

**Nevada Department of Conservation & Natural
Resources,
Division of Environmental Protection,
Bureau of Air Pollution Control
Title V Operating Permit Program Evaluation**

Final Report

July 31, 2015

Conducted by the

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Acknowledgments

EPA Region 9 would like to acknowledge the cooperation of the staff and management of the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Air Pollution Control (BAPC) during this title V program evaluation. We appreciate their willingness to respond to information requests and share their experiences regarding the development and implementation of BAPC's title V program.

Executive Summary

In response to the recommendations of a 2002 Office of Inspector General (OIG) audit, the Environmental Protection Agency (EPA or we) re-examined the ways it can improve state and local title V operating permit programs and expedite permit issuance. Specifically, EPA developed an action plan for performing program reviews of title V operating permit programs for each air pollution control agency beginning in fiscal year 2003. The purpose of these program evaluations is to identify good practices, document areas needing improvement, and learn how EPA can help the permitting agencies improve their performance.

EPA Region 9 oversees 45 air permitting authorities with title V operating permit programs. Of these, 43 are state or local authorities with programs approved pursuant to part 70 (35 in California, three in Nevada, four in Arizona, and one in Hawaii). EPA Region 9 also oversees a delegated part 71 permitting program in the Navajo Nation and a part 69 permitting program in Guam. Because of the significant number of permitting authorities, Region 9 has committed to performing, on an annual basis, one comprehensive title V program evaluation of a permitting authority with 20 or more title V sources. This approach will cover about 85% of the title V sources in Region 9 once EPA completes evaluation of those programs.

Region 9 recently conducted a title V program evaluation of the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Air Pollution Control (BAPC or Bureau). The Bureau's permitting jurisdiction includes all sources in the State of Nevada outside of Clark and Washoe Counties, as well as fossil-fuel fired units that produce steam for electricity generation throughout the state. (See Appendix A, Air Pollution Control Agencies in Nevada.)

This is the tenth title V program evaluation Region 9 has conducted. The first nine were conducted at permitting authorities in Arizona, Nevada, California, and Hawaii. The EPA Region 9 program evaluation team for this evaluation consisted of the following EPA personnel: Amy Zimpfer, Associate Director, Air Division; Gerardo Rios, Chief of the Air Permits Office; Ken Israels, Program Evaluation Advisor; Geoffrey Glass, BAPC Program Evaluation Coordinator; and Eugene Chen, Air Permits Office Program Evaluation Team Member.

The evaluation was conducted in four stages. At the first stage, EPA sent BAPC a questionnaire focusing on title V program implementation in preparation for the site visit at BAPC's offices. (See Appendix B, Title V Questionnaire and BAPC Responses.) During the second stage of the program evaluation, Region 9 conducted a review of BAPC's title V permit files maintained by EPA, including copies of permits, statements of basis, permit applications, and correspondence. The third stage of the program evaluation was a site visit, which consisted of Region 9 representatives visiting BAPC offices in Carson City to interview Bureau staff and managers. The site visit took place August 11-14, 2014. The fourth stage of the program evaluation involved follow-up and clarification of issues for completion of the draft report.

The State of Nevada has a population of 2.76 million (2012 estimate); approximately 2 million persons live in Clark County and 420,000 persons reside in Washoe County. There are presently 35

facilities with current or pending title V operating permits within BAPC's jurisdiction. The majority of BAPC's permittees are engaged in mining, electricity generation and solid waste management.

Based on Region 9's program evaluation of BAPC, we conclude that, in general, NDEP implements a strong program, with adequate funding and good systems in place. We have identified a few areas for improvement including enhancing information included in Statements of Basis (SOB) documents. Some major findings are provided below:

1. BAPC has developed a Class I permit template and standardized emission calculation worksheets. In addition, BAPC is developing guidance documents for common policy issues to ensure greater permit consistency. (Finding 2.2)
2. Although BAPC SoBs contain most of the information necessary for permit issuance, the Bureau does not adequately document certain decisions of the permitting process. (Finding 2.5)
3. BAPC generally does not include sufficient detail on construction, permitting, or compliance history in SoBs. (Finding 2.6)
4. BAPC consistently implements the CAM rule. (Finding 3.1)
5. Nevada contains a number of linguistically isolated communities, particularly in the Las Vegas area in Clark County, where translation services would be necessary for the public to be aware of and understand BAPC permit actions. However, BAPC has not routinely translated public notice packages. (Finding 4.3)
6. BAPC coordinates with NDEP's tribal liaison and informs all tribes in Nevada of new permits, renewals, and revisions. (Finding 4.6)
7. BAPC has required at least one source to suspend operations as a result of losing its application shield. (Finding 5.4)
8. BAPC compliance staff use Class I permits and other title V documents during field inspections, and as a part of the broader full compliance evaluation (FCE). (Finding 6.2)
9. BAPC collects sufficient revenue to implement the title V permitting program. (Finding 7.3)
10. BAPC has recently hired new Permits Services staff. It is broadly investing in Permits Services staff through training and mentoring programs. (Finding 7.4)
11. BAPC has a constructive relationship with EPA. (Finding 8.2)
12. BAPC has used its Class I permit template as a basis for writing enforceable minor source permits. (Finding 8.7)
13. BAPC uses title V renewal as an opportunity to model NAAQS compliance and increment consumption in an area where there are few ambient air quality monitors. (Finding 8.8)

Our report provides a series of findings (in addition to those listed above) and recommendations that should be considered in addressing our findings. We have given BAPC an opportunity to review these findings and to consider our recommendations in the context of their organization, priorities, and resources. In response to our report, as noted in the project workplan that outlines the process we followed in performing this evaluation, we ask BAPC to prepare and submit to EPA a workplan that outlines how it intends to address our findings. (See Appendix C, Workplan for BAPC Title V Program Evaluation.)

1. Introduction

Background

In 2000, the OIG initiated an evaluation on the progress of issuing title V permits by EPA and states due to concerns about the progress that state and local air pollution control agencies were making in issuing title V permits under the Clean Air Act (CAA or the Act). The purpose of OIG's evaluation was to identify factors delaying the issuance of title V permits by selected state and local agencies and to identify practices contributing to timely issuance of permits by those same agencies.

After reviewing several selected state and local air pollution control agencies, OIG issued a report on the progress of title V permit issuance by EPA and states.¹ In the report, OIG concluded that the key factors affecting the issuance of title V permits included (1) a lack of resources, complex EPA regulations, and conflicting priorities contributed to permit delays; (2) EPA oversight and technical assistance had little impact on issuing title V permits; and (3) state agency management support for the title V program, state agency and industry partnering, and permit writer site visits to facilities contributed to the progress that agencies made in issuing title V operating permits.

OIG's report provided several recommendations for EPA to improve title V programs and increase the issuance of title V permits. In response to OIG's recommendations, EPA made a commitment in July 2002 to carry out comprehensive title V program evaluations nationwide. The goals of these evaluations are to identify areas where EPA's oversight role can be improved, areas where air pollution control agencies are taking unique approaches that may benefit other agencies, and areas of local programs that need improvement. EPA's effort to perform title V program evaluations for each air pollution control agency began in fiscal year 2003.

EPA Region 9 oversees 45 air permitting authorities with title V operating permit programs. Of these, 43 are state or local authorities with programs approved pursuant to part 70 (35 in California, three in Nevada, four in Arizona, and one in Hawaii). EPA Region 9 also oversees a delegated part 71 permitting program in the Navajo Nation and a part 69 permitting program in Guam. Due to the significant number of permitting authorities, Region 9 has committed to performing one comprehensive title V program evaluation every year of a permitting authority with 20 or more title V sources. This would represent about 85% of the title V sources in Region 9 once EPA completes evaluation of those programs.

¹ See Report No. 2002-P-00008, Office of Inspector General Evaluation Report, AIR, EPA and State Progress In Issuing title V Permits, dated March 29, 2002.

Title V Program Evaluation at Nevada's Bureau of Air Pollution Control

Region 9 recently conducted a title V program evaluation of the Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection (Division), Bureau of Air Pollution Control (BAPC or Bureau). This is the tenth title V program evaluation Region 9 has conducted. The EPA Region 9 program evaluation team for this evaluation consisted of the following EPA personnel: Amy Zimpfer, Associate Director; Gerardo Rios, Chief of the Air Permits Office; Ken Israels, Program Evaluation Advisor; Geoffrey Glass, BAPC Program Evaluation Coordinator; and Eugene Chen, Air Permits Office Program Evaluation Team Member.

The objectives of the evaluation were to assess how BAPC implements its title V permitting program, evaluate the overall effectiveness of BAPC's title V program, identify areas of BAPC's title V program that need improvement and areas where EPA's oversight role can be improved, and highlight unique and innovative aspects of BAPC's program that might be beneficial to other permitting authorities. The evaluation was conducted in several stages. At the first stage, EPA sent BAPC a questionnaire (see Appendix B, Title V Questionnaire and BAPC Responses) focusing on title V program implementation in preparation for the site visit to BAPC's offices. The title V questionnaire was developed by EPA nationally and covers the following program areas: (1) Title V Permit Preparation and Content; (2) General Permits; (3) Monitoring; (4) Public Participation and Affected State Review; (5) Permit Issuance/Revision/Renewal Processes; (6) Compliance; (7) Resources & Internal Management Support; and (8) Title V Benefits.

During the second stage of the program evaluation, Region 9 conducted an internal review of EPA's own set of BAPC title V permit files. BAPC submits Title V permits to Region 9 in accordance with its EPA-approved title V program and the Part 70 regulations. Region 9 maintains title V permit files containing these permits along with copies of associated documents, permit applications, and correspondence.

The third stage of the program evaluation was the site visit, which consisted of Region 9 representatives visiting the BAPC Carson City offices to conduct further file reviews, interview BAPC staff and managers, and review the Division's permit-related databases. The purpose of the interviews was to confirm the responses in the completed questionnaire and to ask clarifying questions. The site visit took place August 11 through August 14, 2014. Region 9 also conducted interviews by phone with BAPC managers prior to and after the site visit.

The fourth stage of the program evaluation was follow-up and clarification of issues for completion of the draft report. Region 9 compiled and summarized interview notes and made phone calls to clarify Region 9's understanding of various aspects of the title V program at BAPC. The program evaluation team met on a regular basis to work towards completion of the draft report.

BAPC Description

The State of Nevada designated the Nevada Department of Conservation and Natural Resources as the air pollution control agency for the State for the purposes of the Federal Clean Air Act (the Act) in 1971.² State Law requires those counties in Nevada with a population of 100,000 or greater to establish local air programs. The State allows smaller counties to form air programs or to join with other counties to form air programs, with approval from the state. To date, only Clark and Washoe Counties, both with populations over 100,000 have established air programs. The Division of Environmental Protection (NDEP) is the division of the Department of Conservation and Natural Resources delegated to implement the Act in the remainder of Nevada.

Stationary source air permits, including title V permits, are issued through the Permitting Branch of the BAPC. Compliance and enforcement activities, such as facility inspections, source testing, and preparing enforcement cases are handled by the Compliance and Enforcement Branch of BAPC. The Bureau of Air Quality Planning (BAQP) is responsible for developing rules and preparing studies and plans to show how the State of Nevada will comply with the national ambient air quality standards (NAAQS). BAQP also compiles emission inventories, maintains ambient air pollution monitors, and manages the air database used by both BAPC and BAQP.

Nevada's Title V Program

EPA granted Nevada's title V program interim approval effective January 11, 1996, and full approval effective November 30, 2001. See 40 C.F.R. part 70, appendix A. EPA also granted Clark and Washoe Counties' title V programs full approval effective November 30, 2001.

Nevada issues Class I permits to sources required to obtain title V permits. Nevada's Class I permitting program is a combined new source review (NSR) and title V operating permit program. The Nevada Administrative Code (NAC) requires permittees to demonstrate compliance with the NAAQS at permit renewal and whenever the permittee proposes a modification that may have a detrimental air impact.³

In this report, we use the term "title V permit" when discussing title V permits generally and "Class I permit" when discussing Nevada's title V permits in particular.

EPA's Findings and Recommendations

The following sections include a brief introduction, and a series of findings, discussions, and recommendations.⁴

² See Chapter 445B of the Nevada Administrative Code

³ See Paragraphs 445B.3443.3, 445B.3395.11(d), and 445B.340.2 of the Nevada Administrative Code

⁴ We note that while the title V questionnaire included questions about general permits, this report does not include a section on general permits because the Bureau does not issue general permits under the title V program.

The findings and recommendations in this report are based on EPA's internal reviews performed prior to the site visit to BAPC, the Bureau's responses to the Title V Questionnaire, phone interviews conducted prior to the site visit, interviews and file reviews conducted during the August 11 - 14, 2014, site visit, and interviews and phone calls following the site visit.

2. Permit Preparation and Content

The purpose of this section is to evaluate the permitting authority's procedure for preparing title V permits. The requirements of title V of the CAA are codified in 40 C.F.R. Part 70. The terms "title V" and "Part 70" are used interchangeably in this report. Part 70 outlines the necessary elements of a title V permit application under 40 C.F.R. 70.5, and it specifies the requirements that must be included in each title V permit under 40 C.F.R. 70.6. Title V permits must include all applicable requirements, as well as necessary testing, monitoring, recordkeeping, and reporting requirements sufficient to ensure compliance with the terms and conditions of the permit.

2.1 Finding: BAPC has a quality assurance process for reviewing pre-draft permits before they become available for public and EPA review.

Discussion: BAPC staff report that they begin the permit writing process with Class I permit templates that organize the emission-unit specific sections of the permit into equipment descriptions, operating limits, emission limits, and monitoring and recordkeeping requirements. For common source types found in Nevada, the template includes federal requirements such as requirements found in New Source Performance Standards (NSPS) from 40 C.F.R. part 60 and National Emission Standards for Hazardous Air Pollutants from 40 C.F.R. parts 61 and 63 (NESHAP). (See Finding 2.2). Pre-draft permits are then peer reviewed before going to the permitting manager for supervisor review. During interviews, permit writers reported that they regularly share pre-draft conditions with compliance and monitoring services staff to ensure that monitoring and testing requirements will assure compliance with applicable requirements, especially when writing conditions for new requirements. The Bureau also shares courtesy copies with permittees so that they may provide comments and corrections. The internal review process helps ensure consistency and quality in the Bureau's title V permits.

Recommendation: BAPC should continue its quality assurance practices.

2.2 Finding: BAPC has developed a Class I permit template and standardized emission calculation worksheets. In addition, BAPC is developing guidance documents for common policy issues to ensure greater permit consistency.

Discussion: BAPC has developed a template for Class I permits. This template includes standard conditions such as emission limits, operating limits, monitoring, record keeping, and reporting conditions based on SIP requirements and federal standards. The Bureau has developed a set of standard conditions for common source types found in Nevada, including nonmetallic mineral processing units subject to NSPS OOO, metallic mineral processing units subject to NSPS LL, emergency generators, etc. By developing the permit template, the Bureau reduces duplication of effort and improves consistency between permits.

The Bureau has also developed standardized emission calculation worksheets that permit writers use to calculate potential emissions during application review. These worksheets are

peer reviewed and approved by the permitting manager along with the pre-draft permit resulting in greater consistency between permits in the same industry.

During our interviews, staff reported that they had recently begun maintaining a library of guidance documents related to Bureau policy decisions to increase consistency in Bureau decision making.

Recommendation: BAPC should continue to develop, review, and update permit templates, calculation tools, and guidance documents.

2.3 Finding: The BAPC permit issuance process allows the Bureau to streamline the issuance of NSR and revised title V permits.

Discussion: BAPC allows sources to choose between a bifurcated process for preconstruction and operating permits or a combined process in which Class I permits meet the requirements of the new source review (NSR) and title V operating permit programs. According to NAC 445B.3361, to modify an existing Class I stationary source, the owner or operator must apply for and obtain either an operating permit to construct (OPTC) or a Class I permit revision.

If the owner or operator elects to apply for an OPTC, the Bureau treats the NSR and title V permitting processes separately, first granting conditional approval for the construction or modification and then modifying the operating permit. The conditional approval for the OPTC will contain a description of the construction project, including the physical changes that are occurring as well as a regulatory analysis of the construction. In addition, per NAC 445B.3364.4, the Director is required to allow a 30-day public review period for OPTCs. After the permittee makes the changes allowed under the OPTC, the Bureau revises the Class I operating permit as a minor or significant Class I permit revision, whichever is appropriate.

