent of any applicable requirement or requirements.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5105)

10/26/82

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1/24/11

1/24/11

1/12/06

NAC 445B.072 "Fuel" defined. "Fuel" means any form of combustible matter, solid, liquid, vapor or gas which is used to generate energy.

[Environmental Comm'n, Air Quality Reg. § 1.28, eff. 11-7-75; renumbered as § 1.82, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.516)

NAC 445B.073 "Fuel-burning equipment" defined. "Fuel-burning equipment" means:

1. Indirect heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion indirectly for the production of useful heat or power.

2. Direct heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion directly for the production of useful heat or power.

[Environmental Comm'n, Air Quality Reg. §§ 1.29-1.29.2, eff. 11-7-75; renumbered as § 1.85, 12-4-76]—(NAC A 9-19-90)—(Substituted in revision for NAC 445.517)

NAC 445B.075 "Fugitive dust" defined. "Fugitive dust" means emissions of solid, airborne particulate matter which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening.

[Environmental Comm'n, Air Quality Reg. § 1.30, eff. 11-7-75; renumbered as § 1.86, 12-4-76; A and renumbered as § 1.75, 10-16-80]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.520)

1/12/06

NAC 445B.077 "Fugitive emissions" defined. "Fugitive emissions" means emissions of any regulated air pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening.

[Environmental Comm'n, Air Quality Reg. § 1.75.5, eff. 10-16-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)

NAC 445B.080 "Garbage" defined. "Garbage" means putrescible animal or vegetable refuse.

[Environmental Comm'n, Air Quality Reg. § 1.31, eff. 11-7-75; renumbered as § 1.89, 12-4-76]—(Substituted in revision for NAC 445.525)

NAC 445B.082 "General permit" defined. (NRS 445B.210) "General permit" means an operating permit issued by the Director to cover numerous similar stationary sources. (Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

1/12/06

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1/12/06

1/24/11

1/24/11

NAC 445B.083 "Good engineering practice stack height" defined. (NRS 445B.210)

1. "Good engineering practice stack height" means the stack height that is the greater of:
 - (a) Two hundred thirteen feet, measured from the ground-level elevation at the base of the stack;
 - (b) A height determined as follows:
 - (1) For stacks that commenced construction on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required pursuant to 40 C.F.R. Parts 51 and 52 and NAC 445B.001 to 445B.3689, inclusive, the height determined by use of the equation $H_g = 2.5H$, so long as the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and
 - (2) For all other stacks, the height determined by use of the equation $H_g = H + 1.5L$, except that the Director may require the use of a field study or fluid model to verify good engineering practice stack height for the source; or
 - (c) The height demonstrated by a fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes or eddy effects created by the source itself, nearby structures or nearby terrain features.
2. For the purposes of this section:

- H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;
- H = height of nearby structures measured from the ground-level elevation at the base of the stack; and
- L = lesser dimension, height or projected width, of nearby structures.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

1/12/06

NAC 445B.084 "Hazardous air pollutant" defined. "Hazardous air pollutant" has the meaning ascribed to it in NRS 445B.140.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5305)

1/12/06

NAC 445B.086 "Incinerator" defined. "Incinerator" means an engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semisolid, liquid or gaseous waste at specified rates and from which the residues contain little or no combustible material.

[Environmental Comm'n, Air Quality Reg. § 1.33, eff. 11-7-75; renumbered as § 1.98, 12-4-76]—(Substituted in revision for NAC 445.533)

1/24/11

NAC 445B.087 "Increment" defined. (NRS 445B.210) "Increment" has the meaning ascribed to it in 40 C.F.R. § 52.21, as adopted in NAC 445B.221.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5335)

10/26/82

445.536 "Lead" defined.

"Lead" means elemental lead or alloys in which the predominant component is lead.

[Environmental Comm'n, Air Quality Reg. § 1.101, eff. 12-4-76; A and renumbered as § 1.98, 8-28-79]

4/12/06

NAC 445B.091 "Local air pollution control agency" defined. "Local air pollution control agency" means any city, county or district air pollution control agency approved by the commission.

