

EXHIBIT 2: PROPOSED AQR 12.3

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12.3 PERMIT REQUIREMENTS FOR MAJOR SOURCES IN NONATTAINMENT AREAS

12.3.1 Applicability Procedures

12.3.1.1 Preconstruction Review Requirements

The preconstruction review requirements of Section 12.3 shall apply to the [C]onstruction of any new major [S]tationary [S]ource or any project at an existing major [S]tationary [S]ource in an area designated as nonattainment for any National Ambient Air Quality Standard (NAAQS) under Section 107(d)(1)(B) of the Clean Air Act [~~42 USC § 7407(d)(1)(B)~~](the Act), as set forth in Sections 12.3.1.2[~~through~~]-12.3.1.8.

12.3.1.2 Construction of Major Sources or Major Modifications

(a) For any new major [S]tationary [S]ource, the requirements of Sections 12.3.1.3 and 12.3.3[~~through~~]-12.3.8 apply to [E]missions of a regulated New Source Review (NSR) pollutant from such [C]onstruction if based on preconstruction estimates, a stationary source's potential to emit (PTE) a regulated NSR pollutant will qualify it as a major stationary source for that regulated NSR pollutant, as defined in Section 12.3.2.[:]

~~[(1) Based on preconstruction estimates, the Potential to Emit of the regulated NSR pollutant will qualify the Stationary Source as a major stationary for that regulated NSR pollutant as defined in Section 12.3.2; or]~~

~~[(2) The Owner or Operator or Control Officer determines that the Construction, in fact, resulted in a major Stationary Source for the regulated NSR pollutant (as defined in Section 12.3.2).]~~

(b) For any major modification at a major [S]tationary [S]ource that is not subject to a plant-wide applicability limitation (PAL) for the regulated NSR pollutant, the requirements of Sections 12.3.1.3 and 12.3.3[~~through~~]-12.3.8 apply to [E]missions of regulated NSR pollutants from such project if, at the time the [O]wner or [O]perator begins actual [C]onstruction, the [S]tationary [S]ource is a major [S]tationary [S]ource for that regulated NSR pollutant(s), and, based on preconstruction emission estimates made in accordance with Section 12.3.1.4, a major modification for that regulated NSR pollutant will result from the project.[:]

~~[(1) The Owner or Operator or the Control Officer determines that, based on preconstruction projections made in accordance with Section 12.3.1.4, a major modification for that regulated NSR pollutant will result from the project; or]~~

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~~[(2) The [O]wner or [O]perator or the Control Officer determines that a major modification for that regulated NSR pollutant, in fact, resulted from the project in accordance with Section 12.3.1.4(e).]~~

12.3.1.3 Authority to Construct Permit Requirement

- (a) Except as provided in paragraph (b) of this section, no new major [S]stationary [S]source, or major modification to which the requirements of Sections 12.3.3 ~~through~~ 12.3.8 apply, shall begin actual [G]construction or operate without an [A]authority to [G]construct [P]permit issued pursuant to Section 12.4 that requires that the major [S]stationary [S]source or major modification meet these requirements.
- (b) When a portable source has an [A]authority to [G]construct [P]permit under Section 12.3 that authorizes [G]construction and operations in more than one location, and that portable source proposes to relocate within Clark County, the requirements of paragraph (a) ~~are~~ shall be satisfied if the portable source complies with Section 12.4.3.1(e).

12.3.1.4 Projects

The requirements of this section apply to projects at major [S]stationary [S]sources in accordance with the principles set out in paragraphs (a) ~~through~~ ~~(e)~~ of this section.

- (a) Except as otherwise provided in Section 12.3.1.5, a project is a major modification for a regulated NSR pollutant if ~~either the required preconstruction projection or the post-construction Emissions show that the project~~ it causes ~~two (2)~~ types of [E]emissions increases: a significant [E]emissions increase and a significant net [E]emissions increase. The project is not a major modification if it does not cause a significant [E]emissions increase. If the project causes a significant [E]emissions increase, then the project is a major modification only if it also results in a significant net [E]emissions increase.
- ~~(b)~~ (1) The procedure for calculating (before beginning actual [G]construction) whether a significant [E]emissions increase will occur depends ~~up~~ on the type of [E]emission[s] [U]units being added or modified as part of the project, according to paragraphs ~~(c)~~ ~~b~~ ~~through~~ ~~(e)~~ of this section.
- (b) The procedure for calculating (before beginning actual construction) whether a significant net [E]emissions increase will occur at the major [S]stationary [S]source is contained in the definition~~s~~ of “net [E]emissions increase” and “significant” ~~contained~~ in Section 12.3.2.

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~~[(c)] The procedures in paragraph (b) of this section also apply for determining whether a project resulted in a major modification after Construction, except that the phrase “emitted” shall be substituted for “projected to emit” in calculating the projected actual Emissions as defined in Section 12.3.2.]~~

~~[(d)]~~**(c) Actual-to-Projected-Actual Applicability Test for Projects ~~[(t)]~~ That Only Involve Existing Emission[s] Units.** A significant ~~[(E)]~~emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual ~~[(E)]~~emissions and the baseline actual ~~[(E)]~~emissions for each ~~[(E)]~~existing ~~[(E)]~~emission[s] ~~[(U)]~~unit equals or exceeds the significant amount for that pollutant.

~~[(e)]~~**(d) Actual-to-Potential Test for Projects ~~[(t)]~~ That Only Involve Construction of a New Emission[s] Unit(s).** A significant ~~[(E)]~~emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the PTE from each new ~~[(E)]~~emission[s] ~~[(U)]~~unit following completion of the project and the baseline actual ~~[(E)]~~emissions of these units before the project equals or exceeds the significant amount for that pollutant.

~~[(f)]~~**(e) Hybrid Test for Projects ~~[(t)]~~ That Involve Multiple Types of Emission[s] Units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the ~~[(E)]~~emissions differences for each ~~[(E)]~~emission[s] ~~[(U)]~~unit, calculated using the methods specified in paragraphs ~~[(e)b)~~ or ~~[(d)c)~~ of *this* ~~[(S)]~~section ~~[(12.3.1.4)]~~, as applicable with respect to each emission[s] unit, equals or exceeds the significant amount for that pollutant.

12.3.1.5 Major Sources with Plant-wide Applicability Limitations

- (a) For any major ~~[(S)]~~stationary ~~[(S)]~~source with a PAL for a regulated NSR pollutant, the ~~[(O)]~~owner or ~~[(O)]~~operator shall comply with the requirements in Section 12.3.9.
- (b) For any project that would increase ~~[(E)]~~emissions of a regulated NSR pollutant at a major ~~[(S)]~~stationary ~~[(S)]~~source with a PAL for that regulated NSR pollutant, the ~~[(O)]~~owner or ~~[(O)]~~operator shall comply with the requirements in Section 12.3.9. For ~~[(E)]~~emissions increases resulting from the project that are not regulated by a PAL, the ~~[(O)]~~owner or ~~[(O)]~~operator shall comply with Section 12.3.1.2(b) or Section 12.3.1.6.

12.3.1.6 Existing Emission Unit Projects

The provisions of this paragraph apply to ~~[(E)]~~emissions of a regulated NSR pollutant from a project at a major ~~[(S)]~~stationary ~~[(S)]~~source, other than a source with a PAL for the regulated NSR pollutant~~[(i)]~~, when the ~~[(O)]~~owner or ~~[(O)]~~operator elects to use the method

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specified in [~~paragraphs (1)(A) through (1)(D)~~ Section 12.3.2(z)(1)] of the definition of projected actual [E]missions [~~in Section 12.3.2~~] to estimate [E]missions increases of the regulated NSR pollutant from any [E]existing [E]emission[s] [U]nit, and determines that with respect to that pollutant, the project is not a major modification.

- (a) Except as provided in paragraph (b) of this section, in addition to the information required under Section 12.4.3.1, the [O]wner or [O]perator shall include the following information in an application for an [A]uthority to [C]onstruct [P]ermit, and as a condition of the source's [A]uthority to [C]onstruct [P]ermit, the [O]wner or [O]perator shall document and maintain a record of this information:
- (1) A description of the project[;], including a reason why the [O]wner or [O]perator is undertaking the project[;], and an explanation [~~as to~~] of whether the project will increase an [E]existing [E]emission[s] [U]nit's availability, utilization, or capacity;
 - (2) Identification of the [E]emission[s] [U]nit(s) whose emissions of a regulated NSR pollutant could be affected by the project, new [E]emission[s] [U]nits, and any other constructed [E]emission[s] [U]nits that will be modified by the project; and
 - (3) A detailed accounting of [E]emission[s] increases and decreases from each [E]emission[s] [U]nit identified in paragraph (2) of this section, including a description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant[;], and, for each [E]emission[s] [U]nit:
 - (A) The baseline actual [E]missions;
 - (B) The projected actual [E]missions;
 - (C) The amount of [E]missions excluded under paragraph (1)(D) of the definition of projected actual [E]missions; [~~and~~]
 - (D) A detailed [~~an~~] explanation for why the amount excluded meets the criteria for exclusion under paragraph (1)(D) of the definition of projected actual [E]missions in Section 12.4.2; and
 - (E) Any netting calculations, if applicable.
- (b) If the project does not require an [A]uthority to [C]onstruct [P]ermit, then before beginning actual [C]onstruction, the [O]wner or [O]perator shall provide a copy of the information set out in paragraph (a) of this section to the Control Officer. Nothing in this paragraph shall

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be construed to require the [O]owner or [O]operator to obtain any applicability determination from the Control Officer before beginning actual [C]construction, ~~[except such]~~ but the [O]owner or [O]operator may still be subject to the requirements of Section 12.1, Section 12.4, or other applicable requirements.

- (c) The [O]owner or [O]operator shall monitor and maintain a record of the [E]missions of any regulated NSR pollutant from any [E]existing [E]emission[s] [U]unit identified in paragraph (a)(2) of this section that did not rely on the ~~[Emissions-U]unit's [Potential-to-Emit]~~ PTE to estimate the ~~[Emissions-U]unit's~~ projected actual [E]emissions; and calculate and maintain a record of ~~[the]~~ annual [E]emissions in tons per year (~~[in]~~ tpy) for the project[;] for a period of ~~[five-]~~ [5] years following resumption of regular operations after the change, or for a period of ~~[ten-]~~ [10] years following resumption of regular operations after the change if the project increases the design capacity of, or ~~[Potential-to-Emit]~~ the PTE of that regulated NSR pollutant at, any [E]existing [E]emission[s] [U]unit.
- (d) If the [E]emission[s] [U]unit is an existing electric utility steam generating unit, the [O]owner or [O]operator shall submit a report to the Control Officer within ~~[sixty-]~~ [60] days after the end of each 12-month period during which records must be generated under paragraph (c) of this section setting out the unit's annual [E]emissions during the 12-month period that preceded submission of the report.
- (e) If the [E]emission[s] [U]unit is an [E]existing [E]emission[s] [U]unit other than an electric utility steam generating unit, the [O]owner or [O]operator shall submit a report to the Control Officer if the annual [E]emissions[;] (~~[in]~~ tpy[;]) from the project identified in paragraph (a) of this section exceed the baseline actual [E]emissions (as documented and maintained pursuant to paragraph (a)(3) of this section)[;] by a significant amount for that regulated NSR pollutant, and if such [E]emissions differ from the projected actual [E]emissions (prior to exclusion of the amount of [E]emissions under the definition of projected actual [E]emissions) as documented and maintained pursuant to paragraph (a)(3) of this section. Such report shall be submitted to the Control Officer within ~~[sixty-]~~ [60] days after the end of such year[. ~~The report~~] and shall contain the following:
- (1) The name, address, and telephone number of the major [S]stationary [S]source;
 - (2) The annual [E]emissions, as calculated pursuant to paragraph (c) of this section; and

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- (3) Any other information ~~[that]~~ the [O]owner or [O]operator wishes to include in the report (e.g., an explanation ~~[as to]~~of why the [E]missions differ from the pre-construction projection).