If the owner or operator elects to apply for a Class I permit revision, the Bureau applies the NSR and title V permitting processes simultaneously in one permit action. In this case, the Bureau makes clear what physical and regulatory changes are occurring and which conditions in the permit are being added or modified as part of the public notice for the modification. Depending on the type of modification, the Bureau may process the modification as either a major or minor modification, while assuring that both NSR and title V requirements are met, including requirements for public notice and EPA review.

Recommendation: EPA supports BAPC's use of both the OPTC process and the Class I revision process to allow increased flexibility for issuing revised title V permits.

2.4 Finding: BAPC has not updated its title V application forms to require PM_{2.5} (particulate with a diameter of less than 2.5 micrometers) or GHG (greenhouse gas) emission data.

Discussion: According to 40 CFR 70.5(c)(3)(i), standard application forms for title V operating permits shall include information about “all emissions of regulated air pollutants.” In reviewing BAPC’s Class I permit application forms, we discovered that they did not require information about PM_{2.5} or GHG emissions, which meet the definition of regulated air pollutants in part 70.

Although not included on the forms, we note that PM_{2.5} and GHG emissions information is included in the Bureau’s statements of basis (SoBs), indicating that the Bureau is collecting this required information.

Recommendation: Although we appreciate that BAPC is collecting this required emissions information, the Bureau should update its title V application forms to provide for PM_{2.5} and GHG emission data.

2.5 Finding: Although BAPC SoBs contain most of the information necessary for permit issuance, the Bureau does not adequately document certain decisions it makes in the permitting process.

Discussion: Part 70 requires title V permitting authorities to provide “a statement of the legal and factual basis for the draft permit conditions” (40 CFR 70.7(a)(5)). The purpose of this requirement is to support the proposed title V permit with a discussion of the decision-making that went into the development of the permit and provide the permitting authority, the public, and EPA a record of the applicability determinations and technical issues surrounding the issuance of the permit. The statement of basis should document the regulatory and policy issues applicable to the source, and is an essential tool for conducting meaningful permit review.⁵

BAPC develops well written SoBs (which the Bureau refers to as technical reviews) for initial and renewal permits that contain the relevant topics that are typically needed for explain what requirements apply to the facility. These topics include:

- Facility and process descriptions;
- Descriptions of emission units (We note that some data – e.g. stack heights, flow rates, Universal Transverse Mercator (UTM) coordinates – are often included in the permit rather than the SoB);
- Insignificant activities and emission units;
- Analyses of potential to emit and ambient impacts;

⁵ EPA has released certain guidance documents regarding the suggested content for Statement of Basis documents, including a December 20, 2001 letter to Ohio EPA (<http://www.epa.gov/region07/air/title5/t5memos/sbguide.pdf>) and April 30, 2014 implementation guidance on title V annual compliance certifications and statement of basis requirements (<http://www.epa.gov/region07/air/title5/t5memos/20140430.pdf>).

- Informative language about federal standards such as parts 60, 61, and 63;
- Applicability of the Prevention of Significant Deterioration (PSD) program to the facility;
- Applicability of the Compliance Assurance Monitoring (CAM) program to pollutant specific emission units;
- Applicability of the Acid Rain program.

However, for the permits we reviewed, we discovered that the Bureau does not always include enough detail to adequately document how it makes decisions regarding the following areas:

- Bureau SoBs generally do not discuss why CAM applies to particular units or how it made a determination to approve particular CAM plans, for example:
 - In the SoB for Veris Gold (Permit AP1041-37422), the Bureau merely lists those units for which Veris submitted CAM plans.
 - The SoB for Reid-Gardner Power Plant (Permit AP4911-0897) has a table that lists the units that are subject to CAM but contains no discussion to explain or justify the plans.
 - In the SoB for Tracy Power (Permit 4911-0194), the Bureau states, without providing any analysis, that the only units subject to CAM are the cooling towers, for which it prescribes quarterly water sampling.⁶
- When there are several possible standards in parts 60 and 63 that could apply to a unit, the Bureau is inconsistent in its level of detail in explaining which ones apply. For example:
 - In the SoB for Veris Gold, there is a conclusory statement that NESHAP ZZZZ applies to the internal combustion engines and no mention of NSPS III.
 - The SoB for Reid Gardner Power Plant discusses applicability of standards in parts 60 and 63 (both applicable and nonapplicable) to the main power boilers), but does not address standards that could apply to the cooling towers and internal combustion engines.

Because the SoBs did not contain sufficient information regarding these decisions, EPA could not determine if the decisions were appropriate or not.

Recommendation: Although BAPC issues well written SoBs with the majority of the necessary topics needed to be evaluated for permit issuance, the Bureau can improve its

⁶ According to the CAM Rule, 40 CFR 64.3(b)(4), the minimum frequency of approvable monitoring is daily.

statements of basis by taking extra steps to ensure that every SoB adequately documents all permitting decisions, including the applicability or inapplicability of federal standards, the applicability of CAM, and the adequacy of approved CAM plans.

2.6 Finding: BAPC generally does not include sufficient detail on construction, permitting, or compliance history in SoBs.

Discussion: In our review of the Bureau's SoBs, we found that most did not include any discussion of the facility's construction, permitting, or compliance history. If there was any such discussion, it was cursory and did not go into any depth. Information regarding a facility's construction, permitting, and compliance history contributes to transparent documentation of regulatory decision making.

The applicability of federal requirements such as New Source Performance Standards in 40 CFR part 60, National Emission Standards for Hazardous Air Pollutants in 40 CFR part 63, and the Regional Haze Rule in 40 CFR part 51, subpart P, depend on the dates of construction, operation, and/or permitting of affected units. In addition, whether a facility can take credit for contemporaneous emission increases or reductions in NSR actions depends on the dates that equipment came on or off line.

Furthermore, whether an authority can approve alternative monitoring or alternative operating scenarios or needs to include compliance schedules in a permit depends on a facility's compliance status and compliance history.

This information is readily available to the Bureau and the permit applicant, but if it is not included in SoBs, this information is not readily available to the public.

Recommendation: BAPC should include information about construction, permitting, and compliance history in SoBs in sufficient detail to inform the public about permitting context and how permitting decisions are made. EPA can provide examples upon request.

2.7 Finding: BAPC cites the origin and authority of all conditions in its Class I permits.

Discussion: In reviewing BAPC's Class I permits, we found that the Bureau clearly documents the origin and authority of all conditions originating in federal standards (e.g. NSPS, NESHAP, and the Acid Rain Program), the Nevada SIP (including BART determinations), and PSD permits. The Bureau does not streamline conditions, but lists each requirement separately, even when they are identical or when compliance with one condition assures compliance with other conditions.

Recommendation: We commend the Bureau for citing the origin and authority of all permit conditions in its Class I permits.

3. Monitoring

The purpose of this section is to evaluate the permitting authority's procedure for meeting title V monitoring requirements. Part 70 requires title V permits to include monitoring and related recordkeeping and reporting requirements. (See 40 C.F.R. 70.6(a)(3).) Each permit must contain monitoring and analytical procedures or test methods as required by applicable monitoring and testing requirements. Where the applicable requirement itself does not require periodic testing or monitoring, the permit has to contain periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit. As necessary, permitting authorities must also include in title V permits requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

Title V permits must also contain recordkeeping for required monitoring and require that each title V source record all required monitoring data and support information and retain such records for a period of at least five years from the date of the monitoring sample, measurement, report, or application was made. With respect to reporting, permits must include all applicable reporting requirements and require (1) submittal of reports of any required monitoring at least every six months and (2) prompt reporting of any deviations from permit requirements. All required reports must be certified by a responsible official consistent with the requirements of 40 C.F.R. 70.5(d).

Title V permits must also include CAM provisions where CAM is required.⁷ In addition to periodic monitoring, permitting authorities are required to evaluate the applicability of CAM and include a CAM plan as appropriate. CAM applicability determinations are required either at permit renewal, or upon the submittal of an application for a significant title V permit revision. CAM requires a source to develop parametric monitoring for certain emission units with control devices, which may be in addition to any periodic monitoring, to assure compliance with applicable requirements.

3.1 Finding: BAPC rigorously and systematically implements the CAM rule.

Discussion: Current Class I operating permit application forms require applicants for new sources and modifications of stationary sources to determine if CAM applies, and, if so, to include a CAM plan with the permit application. BAPC then reviews permit applications with regard to CAM requirements. A review of Class I permit applications indicate that the majority of renewals and initial applications include a discussion of CAM and a CAM plan, as necessary. In instances where applicants have not included CAM analyses or plans, BAPC has either subsequently requested such information, or performed the analysis themselves.

In our review, we found that BAPC consistently includes CAM monitoring requirements in permit conditions. For the majority of its issued Class I operating permits, BAPC also includes other required elements of CAM monitoring in its permit conditions, such as

⁷ See 40 CFR Part 64.

indicator ranges or excursion definitions. We note that we did find a few isolated cases where CAM monitoring did not meet the minimum data collection requirements in 40 CFR 64.3(b)(4). When we brought this to their attention, BAPC staff were amenable to amend the issue.

Recommendation: BAPC should continue to implement the CAM rule in a rigorous and systematic manner.

- 3.2 Finding:** BAPC regularly includes periodic visibility monitoring requirements in Class I permits to assure compliance with the State’s general opacity standard.

Discussion: NAC 445B.3405(1)(c)(2) and 40 C.F.R. 70.6(a)(3)(i)(B) require the permitting authority to include in permits “periodic testing or monitoring that is sufficient to yield reliable data from the relevant period which is representative of the stationary source’s compliance with the conditions of the operating permit.” Adding such periodic monitoring, testing, or record keeping provisions in permits is called *gap filling*. Gap filling may be necessary when an applicable requirement does not require any monitoring, requires only an initial compliance demonstration, or requires insufficient monitoring. To be effective, monitoring requirements should specify a compliance method, a frequency for conducting monitoring, and criteria indicating non-compliance or triggering further investigation.

Nevada has a 20% opacity standard that applies to all emission units (NAC 445B.22017). For emission units that operate a continuous opacity monitoring system (COMS), compliance with this standard can be determined by examining COMS data. However, because the majority of emission units do not operate a COMS, such units would not have continuous opacity data available to demonstrate compliance. To assure compliance with the general opacity standard, BAPC typically requires opacity monitoring for emission units that do not operate COMS. For example, our file review indicated that Class I operating permits for the Veris Gold Jerritt Canyon mine, Barrick Goldstrike mine, Cyanco Company, and Valley Joist, Inc. include opacity monitoring conditions for emission units at these facilities. These conditions require monthly monitoring for the presence of visible emissions from several emission units. The presence of visible emissions triggers a requirement to perform a Method 9 observation, as well as related recordkeeping and reporting requirements.

Recommendation: BAPC should continue to require periodic monitoring to assure compliance with the State opacity standard and to continue to require sufficiency monitoring where needed.

- 3.3 Finding:** The District incorporates appropriate performance and quality assurance requirements into permits for sources with a Continuous Emissions Monitoring System (CEMS).

Discussion: Several Class I facilities regulated by BAPC are required to operate CEMS. Sources that operate CEMS must meet certain performance specifications and quality assurance procedures. For electricity generating units (EGUs) subject to the Acid Rain

Program, these requirements are set forth in 40 C.F.R. part 75. For sources in other industries regulated by BAPC, such as mining or general manufacturing, these requirements are set forth in Appendices B and F of 40 C.F.R. part 60. These requirements ensure that CEMS are designed and installed properly, and produce quality data for use in compliance determinations.

Based on our file review of EGUs such as North Valmy, Reid Gardner, and Tracy Generating Stations, BAPC incorporates the appropriate continuous emission monitoring and quality assurance requirements for these units from 40 CFR part 75. Based on our file review of other sources such as the Veris Gold Jerritt Canyon mine, Barrick Goldstrike mine, and Cyanco Company, BAPC incorporates the appropriate requirements from 40 CFR part 60, appendix B, regarding performance specifications regarding initial installation and operation of CEMS, and 40 CFR part 60, appendix F, regarding performance specifications regarding CEMS quality control and assurance.

Recommendation: BAPC should continue to ensure that Class I permits for sources that operate CEMS include the appropriate Part 60 and/or Part 75 requirements regarding CEMS installation and data quality control and assurance.

4. Public Participation and Affected State Review

This section examines BAPC procedures used to meet public participation requirements for title V permit issuance. The federal title V public participation requirements are found in 40 C.F.R. 70.7(h). Title V public participation procedures apply to initial permit issuance, significant permit modifications, and permit renewals. Adequate public participation procedures must provide for public notice including an opportunity for public comment and public hearing on the draft permit, permit modification, or renewal. Draft permit actions must be noticed in a newspaper of general circulation or a State publication designed to give general public notice; to persons on a mailing list developed by the permitting authority; to those persons that have requested in writing to be on the mailing list; and by other means necessary to assure adequate notice to the affected public.

The public notice should, at a minimum: identify the affected facility; the name and address of the permitting authority processing the permit; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the permitting authority that are relevant to the permit decision; a brief description of the required comment procedures; and the time and place of any hearing that may be held, including procedures to request a hearing. (See 40 C.F.R. 70.7(h)(2).)

The permitting authority must keep a record of the public comments and of the issues raised during the public participation process so that EPA may fulfill the Agency's obligation under section 505(b)(2) of the Act to determine whether a citizen petition may be granted. The public petition process, 40 C.F.R. 70.8(d), allows any person who has objected to permit issuance during the public comment period to petition the EPA to object to a title V permit if EPA does not object to the permit in writing as provided under 40 C.F.R. 70.8(c). Public petitions to object to a title V permit must be submitted to EPA within 60 days after the expiration of the EPA 45-day review period. Any petition submitted to EPA must be based only on comments regarding the permit that were raised during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

4.1 Finding: BAPC posts public notices for all of its Class I permits on its website, and for projects where public interest is high, BAPC provides additional detailed information on its website, including copies of the draft permit, application, and SoB.

Discussion: Under BAPC's permitting program, Class I permits are Nevada's title V permits. Thus, Class I permits must include all of the administrative requirements of their approved operating permit program. One such administrative requirement is with regards to public noticing. As required under 70.7(h) and NAC 445B.3395, BAPC public notices all Class I permits. In our review of the state's permitting program we found that while the state is meeting the public noticing requirement for Class I permit, BAPC also posts public

notices for all of its Class I permits on its website. Furthermore, for some projects where public interest is high, BAPC provides additional detailed information on its website, including copies of the draft permit, application, and SoB. While BAPC makes copies of all permits and SoBs available at local libraries, this type of information is generally not posted on its website unless there is high public interest.

During EPA's evaluations of other permitting authorities we have found that it is common practice to provide additional information beyond the public notices on agency websites. Many agencies provide the equivalent of BAPC's Director's Review (which is substantively an executive summary of the permitting action). This approach helps to improve public understanding of permitting actions under title V.

Recommendation: We encourage BAPC to continue posting Class I documents on its website, and consider improvements to further enhance public access (regardless of high public interest) to these documents by providing access to each title V permit's Director's Review⁸ (and other documents used to develop the permit and the TSD as appropriate) on the BAPC website during the public comment period and to archive these documents once the comment period is over.

4.2 Finding: BAPC's website postings of draft and final permit packages do not inform the public of the right to petition the EPA Administrator to object to title V permits.

Discussion: 40 C.F.R. § 70.8(d) and Section 15 of NAC 445B.3364 provide that any person may petition the EPA Administrator, within 60 days of the expiration of EPA's 45-day review period, to object to a title V/Class I permit. The petition must be based only on objections that were raised with reasonable specificity during the public comment period.⁹

While Section 15 of NAC 445B.3364 informs the public of the right to petition, BAPC's public notice web page does not provide this information or the timeframe for petitions to be filed when proposing or issuing a Class I permit. While doing so is not required by Part 70, we believe that it is good practice to provide this information in public notices when draft or final permits become available, rather than relying exclusively on regulatory language that is not easily accessible on the BAPC website and that is not specifically tied to a title V permitting action.

Recommendation: BAPC should add this information to its permitting packages and public notice web page.¹⁰

⁸ See Appendix D for an example of a BAPC Director's Review document.

⁹ An exception applies when the petitioner demonstrates that it was impracticable to raise those objections during the public comment period or that the grounds for objection arose after that period.