[Environmental Comm'n, Air Quality Reg. § 1.36, eff. 11-7-75; renumbered as § 1.103, 12-4-76; A and renumbered as § 1.99, 8-28-79]—(Substituted in revision for NAC 445.537)

7/24/79

- 2. "Lowest achievable emission rate" means the emission rate for any source for which an environmental evaluation must be prepared which reflects:
 - a. The most stringent emission rate in the approved implementation plan of any state for any class or category of source, unless the owner or operator of the source demonstrates that such an emission limitation is not achievable; or
 - b. The most stringent emission limitation which is achieved in practice by such class or category of source,

Whichever is more stringent so long as it is not less stringent than the emission rate allowed by any applicable emission standard established in these regulations

NAC 445B.093 "Major modification" defined. (NRS 445B.210) "Major modification" has the meaning ascribed to it in 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004)

1/24/11

NAC 445B.094 "Major source" defined. (NRS 445B.210)

1. Except as otherwise provided in subsection 3, "major source" means any stationary source that:

- (a) Is located on one or more contiguous or adjacent properties;
- (b) Is under the common control of the same person or persons;
- (c) Belongs to a single major industrial grouping as described in the *Standard Industrial Classification Manual*, as incorporated by reference in NAC 445B.221; and
- (d) Meets one of the following conditions:

(1) Is located in a nonattainment area and is required to obtain an operating permit pursuant to 42 U.S.C. §§ 7501 to 7515, inclusive;

(2) Directly emits or has the potential to emit:

(I) One hundred tons per year or more of any regulated air pollutant, excluding particulate matter more than 10 microns in diameter; or

(II) Ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants or a lesser quantity as established by the Commission; or

(3) Is located in a particulate matter (PM₁₀) "serious" nonattainment area and directly emits or has the potential to emit 70 tons per year or more of PM₁₀.

→ The Director shall consider fugitive emissions in determining whether a stationary source is major for any source category listed in 40 C.F.R. § 52.21(b)(1)(iii), as adopted by reference pursuant to NAC 445B.221, or whether a stationary source of a hazardous air pollutant is a major source. To determine whether a stationary source is a major source of hazardous air pollutants under 42 U.S.C. § 7412, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station must not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control.

2. In determining whether a stationary source is a major source, the Director shall not consider the emissions from mobile sources subject to regulation under Title II of the federal Clean Air Act, 42 U.S.C. §§ 7521 to 7590, inclusive, or from nonroad engines.

3. For the purposes of the program for the prevention of significant deterioration of air quality (PSD), the term "major source" is synonymous with the term "major stationary source" as that term is defined in 40 C.F.R. § 52.21(b)(1), as adopted by reference in NAC 445B.221.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; 10-30-95; 5-3-96; R105-97, 3-5-98; R117-00, 6-1-2001)

NAC 445B.0945 "Major stationary source" defined. (NRS 445B.210) "Major stationary source" has the meaning ascribed to it in 40 C.F.R. § 52.21(b)(1).

(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004)

1/12/06

NAC 445B.095 "Malfunction" defined. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown are not considered malfunctions.

[Environmental Comm'n, Air Quality Reg. § 1.105, eff. 12-4-76; A and renumbered as § 1.101, 8-28-79]—(Substituted in revision for NAC 445.542)

NAC 445B.097 "Maximum allowable throughput" defined. "Maximum allowable throughput" means:

- 1. The maximum process weight allowed through a continuous or long-run steady-rate operation, per hour; or
- 2. For cyclical or batch unit operations or unit processes, the total process weight for a 1-hour period.

↳ If any process, operation or the design of any equipment permits more than one interpretation of this section, the interpretation which results in the lesser value of allowable emissions applies.

(Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.5435)

NAC 445B.099 "Modification" defined. (NRS 445B.210) "Modification" means any physical change in, or change in the method of operation of a stationary 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.

[Environmental Comm'n, Air Quality Reg. § 1.109, eff. 12-4-76; A and renumbered as § 1.95, 5-7-80)—(NAC A 10-30-95)

1/12/06

NAC 445B.103 "Monitoring device" defined. "Monitoring device" means the total equipment used to measure and record emissions and process parameters which is required pursuant to 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.601, inclusive, or as a condition of an operating permit.

