

SECTION 12.11: GENERAL PERMITS FOR MINOR STATIONARY SOURCES

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12.11.1 Applicability

- (a) The Control Officer may only issue an authority to operate under a general permit to a minor stationary source for specific source classes.
- (b) This rule provides the authority and requirements the Control Officer must meet to issue general permits for specific source classes.
- (c) Except as provided in paragraph (g), a minor source that is a member of a specific source class and is subject to the permit requirements of Section 12.1, shall satisfy the requirement to obtain a permit by obtaining an authority to operate under a general permit pursuant to Section 12.11, when the Control Officer has issued a general permit for that source class.
- (d) Except as provided in paragraph (g), after March 5, 2024, all existing minor sources operating under individual minor source permits, that are members of a specific source class for which the Control Officer has issued a general permit, shall apply for the authority to operate under the general permit no later than 60 days before the individual minor source permit expiration date.
- (e) The Control Officer may issue a general permit for any specific source class that the Control Officer determines is appropriate for a general permit, in accordance with the requirements of this rule.
- (f) This rule provides the requirements a stationary source must meet to obtain an authority to operate under a general permit issued by the Control Officer.
- (g) A minor source seeking authority to operate under a general permit shall apply for an individual minor source permit if the Control Officer determines the source or modification could interfere with attainment or maintenance of any national ambient air quality standard. In making this determination, the Control Officer:
 - (1) Shall ensure that any ambient air increment as prescribed by Section 12.2.3 is not exceeded.
 - (2) May consider whether the dispersion characteristics of the source are likely to result in higher ambient concentrations of a conventional pollutant than the modeling assumptions used to establish an emission standard.
 - (3) May apply a screening model to the source's emissions based on the applicable models, databases, and other requirements specified in 40 CFR Part 51, Appendix W.

- (h) General permits shall not be issued for sources regulated pursuant to Title IV of the Act, except as provided in regulations promulgated by the Administrator under Title IV of the Act.

12.11.2 Definitions

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

- (a) “Individual minor source permit” means a minor source permit issued in accordance with Section 12.1.
- (b) “Minor stationary source” or “minor source” means a stationary source that is not required to obtain an “Authority to Construct” pursuant to Section 12.4.3 or a Part 70 Operating Permit and that has a potential to emit equal to or greater than the levels listed in Section 12.1.1(e)(2) for any listed pollutant (excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act).
- (c) “Similar in nature” means similar source size, processes, operating conditions, and nature and quantity of emissions.
- (d) “Source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.
- (e) “Source class” means sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.

12.11.3 General Permit Development

- (a) The Control Officer may propose a general permit, or any person may submit a petition to the Control Officer requesting the issuance of a general permit for a defined source class.
- (b) A petition for a general permit shall propose a particular source class, list the approximate number of sources in the proposed class, provide the proposed size, processes, and operating limitations, and provide a list of the applicable requirements.
- (c) The Control Officer shall provide a written response to the petition within 120 days of receipt.

- (d) General permits shall include all the following:
 - (1) The applicability criteria to qualify as a member of the source class.
 - (2) The relevant elements contained in Section 12.1.4.1.
 - (3) Emission limitations and control requirements as required by Sections 12.11.11 and 12.11.12.
 - (4) A process for qualifying individual sources to apply for an authority to operate under the general permit by submitting the application prescribed by Section 12.11.4.
 - (5) A permit term not to exceed 5 years from the date of issuance.
- (e) General permits shall include any conditions imposed under Section 12.11.13.
- (f) The Control Officer shall provide public notice for any proposed new general permit, for any revision of an existing general permit (excluding administrative revisions described in Section 12.1.6(c)), and for renewal of an existing general permit.
- (g) The public participation requirements in Section 12.1.5.3 shall apply to any public notice required by Section 12.11.3(f).

12.11.4 Application for Authority to Operate Under a General Permit

- (a) After the general permit has been issued, a new or existing minor source that is a member of the general permit source class shall apply to the Control Officer for authority to operate under the general permit.
- (b) Applicants shall complete the application form(s) provided by the Control Officer for the general permit source class. The application shall, at a minimum, require the applicant to submit information identifying and describing the source, its processes, and its operating conditions pursuant to Section 12.1.3, in sufficient detail to allow the Control Officer to verify qualification for the source class, and assure compliance with all general permit requirements.
- (c) The Control Officer shall act on an application for authority to operate under a general permit as expeditiously as possible, but a final decision shall be reached within 60 days of receipt of the application.
 - (1) The Control Officer shall approve or deny the request based on applicability criteria specified in the general permit for that type of source.

- (2) If the application is approved, the Control Officer shall issue an authority to operate under the general permit to the source and post the issuance decision on the Department's web site.
- (3) If the application for an authority to operate under the general permit is denied, the Control Officer shall notify the source that it must apply for an individual minor source permit pursuant to Section 12.1 if it intends to proceed with construction or continue to operate.
- (d) A minor source that has applied for authority to operate shall not initiate construction, modification, or operation until the Control Officer has issued the authority to operate under the general permit to the minor source.
- (e) The Control Officer shall maintain a record of all stationary sources that are covered by a specific general permit and this record shall be available for public review.