¹⁰ See <http://www.epa.gov/oar/oaqps/permits/partic/proof1.pdf#page=108>

4.3 Finding: Although Nevada contains a number of linguistically isolated communities where translation services may be necessary for the public to be aware of and understand BAPC permit actions, BAPC has not routinely translated public notice packages.

Discussion: BAPC's jurisdiction covers most of the State of Nevada except for Clark and Washoe counties, in which BAPC has jurisdiction over a limited number of facility types. EPA prepared a map of linguistically isolated communities within BAPC's jurisdiction in which title V permits have been or may be issued (see Appendix E). Unlike prior EPA title V program evaluations, Region 9 notes that, in general, very few people live within BAPC's jurisdiction (except for Clark and Washoe Counties) even though there are indications that linguistically isolated populations may be present. With respect to those areas where many people reside (such as Clark and Washoe Counties), linguistically isolated communities' population density is significant and it is unclear whether BAPC considers providing translation service in those communities during the title V permitting process. The Bureau has not reported providing translation services in the past.

Recommendation: During the title V permit issuance and renewal process, BAPC should perform an analysis of linguistically isolated communities near title V permitted facilities in more densely populated communities (like Clark and Washoe Counties) and provide translation services where needed. In less populous areas of BAPC's jurisdiction, BAPC should consider performing a similar analysis to determine if translation services may be needed.

4.4 Finding: BAPC always conducts public hearings when requested and often plans hearings in advance if they believe there is public interest.

Discussion: During our site visit, interviewees uniformly said that BAPC holds public hearings when requested by a member of the public or when BAPC is aware that there is high public interest in a specific permitting action. Hearings are conducted by BAPC staff and management in coordination with the Nevada Attorney General's office. Typically, BAPC does a presentation on the permitting action followed by public comments.

Recommendation: BAPC should continue this practice.

4.5 Finding: BAPC routinely notifies affected states and tribes of title V permitting actions-

Discussion: In our file review, we found that BAPC notifies affected states and tribes, including Oregon, Idaho, Utah, California and Clark and Washoe Counties, using a mailing list. The current mailing list includes the California Air Resources Board (CARB), but none of California's local air pollution control agencies along the California/Nevada border, all of which meet the legal definition of an affected state in part 70. However, there have been no recent Class I permitting actions located along the border of Nevada and California. We brought this to BAPC's attention and our understanding is that, if there are Class I permitting actions along the Nevada/California border, BAPC will notify affected California local agencies as well as CARB of these actions.

Recommendation: BAPC should continue its current practice and, in the event that Class I permitting actions occur along the border of Nevada and California, BAPC should add to the mailing list any affected California local agencies along the California/Nevada border to assure that they are notified when necessary.

4.6 Finding: BAPC has access to NDEP’s tribal liaison and informs all tribes in Nevada of new permits, renewals, and revisions.

Discussion: The NDEP tribal liaison is a valuable resource in working on permitting issues with tribes located in Nevada. NDEP has had a tribal liaison position for 10 years. The tribal liaison has the following responsibilities:

1. Develops communication protocols with tribes within Nevada.
2. Attends meetings to communicate tribal questions or concerns.
3. Participates in conferences sponsored by tribes.

We further note that all of the Nevada tribes are included on the BAPC permitting mailing list identified in Finding 4.5.

Recommendation: BAPC’s use of a tribal liaison is unique among Region 9 title V permitting programs. Given the effectiveness of the position, NDEP should continue this practice.

4.7 Finding: BAPC uses an as-needed approach to meet the small business assistance program requirements under title V.

Discussion: Under CAA Section 507, some of the functions of a small business assistance program are:

- Development, collection, and coordination of information on compliance methods and technologies for small business stationary sources.
- Establishment of a small business stationary source compliance assistance program for determining applicable requirements and permit issuance.
- Adequate mechanisms for notifying small business stationary sources on a timely basis of their rights under the Act.
- Adequate mechanisms for informing small business stationary sources of their obligations under the Act, including a program for referring sources to qualified auditors or for the State to provide for audits of the operations of such sources to determine compliance with this Act.

These functions address compliance and implementation challenges facing small businesses subject to the title V program.

In our review, we learned that, when the title V program was initiated, the BAPC had a formal small business assistance program as required under CAA Section 507. Over time, as a result of decreased demand for small business assistance regarding title V, BAPC has transitioned to a more as-needed approach to providing small business assistance in which

they provide such assistance consistent with the CAA Section 507 requirements. BAPC recently created a new position that, in addition to other responsibilities discussed later in Chapter 7 (see finding 7.4), is responsible for addressing outreach and training for small businesses.

Recommendation: EPA notes BAPC's ability to address CAA Section 507 requirements while adapting their program in the face of changing small business demands.

5. Permit Issuance / Revision / Renewal

This section focuses on the permitting authority's progress in issuing initial title V permits and the Bureau's ability to issue timely permit renewals and revisions consistent with the regulatory requirements for permit processing and issuance. Part 70 sets deadlines for permitting authorities to issue all initial title V permits. EPA, as an oversight agency, is charged with ensuring that these deadlines are met as well as ensuring that permits are issued consistent with title V requirements. Part 70 describes the required title V program procedures for permit issuance, revision, and renewal of title V permits. Specifically, 40 C.F.R. 70.7 requires that a permitting authority take final action on each permit application within 18 months after receipt of a complete permit application, except that action must be taken on an application for a minor modification within 90 days after receipt of a complete permit application.¹¹

5.1 Finding: BAPC is working to eliminate its title V renewal backlog.

Discussion: During our site visit, Bureau staff reported that as a result of employee turnover there had previously been a significant backlog of Class I permit renewals in Nevada.

Currently, among its 35 title V sources, seven are operating under an application shield, i.e. beyond the expiration date of its current permit after submitting a timely application. Of these seven, three are beyond the 18-month deadline for processing applications, the permits having expired in 2008, 2012, and 2013. BAPC management expect to eliminate the title V backlog in 2015.

Recently, the Bureau has made increased staff training and permitting resources a priority (see Finding 7.4) and, as a result, has seen increased staff retention and a reduction in its permitting backlog.

Recommendation: EPA supports BAPC's efforts to eliminate its permit backlog by maintaining staffing levels and making permitting and the reduction of its title V permits backlog a priority. We encourage BAPC to continue with these efforts.

5.2 Finding: With improvements, BAPC's Class II permits can provide a solid foundation for limiting potential to emit below major source thresholds.

Discussion: A source that would otherwise have the potential to emit (PTE) a pollutant that exceeds the major source threshold can accept a voluntary limit (a "synthetic minor" limit) to maintain its PTE below the applicable threshold and avoid the requirement to obtain a major NSR or title V permit. A common way for sources to establish such a limit is to obtain a synthetic minor permit from the local permitting authority.

¹¹ See 40 C.F.R. 70.7(a)(2) and 70.7(e)(2)(iv).

Synthetic minor limits must be both legally enforceable and enforceable as a practical matter.¹² According to EPA guidance, for emission limits in a permit to be practically enforceable, the permit provisions must specify: 1) a technically-accurate limitation and the portions of the source subject to the limitation; 2) the time period for the limitation; and 3) the method to determine compliance, including appropriate monitoring, record keeping, and reporting.¹³

EPA has recently provided additional guidance on synthetic minor permits and practical enforceability in its response to a section 505(b) petition to object to a permit, *In the Matter of Hu Honua Bioenergy Facility*, Title V Petition Response No. IX-2011-1, February 7, 2014 (Hu Honua Order). The Hu Honua Order clarifies that synthetic minor permits must limit the potential to emit of all emissions units at all times, and all emissions including those occurring during startup, shutdown and malfunction, must be used to determine compliance. *See e.g.* Hu Honua Order at 9-12. The Hu Honua Order also clarifies that synthetic minor permits must specify specific compliance demonstration methods, such as calculations, and/or formulas, to ensure practical enforceability. *See e.g., id.* At our request, BAPC provided us with five recent Class II permits with limits just below major source thresholds. All five permits were for sources in the mineral processing industry, the largest industry in Nevada, and had been issued through the Class II permitting program.

BAPC has a template for Class II permits similar to its Class I permit template (see Finding 2.2) that clearly and effectively organizes the permit into general conditions followed by conditions specific to each emission unit or groups of related emissions units. For each unit (or related units), the permit contains equipment descriptions, followed by emission limits, work practice standards, operating practices, and monitoring and recordkeeping requirements. The last sections of the permit contain emission caps and compliance schedules. These last sections are included when necessary, and are not present in every permit.

Many of Nevada's Class II permits contain emission limits based on the application of a control device or work practice requirement that limit the facility's uncontrolled potential to emit to below major source thresholds. Such emission limits can be considered source-specific determinations and, as a result, function as synthetic minor limits because they limit the facility's potential to emit below major source thresholds.

Recommendation: We recommend that BAPC consider using its well-established Class II permitting program to develop and issue synthetic minor permits. BAPC should enhance Class II permits with more explicit monitoring conditions, when needed, for control equipment. In addition, the Bureau may consider using the existing "Emission Caps" section

¹² *Guidance on Limiting Potential to Emit in New Source Review Permitting*, Memorandum from Terrell E. Hunt and John S. Seitz, June 13, 1989.

¹³ *Options for Limiting the Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act*, Memorandum from John S. Seitz and Robert I. Van Heuvelen, January 25, 1995; *see also*, Hu Honua Bioenergy Facility title v Petition Response No. IX-2011-1, Feb 7 2014.

of the permit template to include emissions caps that apply to all facility emissions (including those occurring during startup, shutdown and malfunction) and specific compliance demonstration methods, such as calculations, and/or formulas, to ensure practical enforceability.

- 5.3 Finding:** When posting minor source permit applications on its website or submitting minor source permits to EPA for review, BAPC does not indicate if the permit contains voluntary emission limits that limit PTE to below major source thresholds.

Discussion: BAPC posts all minor source applications it receives on its website, but it does not identify those that include requests for voluntary emission limits to avoid title V permitting requirements, either on its website or within the attached documents. Furthermore, BAPC does not submit synthetic minor permits to EPA for review or alert EPA that such applications have been posted on its website.

Recommendation: BAPC must identify which applications for Class II permits posted on its website include voluntary emission limits. In addition, BAPC must submit these Class II permits, or links to electronic copies of such permits, to EPA for review upon request.

- 5.4 Finding:** BAPC has required at least one source to suspend operations as a result of losing its application shield.

Discussion: According to both title V's implementing regulations (40 CFR 70.7(c)(1)(ii)) and Nevada's Class I permitting regulations (NAC 445B.3443.2), permit expiration terminates a source's right to operate unless a timely and complete renewal application has been submitted. Timely, according to the federal regulation, means at least six months prior to the date of permit expiration, unless another date has been approved. According to the Nevada Administrative Code, timely means at least 240 days prior to permit expiration.

Recommendation: We agree with BAPC's implementation of the title V application deadlines and consequences to sources that do not apply for renewals on time. We have no recommendation for this finding.

- 5.5 Finding:** BAPC's applications for minor permit revisions specify the criteria for minor revisions and require a statement of truth and accuracy by a responsible official.

Discussion: The NAC provides three tracks for modifying Class I Operating Permits: minor revision, significant revision, and administrative revision. These correspond generally to the minor modification, significant modification, and administrative amendment tracks in part 70, modified to account for the fact that Nevada's Class I permitting program is a combined NSR and title V program. For example, minor modifications in part 70 do not require public review, whereas minor revisions in the NAC do not require a 30-day public review period unless the Director determines that the revision will result in a significant change in air quality. (NAC 445B.3395.8(c)) In addition, a modification that would be considered minor according to part 70 can be significant according to the NAC based on an

increase in emissions above certain thresholds, which correspond to the PSD significance thresholds. (NAC 445B.3395.1(f))

According to 40 CFR 70.7(e)(2)(ii)(C), an application for a minor permit modification must be certified by a responsible official that the proposed modification meets the criteria for use of minor permit modification procedures. We found that BAPC's applications for minor permit revisions correctly specify the criteria for minor revisions and require a statement of truth and accuracy by a responsible official.

We consider this to be a significant finding because in past program reviews we found that several permitting authorities did not require applicants to verify that proposed minor modifications actually met the criteria for minor modifications and, as a result, those permitting agencies sometimes processed significant modifications erroneously as minor modifications.

Recommendation: We commend BAPC for this practice.

- 5.6 Finding:** BAPC may not be properly processing significant permit modifications. Because the Bureau does not discuss in its SoB documents whether permit modifications are minor or significant, it is difficult to verify if any significant permit modifications are being incorrectly processed as minor permit modifications.

Discussion: Between September 2013 and October 2014, BAPC submitted five Class I permit modifications to EPA for review, identifying four as minor modifications and one as a major modification. BAPC did not explain its decision for selecting the minor or major modification process for revising the permit in any of the associated SoBs. When there were increases in emissions associated with the project, however, these were included in a table in the SoB.

After reviewing the five modifications, we found several cases in which BAPC may have made an error. The minor modification for Veris Gold (Permit AP1041-3422) includes emission limits based on NAC 445B.305, which allows the Director to impose more stringent standards for emissions than those otherwise required. Based on NAC 445B.3425(1)(c)(1) and 40 CFR 70.7(e)(2)(i)(A)(3), this may preclude the use of the minor modification process, depending on whether the "more stringent standard" was determined on a "case-by-case basis." BAPC may have made similar errors processing the applications to revise permits for Newmont Gold Quarry (Permit AP1041-0793) and Barrick Goldstrike (Permit AP1041-0739).

Recommendation: When revising Class I permits, BAPC should specify whether modifications meet the criteria for a minor or significant modification.

6. Compliance

This section addresses BAPC practices and procedures for issuing title V permits that ensure permittee compliance with all applicable requirements. Title V permits must contain sufficient requirements to allow the permitting authority, EPA, and the general public to adequately determine whether the permittee complies with all applicable requirements.

Compliance is a central priority for the title V permit program. Compliance assures a level playing field and prevents a permittee from gaining an unfair economic advantage over its competitors who comply with the law. Adequate conditions in a title V permit that assure compliance with all applicable requirements also result in greater confidence in the permitting authority's title V program within both the general public and the regulated community.

6.1 Finding: BAPC performs a full compliance evaluation (FCE) for each Class I source on an annual basis.

Discussion: According to EPA's 2010 *Clean Air Act Stationary Source Compliance Monitoring Strategy*, EPA recommends that permitting authorities perform FCEs for most title V sources at least every other year.¹⁴ For the vast majority of title V sources, EPA expects that the permitting authority will need to perform an on-site inspection to determine the facility's compliance status as part of the FCE. The Bureau exceeds EPA's recommendation by inspecting each Class I facility annually.

During interviews, District inspectors reported that it is Bureau practice to perform FCEs (which includes an on-site inspection) of all Class I sources on an annual basis. Compliance staff indicated that the size of the state and BAPC's location in Carson City, which is located on the western border of the state, can make this objective challenging for certain sources. For example, certain mining facilities can be located as far as 350 miles from Carson City.

Despite these challenges, compliance staff indicated that they felt annual inspections were important, as they develop greater awareness and understanding of facilities, and develop relationships with facility staff.

Recommendation: EPA commends BAPC for inspecting each Class I source annually and encourages the Bureau to continue doing so.

6.2 Finding: BAPC compliance staff use Class I permits and other title V documents to determine compliance during field inspections.

Discussion: Compliance staff indicated that the Class I permit is the primary document relied upon during inspections to determine compliance. Other documents relied upon or

¹⁴ As recommended in *Clean Air Act Stationary Source Compliance Monitoring Strategy*, 2010, U.S. EPA. Available at <http://www.epa.gov/compliance/resources/policies/monitoring/caa/cmospolicy.pdf>

reviewed in preparation for site inspections include previous inspection reports, performance test results, recent deviation reports, and recent permit history. In interviews, compliance staff indicated that they typically bring various documents with them to site inspections for reference purposes, and are working to make more information from its ARIS database available remotely.

Compliance staff indicated that, when addressing compliance issues, the Bureau typically does not use compliance plans, instead favoring consent decrees (CD) and state orders. If a CD involves terms or conditions that involve a permanent change in operations, such terms will be included into the Class I permit during the next renewal while the CD is still in effect. In instances when a violation discovery is made at a facility that also has a permit application pending, it is Bureau policy to not issue permits until negotiations have been resolved to the satisfaction of compliance staff.