[Environmental Comm'n, Air Quality Reg. § 1.110, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.548)

NAC 445B.104 "Motor vehicle" defined. (NRS 445B.210) "Motor vehicle" has the meaning ascribed to it in NRS 485.050.

(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

1/12/06

NAC 445B.106 "Multiple chamber incinerator" defined. "Multiple chamber incinerator" means any article, machine, equipment contrivance, structure or part of a structure used to dispose of combustible refuse by burning, which consists of three or more refractory lined combustion furnaces in series, physically separated by refractory walls and interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

[Environmental Comm'n, Air Quality Reg. § 1.39, eff. 11-7-75; renumbered as § 1.113, 12-4-76]—(Substituted in revision for NAC 445.549)

1/12/06

1/24/11

1/24/11

1/24/11

NAC 445B.107 "Nearby" defined. (NRS 445B.210) "Nearby" means, as used in NAC 445B.064 and 445B.083, with respect to a specific structure or terrain feature:

1. For the purpose of using the equations set forth in paragraph (b) of subsection 1 of NAC 445B.083, that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than one-half mile; and

2. For the purpose of conducting demonstrations under paragraph (c) of subsection 1 of NAC 445B.083, not greater than one-half mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if the feature achieves a height one-half mile from the stack that is at least 40 percent of the good engineering practice stack height determined by using the equation set forth in subparagraph (2) of paragraph (b) of subsection 1 of NAC 445B.083 or 85 feet, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(Added to NAC by Environmental Comm'n by R096-05, eff. 10-31-2005)

12/10/76

1.114 New source. Equipment, machines, devices, articles, contrivances, or facilities built or installed on or after the effective date of these regulations.

NAC 445B.108 "New stationary source" defined. (NRS 445B.210) "New stationary source" means:

1. For stationary sources subject to the requirements of 42 U.S.C. § 7412, a stationary source for which the owner or operator commenced construction or reconstruction after the Administrator proposed regulations pursuant to 42 U.S.C. § 7412 which established an emission standard applicable to the stationary source.

2. For all other stationary sources, a stationary source or modification for which an owner or operator has not submitted a complete application for an operating permit before the effective date of the program.

[Environmental Comm'n, Air Quality Reg. § 1.41, eff. 11-7-75; renumbered as § 1.114, 12-4-76; A and renumbered as § 1.100, 5-7-80]—(NAC A 12-13-93; 10-30-95)

1/24/11

1/12/06

NAC 445B.109 "Nitrogen oxides" defined. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods approved by the EPA.

[Environmental Comm'n, Air Quality Reg. § 1.116, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.552)

NAC 445B.112 "Nonattainment area" defined. "Nonattainment area" means, for any regulated air pollutant, an area:

1. Which is shown by monitored data or is calculated by air quality modeling or any other method determined by the Administrator to be reliable, to exceed any national standard of ambient air quality for the regulated air pollutant;

2. Which is designated as a nonattainment area by the Governor; and

3. Which is promulgated as a nonattainment area by the Administrator.

[Environmental Comm'n, Air Quality Reg. § 1.103, eff. 5-7-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)

1/12/06

1/12/06

NAC 445B.113 "Nonroad engine" defined. "Nonroad engine" has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997.
(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

1/12/06

NAC 445B.1135 "Nonroad vehicle" defined. "Nonroad vehicle" has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997.
(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

1/12/06

NAC 445B.116 "Odor" defined. "Odor" means a characteristic of a regulated air pollutant which makes it perceptible to the sense of smell.
[Environmental Comm'n, Air Quality Reg. § 1.43, eff. 11-7-75; renumbered as § 1.118, 12-4-76]—(NAC A 10-30-95)

1/24/11

NAC 445B.117 "Offset" defined. (NRS 445B.210) "Offset" means a reduction in emissions at an existing stationary source which is greater than a corresponding increase in emissions of the same regulated air pollutant at a new stationary source or a modification of a stationary source in the same nonattainment area.
(Added to NAC by Environmental Comm'n, eff. 3-29-94; A 10-30-95)

1/12/06

NAC 445B.119 "One-hour period" defined. "One-hour period" means any 60-minute period.
[Environmental Comm'n, Air Quality Reg. § 1.119, eff. 12-4-76]—(NAC A 10-22-87)—
(Substituted in revision for NAC 445.556)

1/12/06

NAC 445B.121 "Opacity" defined. "Opacity" means the property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray.