12.3.1.7 Availability of Information

The [O]owner or [O]operator of the source shall make the information required to be documented and maintained pursuant to Section 12.3.1.6 available for review ~~[upon a request for inspection by]~~at the Control Officer's request.

12.3.1.8 Secondary Emissions

Secondary [E]missions shall not be considered in determining whether a [S]stationary [S]source would qualify as a major [S]stationary [S]source. If a [S]stationary [S]source is subject to Section 12.3 on the basis of ~~[the]~~its direct [E]missions~~[from the Stationary Source]~~, the requirements of Section 12.3.6~~[,]~~ (but no other provisions of Section 12.3~~[,]~~) must also be met for [S]secondary [E]missions.

12.3.2 Definitions

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of Section 12.3. When a term is not defined in these paragraphs, it shall have the meaning ~~[given]~~provided in Section 0 of the Clark County Air Quality Regulations (AQRs), Chapter 445B of the Nevada Revised Statutes (NRS), ~~[or in]~~the Act, or common usage, in that order of priority.

- (a) "Actual [E]missions" means the actual rate of [E]missions of a regulated NSR pollutant from an [E]mission[s] [U]unit, as determined in accordance with this definition.
 - (1) In general, [A]actual [E]missions as of a particular date shall equal the average rate~~[,]~~ (in tpy~~[,]~~) at which the [E]mission[s] [U]unit actually emitted the regulated NSR pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual [E]missions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - (2) The Control Officer may presume that source-specific [A]allowable [E]missions for the unit are equivalent to the [A]actual [E]missions of the unit.

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- (3) For any [E]emission[s] [U]unit that has not begun normal operations on the particular date, [A]actual [E]emissions shall equal the PTE of the unit on that date.
 - (4) This definition shall not apply for calculating whether a significant [E]emissions increase has occurred, or for establishing a PAL under Section 12.3.9. Instead, projected actual [E]emissions and baseline actual [E]emissions shall apply for those purposes.
- (b) "Baseline [A]actual [E]emissions" means the rate of [E]emissions[;] (in tpy[;]) of a regulated NSR pollutant, as determined in accordance with paragraphs [(c)](1)[~~through (c)~~](4) of this definition.
- (1) For an[y] existing electric utility steam generating unit, baseline actual [E]emissions means the average rate[;] (in tpy[;]) at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the [O]owner or [O]operator within the 5-year period immediately preceding when the [O]owner or [O]operator begins actual [C]construction of the project. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - (A) The average rate shall include [F]fugitive [E]emissions, to the extent [Q]quantifiable, and [E]emissions associated with startups, [S]shutdowns, and malfunctions.
 - (B) The average rate shall be adjusted downward to exclude any noncompliant [E]emissions that occurred while the source was operating above any [E]emission [L]imitation that was legally enforceable during the consecutive 24-month period.
 - (C) The average rate shall be adjusted downward to exclude any [E]emissions that would have exceeded an [E]emission [L]imitation with which the major [S]stationary [S]source must comply as of the particular date, had such major [S]stationary [S]source been required to comply with such limitations during the consecutive 24-month period. For the purposes of determining baseline actual [E]emissions for contemporaneous changes pursuant to paragraph (1)(B) in Section 12.3.2 of the definition of net [E]emissions increase, the particular date is the date on which the particular change occurred. However, if an [E]emission [L]imitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR Part 63, the baseline actual [E]emissions need only be adjusted

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if the [S]state of Nevada has taken credit for such [E]emissions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR [§]Part 51.165(a)(3)(ii)(G).

- (D) For a regulated NSR pollutant, when a project involves multiple [E]emission[s] [U]units, only one consecutive 24-month period must be used to determine the baseline [A]actual [E]emissions for the [E]emission[s] [U]units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - (E) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual [E]emissions[.] (in tpy), and for adjusting this amount if required by this definition.
- (2) For an [E]existing [E]emission[s] [U]unit (other than an electric utility steam generating unit), baseline actual [E]emissions means the average rate[.] (in tpy[.]) at which the [E]emission[s] [U]unit actually emitted the pollutant during any consecutive 24-month period selected by the [O]owner or [O]operator within the 10-year period immediately preceding either the date the [O]owner or [O]operator begins actual [C]construction of the project, or the date a [C]complete permit application is received by the Control Officer for a permit required under these AQRs, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.
- (A) The average rate shall include [F]fugitive [E]emissions to the extent [Q]quantifiable.
 - (B) The average rate shall include [E]emissions associated with startups, [S]shutdowns, and malfunctions.
 - (C) The average rate shall be adjusted downward to exclude any noncompliant [E]emissions that occurred while the source was operating above an [E]emission [L]limitation that was legally enforceable during the consecutive 24-month period.
 - (D) The average rate shall be adjusted downward to exclude any [E]emissions that would have exceeded an [E]emission [L]limitation with which the major [S]stationary [S]source must comply as of a particular date, had such major [S]stationary [S]source been required to comply with such limitations during the consecutive 24-month period. For the

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purposes of determining baseline actual [E]missions for contemporaneous changes pursuant to paragraph (1)(B) of the definition of net [E]missions increase, the particular date is the date on which the particular change occurred. However, if an [E]mission [L]imitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR Part 63, the baseline actual [E]missions need only be adjusted if the [S]tate of Nevada has taken credit for such [E]missions reductions in an attainment demonstration or maintenance plan, consistent with the requirements of 40 CFR Part 51.165(a)(3)(ii)(G).

- (E) For a regulated NSR pollutant, when a project involves multiple [E]mission[s] [U]nits, only one consecutive 24-month period must be used to determine the baseline actual [E]missions for all the [E]mission[s] [U]nits being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - (F) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual [E]missions[.] (in tpy), and for adjusting this amount if required by paragraphs (2)(B) and (2)(C) of this definition.
- (3) For a new [E]mission[s] [U]nit, the baseline actual [E]missions for purposes of determining the [E]missions increase that will result from the initial [C]onstruction and operation of such unit shall equal zero[.], and thereafter, for all other purposes, shall equal the unit's PTE.
 - (4) For a PAL for a [S]tationary [S]ource, the baseline actual [E]missions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (1) of this definition; for other [E]xisting [E]mission[s] [U]nits, in accordance with the procedures contained in paragraph (2) of this definition; and for a new [E]mission[s] [U]nit, in accordance with the procedures contained in paragraph (3) of this definition.
- (c) "Basic design parameter" means:
- (1) Except as provided in paragraph (3) of this definition, for a process unit at a steam electric generating facility, the [O]wner or [O]perator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel

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consumption rate, or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British thermal unit (Btu) content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.

- (2) Except as provided in paragraph (3) of this definition, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the [O]owner or [O]operator should consider the primary product or primary raw material when selecting a basic design parameter.
- (3) If the [O]owner or [O]operator believes the basic design parameter(s) in paragraphs (1) and (2) of this definition is (are) not appropriate for a specific industry or type of process unit, the [O]owner or [O]operator may propose to the Control Officer [an] one or more alternative basic design parameter[(s)] for the source's process unit(s). If ~~[the Control Officer approves of the use of an alternative basic design parameter(s)]~~ approved, the Control Officer shall issue a legally enforceable permit ~~[that is legally enforceable]~~ that records such basic design parameter(s) and requires the [O]owner or [O]operator to comply with such parameter(s).
- (4) The [O]owner or [O]operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in paragraphs (1) and (2) of this definition.
- (5) If design information is not available for a process unit, then the [O]owner or [O]operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.
- (6) Efficiency of a process unit is not a basic design parameter.
- (7) The replacement activity shall not cause the process unit to exceed any [E]mission [L]imitation, or operational limitation that has the effect of constraining [E]missions, that applies to the process unit and that is legally enforceable.

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- (d) "Begin [A]actual [C]construction" means, in general, initiation of physical on-site [C]construction [A]activities on an [E]emission[s] [U]unit [which]that are of a [P]permanent nature. Such activities include, but are not limited to, installation of [B]building supports and foundations, laying of underground pipework, and [C]construction of [P]permanent storage structures. With respect to a change in method of operating, this term refers to those on-site activities (other than preparatory activities) [which]that mark the initiation of the change.
- (e) "Best Available Control Technology (BACT)" means an [E]emission [L]imitation (including a visible [E]emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant [which]that would be emitted from any proposed major [S]stationary [S]source or major modification [which]that the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in [E]emissions of any pollutant [which]that would exceed the [E]emissions allowed by any applicable standard under 40 CFR Part 60 or 61. If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular [E]emission[s] [U]unit would make the imposition of an [E]emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the [E]emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means [which]that achieve equivalent results.
- (f) "Building, structure, facility, or installation" means all of the pollutant-emitting activities [which]that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same [P]person (or [P]persons under common control), except the activities of any vessel. Pollutant-emitting activities shall be considered [as-]part of the same industrial grouping if they belong to the same major group (i.e., which have the same SIC or NAICS code), as described in either the 1972 Standard Industrial Classification (SIC) manual[,—1972], as amended by the 1977 supplement, or the North American Industry Classification System (NAICS) manual.

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- (g) "Categorical ~~[S]~~stationary ~~[S]~~source" means any ~~[S]~~stationary ~~[S]~~source of ~~[A]~~air ~~[P]~~pollutants that belongs to one of the following categories~~[of ~~Stationary Sources~~]~~:
- (1) Fossil fuel-fired steam electric plants of more than 250~~[million]~~ MMBtu per hour heat input;
 - (2) Coal cleaning plants (with thermal dryers);
 - (3) Kraft pulp mills;
 - (4) Portland cement plants;
 - (5) Primary zinc smelters;
 - (6) Iron and steel mills;
 - (7) Primary aluminum ore reduction plants;
 - (8) Primary copper smelters;
 - (9) Municipal incinerators capable of charging more than 50 tons of refuse per day;
 - (10) Hydrofluoric, sulfuric, or nitric acid plants;
 - (11) Petroleum refineries;
 - (12) Lime plants;
 - (13) Phosphate rock processing plants;
 - (14) Coke oven batteries;
 - (15) Sulfur recovery plants;
 - (16) Carbon black plants (furnace process);
 - (17) Primary lead smelters;
 - (18) Fuel conversion plants;
 - (19) Sintering plants;
 - (20) Secondary metal production plants;
 - (21) Chemical process plants; *The term chemical processing plant shall not include ethanol production facilities that produce ethanol*

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[by natural fermentation included in NAICS codes 325193 or 312140](#)

- (22) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;
 - (23) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (24) Taconite ore processing plants;
 - (25) Glass fiber processing plants; and
 - (26) Charcoal production plants.
- (h) "Clean coal technology" means any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility ~~[which]~~that will achieve significant reductions in air ~~[E]missions~~ of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.
- (i) "Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy–Clean Coal Technology[;]" (up to a total amount of \$2.5 billion) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the [U.S. Environmental Protection Agency](#) (EPA). The federal contribution for a qualifying project shall be at least ~~[twenty (20) percent]~~% of the total cost of the demonstration project.
- (j) "Constructed ~~[E]mission[s]~~ ~~[U]nit~~" means any part of a ~~[S]tationary~~ ~~[S]ource~~ that is newly constructed or modified and that emits, or has the ~~[P]otential to [E]mit,~~ any ~~[R]egulated [A]ir [P]ollutant~~ ~~[that is newly constructed or modified]~~.
- (k) "Continuous Emissions Monitoring System (CEMS)" means all of the equipment that may be required to meet the data acquisition and availability requirements of Section 12.3, to sample, condition (if applicable), analyze, and provide a record of ~~[E]missions~~ on a continuous basis.
- (l) "Continuous Emissions Rate Monitoring System (CERMS)" means the total equipment required for the determination and recording of the pollutant mass ~~[E]missions~~ rate (in terms of mass per unit of time).