12.11.5 General Permit Renewal

- (a) The Control Officer shall review and may renew general permits every five years or sooner, if warranted. A source's authorization to operate under a general permit shall coincide with the term of the general permit regardless of when the authorization began during the five-year period, except as provided in Section 12.11.8(b). In addition to the public notice required to issue a proposed permit under Section 12.11.3(f), the Control Officer shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the general permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed renewal permit.
- (b) At the time a general permit is renewed, the Control Officer shall notify in writing all sources who were granted authorization to operate under the previous permit and shall require them to submit a timely application to renew their authorization. For purposes of general permits, a timely application is one that is submitted within the time frame specified by AQR 12.1.3.1(b) or within a time frame specified by the Control Officer in a written notification. If a timely application is submitted the source may continue to comply with the previously issued general permit authority to operate until an authorization to operate under the renewed general permit is granted. Failure to submit a timely renewal application terminates the source's right to operate once the authority to operate expires.

12.11.6 Relationship to Individual Minor Source Permits

- (a) Any source covered under an authority to operate under a general permit that is no longer a member of any specific source class for which a general permit is issued shall apply for an individual minor source permit. Authority to operate under the general permit shall terminate on the date the individual minor source permit is issued.
- (b) Authority to operate under an individual minor source permit shall terminate on the date the authority to operate under a general permit is issued.

12.11.7 General Permit Appeals

Any person who filed a comment on a proposed general permit during the public notice period required under Section 12.11.3(f) may appeal the terms and conditions of the general permit, as they apply to the source class covered under that general permit, by filing an appeal with the Air Pollution Control Hearing Board within 30 days after receipt of notice that the general permit has been issued, in accordance with Section 7.10.

12.11.8 Terminations of General Permits and Revocations of Authority to Operate under a General Permit

- (a) The Control Officer may terminate a general permit at any time if either:
 - (1) The Control Officer has determined that the emissions from the sources in the source class cause or contribute to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit.
 - (2) The Control Officer has determined that the terms and conditions of the general permit no longer meet the requirements of Section 12.1.4.1.
- (b) The Control Officer shall provide written notice to all sources operating under a general permit prior to termination of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within 180 days of receipt of the notice of the expiration, termination, or cancellation of any general permit, sources notified shall submit an application to the Control Officer for an individual minor source permit pursuant to Section 12.1.
- (c) The Control Officer may revoke a minor source's authority to operate under a general permit if the source is not in compliance with any term or condition of the general permit.

- (d) If the Control Officer revokes a source's authority to operate under a general permit pursuant to paragraph (c), the Control Officer shall notify the Responsible Official by certified mail, return receipt requested.
- (e) The notice shall include a statement detailing the grounds for the revocation of authority to operate and a statement that the permitted source is entitled to a hearing. A source may continue operating under the revoked general permit for a maximum of 15 days after receipt of the notice of revocation. To continue operation after 15 days, the source must submit a complete application for an individual minor source permit pursuant to Section 12.1.3.3(a), at which time it may operate under that application.

12.11.9 Fees Related to General Permits

- (a) **Permit Processing Fees.** An application fee is assessed for the initial application submitted by the source, for any source who intends to continue operating under the authority of a general permit that has been proposed for renewal, and to requests for authorizations to operate new emissions related equipment. A permit issuance fee is assessed prior to the issuance of authorizations to operate under a general permit. These fees are assessed in accordance with Section 18.4.1 and 18.1.1.
- (b) **Annual Emission Unit and Permit Renewal Fees.** The relevant emission unit and permit renewal fees are assessed on emission units and each operating permit each calendar year, in accordance with Section 18.2.
- (c) **Notice of Proposed Action Fee.** A publication fee for notices of proposed actions (public notice) will be assessed, if required, in accordance with Section 18.4.2.
- (d) **Annual Emission Fees.** Annual emission fees shall be determined in accordance with Section 18.6.4.

12.11.10 Revisions to Minor Sources Granted Authority to Operate under General Permits

A minor source may make revisions only as authorized by the general permit. Any revision outside the scope authorized by the general permit shall require a new application for a different general permit issued under Section 12.11 if one is available. If one is not available, a new application shall be submitted for an individual minor source permit pursuant to Section 12.1.

12.11.11 Minor NSR in General Permits

- (a) A general permit shall include emission standards designed to assure that a stationary source covered by the general permit will comply with minor new source review under Section 12.1.4. The emission standards may consist of any combination of the following:
 - (1) Limits designed to assure that emissions from a stationary source that is a member of the class of sources covered by the permit will not interfere with attainment or maintenance of a NAAQS and will comply with the SIP.
 - (2) Limits imposing operating constraints and reasonably available control technology, where applicable.

12.11.12 Emission Standards in General Permits

- (a) All general permits shall include emission standards, including emission limitations and/or operational constraints to assure that emissions from a stationary source that is a member of the class of sources covered by the permit will comply with the SIP and will not interfere with attainment or maintenance of a NAAQS.
- (b) A general permit for a source category that will have a potential to emit that is significant, as defined in Section 12.1.1, for a regulated air pollutant shall include limits imposing reasonably available control technology for the affected pollutant.

12.11.13 Reserved

History: Adopted November 3, 2009; Amended December 18, 2018; February 20, 2024 (Ord. No. 5109); December 3, 2024 (Ord. No. 5196).