Opacity (Percent)	Ringelmann Number
20	1
40	2
60	3
80	4
100	5

[Environmental Comm'n, Air Quality Reg. § 1.44, eff. 11-7-75; renumbered as § 1.120, 12-4-76]—(Substituted in revision for NAC 445.557)

1/12/06

NAC 445B.122 "Open burning" defined. "Open burning" means any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.

[Environmental Comm'n, Air Quality Reg. § 1.45, eff. 11-7-75; renumbered as § 1.21, 12-4-76]—(Substituted in revision for NAC 445.558)

NAC 445B.123 "Operating permit" defined. (NRS 445B.210) "Operating permit" has the meaning ascribed to it in NRS 445B.145. Unless otherwise specifically stated, the term includes:

- 1. A Class I, a Class II and a Class III operating permit;
 - 2. An operating permit to construct; and
 - 3. A mercury operating permit to construct, as defined in NAC 445B.3625.
- [Environmental Comm'n, Air Quality Reg. § 1.46, eff. 11-7-75; renumbered as § 1.122, 12-4-76]—(NAC A 12-13-93; R040-01, 10-25-2001; R103-02, 12-17-2002; R189-05, 5-4-2006; R162-06, 9-18-2006; R040-10, 7-22-2010)

NAC 445B.124 "Operating permit to construct" defined. (NRS 445B.210) "Operating permit to construct" means an operating permit signed and issued by the Director which:

- 1. Authorizes the construction and an initial period of operation of a proposed new Class I stationary source or modification to an existing Class I stationary source;
- 2. Includes the conditions which apply to the construction and the initial period of operation of the Class I stationary source or modification to an existing Class I stationary source; and
- 3. Includes the requirement that the holder of the operating permit to construct submit a complete application for a Class I operating permit or for a modification of an existing Class I operating permit within 12 months after the date of the initial start-up of the new or modified Class I stationary source.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

1/12/06

NAC 445B.125 "Ore" defined. "Ore" means a natural combination of minerals from which a metal can be extracted.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 3, eff. 11-17-78]—(Substituted in revision for NAC 445.560)

NAC 445B.127 "Owner or operator" defined. "Owner or operator" means any person who owns, leases, operates, controls or supervises an affected facility or a stationary source of which an affected facility is a part.

[Environmental Comm'n, Air Quality Reg. § 1.123, eff. 12-4-76]—(Substituted in revision for NAC 445.561)

NAC 445B.129 "Particulate matter" defined. "Particulate matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid at reference conditions.

[Environmental Comm'n, Air Quality Reg. § 1.47, eff. 11-7-75; renumbered as § 1.124, 12-4-76]—(Substituted in revision for NAC 445.562)

NAC 445B.130 "Pathological wastes" defined. "Pathological wastes" means human and animal remains consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar stationary sources.

[Environmental Comm'n, Air Quality Reg. § 1.48, eff. 11-7-75; renumbered as § 1.125, 12-4-76]—(NAC A 10-30-95)

1/24/11

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12/8/06

445B.134 "Person" has the meaning ascribed to it in NRS ~~{445B.150}~~ 0.039 and includes the State of Nevada, political subdivisions, administrative agencies and public or quasi-public corporations.

1/24/11

NAC 445B.1345 "Plantwide applicability limitation" defined. (NRS 445B.210) "Plantwide applicability limitation" means a plantwide applicability limitation as defined in 40 C.F.R. § 52.21(aa)(2)(v) that has been approved by the Director and authorized in an operating permit to construct pursuant to NAC 445B.001 to 445B.3689, inclusive.
(Added to NAC by Environmental Comm'n by R125-04, eff. 9-24-2004; A by R040-10, 7-22-2010)

10/26/82

445.565 "Petroleum" defined.

"Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale and coal.

[Environmental Comm'n, Air Quality Reg. § 1.127, eff. 12-4-76]

1/12/06

NAC 445B.135 "PM₁₀" defined. "PM₁₀" means any particulate matter in the atmosphere with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an approved reference method or equivalent method based on 40 C.F.R. Part 50, Appendix J and designated in accordance with 40 C.F.R. Part 53.

(Added to NAC by Environmental Comm'n, eff. 12-26-91)—(Substituted in revision for NAC 445.5655)

1/24/11

NAC 445B.138 "Potential to emit" defined. (NRS 445B.210) "Potential to emit" means the maximum capacity of a stationary source to emit a regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a stationary source to emit a regulated air pollutant, including equipment for the control of air pollution and any restrictions on the hours of operation of the stationary source or on the type or amount of material combusted, stored or processed, may be treated as part of its design for the purposes of determining its potential to emit if the limitation is federally enforceable.

[Environmental Comm'n, Air Quality Reg. part § 1.115.5, eff. 10-16-80]—(NAC A 12-13-93; 10-30-95; 5-3-96; R126-10, 12-16-2010)

12/10/76

1.131 Point source. Any stationary source causing emission in excess of 23 metric tons (25 tons) per year of any pollutant for which there is an ambient air standard, or without regard to amount of emission, stationary sources such as those listed in 40 CFR 51, Appendix C.

10/26/82

445.570 "Portland cement plant" defined.

"Portland cement plant" means any facility manufacturing portland cement by either the wet or dry process.

[Environmental Comm'n, Air Quality Reg. § 1.132, eff. 12-4-76]

445.574 "Precious metal" defined.

"Precious metal" means a metal of the gold, silver or platinum metal group.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff.

1-25-79; A 8-28-79]

10/26/82

445.575 "Precious metal processing plant" defined.

"Precious metal processing plant" means a facility which is primarily engaged in crushing, screening, grinding, handling, loading, transferring or storing any precious metal, or precious metal ore.

[Environmental Comm'n, Air Quality Reg. Art. 1, § 2, eff.

1-25-79; A 8-28-79]

1/24/11

NAC 445B.142 "Prevention of significant deterioration of air quality" defined. (NRS 445B.210) "Prevention of significant deterioration of air quality" has the meaning ascribed to it in 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5795)

1/12/06

NAC 445B.144 "Process equipment" defined. "Process equipment" means any equipment used for storing, handling, transporting, processing or changing any material, excluding that equipment specifically defined in NAC 445B.001 to 445B.601, inclusive, as fuel-burning equipment or incinerators.

[Environmental Comm'n, Air Quality Reg. § 1.52, eff. 11-7-75; renumbered as § 1.140, 12-4-76]—(Substituted in revision for NAC 445.581)

NAC 445B.145 "Process weight" defined. "Process weight" means the total weight of all materials introduced into an emission unit including solid fuels, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion of the fuel.

[Environmental Comm'n, Air Quality Reg. § 1.50, eff. 11-7-75; renumbered as § 1.143, 12-4-76; A and renumbered as § 1.140, 8-28-79]—(NAC A 10-30-95)

1/12/06

1/24/11

NAC 445B.147 "Program" defined. (NRS 445B.210) "Program" means the program for issuing operating permits to Class I sources which the Administrator has approved as complying with the requirements of 40 C.F.R. Part 70.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5855)

10/26/82

445.585 "Process weight rate" defined.

"Process weight rate" means a rate established as follows:

1. For continuous or long-run steady-rate operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of the period or portions thereof.

2. For cyclical or batch unit operations or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period.

3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this section, the interpretation that results in the minimum value of allowable emission applies.

[Environmental Comm'n, Air Quality Reg. §§ 1.51-1.51.3, eff. 11-7-75; renumbered as § 1.144, 12-4-76; A and renumbered as § 1.141, 8-28-79]

1/12/06

NAC 445B.151 "Reference conditions" defined. "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 29.92 inches (760 millimeters, 1,013.2 millibars) of mercury.