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- (m) "Continuous Parameter Monitoring System (CPMS)" means all of the equipment necessary to meet the data acquisition and availability requirements of Section 12.3, to monitor process and control device operational parameters and other information, and to record average operational parameter value(s) on a continuous basis.
- (n) "Emission Reduction Credit (ERC)" means a unit of emission reduction (in tpy) that has been issued by the Control Officer in accordance with the provisions set forth in Sections 12.3.6 and 12.7.
- (o) "Emission[s] [U]nit" means any part of a [S]stationary [S]source that emits, or would have the [P]potential to [E]emit, any regulated NSR pollutant and includes an electric utility steam generating unit. For purposes of Section 12.3, there are two types of [E]emission[s] [U]units, as described in paragraphs (1) and (2) ~~of this definition~~ below:
- (1) A "New [E]emission[s] [U]nit" is any [E]emission[s] [U]nit ~~which~~ that is (or will be) newly constructed and ~~which~~ that has existed for less than ~~two~~ (2) years from the date such [E]emission[s] [U]nit first operated. For the purposes of this definition, the date an [E]emission[s] [U]nit first operated shall not be extended by any shakedown period established pursuant to ~~paragraph (aa)(6) of~~ Section 12.3.2 (t)(6).
 - (2) An "Existing [E]emission[s] [U]nit" is any [E]emission[s] [U]nit that does not meet the requirements in paragraph (1) of this definition. A replacement unit is an [E]existing [E]emission[s] [U]nit.
- (p) "Lowest Achievable Emission Rate (LAER)" means, for any source, the more stringent rate of [E]emissions based on the following:
- (1) The most stringent [E]emission [L]imitation ~~which~~ that is contained in the implementation plan of any [S]state for such class or category of [S]stationary [S]source, unless the [O]owner or [O]operator of the proposed major [S]stationary [S]source demonstrates that such limitations are not achievable; or
 - (2) The most stringent [E]emission [L]imitation ~~which~~ that is achieved in practice by such class or category of [S]stationary [S]sources. This limitation, when applied to a major modification, means the LAER for the new or modified [E]emission[s] [U]units within the [S]stationary [S]source. In no event shall the application of the term permit a proposed new or modified [S]stationary [S]source to emit any pollutant in excess of the

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amount allowable under an applicable ~~N~~ew ~~S~~ource standard of performance.

For purposes of this definition only, the term “any ~~S~~state” means a ~~S~~state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and includes the Commonwealth of the Northern Mariana Islands.

- (q) “Major ~~M~~odification” means any physical change in, or change in the method of operation of, a major ~~S~~tationary ~~S~~ource that would result in a significant ~~E~~missions increase of a regulated NSR pollutant and a significant net ~~E~~missions increase of that pollutant from the major ~~S~~tationary ~~S~~ource.
- (1) Any significant ~~E~~missions increase from any ~~E~~mission[s] ~~U~~nit[s], or net ~~E~~missions increase at a major ~~S~~tationary ~~S~~ource that is significant for ~~V~~olatile ~~O~~rganic ~~C~~ompounds (VOCS), shall be considered major for ozone.
 - (2) Any significant ~~E~~missions increase from any ~~E~~mission[s] ~~U~~nit[s], or net ~~E~~missions increase at a major ~~S~~tationary ~~S~~ource that is significant for nitrogen oxides, shall be considered significant for ozone unless EPA has granted a waiver for nitrogen oxides ~~E~~missions under Section 182(f) of the Act and the waiver continues to apply.
 - (3) 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 an order under Sections 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 Clean Air 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 ~~S~~tationary ~~S~~ource ~~which~~that.

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- (i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any [F]federally [E]enforceable permit condition which was established after December 21, 1976, pursuant to Section 12 or under regulations approved pursuant to 40 CFR Part 51, Subpart I.
 - (ii) The source is approved to use under any permit issued under Section 12.
- (F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any [F]federally [E]enforceable permit condition which was established after December 21, 1976;
- (G) Any change in ownership at a [S]stationary [S]source; or
- (H) The installation, operation, cessation, or removal of a Temporary Clean Coal Technology Demonstration Project, provided that the project complies with:
- (i) The Nevada State Implementation Plan (SIP); and
 - (ii) Other requirements necessary to attain and maintain the ~~National Ambient Air Quality Standards~~ NAAQS during the project and after it is terminated.
- (4) This definition shall not apply with respect to a particular regulated NSR pollutant when the [M]major [S]stationary [S]source is complying with the requirements under Section 12.3.9 for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification shall apply.
- (5) The [F]fugitive [E]emissions of a major [S]stationary [S]source shall be included in determining, for any of the purposes of Section 12.3, whether a particular physical change, or change in the method of operation, is a major modification.
- (r) "Major [S]stationary [S]source" or "[M]major [S]source" means:
- (1) Any [S]stationary [S]source of [A]air [P]pollutants ~~[which]~~that emits, or has the [P]potential to [E]emit, 100 tpy or more of any regulated NSR pollutant except lower emissions thresholds shall apply in areas classified nonattainment as identified in Table 1.~~[.]~~
- ~~[(A) For an area designated nonattainment for PM₁₀ and classified as "serious," a major Stationary Source is a~~

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~~Stationary Source which emits, or has the Potential to Emit, seventy (70) tpy or more of PM₁₀.]~~

~~[(B) A major Stationary Source is a Stationary Source which emits, or has the Potential to Emit, fifty (50) tpy or more in an area classified as “serious” nonattainment for CO where Stationary Sources significantly contribute to ambient CO levels, as determined under regulations issued by EPA pursuant to the Act.]~~

~~[(C) For an area designated nonattainment for ozone, a source with the Potential to Emit VOC or NO_x in the following amounts shall be considered a major Stationary Source:]~~

~~[(i) ≥100 tpy in areas classified as “marginal” or “moderate”];~~

~~[(ii) ≥50 tpy in areas classified as “serious”];~~

~~[(iii) ≥25 tpy in areas classified as “severe”; and]~~

~~[(iv) ≥10 tpy in areas classified as “extreme.”]~~

Table 1. Emissions by Pollutant and Nonattainment Classification

<u>Pollutant</u>	<u>Nonattainment Classification</u>	<u>Emissions in Tons per Year (tpy)</u>
<u>Particulate matter with a diameter of 2.5 microns or less (PM_{2.5})</u>	<u>Serious</u>	<u>70</u>
<u>Particulate matter with a diameter of 10 microns or less (PM₁₀)</u>	<u>Serious</u>	<u>70</u>
<u>Carbon monoxide (CO)</u>	<u>Serious</u> ¹	<u>50</u>
<u>Volatile organic compounds (VOCs)</u>	<u>Serious</u>	<u>50</u>
	<u>Severe</u>	<u>25</u>
	<u>Extreme</u>	<u>10</u>
<u>Nitrogen dioxide (NO₂)</u>	<u>Serious</u>	<u>50</u>
	<u>Severe</u>	<u>25</u>
	<u>Extreme</u>	<u>10</u>
<u>Ozone</u> <u>(precursors include:</u> <u>nitrogen oxides (NO_x) and VOCs)</u>	<u>Serious</u>	<u>50</u>
	<u>Severe</u>	<u>25</u>
	<u>Extreme</u>	<u>10</u>
	<u>Severe</u>	<u>25</u>

¹Where stationary sources significantly contribute to ambient CO levels, as determined under regulations issued by EPA pursuant to the Act.

- (2) Any physical change that would occur at a [S]stationary [S]source not qualifying as a major [S]stationary [S]source under

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paragraph (r)(1) of this definition, if the change would constitute a major [S]stationary [S]source by itself under paragraph (r)(1).

- (3) A major [S]stationary [S]source that is major for [~~Volatile Organic Compounds~~]VOCs shall be considered major for ozone.
 - (4) A major [S]stationary [S]source that is major for nitrogen oxides shall be considered major for ozone[,], unless EPA has granted a waiver for nitrogen oxides [E]missions under Section 182(f) of the Act and the waiver continues to apply.
 - (5) The [F]fugitive [E]missions of a [S]stationary [S]source shall not be included in determining, for any of the purposes of Section 12.3, whether it is a major [S]stationary [S]source, unless the source is a categorical [S]stationary [S]source or belongs to any other [S]stationary [S]source category [which]that, as of August 7, 1980, was being regulated under Section 111 or 112 of the Act.
- (s) "Necessary preconstruction approvals or permits" means those permits or approvals required under air quality control laws and regulations that are part of the Nevada SIP, these AQRs, or federal air quality control laws and regulations, including the [A]authority to [C]construct [P]permits issued pursuant to Section 12.4.
- (t) "Net [E]missions [I]increase" means, with respect to any regulated NSR pollutant emitted by a major [S]stationary [S]source, the following:
- (1) The amount by which the sum of the following exceeds zero:
 - (A) The increase in [E]missions from a particular physical change, or change in the method of operation, at a [S]stationary [S]source as calculated pursuant to [~~paragraphs~~]Section 12.3.1.4(a)-(e)d; and
 - (B) Any other increases and decreases in actual [E]missions at the major [S]stationary [S]source that are contemporaneous with the particular change and are otherwise creditable.
 - (i) For the purposes of calculating increases and decreases under paragraph (1)(B) of this definition, baseline actual [E]missions prior to the contemporaneous project shall be determined as provided in the definition of baseline actual [E]missions, except that paragraphs (1)(D) and (2)(E) of that definition shall not apply.

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- (2) An increase or decrease in [A]actual [E]emissions is contemporaneous with the increase from the particular change only if it occurs between the date [~~five~~(5)] years before [C]construction on the particular change [C]commences and the date that the increase from the particular change occurs.
- (3) An increase or decrease in [A]actual [E]emissions is creditable only if the Control Officer has not relied on it in issuing a permit for the source under Section 12, or any other regulation approved by the Administrator pursuant to 40 CFR Part 51 or 40 CFR Part 52.21, [~~which~~and such] permit is in effect when the increase in [A]actual [E]emissions from the particular change occurs.
- (4) An increase in [A]actual [E]emissions is creditable only to the extent that the new level of [A]actual [E]emissions exceeds the old level.
- (5) A decrease in [A]actual [E]emissions is creditable only to the extent that:
 - (A) The old level of [A]actual [E]emissions or the old level of [A]allowable [E]emissions, whichever is lower, exceeds the new level of [A]actual [E]emissions;
 - (B) It is [E]enforceable as a [P]ractical [M]atter at and after the time that actual [C]construction on the particular change begins;
 - (C) The Control Officer has not relied on it in issuing any permit under Section 12 or any other regulations approved pursuant to 40 CFR Part 51, Subpart I, nor has the [S]tate of Nevada relied on it in demonstrating attainment or reasonable further progress; and
 - (D) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (6) An increase that results from a physical change at a source occurs when the [E]emission[s] [U]nit on which [C]construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown, or any new [E]emission[s] [U]nit that replaces an [E]existing [E]emission[s] [U]nit and that requires shakedown, becomes operational only after a reasonable shakedown period, not to exceed [~~one hundred eighty~~(180)] days.