Compliance staff indicated that they regularly review pre-draft Class I permits, primarily to gauge the practical enforceability of permit conditions. (See Finding 2.1) As noted, the enforcement supervisor has the opportunity to review and provide input on all draft title V permits as part of the Bureau chief review. Permit writers accompany compliance staff on inspections anywhere from 1-3 times per year.

Recommendation: BAPC should continue to use Class I permits and other title V documents to determine compliance during field inspections.

- 6.3 Finding:** BAPC reviews all title V permit deviation reports, semiannual monitoring reports, and annual compliance certifications.

Discussion: During interviews, Bureau compliance staff indicated that they review all deviation reports and annual compliance certifications. CEMS data and semiannual monitoring reports are received and reviewed by the emissions auditing branch, which performs QA/QC of CEMS data. Reports and results of the QA/QC are updated in the ARIS database, where they become accessible to BAPC staff. Compliance staff do not primarily review semiannual reports, and rely upon auditing branch staff to refer any issues noted during the QA/QC process.

Compliance staff indicated that they have based NOVs on deviation reports, and that they are particularly useful for identifying areas for additional scrutiny in subsequent inspections. The overall percentage of deviation reports that result in NOVs is relatively low, as the majority of deviation reports are CEMS-related, such as for calibration.

Recommendation: EPA encourages BAPC to continue its review of compliance reports and take enforcement actions when warranted.

- 6.4 Finding:** Permit writers have access to compliance information, and review this information during the permit issuance process.

Discussion: Part 70 regulations requires facilities to be in compliance, or on a schedule for compliance, at the time of permit issuance. (40 CFR 70.5(c)(8))

Permit staff indicated that, when working on a permit, they check with the compliance inspector who performed the most recent inspection, and examine recent stack tests and compliance reports for comparison against permit application emission calculations. Staff also indicated that they consult with their supervisor regarding any outstanding compliance issues with a facility and wait until receiving guidance from compliance prior to proceeding with permit issuance.

Recommendation: EPA encourages the continued practice of information sharing between permitting and compliance staff. In addition, EPA recommends that consultation between the two offices regarding compliance information become part of BAPCs standard operating procedure for permit processing.

6.5 Finding: BAPC conducts unannounced inspections of title V sources where practicable.

Discussion: Compliance staff indicated that the majority of their inspections of title V sources are unannounced. As noted previously (see Finding 6.1), due to the size of the state and BAPC's location in Carson City, certain sources may be located as far as 350 miles from BAPC in areas of the state not routinely accessible by air travel. In these instances, compliance staff will notify sources of an inspection in order to ensure that the facility is operating and that the proper environmental staff will be available for the inspection.

Recommendation: BAPC should continue its practice of conducting unannounced inspections where possible.

7. Resources and Internal Management

The purpose of this section is to evaluate how the permitting authority is administering its title V program. With respect to title V administration, EPA's program evaluation: (1) focused on the permitting authority's progress toward issuing all initial title V permits and the permitting authority's goals for issuing timely title V permit revisions and renewals; (2) identified organizational issues and problems; (3) examined the permitting authority's fee structure, how fees are tracked, and how fee revenue is used; and (4) looked at the permitting authority's capability of having sufficient staff and resources to implement its title V program.

An important part of each permitting authority's title V program is to ensure that the permit program has the resources necessary to develop and administer the program effectively. In particular, a key requirement of the permit program is that the permitting authority establish an adequate fee program. Part 70 requires that permit programs ensure that title V fees are adequate to cover title V permit program costs and are used solely to cover the permit program costs.¹⁵ Regulations concerning the fee program and the appropriate criteria for determining the adequacy of such programs are set forth in 40 C.F.R. 70.9.

7.1 Finding: BAPC engineers and inspectors report that they receive effective legal support from the Attorney General's office.

Discussion: The Nevada Attorney General's office represents and advises BAPC on air quality permitting and enforcement matters and participates in any meeting at which BAPC meets with a permittee or others who have legal counsel. During our site visit, each interviewee reported that they receive effective legal support from the Attorney General's office.

Recommendation: EPA has no recommendation for this finding.

7.2 Finding: BAPC manages its permits processing using an electronic database effectively.

Discussion: BAPC's Air Resources Information System (ARIS) is a well-structured Oracle database developed in-house used to track application submittals, fees, application reviews, permit issuance and renewals, and compliance activities. The database is also used to generate customized reports. During our site visit, BAPC demonstrated the database's flexibility and utility in retrieving critical information related to specific title V permits.

Recommendation: EPA commends the District for devoting the resources to build and maintain a well-structured database that provides a variety of tools for effectively implementing the title V program.

7.3 Finding: BAPC collects sufficient revenue to implement the title V permitting program.

¹⁵ See 40 C.F.R. 70.9(a).

Discussion: As shown in Appendix F (a screenshot of a typical timecard for an employee working on title V permitting actions), BAPC accounts for time spent on the title V program by its employees. Other title V-related expenses include personnel services, travel, indirect costs, information services, and training. Using its ARIS database in conjunction with its time and attendance system (to account for labor costs) and a budgeting process, BAPC provided EPA (see appendix G) the necessary information to demonstrate that its fees are sufficient to implement the title V permitting program. BAPC's title V fee revenues are made up of application fees and annual fees for emissions and maintenance. The average annual fees collected for fiscal years 2012 through 2014 were \$1,090,467. The annual average expenses during the same period were \$1,053,826. These data show that the BAPC title V program was operating at a sufficient surplus over this three year period to allow for variation throughout the year to avoid budgetary shortfalls.

Recommendation: EPA encourages BAPC to maintain its existing accounting practices that provide sufficient information regarding expenses and revenue associated with title V permits.

- 7.4 Finding:** BAPC has experienced personnel turnover in the permitting program in recent years. They are addressing this issue by investing in its Permits Services staff through training and mentoring programs.

Discussion: Interviewees identified recent turnover in the permitting program as an issue that led to a loss of expertise and diminished institutional knowledge resulting in a permitting backlog. In response, BAPC created a new position responsible for addressing the potential effects of senior employees leaving the permitting program. The new position is a manager who is responsible for preparing a comprehensive permitting training program and for establishing a mentoring program.

Recommendation: EPA commends BAPC on preparing a strategy that may reduce permitting program turnover in the future.

8. Title V Benefits

The purpose of this section is to evaluate how the permitting authority's existing air permitting and compliance programs have benefited from the administration of the permitting authority's title V program. The title V permit program is intended to generally clarify which requirements apply to a source and enhance compliance with any CAA requirements, such as NSPS or SIP requirements. The program evaluation for this section is focused on reviewing how the permitting authority's air permitting program changed as a result of title V, resulted in transparency of the permitting process, improved records management and compliance, and encouraged sources to pursue pollution prevention efforts.

8.1 **Finding:** BAPC works constructively with industry.

Discussion: The Bureau has a constructive working relationship with regulated entities in Nevada. Bureau management and staff regularly interact with the regulated community to communicate permitting information, including information related to title V.

Mining and mineral processing is the largest industry regulated by BAPC. The Bureau meets quarterly with the Nevada Mining Association (NMA) and holds teleconferences with the NMA at least monthly. At its meetings with the NMA, the Bureau discusses regulatory issues such as emission factors, emission reductions from common control technologies such as wet suppression, and upcoming regulations that apply to the mining industry.

In 2011, for example, EPA promulgated National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category (40 CFR part 63, subpart EEEEEEE), which requires gold mine ore processing facilities that are minor sources to obtain title V permits. Because of the close working relationship between BAPC and the NMA, the Bureau was able to easily notify all the existing affected sources in Nevada before the initial compliance date, February 17, 2014, and all the gold mine ore processing facilities in Nevada submitted timely title V applications.

More generally, the Bureau holds workshops with industry and the public whenever there are statewide regulatory changes. Recently, when the Bureau adopted the one-hour SO₂ and NO₂ standards and the 24-hour PM_{2.5} standard, the Bureau held a workshop for industry to explain how the new standards would affect Class I and minor source permitting actions.

Recommendation: BAPC should continue its constructive working relationship with the regulated community.

8.2 **Finding:** BAPC has a constructive relationship with EPA.

Discussion: Part 70 requires states to submit proposed title V permits to the Administrator and allow the Administrator the right to object to proposed permits. (40 CFR 70.8) To avoid the likelihood of objections, management from BAPC and staff from EPA Region 9 with

Nevada oversight duties hold monthly calls to discuss permitting issues. On these calls, management from the Bureau tell EPA staff about upcoming permits, discuss possibly difficult issues, and work to resolve issues before permits go out to public comment. EPA staff alert BAPC management about new Agency policies and pending regulations. As a result of open lines of communications, adverse comments and objections to Nevada's Class I permits from EPA have become rare. In addition, because of increased familiarity, Bureau managers are comfortable contacting EPA to discuss permitting and regulatory issues between scheduled calls.

Recommendation: BAPC and EPA should continue to maintain their constructive working relationship.

8.3 Finding: Title V has increased BAPC's knowledge of federal regulations.

Discussion: Since Class I permits must include all applicable requirements, BAPC permitting staff reviews federal regulations (e.g., NSPS, NESHAP) more frequently than before Nevada adopted the title V program to determine which requirements apply to facilities. The permit application review process requires that permitting staff evaluate whether applicable requirements, including federal regulations, apply to emission units. Staff have greater exposure to federal regulations and apply them on a more frequent basis. In addition, during the interviews, it was evident that staff knowledge of federal air pollution regulations has increased as a result of implementing title V.

Recommendation: None.

8.4 Finding: BAPC has observed that Class I permit holders are more aware of their obligations under the CAA than other permittees.

Discussion: Section 70.6 of part 70 and NAC 445B.3405 require title V/Class I permits to include all applicable requirements, including monitoring, recordkeeping, and reporting requirements, such as semiannual monitoring reports and annual compliance certifications.

During our site visit, interviewees noted that Class I permit holders generally had a higher level of understanding of their CAA obligations than other permittees, that regular reporting increased awareness of CAA requirements, and that sources base their compliance programs on Class I permits.

Recommendation: None.

8.5 Finding: The information in BAPC's SoBs help to promote transparency in the title V permitting process by documenting permitting decisions and helping the public to understand stationary sources' CAA obligations.

Discussion: BAPC SoBs contain detailed information about the regulated facility including its physical processes, the applicability of state and federal regulations, emissions from individual pieces of equipment and the facility as a whole, and ambient air impacts from the facility's emissions. This documentation helps the regulated community, EPA, the public, and future permit writers understand the impacts of the facility and the decisions the Bureau has made.

Recommendation: The Bureau should continue to produce informative SoBs that document the CAA obligations of title V facilities. (See Finding 2.5 for more information on our recommendations for improving BAPC SoBs.)

- 8.6 Finding:** Some sources have accepted enforceable limits to reduce their potential emissions and thus avoid title V applicability.

Discussion: Some major sources avoid title V permitting by voluntarily accepting PTE limits that are less than the major source thresholds, resulting in reductions in potential emissions and, in some cases, in actual emissions. Reduced emissions result in improvements to human health and the environment.

Recommendation: We recommend that the Bureau continue its practice of creating synthetic minor sources with practically and legally enforceable permit terms and conditions.

- 8.7 Finding:** BAPC has used its Class I permit template as a basis for writing enforceable minor source permits.

Discussion: The Bureau organizes its Class I permits into sections with general conditions at the beginning of the permit followed by conditions specific to each emission unit or groups of related emissions units. For each unit (or related group), there are equipment descriptions, followed by emission limits, work practice standards, operating practices, and monitoring and recordkeeping requirements.

When writing permits for Class II sources, which are industrial minor sources of air pollution, the Bureau follows the same basic permit structure it uses for Class I permits. The result is a well-organized and enforceable minor source permit.

The Bureau has been able to take advantage of this structure to write enforceable synthetic minor permits for sources that want to avoid the requirement to obtain a major source permit and/or comply with a major source regulation. (See Finding 5.2)

Recommendation: BAPC should continue to write well organized and enforceable minor source permits.

- 8.8 Finding:** BAPC uses title V renewal as an opportunity to model NAAQS compliance and increment consumption in an area where there are few ambient air quality monitors.

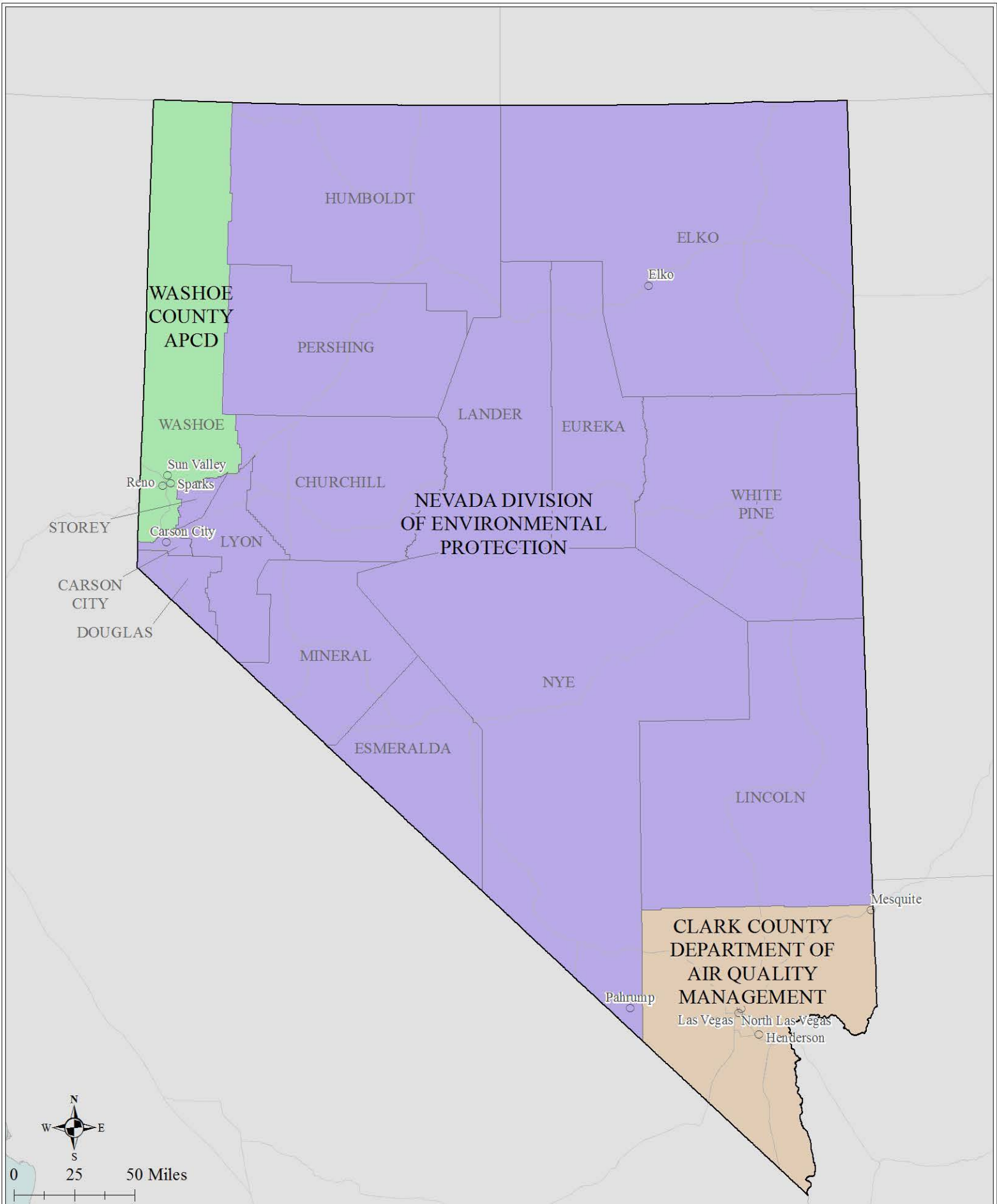
Discussion: Nevada's Class I permitting program requires permit applicants to demonstrate compliance with the NAAQS at the time of permit issuance and renewal. Applicants demonstrate compliance through dispersion modeling using EPA approved models.

Regular dispersion modeling is particularly valuable in a state with a low population density and widely distributed industry (mostly mining and power generation), as it ensures that attainment with the NAAQS is maintained where there are few ambient air quality monitors. The Director has the authority to require an applicant to modify a source's renewal application if dispersion modeling shows an exceedance of any of the NAAQS.