[Environmental Comm'n, Air Quality Reg. § 1.53, eff. 11-7-75; A and renumbered as § 1.147, 12-4-76; A and renumbered as § 1.144, 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.589)

NAC 445B.152 "Reference method" defined. "Reference method" means any method of sampling and analyzing for a regulated air pollutant as described in Appendix A of 40 C.F.R. § 60.

[Environmental Comm'n, Air Quality Reg. § 1.148, eff. 12-4-76; A and renumbered as § 1.145, 8-28-79]—(NAC A 10-30-95)

10/26/82

445.592 "Registration certificate" defined.

"Registration certificate" means a document issued and signed by the director certifying that:

1. Adequate empirical data for a single source has been received and constitutes approval of location; or

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2. An environmental evaluation has been submitted for a point source and that all portions of NAC 445.707 to 445.711, inclusive, and any other provisions of NAC 445.430 to 445.945, inclusive, have been complied with and constitutes approval of location and for construction.

[Environmental Comm'n, Air Quality Reg. § 1.55, eff. 11-7-75; renumbered as § 1.151, 12-4-76; A and renumbered as § 1.147, 8-28-79]

6/26/07

NAC 445B.153 "Regulated air pollutant" defined. "Regulated air pollutant" means:

1. Nitrogen oxides or any volatile organic compounds;
2. Any pollutant subject to:
 - (a) A national ambient air quality standard and any constituents or precursors for such pollutants identified by the Administrator;
 - (b) A standard or requirement adopted pursuant to 42 U.S.C. § 7411; or
 - (c) A standard established pursuant to NAC 445B.22097;
3. Any Class I or Class II substance subject to a standard adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive; or
4. Any pollutant that otherwise is subject to regulation under the Act, except that any hazardous air pollutant regulated under 42 U.S.C. § 7412 is not a regulated air pollutant unless the hazardous air pollutant is also regulated as a constituent or precursor of an air pollutant listed pursuant to 42 U.S.C. § 7408.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95; R096-05, 10-31-2005)

NAC 445B.154 "Renewal of an operating permit" defined. (NRS 445B.210) "Renewal of an operating permit" means the process by which a holder of an operating permit applies for and the Director reissues the operating permit at the end of its term.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5915)

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NAC 445B.156 "Responsible official" defined. (NRS 445B.210) "Responsible official" means:

- 1. For a corporation:
 - (a) A president;
 - (b) A vice president in charge of a principal business function;
 - (c) A secretary;
 - (d) A treasurer; or
 - (e) 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 Director.
- 2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
- 3. 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.
- 4. For an affected source, the designated representative or his or her alternate, as defined in 42 U.S.C. § 7651a(26).
(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A by R162-06, 9-18-2006; R040-10, 7-22-2010)

NAC 445B.157 "Revision of an operating permit" defined. (NRS 445B.210) "Revision of an operating permit" means any modification of, or any administrative amendment or administrative revision to, an operating permit.
(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A by R125-04, 9-24-2004)

10/26/82

445.597 "Roaster" defined.

"Roaster" means:

- 1. Any facility in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate 10 percent or more of the sulfur contained in the charge; or
- 2. Any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate 5 percent or more of the sulfur contained in the charge.

[Environmental Comm'n, Air Quality Reg. §§ 1.156-1.157, eff. 12-4-76]

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NAC 445B.161 "Run" defined. "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

[Environmental Comm'n, Air Quality Reg. § 1.159, eff. 12-4-76]—(Substituted in revision for NAC 445.599)

1/12/06

NAC 445B.163 "Salvage operation" defined. "Salvage operation" means any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

[Environmental Comm'n, Air Quality Reg. § 1.157, eff. 11-7-75; renumbered as § 1.161, 12-4-76]—(Substituted in revision for NAC 445.601)

1/12/06

NAC 445B.167 "Shutdown" defined. "Shutdown" means the cessation of operation of an affected facility for any purpose.

[Environmental Comm'n, Air Quality Reg. § 1.166, eff. 12-4-76]—(Substituted in revision for NAC 445.606)

1/12/06

NAC 445B.168 "Single chamber incinerator" defined. "Single chamber incinerator" means an incinerator with one chamber that serves for ignition, combustion and ash removal of a design approved by the division of environmental protection of the state department of conservation and natural resources.