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- (u) "Nonattainment Major New Source Review (NSR) Program" means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada SIP, or a program that implements 40 CFR Part 51, Appendix S, Sections I ~~[through]~~ VI. Any permit issued under such a program is a major NSR permit.
- (v) "Portable source" means a ~~[S]~~stationary ~~[S]~~source that is specifically designed to be transferred to a new location as need warrants ~~[-and operated at that new location for no more than 24 months]~~. Portable sources may be subject to other applicable federal requirements under the Act.
- (w) "Predictive Emissions Monitoring System (PEMS)" means all of the equipment necessary to monitor process and control device operational parameters and other information, and calculate and record the mass ~~[E]~~emissions rate on a continuous basis.
- (x) "Prevention of Significant Deterioration (PSD) Permit" means any permit that is issued under a major source preconstruction permit program that has been approved by the Administrator and incorporated into the Nevada SIP to implement the requirements of Part C, Subchapter I of the Act.
- (y) "Project" means a physical change in, or change in the method of operation of, an existing major ~~[S]~~stationary ~~[S]~~source.
- (z) "Projected Actual Emissions (PAE)" means the maximum annual rate~~[.]~~ (in tpy)~~[.]~~ at which an ~~[E]~~existing ~~[E]~~emission~~[s]~~ ~~[U]~~unit is projected to emit a regulated NSR pollutant in any one of the ~~[five-]~~(15~~[.]~~) years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the ~~[ten-]~~(10~~[.]~~) years following that date, if the project involves increasing the design capacity or PTE of any ~~[E]~~emission~~[s]~~ ~~[U]~~unit for that regulated NSR pollutant and full utilization of the unit would result in a significant ~~[E]~~emissions increase or a significant net ~~[E]~~emissions increase at the major ~~[S]~~stationary ~~[S]~~source.
- (1) In determining the projected actual ~~[E]~~emissions (before beginning actual ~~[C]~~construction), the ~~[O]~~owner or ~~[O]~~operator of the major ~~[S]~~stationary ~~[S]~~source shall:
- (A) ~~[Shall-c]~~Consider all relevant information, including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with ~~[the-]~~county, ~~[S]~~state, or federal

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regulatory authorities, and compliance plans under these AQRs;

- (B) ~~[Shall—i]~~ Include ~~[F]~~fugitive ~~[E]~~emissions to the extent ~~[Q]~~quantifiable;
 - (C) ~~[Shall—i]~~ Include ~~[E]~~emissions associated with startups, ~~[S]~~shutdowns, and malfunctions; and
 - (D) ~~[Shall—e]~~ Exclude, only for calculating any increase in ~~[E]~~emissions that results from the particular project, that portion of the unit's ~~[E]~~emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual ~~[E]~~emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.
- (2) In lieu of using the method set out in paragraphs (1)(A)~~[through(1)]~~–(D) of this definition, the ~~[O]~~owner or ~~[O]~~operator of the major ~~[S]~~stationary ~~[S]~~source may elect to use the ~~[E]~~emission~~[s]~~ ~~[U]~~unit's PTE ~~(in tpy)~~.
- (aa) "Regulated NSR ~~[P]~~pollutant," for purposes of Section 12.3, means:
- (1) ~~[Reserved[-]]~~;
 - (2) Any pollutant for which a ~~[National Ambient Air Quality Standards]~~NAAQS has been promulgated~~;~~ and for which ~~[pollutant]~~the area is designated nonattainment;
 - (3) Any pollutant that is identified as a constituent or precursor of a pollutant regulated under paragraph (2) of this definition, provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the ~~[criteria]~~general ~~[A]~~air ~~[P]~~pollutant. The Administrator has identified the following precursors for the purposes of NSR:
 - (A) ~~[Volatile Organic Compounds]~~VOCs and nitrogen oxides are precursors to ozone in all ozone ~~[N]~~nonattainment ~~[A]~~areas.
 - (B) Sulfur dioxide is a precursor to PM_{2.5} in all PM_{2.5} ~~[N]~~nonattainment ~~[A]~~areas.
 - (C) Nitrogen oxides are presumed to be precursors to PM_{2.5} in all PM_{2.5} ~~[N]~~nonattainment ~~[A]~~areas, unless the ~~[S]~~state or county demonstrates to the Administrator's satisfaction or

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EPA demonstrates that [E]missions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

- (4) PM_{2.5} [E]missions and PM₁₀ [E]missions shall include gaseous [E]missions from a source or activity [~~which~~that] condense to form [P]particulate [M]matter at ambient temperatures. On or after January 1, 2011, such condensable [P]particulate [M]matter shall be accounted for in applicability determinations and in establishing [E]emission [L]limitations for PM_{2.5} and PM₁₀ in PSD permits. Compliance with [E]emission [L]limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable [P]particulate [M]matter, unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable [P]particulate [M]matter shall not be considered in violation of this section unless the applicable implementation plan required condensable [P]particulate [M]matter to be included.
- (bb) "Replacement [U]unit" means an [E]emission[s] [U]unit for which all the criteria listed in paragraphs (1)[~~through~~](4) of this definition are met. No creditable emission reductions shall be generated from shutting down the [E]existing [E]emission[s] [U]unit that is replaced. The criteria are:
- (1) The [E]emission[s] [U]unit is a [R]reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the [E]emission[s] [U]unit completely takes the place of an [E]existing [E]emission[s] [U]unit.
 - (2) The [E]emission[s] [U]unit is identical to, or functionally equivalent to, the replaced [E]emission[s] [U]unit.
 - (3) The replacement does not alter the basic design parameters of the process unit.
 - (4) The replaced [E]emission[s] [U]unit is permanently removed from the major [S]stationary [S]source, otherwise permanently disabled, or permanently barred from operation by a permit that is [E]enforceable as a [P]practical [M]matter. If the replaced [E]emission[s] [U]unit is brought back into operation, it shall constitute a new [E]emission[s] [U]unit.
- (cc) "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose except the routine phasing out of process equipment.

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(dd) "Significant" means, in reference to a net ~~[E]~~emissions increase or the potential of a source to emit any of the following pollutants, a rate of ~~[E]~~emissions that would equal or exceed any of the ~~[following]~~rates in Table 2.~~;~~

~~[(1) Carbon monoxide:]~~

~~[(A) 100 tpy; or]~~

~~[(B) 50 tpy in an area designated nonattainment for CO and classified as "serious," and where Stationary Sources significantly contribute to ambient CO levels as determined under regulations issued by EPA pursuant to the Act.]~~

~~[(2) Nitrogen oxides: 40 tpy;]~~

~~[(3) Sulfur dioxide: 40 tpy;]~~

~~[(4) Ozone:]~~

~~[(A) 40 tpy of VOCs; or]~~

~~[(B) 40 tpy of nitrogen oxides, unless EPA has granted a waiver for nitrogen oxides Emissions under Section 182(f) of the Act and the waiver continues to apply.]~~

~~[(5) PM₁₀: 15 tpy;]~~

~~[(6) PM_{2.5}: 10 tpy of direct PM_{2.5} Emissions or 40 tpy of sulfur dioxide Emissions or 40 tpy of nitrogen dioxide Emissions; and]~~

~~[(7) Lead: 0.6 tpy.]~~

Table 2. Significant Emissions by Pollutant and Nonattainment Classification

<u>Pollutant</u>	<u>Nonattainment Classification</u>	<u>Emissions in tpy</u>
<u>PM_{2.5}</u>	<u>Moderate</u>	<u>Direct PM_{2.5}: 10</u> <u>SO₂: 40</u> <u>NO_x: 40</u>
<u>PM₁₀</u>	<u>Moderate</u>	<u>15</u>
	<u>Serious</u>	<u>15</u>
<u>CO</u>	<u>Moderate</u>	<u>100</u>
	<u>Serious</u>	<u>50'</u>
<u>VOCs</u>	<u>Marginal</u>	<u>40</u>
	<u>Moderate</u>	<u>40</u>
	<u>Serious</u>	<u>25</u>
	<u>Severe</u>	<u>25</u>
	<u>Extreme</u>	<u>0</u>
<u>NO_x</u>	<u>Marginal</u>	<u>40</u>

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<u>Pollutant</u>	<u>Nonattainment Classification</u>	<u>Emissions in tpy</u>
	<u>Moderate</u>	<u>40</u>
	<u>Serious</u>	<u>25</u>
	<u>Severe</u>	<u>25</u>
	<u>Extreme</u>	<u>0</u>
<u>SO₂</u>		<u>40</u>
<u>Pb</u>		<u>0.6</u>
	<u>Marginal</u>	<u>40</u>
	<u>Moderate</u>	<u>40</u>
<u>Ozone</u> <u>(precursors include NO_x² and VOCs)</u>	<u>Serious</u>	<u>25</u>
	<u>Severe</u>	<u>25</u>
	<u>Extreme</u>	<u>0</u>

¹ Where stationary sources significantly contribute to ambient CO levels, as determined under regulations issued by EPA pursuant to the Act.

² Unless EPA has granted a waiver for nitrogen oxides emissions under Section 182(f) of the Act and the waiver continues to apply

- (ee) "Significant [E]missions [I]ncrease" means, for a regulated NSR pollutant, an increase in [E]missions that is significant for that pollutant.
- (ff) "Startup" means the setting into operation of any air pollution control equipment or process equipment for any purpose except the routine phasing in of process equipment.
- (gg) "Temporary Clean Coal Technology Demonstration Project" means a Clean Coal Technology Demonstration Project that is operated for a period of [~~five~~ (5)] years or less, and [~~which~~ that] complies with the Nevada SIP [~~for the State in which the project is located~~] and with other requirements necessary to attain and maintain the [~~National Ambient Air Quality Standards~~] NAAQS during the project and after it is terminated.

12.3.3 Statewide Compliance

Prior to issuance of an [A]uthority to [C]onstruct [P]ermit for a new major [S]tationary [S]ource or a major modification subject to Section 12.3, the [O]wner or [O]perator shall either demonstrate that each existing major [S]tationary [S]ource owned or operated by the applicant in the [S]tate of Nevada is in compliance with all applicable [E]mission [L]imitations and standards under the Act, or that it is in compliance with an expeditious schedule [~~which~~ that] is [F]ederally [E]nforceable or contained in a court decree.

12.3.4 Analysis of Alternatives

- (a) In addition to the permit application submission requirements in Section 12.4.3.1, the [O]wner or [O]perator shall submit an analysis

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of alternative sites, sizes, production processes, and environmental control techniques for the proposed [G]construction or major modification that demonstrates, to the satisfaction of the Control Officer, that the benefits of the proposed [G]construction or major modification significantly outweigh the environmental and social costs imposed as a result of its location, [C]construction, or modification.

12.3.5 Lowest Achievable Emission Rate

12.3.5.1 Applicable Requirements

An [O]owner or [O]operator shall meet each applicable requirement that applies to the major [S]stationary [S]source or major modification.

12.3.5.2 Permit Requirements to Achieve [LAER]Lowest Achievable Emission Rate

An [A]authority to [C]construct [P]permit for a new major [S]stationary [S]source or major modification shall contain terms and conditions sufficient to ensure that the major [S]stationary [S]source or major modification will achieve LAER in accordance with paragraphs (a) and (b) of this [S]section[12.3.5.2]:

- (a) A new major [S]stationary [S]source shall achieve LAER for each regulated NSR pollutant that it would have the [P]potential to [E]emit in significant amounts.
- (b) A major modification shall achieve LAER for each regulated NSR pollutant for which it would result in a significant net [E]emissions increase at the [S]stationary [S]source. This requirement applies to each proposed [E]emission[s] [U]unit at which a net [E]emissions increase in the pollutant would occur as a result of a physical change, or change in the method of operation, in the [E]emission[s] [U]unit.