Recommendation: We commend BAPC for this practice as it assures compliance with both new and existing NAAQS, allows operational flexibility for permittees, and maintains integrity of the combined NSR/title V permitting program.

GLOSSARY OF ACRONYMS & ABBREVIATIONS

Act	Clean Air Act [42 U.S.C. Section 7401 et seq.]
Agency	U.S. Environmental Protection Agency
BAPC	Nevada Bureau of Air Pollution Control
Bureau	Nevada Bureau of Air Pollution Control
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CARB	California Air Resources Board
CEMS	Continuous Emissions Monitoring System
C.F.R.	Code of Federal Regulations
COMS	Continuous Opacity Monitoring System
EPA	U.S. Environmental Protection Agency
MACT	Maximum Achievable Control Technology
NAAQS	National Ambient Air Quality Standard
NAC	Nevada Administrative Code
NDEP	Nevada Division of Environmental Protection
NESHAP	National Emission Standards for Hazardous Air Pollutants, 40 C.F.R. Parts 61 & 63
NOV	Notice of Violation
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards, 40 C.F.R. Part 60
NSR	New Source Review
OIG	EPA Office of Inspector General
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 micrometers in diameter
PM _{2.5}	Particulate Matter less than 2.5 micrometers in diameter
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
SoB	Statement of Basis



AIR QUALITY DISTRICTS IN NEVADA



EPA

Title V Program Evaluation

Questionnaire

NDEP August 2014
Version 7.15.2014

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A. Title V Permit Preparation and Content

- Y N 1. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit? **Case-by-case. Yes, if something has changed such as a process throughput, emission rate, regulatory applicability or NAAQS.**
- Y N a. Do you require a new compliance certification? **For a new permit; NA. For a revision or renewal permit action, quarterly and annual certification requirements remain under permit shield. Revised or renewed permit would then have updated compliance certification after issuance on quarterly and annual schedule.**
- Y N 2. Do you verify that the source is in compliance before a permit is issued and, if so, how? **After NSR permit review, verify compliance status with compliance group, check ARIS tracking system for outstanding compliance actions. Division has an outstanding policy that permits cannot be issued if there is an outstanding compliance issue.**
- a. In cases where a facility is either known to be out of compliance, or may be out of compliance (based on pending NOV's, a history of multiple NOV's, or other evidence suggesting a possible compliance issue), how do you evaluate and document whether the permit should contain a compliance schedule? **Compliance schedules are most likely to be utilized in an existing permit when a new regulatory applicability comes online, as opposed to correcting a violation. Compliance issues are resolved before permit issuance. Stop orders or Compliance Orders are used immediately, upon discovery of a violation, to restrict or prohibit operation to be protective of NAAQS. This is timelier, and therefore more protective than re-opening a permit for cause to add a compliance schedule. Please explain, and refer to appropriate examples of statements of basis written in 2005 or later in which the Department has addressed the compliance schedule question.**
3. What have you done over the years to improve your permit writing and processing time? **Improve templates for: permits, TSD documents, emissions calculation spreadsheets and completeness checklists. Help industry submit more complete and better quality applications. Pre-application meetings with applicants to review the application process are encouraged and free. NDEP performs these meetings often. Permit writers meet routinely as a group to discuss emission factors, permit language and resolve permit sticky points. Monthly phone calls with Region permit staff.**
- Y N 4. Do you have a process for quality assuring your permits before issuance? **Yes, several. The application processing procedures and associated documents are encapsulated in work performance standards (WPS). Employees are evaluated against the WPS annually. New employees are evaluated 3x their first year at 4, 7 & 11 month intervals. These include permit templates, spreadsheet templates, checklists, TSD templates and agency-determined emissions factors that permit writers are required to utilize. Permits are peer-reviewed and issued by a Registered Professional Engineer Supervisor (Staff Engineer IV). Permits also include applicable public review and EPA review. NAC requires that a permit may not be issued without an environmental evaluation, air dispersion model and confirmation that a**

permit does not interfere with the NAAQS or an applicable air quality regulation. Please explain.

5. Do you utilize any streamlining strategies in preparing the permit? Please explain. The NDEP strives to prevent redundant or superfluous permit requirements. Streamlining begins with the application completeness review where the NDEP verifies that an application has required information to generate a TSD and permit. Permit templates are streamlined where possible, but some items may appear more “lengthy” because industry prefers the requirements to be enumerated and explicit as opposed to coalesced. From a regulatory standpoint, “custom streamlining” such as monitoring requirements for a specific project, is an option that the applicant may request and requires an applicant-supplied streamlining analysis.
 - a. What types of applicable requirements does the Department streamline, and how common is streamlining in NDEP permits? Besides the “universal” streamlining components described above, case-by-case streamlining is not common as the NDEP rarely finds existing requirements that can be streamlined and still maintain their underlying applicability integrity. For example, a T5 may have multiple PM requirements for a unit, but if you look closely at each applicable requirement and how that requirement requires demonstration of compliance it will vary. For example, different PM limits can have different compliance measurement tests, different averaging periods, different recordkeeping requirements, etc. Rarely can NDEP find a streamlining example where you can simply take what appears to be the most stringent limit without truncating or conflicting with the requirements of the other limits’ underlying applicabilities.
 - b. Do you have any comments on the pros and cons of streamlining multiple overlapping applicable requirements? Describe. The pro would be the apparent simplification of permit requirements. The con is that there are very few streamlining analysis that are successful and they can be time consuming to investigate. See 5a, above.
6. What do you believe are the strengths and weaknesses of the format of NDEP permits (i.e. length, readability, facilitates compliance certifications, etc.)? Why? The strength of the format would be the level of detail that makes it a stand-alone document to comply with applicable requirements. This detail helps the applicant achieve compliance and typically does not require the applicant to lookup applicable requirements in the CFR, NAC, etc. This detail can make the permit lengthy, but our industry prefers the all-inclusive format and it makes requirements clearer and therefore defensible/enforceable. Readability may seem a bit “legalese” to some, but the increasingly litigious nature of air quality permitting and the complexity of new federal rules have driven this.
7. How have the Department’s statements of basis evolved over the years since the beginning of the Title V program? The Statements of Basis (SOB) have remained relatively similar in format, but the discussions of various State and Federal regulations have expanded as more standards have been promulgated by EPA and then subsequently the State. For example, the SOBs have always reviewed NSPS and NESHAP requirements, but now there are many more applicable to review and discuss than there were 5 years ago. Please explain what

prompted changes, and comment on whether you believe the changes have resulted in stronger statements of basis. The SOBs need to be standalone documents that support the issuance of the permit. The NDEP SOBs also include a facility and process narrative, process flow diagrams, emissions inventory and air dispersion modeling summaries.

8. Does the statement of basis explain:

Y N

a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)? The rationale for monitoring is not discussed in detail unless it is unique or has a special requirement from a Federal standard. Permit templates that the permit writers are required to use contain monitoring, recordkeeping and testing requirements for different source types. Each permit requirement has a regulatory citation that is the basis for the requirement. As a rule, staff is instructed to include monitoring and recordkeeping requirements that support the demonstration of compliance elements on every emission unit.

Y N

b. applicability and exemptions, if any?

Y N

c. streamlining (if applicable)? Or any other relevant points that help document a unique process or compliance demonstration.

Y N

9. Do you provide training and/or guidance to your permit writers on the content of the statement of basis? Yes, training, templates, RPE peer review.

10. Do any of the following affect your ability to issue timely initial title V permits: (If yes to any of the items below, please explain.)

Y N

a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions). No, NAC has provisions for adding new requirements with re-open or at renewal; don't need to wait for SIP update. New requirements for re-open/renewal are trackable with ARIS.

Y N

b. Pending revisions to underlying NSR permits. No.

Y N

c. Compliance/enforcement issues. No, a compliance issue may hold up issuance due to the applicant's inaction to resolve the issue, but isn't a holdup due to BAPC.

Y N

d. EPA rule promulgation awaited (MACT, NSPS, etc.)

1. Recent NESHAP Subpart E⁷ for Gold Mining requires all sources, including area sources to get a T5 permit. This required ~15 minor source facilities to convert to T5 permits. This required substantive outreach and guidance to newly applicable sources. Suddenly adding ~10 T5 permits to the processing queue all at once is very resource intensive.
2. RICE rules (I⁴, J⁴ & Z⁴) are ridiculously complex, with extraordinary testing, monitoring and recordkeeping requirements with little emissions reduction and environmental benefit realized. This puts an unnecessary burden on NDEP and the regulated community in rural areas where line power and natural gas are not readable available, if at all. This rule in particular has resulted in complaints to

the governor's office and several legislators. These rules are also very difficult for the regulated industry to understand.

Y N

e. Permit renewals and permit modification (i.e., competing priorities) Just the typical workload management. NDEP has monthly meetings with large clients that hold multiple permits and ad-hoc meetings with smaller clients with single permits to keep workflow priorities current. If necessary, new projects or compliance-related issues may receive more resources because they currently don't have a permit or permit shield that allows them to construct/operate.

Y N

f. Awaiting EPA guidance. No, not at a Regional level, on permit-related questions. BAPC gets quick turnaround from Region's permit group via e-mail or ad-hoc phone calls and does a monthly permit phone call with Region. BAPC does have concern regarding some larger-than-Region issues regarding new and upcoming US EPA rulemaking (ozone NAAQS, 111(d), SO2 designations, Regional Haze, etc.).

11. Any additional comments on permit preparation or content? No, except for RICE I⁴, Z⁴, J⁴; these rules add huge bulk to permits, and templates can't be developed because there is substantial variability within each rule for any one given RICE. Simply referencing the Federal rule and leaving it to the applicant to figure out isn't effective either.

B. General Permits (GP)

Y N

1. Do you issue general permits? Only (1) and it is for portable, temporary minor sources with specific road construction equipment (Class 2 permits) only.
a. If no, go to next section
b. If yes, list the source categories and/or emission units covered by general permits.

Y N

2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific" title V permit?
a. What percentage of your title V sources have more than one general permit?
_____ %

Y N

3. Do the general permits receive public notice in accordance with 70.7(h)? N/A, general permit under minor NSR (and did undergo public notice process), not a T5 permit subject to 70.7(h).
a. How does the public or regulated community know what general permits have been written? (e.g., are the general permits posted on a website, available upon request, published somewhere?)

4. Is the 5 year permit expiration date based on the date: N/A, general permit is under minor NSR, not a T5 permit subject to Part70.

Y N

a. the general permit is issued?

Y N

b. you issue the authorization for the source to operate under the general permit?

5. Any additional comments on general permits? No

C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring in the underlying standard is not specified or is not sufficient to demonstrate compliance? NAC 445B.305 provides the Director with authority to add permit requirements necessary to ensure compliance with all applicable air quality requirements. This may include (but is not limited to) case-by-case unit-level monitoring, recordkeeping, testing, reporting, instrument monitoring, operational set points for units and/or emission controls, automated operations, etc. BAPC also performs unannounced site inspections for compliance review. NAC provides the Director with authority to re-open a permit (for cause) to add (monitoring or any) requirements necessary to ensure compliance. SOP-wise, TSDs are reviewed by peer (RPE supervisor) and permits have public and EPA review and comment periods. Permit renewals also undergo the same review process as new permits and the monitoring may be augmented based on operational data of the permit's previous 5 years of authorization.

Y N

a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance. Yes. Must demo compliance with applicable State and Federal requirements. Begins with using Program-required permit templates that provide baseline requirements for different source categories, followed by an Federal monitoring requirements. The TSD discusses all applicable requirements to provide further review. TSD also provides for documentation of unique or case-specific monitoring for the signatory supervisor and public review. NAC has provisions that require the permit to cite the regulatory authority for each requirement and the NAC also provides the Program authority to add additional monitoring requirements as needed to assure compliance.

Y N

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges) Yes: CARB, WESTAR and in-house training. Permit staff has direct access to technical/audit branch for CEMs, ambient monitoring and air dispersion modeling support. Permit staff also has direct access to compliance staff to verify test methods and monitoring strategies. In addition, compliance information and stack test data is available to all permit writers at their desktop via ARIS.

Y N

3. How often do you "add" monitoring not required by underlying requirements? At initial issuance, revision or renewal it's on case-by-case basis based on objective criteria such as type of process, HAPs PTE, NAAQS thresholds, permit class thresholds and other relevant risk assessments. Most typical would be to add compliance testing. Have you seen any

effects of the (additional?) monitoring in your permits such as better source compliance? Yes, the effect is overall compliance. Again, we have authority under the NAC to re-open a permit for cause at any time, including adding monitoring or other permit requirements required for compliance.

4. What is the approximate number of sources that now have CAM monitoring in their permits? Please list some specific sources. CAM is reviewed for every T5 application and is implemented where applicable. NDEP is currently implementing CAM in specific permits; don't know the count.

- Y N 5. Has the Department ever disapproved a source's proposed CAM plan? Yes, but we always provide the applicant the basis for disapproval and work with them to submit an approvable plan.

D. Public Participation and Affected State Review

Public Notification Process

1. Which newspapers does the Department use to publish notices of proposed title V permits? Varies by location. It is always, at a minimum, in the region to be affected by a proposed project.

- Y N 2. Do you use a state publication designed to give general public notice? Yes, in the form of the NDEP and LCB public notice web sites.

- Y N 3. Do you sometimes publish a notice for one permit in more than one paper?
- a. If so, how common is it for the Department to publish multiple notices for one permit? Common for major stationary sources in rural areas that have limited newspaper circulation. In such cases we publish in the local paper and in a larger circulation Reno or Las Vegas newspaper.
 - b. How do you determine which publications to use? It is always in the region to be affected by a proposed project. Most rural communities in Nevada do not have more than 1 newspaper publication. If there is, we typically defer to the publication with the largest circulation.
 - c. What cost-effective approaches have you utilized for public publication? State and NDEP public notice web sites and e-mail distribution lists.

- Y N 4. Have you developed mailing lists of people you think might be interested in title V permits you propose? [e.g., public officials, environmentalists, concerned citizens] Also required in NAC.

Y N

- a. Does the Department maintain more than one mailing list for title V purposes, e.g., a general title V list and source-specific lists? **Some source-type lists (mining, EGU).**
- b. How does a person get on the list? (e.g., by calling, sending a written request, or filling out a form on the Department's website) **Calling, verbal, written request or e-mail request. An upcoming version of the NDEP web site will allow interested parties to add or subtract themselves to mailing lists as well.**
- c. How does the list get updated? **Annually the participants on the lists are e-mailed to confirm their continued desire to be on a list. Addresses that "bounce-back" or that are requested to be removed are removed. Public can request to be added at any time.**
- d. How long is the list maintained for a particular source? **Lists are typically source-category specific, not for only one particular source. Therefore, the lists are ongoing in perpetuity.**
- e. What do you send to those on the mailing list? **Notice and abbreviated TSD and/or proposed permit. Depends on the person's level of interest. FLMs, tribes and EPA typically receive the most materials and full TSD.**

Y N

5. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes? **We don't currently cold-call "communities." We currently have diverse participants in our mail and e-mail mailing lists.**

Y N

6. Do your public notices clearly state when the public comment period begins and ends? **Yes, as well as who to contact with questions and how to request a public hearing. These contents, and others, required by NAC.**
7. What is your opinion on the most effective methods for public notice? **Web and e-mail distribution lists are probably most effective because a notice is delivered to a specific person who has previously expressed an interest to be notified, without them having to periodically look for, and find, a notice in a newspaper. Newspapers are also expensive (~\$150+ per notice).**

Y N

8. Do you provide notices in languages besides English? Please list the languages and briefly describe under what circumstances the Department translates public notice documents? **No. The jurisdiction of NDEP excludes Washoe and Clark counties and is primarily rural and not diverse in languages. The NDEP has never had a request for an alternative language besides English. However, the NDEP does maintain a list of staff that can provide translation services at request. In the Air programs this includes: Spanish, Mandarin, Italian, Korean and Hindi.**

Public Comments

9. How common has it been for the public to request that the Department extend a public comment period? **Not very common. Requests are typically for a few days for commenters to “wrap-up” their submissions at the last minute, as opposed to requesting another, full comment period.**

Y N

a. Has the Department ever denied such a request?

b. If a request has been denied, the reason(s)?

Y N

10. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? If so, please describe.