[Environmental Comm'n, Air Quality Reg. § 1.98.1, eff. 3-31-77; A 12-27-77; A and renumbered as § 1.94.1, 8-28-79]—(Substituted in revision for NAC 445.612)

12/10/76

1.171 Single source. All similar process operations located at a single premise which can technically and economically be replaced by a single process that performs the same function. Two or more pieces of equipment or processes that handle different materials or produce dissimilar products will be treated separately.

6/26/07

NAC 445B.172 [445.617] "Six-minute period" defined. "Six-minute period" means any one of the 10 equal parts of a 1-hour period.

[Environmental Comm'n, Air Quality Reg. § 1.175, eff. 12-4-76]—(Substituted in revision for NAC 445.617)

10/26/82

445.618 "Slag" defined.

"Slag" means the more or less completely fused and vitrified matter separated during the reduction of a metal from its ore.

[Environmental Comm'n, Air Quality Reg. § 1.176, eff. 12-4-76]

1/12/06

NAC 445B.174 "Smoke" defined. "Smoke" means small particles consisting predominantly, but not exclusively, of carbon, ash or other combustible material, resulting from incomplete combustion.

[Environmental Comm'n, Air Quality Reg. § 1.59, eff. 11-7-75; renumbered as § 1.179, 12-4-76]—(Substituted in revision for NAC 445.621)

1/12/06

NAC 445B.176 "Solid waste" defined. "Solid waste" means refuse, more than 50 percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles and noncombustible materials such as glass and rock.

[Environmental Comm'n, Air Quality Reg. § 1.176, eff. 12-4-76]—(Substituted in revision for NAC 445.622)

1/12/06

NAC 445B.177 "Source" defined. "Source" has the meaning ascribed to it in NRS 445B.155.

[Environmental Comm'n, Air Quality Reg. § 1.60, eff. 11-7-75; renumbered as § 1.177, 12-4-76]—(NAC A 10-30-95)

1/12/06

NAC 445B.180 "Stack" and "chimney" defined. "Stack" or "chimney" means any flue, conduit or duct which conducts a regulated air pollutant to the atmosphere.

[Environmental Comm'n, Air Quality Reg. § 1.62, eff. 11-7-75; renumbered as § 1.178, 12-4-76]—(NAC A 10-14-82; 3-29-94, eff. 11-15-94; 10-30-95)

1/12/06

NAC 445B.182 "Standard" defined. "Standard" means a standard of performance that is proposed or promulgated by the Administrator or the director pursuant to NAC 445B.001 to 445B.735, inclusive.

[Environmental Comm'n, Air Quality Reg. § 1.180, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94; 7-5-94)

1/12/06

NAC 445B.185 "Start-up" defined. "Start-up" means the setting in operation of an affected facility for any purpose.

[Environmental Comm'n, Air Quality Reg. § 1.179, eff. 12-4-76]—(Substituted in revision for NAC 445.627)

NAC 445B.187 "Stationary source" defined. (NRS 445B.210)

1. "Stationary source" means all buildings, structures, facilities and installations, including temporary sources, which:

- (a) Belong to the same major industrial groupings described in the *Standard Industrial Classification Manual*, as incorporated by reference in NAC 445B.221;
- (b) Are located on one or more contiguous or adjacent properties;
- (c) Are owned or operated by the same person or by persons under common control; and
- (d) Emit or may emit any regulated air pollutant that is regulated under 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.3689, inclusive.

2. 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 emission units, are not part of the stationary source.

3. The term does not include motor vehicles, nonroad engines and nonroad vehicles.

[Environmental Comm'n, Air Quality Reg. § 1.182, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95; R105-97, 3-5-98; R117-00, 6-1-2001; R040-10, 7-22-2010; R126-10, 12-16-2010)

6/26/07

NAC 445B.190 [445.630] "Stop order" defined. "Stop order" means a written notice by the Director served on a person or persons requiring such persons to cease the activity that the Director, pursuant to NAC 445B.277, has determined is in violation of any provision of NAC 445B.001 to 445B.3791, inclusive, an applicable requirement or any condition of an operating permit.