12.3.6 Emissions Offset

12.3.6.1 Sufficiency of Reductions

~~[Prior to issuance of]~~Before issuing an [A]authority to [C]construct [P]permit for a new major [S]stationary [S]source or major modification at an existing major stationary source, the Control Officer shall ~~[make a determination that, by the time]~~require that, before the source ~~[is to Commence Operation]~~commences operations, sufficient ~~[offsetting E]emissions reduction[s]~~offsets will be surrendered ~~[prior to commencing operation,]~~ such that allowable [E]emissions from (1) existing major sources in the [N]onattainment [A]reas, [from-](2) emissions increases authorized through new or modified [sources which are not major Stationary Sources]minor source permits, and [from-](3) the proposed source or modification [will be sufficiently less than]remain below the total of [E]emissions from existing sources prior to the source's application for the offset so as to represent

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reasonable further progress. At a minimum, this determination requires the [O]owner or [O]operator to satisfy the offset requirements in Section 12.3.6.2.

12.3.6.2 Offset Methods

Pollutant-specific [E]emissions shall be offset with [F]federally [E]enforceable Emission Reduction Credits (ERCs) or with internal [E]emission reductions.

- (a) ERCs from one or more sources may be used, alone or in combination with internal [E]emission reductions, [~~in order~~]to satisfy offset requirements.
- (b) Internal [E]emission reductions used to satisfy offset requirements shall be governed by Sections 12.3.6.3[~~through~~]12.3.6.8 and [~~Section~~]12.7.5, as in effect on [~~September 1, 2010~~]*[insert rule effective date]*, and [~~as~~]incorporated herein by this reference.
- (c) ERCs used to satisfy offset requirements shall be governed by Sections 12.3.6.3[~~through~~]12.3.6.6, [~~Section~~]12.3.6.8, and [~~Section~~] 12.7.5, as in effect on [~~September 1, 2010~~]*[insert rule effective date]*, and [~~as~~]incorporated herein by this reference.

12.3.6.3 Restrictions on Trading Pollutants

- (a) Pursuant to the [~~Nevada Revised Statutes~~]NRS, [~~Section~~]Chapter 445.B.508(2)(c), purchasing or selling credits of one type of pollutant is prohibited if such credits would be [~~used~~]subsequently used to produce a different type of pollutant.
- (b) [~~Reserved~~].
- (c) For the purposes of satisfying the offset requirements with respect to PM_{2.5}, offsetting of PM_{2.5} [E]emissions increases with sulfur dioxide or nitrogen oxide [E]emissions decreases, or sulfur dioxide or nitrogen oxide [E]emissions increases with PM_{2.5} decreases, shall not be prohibited trading. Interpollutant offsets between PM_{2.5} and PM_{2.5} precursors are [~~not~~]allowed [~~unless~~]when such offsets comply with the *interprecursor trading hierarchy and ratio established in an approved SIP for a particular nonattainment area*[~~modeling has been used to demonstrate that PM_{2.5} interpollutant offset ratios are appropriate as approved in a PM_{2.5} nonattainment plan~~].

12.3.6.4 Timing

- (a) Internal [E]emission reductions used to satisfy an offset requirement must be [F]federally [E]enforceable at the time of issuance of the [A]authority to [C]construct [P]permit containing the offset requirements.

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- (b) Except as provided by paragraph (c) of this section, the decrease in [A]actual [E]missions used to generate ERCs or internal [E]emission reductions must occur by no later than the [C]commencement of [O]operation of the new or modified major [S]stationary [S]source.
- (c) Where the new facility is a replacement for a facility that is being shut down in order to provide the necessary offsets, the Control Officer may allow up to [~~one hundred eighty~~ (180)] calendar days for shakedown or commissioning of the new facility before the existing facility is required to cease operation.

12.3.6.5 Quantity

The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- (a) The unit of measure for offsets, ERCs, and internal [E]emission reductions shall be tpy. All calculations and transactions shall use [E]emission rate values rounded to the nearest [~~one~~]one-hundredth (0.01) tpy.
- (b) The quantity of ERCs or internal [E]emission reductions required shall be calculated as the product of the amount of increased [E]emissions, as determined in accordance with paragraph (c) of *this* section, and the offset ratio, as determined in accordance with paragraph (d) of this section.
- (c) The amount of increased [E]emissions shall be determined as follows:
 - (1) The amount of increased [E]emissions *shall* include[s] [F]fugitive [E]emissions in the case of all major [S]stationary [S]sources, including categorical sources.
 - (2) When the offset requirement is triggered by the [C]construction of a new major [S]stationary [S]source, the amount of increased [E]emissions shall be the sum of the PTE of all [E]emissions [U]units plus any [S]secondary [E]emissions, as specified in Section 12.3.1.8.
 - (3) When the offset requirement is triggered by a major modification of an existing major [S]stationary [S]source, the amount of increased [E]emissions shall be the sum of the differences between the allowable [E]emissions after the modification and the [A]actual [E]emissions before the modification for each [E]emission[s] [U]unit plus any [S]secondary [E]emissions, as specified in Section 12.3.1.8.

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- (d) The baseline for determining credit for [E]missions reductions is the [E]mission [L]imit under the [~~State Implementation Plan~~]SIP (including the demonstration of [R]reasonable [F]urther [P]progress) in effect at the time the affected permit application is filed, except that the offset baseline shall be the [A]actual [E]missions of the source from which the offset credit is obtained where:
- (1) The demonstration of [R]reasonable [F]urther [P]progress and attainment of [~~National Ambient Air Quality Standards~~]NAAQS is based upon the [A]actual [E]missions of sources located within a designated area for which the requirements of Sections 12.2 and 12.4 were adopted; or
 - (2) The applicable [~~State Implementation Plan~~]SIP does not contain an [E]mission [L]imitation for the [A]affected [S]source or source category.
 - (3) In accordance with paragraphs (d)(1) and (d)(2) of this section, the baseline for determining credit for [E]missions reductions for the 2015 ozone [~~National Ambient Air Quality Standards~~]NAAQS is [A]actual [E]missions.
- (e) The offset ratio shall be expressed as a ratio of [E]missions reductions to [E]missions increases.
- (1) The following table contains offset ratios by designated area and pollutant.
 - (2) The ratios listed in Table [~~12.3~~]-4 shall be applied based on the classifications contained in the table for a specific pollutant or precursor.

Table [~~12.3~~]-4. Federal Offset Ratio Requirements by Area Designation and Pollutant

Area Designation	Pollutant <u>Precursor</u>	Offset Ratio
Marginal [O]zone [N]onattainment [A]area	NO _x	1.1:1
	VOC	1.1:1
Moderate [O]zone [N]onattainment [A]area	NO _x	1.15:1
	VOC	1.15:1
<u>Serious ozone nonattainment area</u>	<u>NO_x</u>	<u>1.2:1</u>
	<u>VOC</u>	<u>1.2:1</u>
<u>Severe ozone nonattainment area</u>	<u>NO_x</u>	<u>1.3:1</u>
	<u>VOC</u>	<u>1.3:1</u>
<u>Extreme ozone nonattainment area</u>	<u>NO_x</u>	<u>1.5:1</u>
	<u>VOC</u>	<u>1.5:1</u>

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Area Designation	Pollutant <i>Precursor</i>	Offset Ratio
Serious [N] nonattainment [A] area	<i>PM₁₀</i>	<i>1:1</i>

- (f) The major ~~[S]~~stationary ~~[S]~~source shall be given credit for any portion of ~~[E]~~emissions increase that was previously offset. A pre-modification PTE may only include ~~[F]~~fugitive ~~[E]~~emissions if the ~~[F]~~fugitive ~~[E]~~emissions were included in the ~~[E]~~emissions inventory prior to the modification.

12.3.6.6 Emission Reduction Requirements

Emission reductions used to satisfy an offset requirement shall meet the following requirements:

- (a) Emission reductions used to satisfy offset requirements must be real, ~~[S]~~surplus, ~~[P]~~permanent, ~~[Q]~~quantifiable, and ~~[F]~~federally ~~[E]~~enforceable.
- (b) Permitted sources whose internal ~~[E]~~emission reductions are used to satisfy offset requirements must appropriately amend or cancel their ~~[A]~~authority to ~~[C]~~construct ~~[P]~~permit and/or Part 70 ~~[O]~~operating ~~[P]~~permit to reflect their new reduced PTE, including ~~[P]~~practicably ~~[E]~~enforceable conditions to limit their PTE.
- (c) Emission reductions used to satisfy offset requirements must be ~~[S]~~surplus at the time of issuance of the ~~[A]~~authority to ~~[C]~~construct ~~[P]~~permit containing the offset requirements.

12.3.6.7 Location of Internal Reductions

Internal ~~[E]~~emission reductions used to satisfy offset requirements shall occur at the same major ~~[S]~~stationary ~~[S]~~source at which the increase in ~~[E]~~emissions occurs. Emission reductions not meeting this criterion shall meet the requirements for ERCs ~~[prescribed by]~~of Section 12.7.

12.3.6.8 Emission Reduction Credit Requirements

ERCs used to satisfy an offset requirement shall meet the following requirements:

- (a) Restrictions on offsetting ~~[E]~~emissions between airshed regions:
- (1) Except as provided by paragraph (a)(2) of this section, offsetting ~~[E]~~emissions from a source located within an airshed region with ERCs from a source located in a different airshed region shall not be allowed.

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- (2) The Control Officer may approve the use of NO_x and VOC ERCs between airshed regions for the same ~~[N]onattainment [A]area~~ within the Clark County boundary to satisfy NO_x and VOC offset requirements for that ~~[N]onattainment [A]area~~.
- (b) ~~/Reserved[-]/~~
- (c) The use of ERCs shall not provide:
- (1) Authority for, or ~~[the-]~~recognition of, any preexisting vested right to emit any regulated NSR pollutant;
 - (2) An exemption to a ~~[S]stationary [S]source~~ for ~~[E]mission [L]imitations~~ established in accordance with New Source Performance Standards pursuant to Section 14;
 - (3) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - (4) An exemption to a ~~[S]stationary [S]source~~ from any other air pollution control requirements of federal, ~~[S]state~~, or county laws, rules, and regulations.

12.3.6.9 ~~[ERC]~~Emission Reduction Credit Registry

- (a) The ERC ~~[R]registry~~ and its use shall not interfere with the attainment or maintenance of any ~~[National—Ambient—Air—Quality Standards]~~NAAQS.
- (b) The ERC ~~[R]registry~~ and its use shall assure that the use of ERCs does not contravene applicable requirements of the Act and ~~[Nevada Revised Statutes-]~~[NRS[)] Chapter 445B.