11. Approximately what percentage of your proposed permits has the public commented on? **Low; don’t know; no requirement to track this data metric. Generally there are more comments on certain EGU, mining and odor-related projects.**

Y N

12. Over the years, has there been an increase in the number of public comments you receive on proposed title V permits? **NA – see #11.**

Y N

13. Have you noticed any trends in the type of comments you have received? Please explain. **There have been comments related to county government zoning that are not related to air quality. In such cases a county government either zones, or provides for a special use permit for something commercial near a residential area. The residents typically desire the state to make the industrial project “go away”, simply because it is the State government. In such cases it is not an air quality regulatory issue, but rather an available venue for frustrated citizens to “vent” and “go on the record.”**

a. What percentage of your permits change due to public comments? **Low. Comments are typically not in regards to the regulatory permit requirements, but rather are emotion-based comments. The NDEP responds to all comments, including non-regulatory comments.**

Y N

14. Have specific communities (e.g., environmental justice communities) been active in commenting on permits? **Not sure how this question defines “environmental justice community” in the context of rural Nevada, but the populace is not very segregated and all people are welcome to participate. Interest groups are most typical at EGU and mining projects. Representatives from certain tribal nations have been active.**

Y N

15. Do your rules require that any change to the draft permit be re-proposed for public comment? **“Any change” needs to be defined. Required criteria for permit issuance and permit contents are specified in NAC. Substantive errors that effect compliance with a requirement or a change in process could be grounds to re-propose a permit. Edit changes that don’t effect applicable requirements, or change emission limits or compliance with NAAQS, or re-define the project may not be grounds to re-propose. Pursuant to NAC, the Director must consider written comments, and comments from a public hearing before issuing a permit. As a**

practical matter, permits cannot be noticed *ad infinitum* and can always be corrected after issuance, if necessary.

- a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment? **Substantive changes; #15, above.**

EPA 45-day Review

- Y N
16. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? **The NDEP recognizes that the EPA review starts after the state public review process so EPA can review the public comments collected by the state. In some cases the NDEP has requested concurrent review in advance on a case-by-case basis only. The NDEP has monthly phone conferences with Region permitting and keeps them apprised of upcoming permit notices. In this manner, the state and Region are aware of potentially sensitive issues that may have more resource-intensive comments. What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)? That would be EPA's discretion.**
- a. How does the public know if EPA's review is concurrent? **They ask. As noted above in #16, concurrence is the exception to the rule with EPA advanced approval.**
17. If the Department does concurrent public and EPA review, is this process a requirement in your title V regulations, or a result of a MOA or some other arrangement? **See #16, above. Concurrent processing is not a requirement of NDEP T5 regulations. Furthermore, the NDEP has been notified that such default concurrent processing is not acceptable to EPA and thus not an option.**

Permittee Comments

- Y N
18. Do you work with the permittees prior to public notice? **Of course; quite frequently.**
- Y N
19. Do permittees provide comments/corrections on the permit during the public comment period? **They may, on the record as the rest of the public does. At this point in the process we are not "bargaining" with the applicant on permit requirements. At this point in the process permittee comments are typically regarding clarification. Any trends in the type of comments? Applicants would like permit language to be simpler and EPA NSPS and NESHAP requirements to be less onerous. How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit? Frequent communication and meetings with the applicant, if necessary, during the application review process prevent applicant "surprise" comments during the comment period that could be substantive and delay timelines.**

Public Hearings

20. What criteria does the Department use to decide whether to grant a request for a public hearing on a proposed title V permit? Are the criteria described in writing (e.g., in the public notice)? **The only criteria is the request itself.**

Y N

a. Do you ever plan the public hearing yourself, in anticipation of public interest?

Availability of Public Information

Y N

21. Do you charge the public for copies of permit-related documents?

If yes, what is the cost per page? **Up to 50 pages are copied free, then \$0.20 per page, pursuant to State policy. We also allow the public to setup an account with a local blueprint/copy service for special copy needs (scanning with OCR, over-sized, high volume, burning to CD, etc.) which includes a secure courier (public doesn't take records off site).**

Y N

a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for non-profit organizations)? **A copy of the draft permit or TSD would be provided for free. For other materials, up to 50 pages are copied free, then \$0.20 per page, pursuant to State policy.**

Y N

b. Do your title V permit fees cover this cost? If not, why not? **Without a nominal fee for documents beyond the permit and TSD being noticed, and beyond any first 50 documents, we have experienced boundless data requests that quickly become unmanageable and administrative staff labor intensive. For example: "give me a copy of everything related to a mining project." [thousands of pages] With a nominal fee and free access to files during business hours, the requests are honed-down to a manageable size without restricting access to files. For example: "give me a copy of Acme Mining documents from 2000-2014." [tens or hundreds of pages] BAPC would rather spend T5 resources on engineers writing permits and performing compliance inspections than administrative staff operating xerox machines.**

22. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period? **An information request or review documents in person during business hours. Permit files are onsite in the Carson City NDEP office.**

Y N

a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Please explain. **Yes, documents are always available locally, pursuant to NAC. Typically local location is a library and always at Carson City office.**

23. How long does it take to respond to requests for information for permits in the public comment period? **Response is within 5 days, delivery of materials as soon as practicable and depends on size of request. Onsite requests responded to immediately.**

- Y N
24. Have you ever extended your public comment period as a result of requests for permit-related documents? **No. No such request has ever been made.**
- Y N
- b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits? **Not to date, it has not.**
25. What title V permit-related documents does the Department post on its website (e.g., proposed and final permits, statements of basis, public notice, public comments, responses to comments)? **Published public notice, proposed permit and abbreviated TSD.**
- a. How often is the website updated? **Whenever there is a new permit action proposed.** Is there information on how the public can be involved? **Yes, the public notice states how to comment, how to request a hearing and who to contact with any questions.**
- Y N
26. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe. **The new Division website, currently under construction, will allow users to add or subscribe themselves to mailing lists for notification.**
- Y N
27. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe. **Is this reference to public petitions to the Administrator under 40 CFR Part 70.8? If yes, not practicable for NDEP to do this; EPA 45-day review is not a “floor”. EPA may wave, or perform their review in less than 45 days. There is no way for NDEP to estimate EPA’s workload, interest and processing times to know when its 45-day period concludes to definitively states when the EPA 60-day citizen petition period begins. NDEP has never had the public make this request.**
- Y N
28. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages)? **Yes, every public notice states how to comment, how to request a hearing and who to contact with any questions. In addition the NDEP has on staff a public information officer and tribal liaison for outreach and to coordinate inquiries.**
- Y N
29. Do you provide training to citizens on public participation or on title V? **NDEP did this for several years after T5 was initially implemented, but public interest has waned. The NDEP has limited audience turnover. In addition, the NDEP has noticed that interested parties seem to activate under lawyers under special interest groups as opposed to at the individual citizen level.**
- Y N
30. Do you have staff dedicated to public participation, relations, or liaison? **Yes a public information officer and tribal liaison.**
- a. Where are they in the organization? **Division level.**

- b. What is their primary function? **Public and tribe relations and the dissemination of information.**

Affected State Review and Review by Indian Tribes

31. How do you notify tribes of draft permits? **Via ground mail and e-mail mailing lists.**

32. Has the Department ever received comments on proposed permits from Tribes? **Yes.**

33. Do you have any suggestions to improve your notification process? **No.**

Any additional comments on public notification? **No**

E. Permit Issuance / Revision / Renewal

Permit Revisions

1. Did you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for: **Not clear (is this “Did we follow...?”). We follow applicable regulations at all times and they define/describe what constitutes permit actions a-d, below. In addition, NDEP has a regulation that allows an applicant to receive a determination of applicability at no cost, within 60 days in writing.**

Y N

a. Administrative amendment? **NAC 445B.3441**

Y N

b. §502(b)(10) changes? **NAC 445B.342**

Y N

c. Significant and/or minor permit modification? **NAC 445B.3425 & 344**

Y N

d. Group processing of minor modifications? **The NDEP revision application supports the revision of multiple units.**

2. Approximately how many title V permit revisions have you processed? **A bunch, fairly common occurrence with mines and EGUs; T5 program has been in place almost 20 years.**

a. What percentage of the permit revisions were processed as: **Not clear how tracking percentage is a relevant metric and what time period is being requested. NDEP does track application processing, including type of permit action and has been doing so in a database since 1993.**

- i. Significant **Second-most common**
- ii. Minor **Most common**

- | | |
|---------------------|-------------------|
| iii. Administrative | Third most common |
| iv. Off-permit | Not common |
| v. 502(b)(10) | Not common |

3. How many days, on average, does it take to process (from application receipt to final permit revision):
 - a. a significant permit revision? Up to 14 months, pursuant to NAC 445B.3395 for final action.
 - b. a minor revision? Up to 55 days, pursuant to NAC 445B.3425 for final action.

4. How common has it been for the Department to take longer than 18 months to issue a significant revision, 90 days for minor permit revisions, and 60 days for administrative amendments? Please explain. Not common unless it is determined that additional information is required and the applicant is not timely responding or the application is not complete or if there is an outstanding compliance issue.

5. What have you done to streamline the issuance of revisions? Timeliness of any given permit action directly correlates to the quality of the permit application. To this end, the NDEP encourages and offers free pre-submittal application meetings. If the applicant is required to model, the NDEP provides model protocol and met files, upon request. Meetings with various industries as it relates to emission factors and new regulations are also common and helpful.

6. What process do you use to track permit revision applications moving through your system? Hardcopy and ARIS tracking.

Y N

7. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy. Permit writers work with permit and compliance supervisor to make a case-by-case determination. Supervisors make the final determination. NDEP discourages the notion of “universal” determinations because while units may seem similar, specific case-by-case information and review is required, especially with the burgeoning federal regulations (NSPS, NESHAPs, etc.) to be accurate. NDEP encourages sources to submit a process narrative, process flow chart and other relevant unit data for a written determination using NAC.

NAC 445B.235 Construction or modification: Determination by Director. (NRS 445B.210)

1. When requested to do so by an owner or operator, the Director will make a determination of whether action taken or intended to be taken by the owner or operator constitutes construction, including reconstruction, or modification or the commencement thereof within the meaning of NAC 445B.236.
2. The Director will respond to any request for a determination under subsection 1 within 60 days after receipt of the request.

- Y N
8. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit? **Application requirements include: industrial process application form, unit and facility PTE, a narrative description with process flow diagram, plot plan and map, and if applicable, an air dispersion model.**
- Y N
- a. For minor modifications, do you require sources to explain their change and how it affects their applicable requirements? **Sources are required to explain their change in various components of the applications packet (see #8, above). The industrial process application form requires the applicant to specify compliance monitoring, and work practice standards at the unit level. Also, Section 8 of the application requires the applicant to provide an applicable requirements review. The application provides the review format in table form to help the applicant review and navigate requirements. The NDEP always independently evaluates permit applicabilities.**
- Y N
9. Do you require applications for minor permit modifications to contain a certification by a responsible official that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used? **Yes, certification by an RO is required. However, the certification is to the truth, accuracy and completeness of all the application contents and proposed procedures. The NDEP retains primacy on the determination of whether the proposed application contents meet the specific criteria of a minor permit modification.**
10. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts). **Narrative description, including emissions PTE summary.**
11. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment? **Public notice narrative, and if necessary in response to comments.**

Permit Renewal Or Reopening

- Y N
12. Do you have a different application form for a permit renewal compared to that for an initial permit application?
- a. If yes, what are the differences?
- Y N
13. Has issuance of renewal permits been “easier” than the original permits? Please explain. **This is a case-by-case situation, but typically renewals are not “easier.” A renewal still requires the same review processes as a new permit.**
- Y N
14. How are you implementing the permit renewal process (ie., guidance, checklist to provide to permit applicants)? (Y/N?). **A permit renewal requires the same review process as a new permit. The permit renewal application has a checklist for required application contents and**

the NDEP sends out courtesy letters to remind facilities that their permits will be expiring soon and that they require a renewal application.

15. What % of renewal applications have you found to be timely and complete? **The majority is timely and administratively complete for processing. However, it is not unusual to ask the applicant for additional information during the application processing procedure.**

16. How many complete applications for renewals do you presently have in-house ready to process? **Several.**

Y N 17. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? **Yes.** If not, what can EPA do to help? **The monthly permit group phone calls and ad-hoc communication has been very beneficial.**

Y N 18. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements? **Not revoked, but a few have been re-opened. In addition, the BAPC will use compliance orders or stop orders to rapidly take corrective action while a permit revision or re-open is processed concurrently.**

F. Compliance

1. Deviation reporting:

a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe. **Any malfunction, upset, start-up, shutdown or human error that results in excess emissions (NAC 445B.232(5)).**

Y N b. Do you require that some deviations be reported by telephone? **No telephone-specific reporting requirement and industry prefers E-mail and FAX reporting.**

c. If yes, do you require a follow-up written report? If yes, within what timeframe? **NAC 445B.232(6): "Each owner or operator shall ensure that any notification or related info submitted to the Director pursuant to this section is provided in a format specified by the Director."**

Y N d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified). **All deviation reports are not certified. Note that NDEP is assuming that "excess emissions" are a separate category. Deviation reports are still required to be submitted and can be the basis for corrective action.**

Y N i. Do you require all certifications at the time of submittal? **No**

Y N ii. If not, do you allow the responsible official to "back certify" deviation reports? If you allow the responsible official to "back certify" deviation reports, what

timeframe do you allow for the followup certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)? **No back-cert of anything. Bad practice in general.**

2. How does your program define deviation? **See F(1)(a), above.**

Y N

a. Do you require only violations of permit terms to be reported as deviations? **Sources must report deviations as defined in F(1)(a), above. Then NDEP will follow the NAC regulatory process to determine if there has been an applicable violation pursuant to our regulatory authority.**

b. Which of the following do you require to be reported as a deviation (Check all that apply): **NAC states "...shall notify the Director of any excess emissions...".**

Y N

i. excess emissions excused due to emergencies (pursuant to 70.6(g))

Y N

ii. excess emissions excused due to SIP provisions (cite the specific state rule)

Y N

iii. excess emissions allowed under NSPS or MACT SSM provisions?

Y N

iv. excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM)

Y N

v. excursions from specified parameter ranges where such excursions are credible evidence of an emission violation

Y N

vi. failure to collect data/conduct monitoring where such failure is "excused": **Not sure what ("excused") refers to in this context. NAC states "...shall notify the Director of any excess emissions...". NAC does not provide for "pre-excused events."**

Y N

A. during scheduled routine maintenance or calibration checks. **NAC 445B.232(1-3): "Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated pollutants ...must be approved in advance by the Director and performed during a time designated by the Director as being favorable for atmospheric ventilation." If this provision is not utilized, then must report.**

Y N

B. where less than 100% data collection is allowed by the permit. **Data collection requirements are specified, enforceable requirements; not meeting any requirement 100% is a deviation. NDEP doesn't issue permits that pre-authorize non-compliance.**

Y N

C. due to an emergency see F(vi), above. **NAC doesn't "carve-out" any deviations, including "emergencies" from reporting. The basic design of the NAC and its implementation by NDEP is to report all deviations and then undergo a process of potential violation review.**

Y N

vii. Other? Describe.

3. Do your deviation reports include:

Y N

a. the probable cause of the deviation?

- Y N b. any corrective actions taken?
- Y N c. the magnitude and duration of the deviation?
- Y N 4. Do you define “prompt” reporting of deviations as more frequent than semi-annual?
Deviations are reported pursuant to (NAC 445B.232(5)), which would be more frequent than semi-annual.
- Y N 5. Do you require a written report for deviations? Yes, pursuant to NAC 445B.232(5&6).
- Y N 6. Do you require that a responsible official certify all deviation reports? No, as stated in F(1)(d), above: “Do you require that all deviation reports be certified by a responsible official?” Deviation reports are still required to be submitted and can be the basis for corrective action.
7. What is your procedure for reviewing and following up on: Engineering staff in Compliance and Enforcement branch immediately track received reports and certification in ARIS. Staff then reviews reports and certifications. Additional information is requested from sources, if required. If a report or certification evaluation determines a violation then a NOAV is issued and financial penalties may be assessed.
- a. deviation reports?
- b. semi-annual monitoring reports?
- c. annual compliance certifications?
8. What percentage of the following reports do you review? All.
- a. deviation reports
- b. semi-annual monitoring reports
- c. annual compliance certification
9. Compliance certifications
- Y N a. Have you developed a compliance certification form? If no, go to question 10.
- Y N i. Is the certification form consistent with your rules?
- ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent?
Compliance must be continuous and is monitored by continuous and/or intermittent methods as necessary to demonstrate compliance with the applicable underlying requirement.
- Y N iii. Do you require sources to use the form? Yes, as in 9(a), above. If not, what percentage does?