[Environmental Comm'n, Air Quality Reg. § 1.63, eff. 11-7-75; renumbered as § 1.184, 12-4-76]—(NAC A 12-13-93)

NAC 445B.194 "Temporary source" defined. (NRS 445B.210) "Temporary source" means any building, structure, facility or installation which:

- 1. Emits or may emit any regulated air pollutant;
- 2. May be moved from one location to another;
- 3. Is located or operated in a location for a period of less than 12 months; and
- 4. Is not an affected source.

(Added to NAC by Environmental Comm'n, eff. 10-30-95; A by R117-00, 6-1-2001)

10/26/82

445.633. "Submerged fill pipe" defined.

"Submerged fill pipe" means:

- 1. Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches (15 cm) above the bottom of the tank; or

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2. When applied to a tank which is loaded from the side, any fill pipe, the discharge of which is entirely submerged when the liquid level is two times the diameter of the fill pipe above the bottom of the tank.

[Environmental Comm'n, Air Quality Reg. § 1.64, eff. 11-7-75; renumbered as § 1.191, 12-4-76]

1/12/06

NAC 445B.198 "Uncombined water" defined. "Uncombined water" means visible mist or condensed water vapor.

[Environmental Comm'n, Air Quality Reg. § 1.65, eff. 11-7-75; renumbered as § 1.205, 12-4-76; A and renumbered as § 1.200, 8-28-79]—(Substituted in revision for NAC 445.647)

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NAC 445B.200 "Violation" defined. (NRS 445B.210) "Violation" means a failure to comply with any of the provisions of NAC 445B.001 to 445B.3689, inclusive, any applicable requirement or any condition of an operating permit.

[Environmental Comm'n, Air Quality Reg. § 1.203, eff. 8-28-79]—(NAC A 10-22-87; 12-13-93; R040-10, 7-22-2010)

1/12/06

NAC 445B.202 "Volatile organic compounds" defined. "Volatile organic compounds" has the meaning ascribed to it in 40 C.F.R. § 51.100(s), as incorporated by reference in NAC 445B.221.

[Environmental Comm'n, Air Quality Reg. § 1.67, eff. 11-7-75; renumbered as § 1.208, 12-4-76; A and renumbered as § 1.204, 8-28-79]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.650)

1/12/06

NAC 445B.205 "Waste" defined. "Waste" means useless, unneeded, or superfluous matter or discarded or excess material.

[Environmental Comm'n, Air Quality Reg. § 1.68, eff. 11-7-75; renumbered as § 1.209, 12-4-76; A and renumbered as § 1.205, 8-28-79]—(Substituted in revision for NAC 445.651)

1/12/06

NAC 445B.207 "Wet garbage" defined. "Wet garbage" means a combination of waste and garbage which contains more than 50 percent moisture.

[Environmental Comm'n, Air Quality Reg. § 1.69, eff. 11-7-75; renumbered as § 1.211, 12-4-76; A and renumbered as § 1.207, 8-28-79]—(Substituted in revision for NAC 445.653)

1/12/06

NAC 445B.209 "Year" defined. "Year" means any consecutive 365-day period. (Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.6535)

NAC 445B.211 Abbreviations. The abbreviations used in NAC 445B.001 to 445B.3497, inclusive, have the following meanings:

- BACT best available control technology
- Btu British thermal unit
- C.F.R. Code of Federal Regulations
- CO₂..... carbon dioxide
- °F degree Fahrenheit
- Hg..... mercury
- H₂S hydrogen sulfide
- lb..... pound
- NO..... nitric oxide
- NO_x..... nitrogen oxides
- O₂..... oxygen
- ppm..... parts per million
- SO₂ sulfur dioxide
- VOC volatile organic compound

[Environmental Comm'n, Air Quality Reg. § 1.213, eff. 12-4-76; A and renumbered as § 1.209, 8-28-79]—(NAC A 10-15-85; R105-97, 3-5-98; R040-01, 10-25-2001)

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