12.3.7 Source Obligation

12.3.7.1 Enforcement

- (a) ~~[An]~~The ~~[O]owner or [O]operator~~ of a major ~~[S]stationary [S]source~~ may be subject to enforcement action if:
- (1) The ~~[O]owner or [O]operator~~ ~~[who-]~~constructs or operates a major ~~[S]stationary [S]source~~ or major modification not in accordance with the application submitted pursuant to Section 12.3 or 12.4 and any changes to the application ~~[as-]~~required by the Control Officer, or with the terms of ~~[its]~~the ~~[A]authority~~ to ~~[C]construct [P]permit~~;

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- (2) The [O]owner or [O]operator of a major [S]stationary [S]source or major modification subject to Section 12.3 begins actual [C]construction or operat[es]ion after the effective date of these AQRs without applying for and receiving an [A]authority to [C]construct [P]permit;
 - (3) The [O]owner or [O]operator improperly estimated [E]emissions increases that would result from the [C]construction or project and circumvented the requirements of Sections 12.3.1.2(b) or 12.3.1.6 using these estimates; or
 - (4) The Control Officer determines that post-change [E]emissions from a project resulted in [C]construction of a major [S]stationary [S]source or a major modification of an existing major [S]stationary [S]source, andbut the [O]owner or [O]operator did not obtain an [A]authority to [C]construct [P]permit meeting the requirements of Section 12.3.1.3.
- (b) Nothing in this section shall limit the Control Officer's authority to take enforcement action for other violations of Section 12.3.

12.3.7.2 Termination

Approval to construct shall terminate if [C]construction is not [C]commenced within [~~eighteen~~ (18)] months after receipt of such approval, if [C]construction is discontinued for a period of [~~eighteen~~ (18)] months or more, or if [C]construction is not completed within a reasonable time. The Control Officer may extend the 18-month period upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between [C]construction of the approved phases of a phased [C]construction project; each phase must [C]commence [C]construction within [~~eighteen~~ (18)] months of the projected and approved [C]commencement date.

12.3.7.3 Compliance

Approval to construct shall not relieve any [O]owner or [O]operator of the responsibility to comply fully with applicable provisions of the Nevada SIP and any other requirements under [~~local~~ county], [S]state, or federal law.

12.3.7.4 Relaxation in Enforceable Limitations

If, within the period of the projected actual [E]emissions estimate under Section 12.3.1.4 (five or ten years, as defined in the projected actual [E]emissions definition in Section 12.3.2), a particular [S]stationary [S]source or modification becomes a major [S]stationary [S]source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the [S]stationary [S]source or modification otherwise to emit a pollutant, then the requirements of Sections 12.3.3[~~—through~~]-12.3.7 shall apply to the [S]stationary [S]source or modification as

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though [G]construction had not yet [G]commenced~~[on the Stationary Source or modification]~~. Nothing in this paragraph shall limit the Control Officer's enforcement authority with respect to new major modifications or major modifications subject to Section 12.3.

12.3.7.5 Permit Application and Authority to Construct Permit Revisions

- (a) [~~A~~The] [O]owner or [O]operator remains under a continuing obligation to provide timely updates to [its]a permit application submitted in accordance with Section 12.3 or 12.4[,] until issuance of an [A]authority to [G]construct [P]permit.
- (b) No later than [(30)] days before [G]commencing operation, the [O]owner or [O]operator shall provide a written notice to the Control Officer if the source as constructed or modified differs from the source or modification authorized by the [A]authority to [G]construct [P]permit.
- (c) [~~The Owner or Operator shall include i~~]In the notice required by paragraph (b) of this section, the owner or operator shall include a complete list and description of [the]such differences[,] and a determin[e]ation whether [such]the differences alter the [E]emissions increase calculations made under Section 12.3.1.4[,] or the applicability of any requirements in Sections 12.3.3~~[through]~~12.3.8.
- (d) All permit revisions shall follow the procedures in Section 12.4.4.
- (e) Submission of the notice required by paragraph (b) of this section does not affect the Control Officer's ability to undertake an enforcement action.

12.3.8 Public Participation

Issuance of an [A]authority to [G]construct [P]permit pursuant to Sections 12.3 and ~~[Section]~~12.4 shall be subject to the public participation requirements in Section 12.2.16.

12.3.9 Plant-wide Applicability Limitations

12.3.9.1 Applicability

- (a) The Control Officer may approve the use of an actuals PAL for any existing major [S]stationary [S]source if the PAL meets the requirements in Sections 12.3.9.1~~[through]~~12.3.9.15. The term "PAL" shall mean "actuals PAL" throughout Section 12.3.9.
- (b) Any physical change in, or change in the method of operation of, a major [S]stationary [S]source that maintains its total source-wide [E]emissions below the PAL level, meets the requirements of Sections

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12.3.9.1 ~~through~~ 12.3.9.14, and complies with the PAL conditions in its Part 70 ~~operating~~ ~~permit~~:

- (1) Is not a major modification for the PAL pollutant;
 - (2) Does not have to be approved through the plan's ~~nonattainment~~ ~~major NSR~~ ~~program~~; and
 - (3) Is not subject to the provisions ~~in~~ ~~of~~ Section 12.3.7.4.
- (c) Except as provided under paragraph (b)(3) of this section, a major ~~stationary~~ ~~source~~ shall continue to comply with all applicable federal or ~~state~~ requirements, ~~emission~~ ~~limitations~~, and work practice requirements that were established prior to the effective date of the PAL.

12.3.9.2 ~~PAL~~ Plant-wide Applicability Limitation Definitions

Unless the context ~~otherwise~~ requires otherwise, the following terms shall have the meanings set forth below for the purposes of Section 12.3.9. When a term is not defined in these paragraphs, it shall have the meaning given in Section 12.3.2, Section 0, or in the Act, in that order of priority.

- (a) "Actuals PAL" for a major ~~stationary~~ ~~source~~ means a PAL based on the baseline actual ~~emissions~~ of all ~~emission~~ ~~s~~ ~~unit~~s at the source that emit, or have the ~~potential~~ to ~~emit~~, the PAL pollutant.
- (b) "Allowable ~~emissions~~" means allowable ~~emissions~~ as defined in Section 12.3.2, except as this definition is modified according to paragraphs (b)(1) and (b)(2) of this section:
 - (1) The allowable ~~emissions~~ for any ~~emission~~ ~~s~~ ~~unit~~ shall be calculated considering any ~~emission~~ ~~limitations~~ that are ~~enforceable~~ as a ~~practical~~ ~~matter~~ on the ~~emission~~ ~~s~~ ~~unit~~'s PTE.
 - (2) An ~~emission~~ ~~s~~ ~~unit~~'s PTE shall be determined using the definition in ~~paragraph (d)(d) of~~ Section ~~12.3.2~~ ~~0~~, except that the words "or ~~Enforceable as a Practical Matter~~ federally enforceable" should be added after "[~~Federally Enforceable~~ enforceable as a practical matter."
- (c) "Major ~~emission~~ ~~s~~ ~~unit~~" means:
 - (1) Any ~~emission~~ ~~s~~ ~~unit~~ that emits, or has the ~~potential~~ to ~~emit~~, 100 tpy or more of the PAL pollutant in an attainment area; or

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- (2) Any [E]emission[s] [U]unit that emits, or has the [P]potential to [E]emit, the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant, as defined by the Act for [N]onattainment [A]reas.
- (d) "Plant-wide applicability limitation" (PAL)⁽¹⁾ means an [E]emission [L]imitation, expressed in tpy, for a pollutant at a major [S]stationary [S]source that is [E]enforceable as a [P]practical [M]matter and established source-wide in accordance with Sections 12.3.9.1 [through] 12.3.9.15.
- (e) "PAL effective date" generally means the date of issuance of the Part 70 [O]perating [P]permit containing the PAL conditions, or the date on which a significant permit revision containing the PAL conditions becomes effective. However, the PAL effective date for an increased PAL is the date any [E]emission[s] [U]unit [which] [that] is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- (f) "PAL effective period" means the period beginning with the PAL effective date and ending [ten (10)] years later.
- (g) "PAL major modification" means, notwithstanding the definitions for major modification and net [E]missions increase, any physical change in[,] or change in the method of operation of[,] the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
- (h) "PAL pollutant" means the pollutant for which a PAL is established at a major [S]stationary [S]source.
- (i) "Project" means a physical change in, or change in the method of operation of, an [E]existing [S]stationary [S]source.
- (j) "Significant [E]emission[s] [U]unit" means an [E]emission[s] [U]unit that emits, or has the [P]potential to [E]emit, a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in [paragraph (mm)] Section 12.3.2(dd) or in the Act, whichever is lower)[,] for that PAL pollutant, but less than the amount that would qualify the unit as a major [E]emission[s] [U]unit.
- (k) "Small [E]emission[s] [U]unit" means an [E]emission[s] [U]unit that emits, or has the [P]potential to [E]emit, the PAL pollutant in an amount less than the significant level (as defined in [paragraph (m)(m)] Section 12.3.2(dd) or in the Act, whichever is lower)[,] for that PAL pollutant.

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12.3.9.3 Permit Application Requirements

As part of an application for a Part 70 [O]perating [P]ermit requesting a PAL, the [O]wner or [O]perator of a major [S]tationary [S]ource shall submit the following information to the Control Officer for approval:

- (a) A list of all [E]mission[s] [U]nits at the source designated as small, significant, or major based on their PTE. In addition, the [O]wner or [O]perator of the source shall indicate which, if any, federal, [S]tate or county applicable requirements, [E]mission [L]imitations, or work practices apply to each unit[;].
- (b) Calculations of the baseline actual [E]missions (with supporting documentation). Baseline actual [E]missions are to include [E]missions associated not only with operation of the unit, but also [E]missions associated with startup, [S]hutdown, and malfunction[;].
- (c) The calculation procedures that the major [S]tationary [S]ource [O]wner or [O]perator proposes to use to convert the monitoring system data to monthly [E]missions and annual [E]missions based on a 12-month rolling total for each month, as required by [paragraph (a) of]Section 12.3.9.13(a).

12.3.9.4 General Requirements for Establishing [PALs] Plant-wide Applicability Limitations

- (a) The Control Officer may establish a PAL at a major [S]tationary [S]ource[;] provided that, at a minimum, the [following] requirements in paragraphs (a)(1)[~~through~~](a)(7) in this section are met.
 - (1) The PAL shall impose an annual [E]mission [L]imitation[;] in tpy[;] that is [E]nforceable as a [P]ractical [M]atter, for the entire major [S]tationary [S]ource. For each month during the PAL effective period after the first [twelve-(12)] months of establishing a PAL, the major [S]tationary [S]ource [O]wner or [O]perator shall show that the sum of the monthly [E]missions from each [E]mission[s] [U]nit under the PAL for the previous [twelve-(12)] consecutive months is less than the PAL (a 12-month total rolled monthly). For each month during the first [eleven-(11)] months from the PAL effective date, the major [S]tationary [S]ource [O]wner or [O]perator shall show that the sum of the preceding monthly [E]missions from the PAL effective date for each [E]mission[s] [U]nit under the PAL is less than the PAL.
 - (2) The PAL shall be established in a Part 70 [O]perating [P]ermit as a significant permit revision.

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- (3) The Part 70 [O]perating [P]ermit containing PAL conditions shall ~~[contain]~~include all the requirements of Section 12.3.9.7.
 - (4) The PAL shall include [F]ugitive [E]missions, to the extent [Q]uantifiable, from all [E]mission[s] [U]nits that emit, or have the [P]otential to [E]mit, the PAL pollutant at the major [S]tationary [S]ource.
 - (5) Each PAL shall regulate [E]missions of only one pollutant.
 - (6) Each PAL shall have a PAL effective period of ~~[ten-]10[)]~~ years.
 - (7) The [O]wner or [O]perator of the major [S]tationary [S]ource with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Sections 12.3.9.12~~[through]~~ 12.3.9.14 for each [E]mission[s] [U]nit under the PAL through the PAL effective period.
- (b) At no time (during or after the PAL effective period) are [E]missions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under Section 12.3.6 unless the level of the PAL is reduced by the amount of such [E]missions reductions and such reductions would be creditable in the absence of the PAL.