Y N

iv. Does the form account for the use of credible evidence?

Y N

v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists? **Permits specify the monitoring methodology required to demonstrate compliance.**

10. Excess emissions provisions:

Y N

a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it: **Nevada ASIP article #2.5.4 states “Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of these regulations.” The SIP article provides that the determination of emergency is made by the Director; not by the permittee and requires independent evaluation and concurrence by the Director. If the Director concurs that it was an emergency, i., ii., iii., below could be excused.**

Y N

i. Provide relief from penalties?

Y N

ii. Provide injunctive relief?

Y N

iii. Excuse noncompliance?

Y N

b. Does your program include a SIP excess emissions provision? If no, go to 10.c. If yes does it: **NAC requires reporting of deviations/excess emissions in addition to SIP provision. At that point, the NDEP will evaluate independently if the SIP emergency provision is applicable or if a violation is applicable.**

Y N

i. Provide relief from penalties? **(b, above)**

Y N

ii. Provide injunctive relief? **(b, above)**

Y N

iii. Excuse noncompliance? **(b, above)**

c. Do you require the source to obtain a written concurrence from the Department before the source can qualify for: **See F(10)(b), above.**

Y N

i. the emergency defense provision? **(c, above)**

Y N

ii. the SIP excess emissions provision? **(b, above)**

Y N

iii. NSPS/NESHAP SSM excess emissions provisions? **(b, above)**

11. Is your compliance certification rule based on: **A certification of compliance contains all applicable requirements, submitted by a responsible official, consistent with NAC 445B.3368 and 42 U.S.C. § 7414(a)(3) or 7661c(b). See also NAC 445B.3405: “Required Contents of Permits.”**

Y N

a. the ‘97 revisions to part 70 - i.e., is the compliance certification rule based on whether the compliance monitoring method is continuous or intermittent; or:

Y N

b. the ‘92 part 70 rule - i.e., is the compliance certification rule based on whether compliance was continuous or intermittent?

12. Any additional comments on compliance? **No**

G. Resources & Internal Management Support

- Y N
1. Are there any competing resource priorities for your “title V” staff in issuing title V permits?
 - a. If so, what are they?
 2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share? **Nevada State government doesn’t have “initiatives” as an option at the Division management level. The State has annual work performance reviews, and meeting or exceeding standards gives an employee a merit pay raise. No; as we began implementing T5 almost 20 years ago I think we are beyond barriers of implementation and more onto case-by-case permit challenges.**
 3. How is management kept up to date on permit issuance? **ARIS tracking reports, communication with supervisors and staff.**
- Y N
4. Do you meet on a regular basis to address issues and problems related to permit writing? **With who; management or staff? We meet with both routinely on re-occurring schedules and as we are a small group, people get up from their desks and routinely collaborate at will, as needed.**
- Y N
5. Do you charge title V fees based on emission rates? **There is an annual emissions fee per ton times the total tons of each pollutant for the preceding calendar year, plus a flat “maintenance” fee annually.**
 - a. If not, what is the basis for your fees?
 - b. What is your title V fee? **NAC 445B.327. \$16/ton + maintenance fee of \$15-30K depending on size/type of permit.**
 6. How do you track title V expenses? **State & Bureau budget systems.**
 7. How do you track title V fee revenue? **State & Bureau budget systems.**
 8. How many title V permit writers does the agency have on staff (number of FTE’s)? **~10-12.**

- Y N 9. Do the permit writers work full time on title V? **The T5 permit writers do.**
- If not, describe their main activities and percentage of time on title V permits.
 - How do you track the time allocated to Title V activities versus other non-title V activities?
- Y N 10. Are you currently fully staffed? **As much as “fully staffed” is possible with a typical amount of turnover. We are currently short 1 supervisor and 1 permit writer. The NDEP recently has experienced some substantive retirements of Bureau Chiefs in both Air Bureaus and a Deputy Administrator, two permitting supervisors, but also recently added 6 new positions. A substantive effort is underway to train new staff and to capture and dispense institutional knowledge.**
11. What is the ratio of permits to permit writers? **Varies with complexity and size of an application assignment and permit writer’s level of training. No two applications are the same. Supervisors work with the permit staff and Bureau chief to load-balance assignments pursuant to regulatory timelines and priority.**
12. Describe staff turnover. **See G(10) above. NDEP has adequate personnel pursuant to 40 CFR 70.4(b)(8).**
- How does this impact permit issuance? **Given the specific current situation of losing key Air institutional knowledge to retirement (3 managers), 2 of 3 permit supervisors, and the hiring of 6 new staff at nearly the same time, there has been the expected decrease in speed as new staff recruited, interviewed and trained.**
 - How does the permitting authority minimize turnover? **NDEP has adequate personnel pursuant to 40 CFR 70.4(b)(8).**
- Y N 13. Do you have a career ladder for permit writers?
- If so, please describe. **NDEP has the “Environmental Scientist” (ES) and “Staff Engineer” (SE) State job series and classifications with various grades and pay “steps” (1-10) that provides for the progression from entry level positions to higher levels of pay, skill, responsibility, or authority.**
- Y N 14. Do you have the flexibility to offer competitive salaries? **Not sure that “flexibility” equals competitive. We hire pursuant to state requirements and are nearly fully staffed. Most staff that comes to work in State service recognizes that the salary is not the main factor for choosing state service. Staff comes for the medical and retirement benefits, fixed hours of work (40hr/wk) and personal rewards of providing civil service and protection of the environment in addition to the State salary.**
- Y N 15. Can you hire experienced people with commensurate salaries?

16. Describe the type of training given to your new and existing permit writers. **In-house mentoring, WESTAR classes, CARB classes, RTI classes, online classes, cross-training between Branches and “ride-alongs” with Compliance and Enforcement branch. Other professional training to support RPE staff CEUs.**

17. Does your training cover:

Y N

a. how to develop periodic and/or sufficiency monitoring in permits?

Y N

b. how to ensure that permit terms and conditions are enforceable as a practical matter?

Y N

c. how to write a Statement of Basis?

Y N

18. Is there anything that EPA can do to assist/improve your training? Please describe. **See cover letter.**

19. How has the Department organized itself to address title V permit issuance? **See organizational chart.**

20. Overall, what is the biggest internal roadblock to permit issuance from the perspective of Resources and Internal Management Support? **Increasingly complex rules such as 111(d) that expand work exponentially without a corresponding increase in grant fund assistance and training.**

Environmental Justice Resources

Y N

21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts? **The EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies." (<http://www.epa.gov/region1/ej/>) NDEP policy and guidance adheres to EPA’s definition by protecting the health and welfare of all citizens, regardless of socio economic status. While Nevada state legislation does not reference the term “Environmental Justice”, the NAC has provided for a Program where all of NDEP’s jurisdiction is in attainment for all pollutants for all populations.**

If so, may EPA obtain copies of appropriate documentation?

Y N

22. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities? **NDEP does not have a demographic large enough to warrant the need of a FTE, nor a programmatic need. NDEP does not have jurisdiction in Clark and Washoe counties where the majority of the State’s population is based. Of the approximately 2.7M people in the State, NDEP has oversight over ~328K.**

- Y N 23. Have you provided EJ training / guidance to your permit writers? See G(21), above. Training / guidance to permit writers is protection of the standards in ambient air where any and all members of the public may have access.
- Y N 24. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., socio-economic status, minority populations, etc.) See G(21), above. All permit writers have internet access to obtain demographic and other information.
- Y N 25. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance. See G(21), above. Air dispersion modeling is performed for every permit issued. Modeling files include a fence or physical barrier that prevents public access (definition of ambient air under the CAA and NAC). Permits are only issued if a facility does not interfere with the NAAQS where the public has access regardless of socioeconomic status.

H. Title V Benefits

1. Compared to the period before you began implementing the title V program, does the title V staff generally have a better understanding of: N/A. Pursuant to the FR, NDEP had final interim approval in 12/12/1995, effective 1/11/1996. NDEP does not have the same permit staff that it had almost 20 years ago to make such a “comparison.”
- Y N a. NSPS requirements? N/A
- Y N b. The stationary source requirements in the SIP? N/A
- Y N c. The minor NSR program? N/A
- Y N d. The major NSR/PSD program? N/A
- Y N e. How to design monitoring terms to assure compliance? N/A
- Y N f. How to write enforceable permit terms? N/A
2. Compared to the period before you began implementing the title V program, do you have better/more complete information about: N/A; NDEP does not have the same permit staff that it had almost 20 years ago to make such a “comparison.”
- Y N a. Your source universe including additional sources previously unknown to you? N/A
- Y N b. Your source operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)? N/A
- Y N c. Your stationary source emissions inventory? N/A
- Y N d. Applicability and more enforceable (clearer) permits? N/A
3. In issuing the title V permits: N/A; NDEP does not have the same permit staff that it had almost 20 years ago to make such a “comparison.”

Y N

a. Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.

N/A

Y N

b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.

N/A

4. Based on your experience, estimate the frequency with which potential compliance problems were identified through the permit issuance process: N/A; NDEP does not have the same permit staff that it had almost 20 years ago to make such a statement of experience.

Never Occasionally Frequently Often

- a. prior to submitting an application
- b. prior to issuing a draft permit
- c. after issuing a final permit

5. Based on your experience with sources addressing compliance problems identified through the title V permitting process, estimate the general rate of compliance with the following requirements prior to implementing title V: N/A; NDEP does not have the same permit staff that it had almost 20 years ago to make such a statement of experience.

Never Occasionally Frequently Often

- a. NSPS requirements (including failure to identify an NSPS as applicable)
- b. SIP requirements
- c. Minor NSR requirements (including the requirement to obtain a permit)
- d. Major NSR/PSD requirements (including the requirement to obtain a permit)

6. What changes in compliance behavior on the part of sources have you seen in response to title V? (Check all that apply.) N/A; NDEP does not have the same permit staff that it had almost 20 years ago to make such a statement of change, let alone the same facility inventory.

Y N

a. increased use of self-audits? N/A

Y N

b. increased use of environmental management systems? N/A

Y N

c. increased staff devoted to environmental management? N/A

Y N

d. increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)? N/A

Y N

e. increased resources devoted to compliance monitoring? N/A

Y N

f. better awareness of compliance obligations? N/A

Y N

g. other? Describe. N/A

- Y N 7. Have you noted a reduction in emissions due to the title V program? **N/A; Not even sure how you would quantify this with any type of accuracy. The State and Federal applicable regulations have not remained static nor has the inventory of facilities permitted remained static over the last 20 years to make such a comparison. In addition there are several external variables such as economic boom and bust cycles, limitations in natural resource availability, changing consumer demands, etc.**
- Y N a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance? **N/A**
- Y N b. Did that lead to a change in the fee rate (dollars/ton rate)? **N/A**
8. Has title V resulted in improved implementation of your air program in any of the following areas due to title V: **N/A; NDEP does not have the same permit staff that it had almost 20 years ago to make such a statement of change.**
- Y N a. netting actions **N/A**
- Y N b. emission inventories **N/A**
- Y N c. past records management (e.g., lost permits) **N/A**
- Y N d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance) **N/A**
- Y N e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc. **N/A**
- Y N f. clarity and enforceability of NSR permit terms **N/A**
- Y N g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold) **N/A**
- Y N h. emissions trading programs **N/A**
- Y N i. emission caps **N/A**
- Y N j. other (describe) **N/A**
- Y N 9. If yes to any of the above, would you care to share how this improvement came about? (e.g., increased training; outreach; targeted enforcement)? **N/A**
- Y N 10. Has title V changed the way you conduct business? **N/A; T5 began implementation 20 years ago.**
- Y N a. Are there aspects of the title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe. **Minor NSR provisions.**
- Y N b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe. **Probably; that is not a metric that is monitored, measured or recorded.**

- Y N c. Do you work more closely with the sources? If yes, describe. **N/A; BAPC has always made itself available to sources. How “close” isn’t defined by permit type, but rather the sources’ level of expertise and project complexity.**
- Y N d. Do you devote more resources to public involvement? If yes, describe. **N/A; amount of resources depends on quantity of projects, types of projects and types of permit actions.**
- Y N e. Do you use information from title V to target inspections and/or enforcement? **T5 permit information is used for T5 inspections and enforcement. Other relevant data sources are not precluded. All T5 facilities are inspected once per year.**
- Y N f. Other ways? If yes, please describe. **?**
- Y N 11. Has the title V fee money been helpful in running the program? Have you been able to provide: **Yes, the T5 fees have been and are helpful in running the T5 program. Again, can’t speak to “better” or “more” provisions because current staff wasn’t present 20 years ago prior to T5 implementation.**
- Y N a. better training? **N/A**
- Y N b. more resources for your staff such as CFRs and computers? **N/A**
- Y N c. better funding for travel to sources? **N/A**
- Y N d. stable funding despite fluctuations in funding for other state programs? **N/A**
- Y N e. incentives to hire and retain good staff? **N/A**
- Y N f. are there other benefits of the fee program? Describe. **N/A**
- Y N 12. Have you received positive feedback from citizens? **No record of a citizen providing positive feedback on T5.**
- Y N 13. Has industry expressed a benefit of title V? If so, describe. **No record of industry expressing a benefit of being regulated, T5 or otherwise.**
- Y N 14. Do you perceive other benefits as a result of the title V program? If so, describe. **T5 as a permit “container” for all applicable air quality requirements.**
- Y N 15. Other comments on benefits of title V?

**Workplan
for
Title V Program Evaluation
Nevada Division of Environmental Protection,
Bureau of Air Pollution Control**

US EPA, Region 9

Objectives

- To perform a title V program evaluation of the Nevada Department of Environmental Protection (NDEP), Bureau of Air Pollution Control (BAPC)
- To identify any areas for improvement in NDEP's title V program and in EPA's own oversight role.
- To identify areas where NDEP's program could be used as an example for other permitting authorities to improve their implementation of title V.

NDEP is one of several air permitting agencies in Region 9 where EPA plans to perform title V program evaluations. These evaluations are being performed nationwide by EPA.

EPA Program Evaluation Team for NDEP

The following staff and managers are part of EPA's program evaluation team. Should you have any questions, please contact Geoffrey Glass (415-972-3498) or Gerardo Rios (415-972-3974).

Site Visit Participants:

1. Amy Zimpfer - Air Division Associate Director, Division lead for Nevada
2. Gerardo Rios - Air Division Permits Office Chief
3. Geoffrey Glass - NDEP title V program evaluation coordinator, Permits Office
4. Tiffini Buchanan – NDEP title V program evaluation team member, Permits Office
5. Ken Israels – NDEP title V program evaluation team member, Grants and Program Integration Office

Other EPA Staff Providing Assistance:

6. Kara Christenson - Office of Regional Counsel

Approach

The program evaluation will be conducted in two stages.

- Stage I: NDEP's responses to the title V program evaluation questionnaire will help us prepare for the second stage of the program evaluation.

- Stage IIa: In-House File Review. EPA will conduct a review of in-house permit files prior to the site visits.
- Stage IIb: Site visits (interviews and on-site file reviews). During the site visits, EPA will visit NDEP to interview staff and managers involved in the title V program. In addition, EPA will conduct a review of NDEP files/systems, such as any title V-related documents which were not available during the in-house file review, NDEP tracking system for title V permits and related documents, and standard operating procedures.
- Stage IIc: Follow-up and Report. EPA may need to contact certain NDEP staff/managers for follow-up questions and/or to complete some interviews. EPA will prepare a draft report, which we will share with NDEP for review and comment. EPA will then issue the final report.

Detailed Description of EPA Efforts

EPA will examine how NDEP implements its title V permitting program. Particular emphasis will be placed on NDEP overall program goals and how decisions are made. We will also review some aspects of the program implementation budget and evaluate how title V resources are allocated. We will work closely with NDEP throughout the program evaluation.