12.3.9.5 Public Participation Requirements for ~~[PALs]~~Plant-wide Applicability Limitations

PALs for existing major [S]tationary [S]ources shall be established, renewed, or increased through the public participation procedures in Section 12.2.16.

12.3.9.6 Setting the 10-year Actuals ~~[PAL]~~Plant-wide Applicability Limitations Level

- (a) Except as provided in paragraph (b) of this section, the [A]ctuals PAL level for a major [S]tationary [S]ource shall be established as the sum of the baseline actual [E]missions of the PAL pollutant for each [E]mission[s] [U]nit at the source~~;~~ plus an amount equal to the applicable significant level for the PAL pollutant under these AQRs or under the Act, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual [E]missions for all [E]xisting [E]mission[s] [U]nits. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Control Officer shall specify a reduced PAL level(s) (in ~~[tons/yr]~~tpy) in the Part 70 [O]perating [P]ermit, to become effective on the future

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compliance date(s) of any applicable federal or [S]state regulatory requirement(s) that the Control Officer is aware of prior to issuance of the permit.

- (b) For newly constructed units (which does not include modifications to existing units) on which actual [C]construction began after the 24-month period, in lieu of adding the baseline actual [E]emissions as specified in paragraph (a) of this section, the [E]emissions must be added to the PAL level in an amount equal to the PTE of the units.

12.3.9.7 Contents of Part 70 Operating Permits with [PALs]Plant-wide Applicability Limitation Conditions

The [C]contents of a Part 70 [O]operating [P]permit containing a PAL shall include the information in paragraphs (a) [~~through~~](j) [~~of Section 12.3.9.7~~].below.

- (a) The PAL [P]pollutant and the applicable source-wide [E]emission [L]imitation in (tpy);
- (b) The effective date and [~~the~~]expiration date of the PAL conditions (PAL effective period)[.];
- (c) Specification in the Part 70 operating permit containing PAL conditions that if a major [S]stationary [S]source [O]owner or [O]operator applies to renew the PAL conditions in accordance with Section 12.3.9.9 before the end of the PAL effective period, then the PAL conditions shall not expire at the end of the PAL effective period. It shall remain in effect until a revised Part 70 [O]operating [P]permit containing PAL conditions is issued by the Control Officer.
- (d) A requirement that emission calculations for compliance purposes include [E]emissions from startups, [S]shutdowns, and malfunctions;
- (e) A requirement that, once the PAL conditions expire, the major [S]stationary [S]source is subject to the requirements of Section 12.3.9.9;
- (f) The calculation procedures that the major [S]stationary [S]source [O]owner or [O]operator shall use to convert [~~the~~]monitoring system data to monthly [E]emissions and annual [E]emissions based on a 12-month rolling total, as required by Section 12.3.9.13(a);
- (g) A requirement that the major [S]stationary [S]source [O]owner or [O]operator monitor all [E]emission[s] [U]units in accordance with the provisions under Section 12.3.9.12;
- (h) A requirement to retain the records required under Section 12.3.9.13 on-site. Such records may be retained in an electronic format;

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- (i) A requirement to submit the reports required under Section 12.3.9.14 by the required deadlines; and
- (j) Any other requirements that the Control Officer deems necessary to implement and enforce the PAL conditions.

12.3.9.8 ~~[PAL]~~Plant-wide Applicability Limitation Effective Period and Reopening of PAL Conditions

- (a) **PAL Effective Period.** The Control Officer shall specify a PAL effective period of ~~ten~~(10) years from the date of issuance.
- (b) **Reopening of the PAL ~~[e]~~Conditions in a Part 70 Operating Permit.**
 - (1) During the PAL effective period, the Control Officer shall reopen the PAL conditions in a Part 70 ~~[O]~~operating ~~[P]~~permit to:
 - (A) Correct typographical/calculation errors made in setting the PAL, or reflect a more accurate determination of ~~[E]~~emissions used to establish the PAL;
 - (B) Reduce the PAL if the ~~[O]~~owner or ~~[O]~~operator of the major ~~[S]~~stationary ~~[S]~~source creates creditable ~~[E]~~emissions reductions for use as offsets under Section 12.3.6; or
 - (C) Revise the PAL to reflect an increase in the PAL as provided under Section 12.3.9.11.
 - (2) The Control Officer may reopen the PAL conditions in a Part 70 ~~[O]~~operating ~~[P]~~permit ~~for the following~~to:
 - (A) Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date~~[-]~~;
 - (B) Reduce the PAL consistent with any other requirement that is ~~[E]~~enforceable as a ~~[P]~~practical ~~[M]~~matter~~[-]~~ and that the Control Officer may impose on the major ~~[S]~~stationary ~~[S]~~source under the Nevada SIP~~[-]~~; or
 - (C) Reduce the PAL if the Control Officer determines that a reduction is necessary to avoid causing or contributing to a ~~[National Ambient Air Quality Standards]~~NAAQS or PSD increment violation, or to preclude an adverse impact on an air~~[-]~~quality related value that has been identified for a federal Class I area by a ~~[F]~~federal ~~[L]~~and ~~[M]~~manager and for which information is available to the general public.

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- (3) Reopening of specific permit conditions during the PAL effective period does not affect or reopen any ~~of~~ other permit conditions.
- (4) Except for the permit reopening in paragraph (b)(1)(A) of *this* ~~section~~ ~~12.3.9.8~~ for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out as significant permit revisions to a Part 70 ~~operating~~ ~~permit~~.

12.3.9.9 Expiration of a ~~PAL~~ Plant-wide Applicability Limitation

Any PAL ~~which~~ *that* is not renewed in accordance with ~~the procedures in~~ Section 12.3.9.10 shall expire at the end of the PAL effective period, and the requirements in paragraphs (a)–(e) ~~of Section 12.3.9.9~~ shall apply.

- (a) Each ~~E~~emission[s] ~~U~~unit (or each group of ~~E~~emission[s] ~~U~~units) that existed under the PAL shall comply with an allowable ~~E~~emission ~~L~~imitation under a revised Part 70 ~~operating~~ ~~permit~~ established according to the procedures in paragraphs (a)(1) and (a)(2) of this section.
 - (1) Within the time frame specified for PAL ~~R~~enewals in Section 12.3.9.10(b), the major ~~S~~tationary ~~S~~source shall submit a proposed allowable ~~E~~emission ~~L~~imitation for each ~~E~~emission[s] ~~U~~unit (or each group of ~~E~~emission[s] ~~U~~units, if *the Control Officer decides* such ~~a~~ distribution is more appropriate~~as decided by the Control Officer~~) by distributing the PAL allowable ~~E~~emissions for the affected major ~~S~~tationary ~~S~~source among each of the ~~E~~emission[s] ~~U~~units that existed under the PAL. If the PAL had ~~s~~ not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Section 12.3.9.10(e), such distribution shall be made as if the PAL had been adjusted.
 - (2) The Control Officer will decide whether and how ~~the~~ PAL allowable ~~E~~emissions will be distributed and issue a revised Part 70 ~~operating~~ ~~permit~~ incorporating allowable limits for each ~~E~~emission[s] ~~U~~unit~~;~~ or each group of ~~E~~emission[s] ~~U~~units, as the Control Officer determines is appropriate.
- (b) Each ~~E~~emission[s] ~~U~~unit(s) shall comply with the allowable ~~E~~emission ~~L~~imitation on a 12-month rolling basis. The Control Officer may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable ~~E~~emission ~~L~~imitation.

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- (c) Until the Control Officer issues the revised Part 70 [O]perating [P]ermit incorporating allowable limits for each [E]mission[s] [U]nit[,] or each group of [E]mission[s] [U]nits, as required under paragraph (a)(2)1 of this section, the source shall continue to comply with a source-wide, multi-unit [E]missions cap equivalent to the level of the PAL [E]mission [L]imitation.
- (d) Any physical change, or change in the method of operation, at the major [S]tationary [S]ource will be subject to ~~the~~ nonattainment major NSR requirements if such change meets the definition of a major modification.
- (e) The major [S]tationary [S]ource [O]wner or [O]perator shall continue to comply with any federal, [S]tate, or county applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to Section 12.3.7.4, but were eliminated by the PAL as provided in Section 12.3.9.1(b)(3).

12.3.9.10 Renewal of a ~~PAL~~ Plant-wide Applicability Limitation

- (a) The Control Officer shall follow the procedures specified in Sections 12.3.9.5 and 12.5 in approving any request to renew the PAL conditions in a Part 70 [O]perating [P]ermit for a major [S]tationary [S]ource, and ~~will~~ shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any [P]erson may propose a PAL level for the source for consideration by the Control Officer.
- (b) **Application Deadline.** A major [S]tationary [S]ource [O]wner or [O]perator shall submit a timely application to the Control Officer to request [R]enewal of the PAL conditions in a Part 70 [O]perating [P]ermit. A timely application is one that is submitted at least ~~six~~ (16) months prior to but not earlier than ~~eighteen~~ (18) months prior to, the expiration date ~~of expiration~~ of the Part 70 [O]perating [P]ermit. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the [O]wner or [O]perator of a major [S]tationary [S]ource submits a [C]omplete application to renew the PAL conditions in a Part 70 [O]perating [P]ermit within this time period, then the PAL conditions shall continue to be effective until the revised permit with the renewed PAL conditions is issued.
- (c) **Application Requirements.** The application to renew the PAL conditions ~~[shall be incorporated in the application for [R]enewal of the affected Part 70 Operating Permit and]~~ shall contain the information required in paragraphs (c)(1) ~~through (c)~~ (4) of this section:

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- (1) The information required in Sections 12.3.9.3(a) ~~through~~ (c);
 - (2) A proposed PAL level;
 - (3) The sum of the PTE of all ~~E~~mission[s] ~~U~~units under the PAL (with supporting documentation); and
 - (4) Any other information the ~~O~~wner or ~~O~~perator wishes the Control Officer to consider in determining the appropriate level for renewing the PAL conditions.
- (d) **PAL Adjustment.** In determining whether and how to adjust the PAL, the Control Officer will consider the options outlined in paragraphs (d)(1) and (d)(2) of this section. However, in no case may any such adjustment fail to comply with paragraph (d)(3) of this section.
- (1) If the ~~E~~missions level calculated in accordance with Section 12.3.9.5 is equal to or greater than ~~eighty (80) percent~~% of the PAL level, the Control Officer may renew the PAL at the same level without considering the factors set forth in paragraph (d)(2) of this section; or
 - (2) The Control Officer may set the PAL at a level that the Control Officer determines to be more representative of the source's baseline actual ~~E~~missions, or to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary ~~E~~missions reductions, or other factors as specifically identified by the Control Officer in a written rationale.
 - (3) Notwithstanding paragraphs (d)(1) and (d)(2) of this section:
 - (A) If the PTE of the major ~~S~~stationary ~~S~~source is less than the PAL, the Control Officer shall adjust the PAL to a level no greater than the PTE of the source; and
 - (B) The Control Officer shall not approve a renewed PAL level higher than the current PAL unless the major ~~S~~stationary ~~S~~source has complied with the provisions of Section 12.3.9.11.
- (e) If the compliance date for a federal or ~~S~~state requirement that applies to the PAL source occurs during the PAL effective period, and if the Control Officer has not already adjusted for such requirement, the PAL shall be adjusted at the time the major source's Part 70 ~~O~~perating ~~P~~permit is renewed.

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12.3.9.11 Increasing a ~~PAL~~ Plant-wide Applicability Limitation during the PAL Effective Period

- (a) The Control Officer may increase a PAL ~~emission~~ limitation only if the major ~~stationary~~ source complies with the provisions in paragraphs (a)(1) ~~through (a)~~(4) of this section~~.~~:
- (1) The ~~owner~~ operator of the major ~~stationary~~ source shall submit a ~~complete~~ complete application to request an increase in the PAL limit as a significant revision to the affected Part 70 ~~operating~~ permit. Such application shall identify the ~~emission~~ unit(s) contributing to the increase in ~~emissions~~ emissions so as to cause the major ~~stationary~~ source's ~~emissions~~ emissions to equal or exceed its PAL.
 - (2) As part of this application, the major ~~stationary~~ source ~~owner~~ operator shall demonstrate that the sum of the baseline actual ~~emissions~~ emissions of the small ~~emission~~ units, plus the sum of the baseline actual ~~emissions~~ emissions of the significant and major ~~emission~~ units, (assuming application of BACT equivalent controls), plus the sum of the allowable ~~emissions~~ emissions of the new or modified ~~emission~~ unit(s), exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major ~~emission~~ unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the ~~emission~~ unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ~~ten~~ (10) years. In such a case, the assumed control level for that ~~emission~~ unit shall be equal to the level of BACT or LAER with which that ~~emission~~ unit must currently comply.
 - (3) The ~~owner~~ operator obtains an ~~authority~~ authority to ~~construct~~ construct ~~permit~~ permit pursuant to Section 12.4 for all ~~emission~~ unit(s) identified in paragraph (a)(1) of this section, regardless of the magnitude of the ~~emissions~~ emissions increase resulting from them. These ~~emission~~ unit(s) shall comply with any ~~emissions~~ emissions requirements resulting from the nonattainment ~~authority~~ authority to ~~construct~~ construct ~~permit~~ permit issuance process, even though they have also become subject to the PAL or continue to be subject to the PAL.
 - (4) The PAL conditions in a Part 70 ~~operating~~ permit shall require that the increased PAL level shall be effective on the day any ~~emission~~ unit that is part of the PAL significant permit

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revision becomes operational and begins to emit the PAL pollutant.

- (b) The Control Officer shall calculate the new PAL as the sum of the allowable [E]missions for each modified or new [E]emission[s] [U]unit, plus the sum of the baseline actual [E]missions of the significant and major [E]emission[s] [U]units (assuming application of BACT-equivalent controls as determined in accordance with paragraph (a)(2) of this section), plus the sum of the baseline actual [E]missions of the small [E]emission[s] [U]units.
- (c) The PAL conditions in a Part 70 [O]perating [P]ermit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of Section 12.3.9.5.

12.3.9.12 Monitoring Requirements for [PALs] Plant-wide Applicability Limitations

(a) General [r]Requirements.

- (1) The PAL conditions in a Part 70 [O]perating [P]ermit must include enforceable requirements for the monitoring system that accurately determines plant-wide [E]missions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL conditions must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL conditions.
- (2) The PAL monitoring system must employ one or more of the four ~~[(4)]~~ general monitoring approaches meeting the minimum requirements set forth in ~~[paragraphs (b)(1) through (b)(4) of]~~ Section 12.3.9.12 (b)(1)–(4) and must be approved by the Control Officer.
- (3) Notwithstanding paragraph (a)(2) of this section, the PAL monitoring system may also employ an alternative monitoring approach that meets paragraph (a)(1) of this section if approved by the Control Officer.
- (4) Failure to use a monitoring system that meets the requirements of Section 12.3.9.12 renders the PAL invalid.

- (b) **Minimum [p]Performance [r]Requirements for [a]Approved [m]Monitoring [a]Approaches.** The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (c) ~~[-through]~~ (i) of this section:

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- (1) Mass balance calculations for activities using coatings or solvents;
 - (2) CEMS;
 - (3) CPMS or PEMS; and
 - (4) Emission factors.
- (c) **Mass Balance Calculations.** An [O]owner or [O]operator using mass balance calculations to monitor PAL pollutant [E]missions from activities using coatings or solvents shall meet the following requirements:
- (1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the [E]mission[s] [U]unit;
 - (2) Assume ~~that~~ the [E]mission[s] [U]unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the [E]mission[s] [U]unit, if it cannot otherwise be accounted for in the process; and
 - (3) Where the vendor of a material or fuel ~~which~~ that is used in or at the [E]mission[s] [U]unit publishes a range of pollutant content from such material, the [O]owner or [O]operator must use the highest value of the range to calculate the PAL pollutant [E]missions unless the Control Officer determines there is site-specific data or a site-specific monitoring program to support another content within the range.
- (d) **CEMS.** An [O]owner or [O]operator using CEMS to monitor PAL pollutant [E]missions shall meet the following requirements:
- (1) The CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B; and
 - (2) The CEMS must sample, analyze, and record data at least every ~~fifteen~~ (15) minutes while the [E]mission[s] [U]unit is operating.
- (e) **CPMS or PEMS.** An [O]owner or [O]operator using CPMS or PEMS to monitor PAL pollutant [E]missions shall meet the following requirements:
- (1) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored

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parameter(s) and the PAL pollutant [E]missions across the range of operation of the [E]mission[s] [U]nit; and

- (2) Each CPMS or PEMS must sample, analyze, and record data at least every ~~fifteen~~ (15) minutes, or at another, less frequent interval approved by the Control Officer, while the [E]mission[s] [U]nit is operating.
- (f) **Emission Factors.** An [O]wner or [O]perator using emission factors to monitor PAL pollutant [E]missions shall meet the following requirements:
- (1) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
 - (2) The [E]mission[s] [U]nit shall operate within the designated range of use for the emission factor, if applicable; and
 - (3) If technically practicable (as determined by the Control Officer), the [O]wner or [O]perator of a significant [E]mission[s] [U]nit that relies on an emission factor to calculate PAL pollutant [E]missions shall conduct validation testing to determine a site-specific emission factor within ~~six~~ (6) months of permit issuance unless the Control Officer determines that testing is not required.
- (g) An ~~source~~ [O]wner or [O]perator must record and report maximum potential [E]missions without considering enforceable [E]mission [L]imitation or operational restrictions for an [E]mission[s] [U]nit during any period of time ~~whenever~~ that there is no monitoring data, unless another method for determining [E]missions during such periods is specified in the Part 70 [O]perating [P]ermit containing the PAL.
- (h) Notwithstanding the requirements in paragraphs (c) ~~through~~ (g) of this section, when an [O]wner or [O]perator of an [E]mission[s] [U]nit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant [E]missions rate at all operating points of the [E]mission[s] [U]nit, then the Control Officer shall, at the time of permit issuance:
- (1) Establish default value(s) for determining compliance with the PAL based on the highest potential [E]missions reasonably estimated at such operating point(s); or
 - (2) Determine that operation of the [E]mission[s] [U]nit during operating conditions when there is no correlation between

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monitored parameter(s) and the PAL pollutant [E]missions is a violation of the PAL.

- (i) **Revalidation.** All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the Control Officer. Such testing must occur at least once every [five- (5)] years after issuance of the Part 70 [O]perating [P]permit containing the PAL conditions.

12.3.9.13 Recordkeeping Requirements for [PALs]Plant-wide Applicability Limitations

- (a) The Part 70 operating permit containing PAL [permit]conditions shall require an [O]owner or [O]operator to retain a copy of all records necessary to determine compliance with any requirement of Section 12.3.9 and of the PAL, including a determination of each [E]emission[s] [U]nit's 12-month rolling total [E]missions, for [five- (5)] years from the date of such record.
- (b) The Part 70 operating permit containing PAL [permit]conditions shall require an [O]owner or [O]operator to retain a copy of the following records for the duration of the PAL effective period plus [five- (5)] years:
 - (1) A copy of the PAL provisions in the Part 70 [O]perating [P]permit application and any applications for revisions to the Part 70 [O]perating [P]permit; and
 - (2) Each annual certification of compliance pursuant to the conditions in the affected Part 70 [O]perating [P]permit and the data relied on in certifying the compliance.

12.3.9.14 Reporting and Notification Requirements for [PALs]Plant-wide Applicability Limitations

The [O]owner or [O]operator shall submit semiannual monitoring reports and prompt deviation reports to the Control Officer, in accordance with the conditions in the affected Part 70 [O]perating [P]permit. The reports shall meet the requirements in paragraphs (a)[-through-] (c) of this section.

- (a) **Semiannual Report.** The semiannual report shall be submitted to the Control Officer within [-thirty- (30)] days of the end of each reporting period. This report shall contain the information required in paragraphs (a)(1)[-through- (a)] (7) of this section:
 - (1) The identification of [O]owner or [O]operator and the permit number;

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- (2) Total annual [E]missions (in tpy) based on a 12-month rolling total for each month in the reporting period[-];
 - (3) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant [E]missions;
 - (4) A list of any [E]mission[s] [U]nits modified or added to the major [S]stationary [S]source during the preceding 6-month period;
 - (5) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken;
 - (6) A notification of a [S]shutdown of any monitoring system, whether the [S]shutdown was [P]ermanent or temporary, the reason for the [S]shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the [E]mission[s] [U]nit monitored by the monitoring system continued to operate, and the calculation of the [E]missions of the pollutant or the number determined by method included in the permit, as provided [~~by paragraph (g) of~~in Section 12.3.9.12(g)]; and
 - (7) A signed statement by the Responsible Official certifying the truth, accuracy, and [G]completeness of the information provided in the report.
- (b) **Deviation Report.** The major [S]stationary [S]source [O]wner or [O]perator shall promptly submit reports of any deviations or exceedance[s] of the PAL conditions, including periods where no monitoring is available. A report submitted pursuant to Section 12.5.2.[4]6(d)(4)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the affected Part 70 [O]perating [P]ermit. The reports shall contain the following information:
- (1) The identification of the [O]wner or [O]perator and the permit number;
 - (2) The PAL requirement that experienced the deviation or that was exceeded;
 - (3) Emissions resulting from the deviation or the exceedance; and
 - (4) A signed statement by the Responsible Official certifying the truth, accuracy, and [G]completeness of the information provided in the report.

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- (c) **Revalidation Results.** The [O]wner or [O]perator shall submit to the Control Officer the results of any revalidation test or method within [~~three~~-(3)] months after completion of such test or method.

12.3.9.15 Transition Requirements for [PALs]Plant-wide Applicability Limitations

- (a) The Control Officer may not issue a PAL that does not comply with the requirements in Sections 12.3.9.1[~~—through~~]-12.3.9.15 after the Administrator has approved regulations incorporating these requirements into the Nevada SIP.
- (b) The Control Officer may supersede any PAL [~~which~~that] was established prior to the date of approval of the Nevada SIP by the Administrator with a PAL that complies with the requirements of Sections 12.3.9.1[~~—through~~]-12.3.9.15.

12.3.10 Potential Visibility Impacts

The Control Officer shall consult with the [F]ederal [L]and [M]anager on a proposed major [S]tationary [S]ource or major modification that may impact visibility in any Class I Area, in accordance with 40 CFR Part 51.307.

12.3.11 Invalidation

If any provision of Section 12.3, or the application of such provision to any [P]erson or circumstance, is held invalid, the remainder of Section 12.3, or the application of such provision to [P]ersons or circumstances other than those [~~as~~]to which it is held invalid, shall not be affected thereby.

History: Adopted May 18, 2010. Amended March 18, 2014; July 20, 2021.