Needed Information

Listed below is information EPA will need to help us prepare for the site visits to NDEP:

- A listing of staff related to the title V program with their respective responsibilities (including staff that work on public outreach for title V permitting).
- NDEP BAPC's current organizational chart with names and phone numbers.
- A flowchart (or other information) of NDEP's title V fee structure clearly showing how fees are set, collected, tracked, and used in support of the program. In addition, NDEP should provide specific references to title V fee-related legislation used by the Department.
- a list of sources that NDEP regulates under its title V program

Interviews

During the site visits, EPA will interview NDEP managers and staff who are involved with the title V program. EPA will schedule interview appointments in advance. We would like to ask for your assistance in identifying appropriate interviewees.

During the interviews, we plan to ask questions based on the areas addressed in the title V Program Evaluation Questionnaire sent to NDEP. These areas include (1) title V permit preparation and content, (2) monitoring, (3) public participation, (4) permit issuance, revision, and renewal, (5) compliance, (6) resources & internal management support, and (7) title V benefits. EPA's interview questions may also be based upon our in-house file reviews.

Other Site Visit Activities

EPA plans to review the systems used by NDEP for tracking title V permits, applications, emission inventories, title V fees, compliance certifications, and related reports. We would also like to examine how title V permit and compliance files are organized at NDEP's main office. We may also review title V-related documents that were not available during our in-house file review. During our site visits, we will need access to all the systems and files described above.

Site Visit Schedule

The site visits will occur in June or July of this year. We will work with NDEP before the site visits to schedule individual, on-site interviews. During our visit to your office, we plan to conduct interviews for the first two days and review the tracking systems and files on the third day.

Follow-up After Site Visits and Completion of Report

EPA may follow up by phone with NDEP after the site visits to ask for clarification on any questions or issues resulting from our visit.

EPA plans to issue a draft report in late 2014 or early 2015. The report will be based on the interviews, the site visits, and our internal file reviews of title V permits and related documents issued by NDEP. The report will allow EPA to document the successes and areas needing improvement that arise from the program review. Prior to public release, EPA will issue the draft report to NDEP for a 30-day review and comment period. After considering NDEP's comments and input, EPA will issue the final report with our recommendations.

A copy of EPA's final report will be made publicly available and will be published on our website. If a corrective action plan is necessary, there may be a follow-up step after the corrective action plan is finalized to determine how well the recommendations/commitments are being implemented.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL

Director's Review and Preliminary Determination of Permit Issuance

for

**Sierra Pacific Power Company D/B/A NV Energy
North Valmy Generating Station
Humboldt County
December 30, 2014**

Sierra Pacific Power Company D/B/A NV Energy (NV Energy) submitted an application for renewal of Class I (Title V) Air Quality Operating Permit AP4911-0457.03 and a revision for their North Valmy Generating Station (Valmy). The project is located in Humboldt County, Nevada, approximately 4 miles north of US Interstate Highway 80 between Winnemucca, Nevada and Battle Mountain, Nevada in Sections 20, 21, 28, and 29, T35N, R43E (MDB&M).

The Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) has reviewed the applications for renewal and revision, and has made a preliminary determination to issue the renewed and revised Class I (Title V) Operating Permit. The Valmy facility produces about 500 Megawatts of power. Valmy consists of two coal-fired steam electric generating units plus a variety of auxiliary equipment. The revision addressed replacing several dust collectors with more efficient dust collectors which lowered emissions.

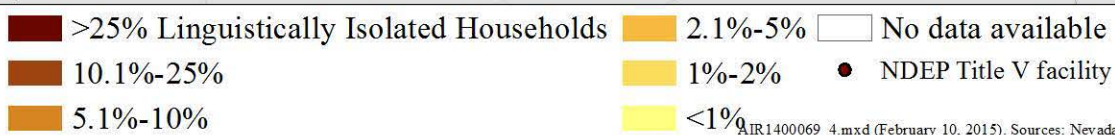
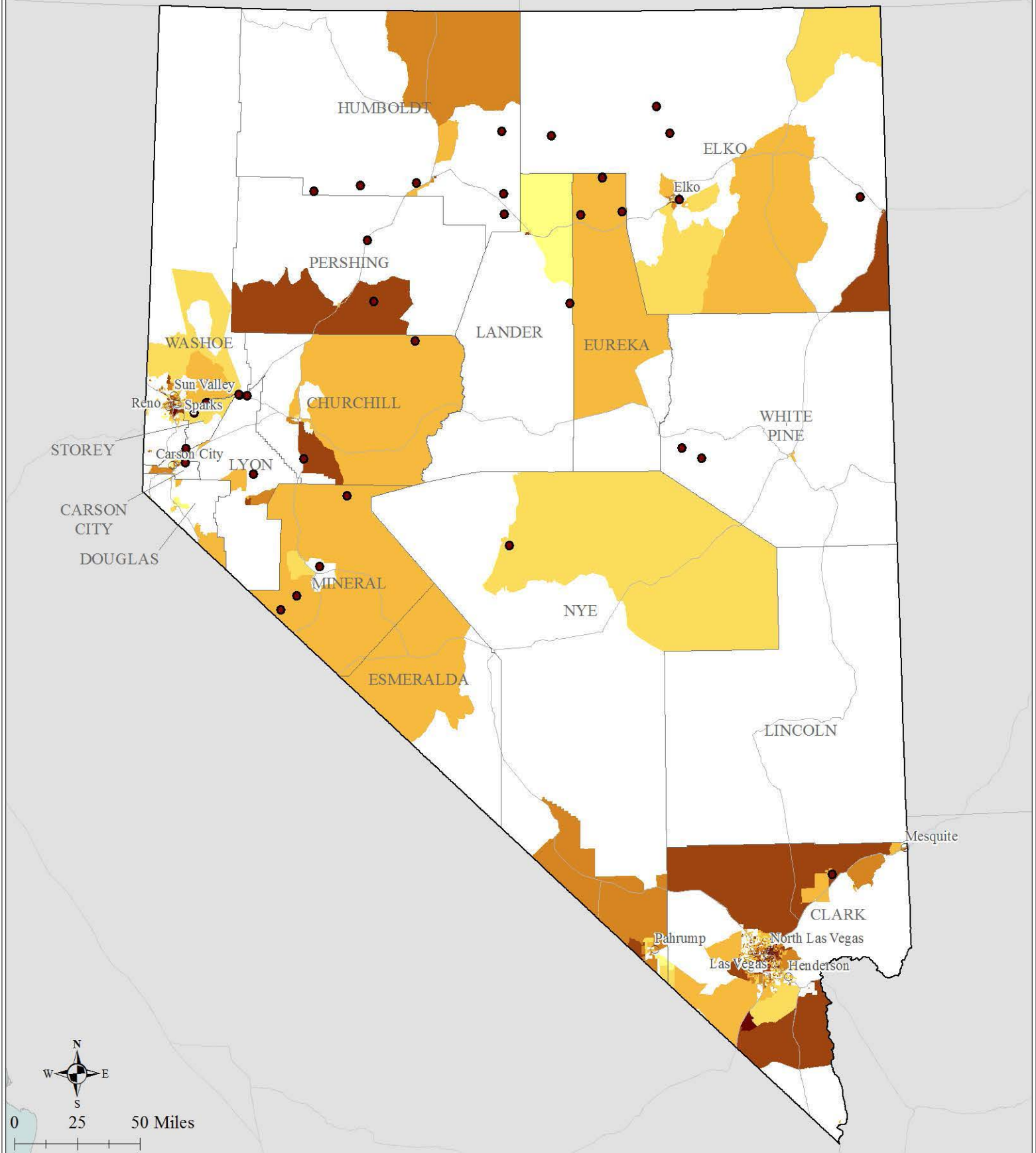
The facility-wide potential-to-emit (PTE), including emissions from Non-Permit equipment, is given in the table below:

Current emission estimates indicate that the Valmy plant will continue to be a PSD major stationary source and major for HAPs, because the potential-to-emit for all pollutants is greater than 100 tons per year and the combined HAPs are greater than 25 tons per year.	<i>Facility-Wide Potential to Emit (PTE)</i>	
	Pollutant	TPY
	PM	(Particulate Matter) 1,689
	PM₁₀	(Particulate matter <10 microns in diameter) 1,688
	PM_{2.5}	(Particulate matter <2.5 microns in diameter) 1,688
	NO_x	(Oxides of Nitrogen) 14,162
	CO	(Carbon monoxide) 73,023
	VOC	(Volatile Organic Compounds) 480
	SO₂	(Sulfur Dioxide) 21,027
	Pb	(Lead) 237
	HAPs (all)	(Hazardous Air Pollutants) 2,025
	CO₂e	(Greenhouse Gases – Carbon Dioxide Equivalent) 6,758,223

The project is located in Air Quality Hydrographic Area (HA) 64 – the Clovers Area of the Humboldt River Basin. The Valmy facility is a major source of HAPs. The boilers are subject to NSPS standards 40 CFR Part 60, Subpart D (Boiler 1) and Da (Boiler 2). The coal handling system is subject to 40 CFR Part 60, Subpart Y, and the two emergency diesel fire pumps are subject to Subpart IIII. The fire pumps and diesel emergency generators are subject to operating limitations under the NESHAP for *Stationary Reciprocating Internal Combustion Engines*, 40 CFR Part 63, Subpart ZZZZ. The boilers are also subject to Acid Rain requirements (40 CFR Part 72, Subpart A).

Air dispersion modeling conducted by the applicant and the BAPC demonstrates that continued operation of the Valmy plant, after the renewal and revision, will not violate any applicable ambient air quality standard. Valmy must comply with all State and Federal air quality requirements and all conditions established within the proposed Class I (Title V) Air Quality Operating Permit.

NDEP TITLE V FACILITIES AND PERCENTAGE OF LINGUISTICALLY ISOLATED HOUSEHOLDS BY US CENSUS BLOCK GROUP IN NEVADA



(2015), American Community Survey 2006-2010 File Geodatabase for Block Groups, U.S. EPA Office of Environmental Information (OEI) - Office of Information Analysis and Access (OIAA) (2011), TANA (2006), AIR1400069_4.mxd (February 10, 2015). Sources: Nevada Division of Environmental Protection





Welcome to NEATS Nevada Employee Action and Timekeeping System

Home Time Employee Training Recruiting Jobs Messages

Session Started: 11/4/14 11:56 AM
Current User: rbamford
Site Help Logoff

Timesheet View

Page Help

Pay Period: [Redacted]
Employee Name: [Redacted]
Agency/Org: 709/ 3185

Document: Draft - [Document Number Not Yet Assigned]
Reporting Method: Positive
Loc: CC0257

Work Schedule

Standard Shift: 6:00 am - 4:30 pm : Regular Shift
Regular Days Off: Mon Tue Wed Thu Fri Sat Sun Work Cycle
Week 1 IMV
Week 2 IMV

Current Leave Balances

Leave Category	Balance
ANNL	[Redacted]
FURLO (FY 2014)	[Redacted]
FURLO (FY 2015)	[Redacted]
SICK	[Redacted]

Position Accounting Attributes LDPR - 7090T

Fund	Agcy	Org	SubOrg	ApprUnit	Actv	Func	Obj	SubObj	Job	ReptCatg	%
101	709	4730		318501					AF47		0.7000
101	709	7930		318501					AF79		0.3000

No Exceptions

Save Validate Submit Print... Delete Cancel

Hash Total: 0.00 Time Total: 0.00

Line	Reduce Base Pay	Org	Sub	Appr	Job	Activity	Function	Labr Dist Prof	Req#	Event	Rsn	Mon 10/27	Tue 10/28	Wed 10/29	Thu 10/30	Fri 10/31	Sat 11/01	Sun 11/02	Mon 11/03	Tue 11/04	Wed 11/05	Thu 11/06	Fri 11/07	Sat 11/08	Sun 11/09	Total	Type										
Standard Events																																					
X										PRT		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	Hrs.Mins										
X										PRT		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	Hrs.Mins										
X										PRT		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	Hrs.Mins										
X										PRT		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	Hrs.Mins										
1 * Add a new row...																																					
Leave [Request Leave 1 Requests Pending]																																					
1 * Add a new Leave row...																																					
Overtime [Request OT]																																					
1 * Add a new OT row...																																					
Total												0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

Additional Description:

Attachments:
Find File: No file chosen

Save Validate Submit Print... Delete Cancel

Messages and Errors

Timesheet Audit Log
10/28/14 9:15 AM [Redacted] Create Draft

Nevada Division of Environmental Protection

EPA IX Air Division Title V Program Evaluation—Fee Information

August 26, 2014

The following information is provided to assist EPA Region IX Air Division staff with their evaluation of NDEP's Title V operating permit program. Specifically, information is provided that demonstrates the Title V permitting program is adequately funded by program fees and that fee revenue and expenditures associated with the program are appropriately tracked.

How are Title V program expenditures tracked?

The State's accounting system provides several layers of account coding so that expenditures can be properly classified to their program area and revenue source. A copy of the Chart of Accounts for the NDEP Air programs is included as **Attachment 1**. The Chart demonstrates distinct account coding for Federal vs Fee programs and Title V fees vs other fees. The coding also allows identification of MBE/WBE expenditures. Title V fee expenditures are identified according to the following accounting coding:

Agency: 709 Division of Environmental Protection
Budget Account: 3185 Air Quality
Organization: 7930 Title V Fees

Each even-numbered year the Division develops a Biennial budget for approval by the Legislature during their odd-numbered year sessions. As part of the budgeting process, we develop a Fund Map that represents our plan for allocating resources by mapping anticipated program expenditures to specific revenue sources, including Title V fees. Staff positions and related costs are allocated to specific revenue sources within the Fund Map based on the type of work performed. Actual expenditures are then coded using the account coding system described above and are monitored through the biennium relative to revenue collections and the Fund Map. Adjustments to resource allocations are made as needed. Over the past three years, we have allocated approximately 10 FTEs to the Title V program. Obviously, personnel accounts for the lion's share of total program expenditures. **Attachment 2** provides reports from the State accounting system for the past three State fiscal years that show actual expenditures supporting the Title V program. The total expenditures are also listed below:

FY14 \$995,677
FY13 \$1,065,332
FY12 \$1,100,471
3 Yr Average = \$1,053,826

How is Title V fee revenue tracked?

Each of NDEP's Bureaus have separate billing and tracking systems to collect their program fees. The Air programs use ARIS to develop annual invoices for emissions and maintenance

fees. Application fees are also tracked in ARIS. In addition to ARIS, our staff assigned to fee collection maintain a subsidiary ledger in a spreadsheet to track actual fee collections. All the Air program fees that are collected are deposited into the Air Quality Management Fund, which is a separate interest bearing account in the State's accounting system. Given our current system for fee collection, it is impractical to distinguish and code specific incoming fee payments as Title V fees vs other program fees. We are only able to code fee payments as either Application Fees or Annual Emission and Maintenance Fees. We can however distinguish Title V revenue using our subsidiary ledger. **Attachment 3** is an excerpt from our subsidiary ledger and provides a detailed listing of Title V fees collected over the past three fiscal years. It shows some minor variability year over year due to permit renewal cycles, operational changes at facilities and regulatory revisions. For example collections were slightly higher in FY12 due to application fees from mining operations that were newly brought into the Title V program by 40 CFR Part 63 Subpart EEEEEEE. Collections were slightly lower in FY14 due in part to a unit at Reid Gardner that was not operated and two permits that were cancelled. Total Title V fee collections for the past three years are listed below:

FY14 \$918,526
FY13 \$1,025,463
FY12 \$1,327,411
3 Yr Average = \$1,090,467

Are Title V program fees adequately supporting the Title V program?

Preliminary feedback from EPA IX staff regarding their evaluation of the NDEP Title V permitting program has been positive, acknowledging that we have a strong and comprehensive program and competent and knowledgeable staff. While we have a minor backlog, it is largely attributable to recent turnover of key supervisory and management positions. We are currently fully staffed and are positioned to eliminate any backlog in the future. We have consistently dedicated sufficient staff resources to support the program, particularly given the relatively small universe of Title V facilities in Nevada. Our fee revenue has closely tracked our expenditures; in fact the difference in the three year averages between revenues and expenditures is only 3.5%. We also have in regulation the ability to invoke a CPI increase in fees of 2% per year, but given a modest reserve in the Air Quality Management Account we have so far not needed to do so. NDEP concludes that our program is more than adequate and that fees are adequately supporting the program.

**Division of Environmental Protection
ALPHA RECORD ORGANIZATION
For the Year Ended June 30, 2014**

Rev: 06/27/14

FUND:	101	GENERAL FUND
BUDGET ACCOUNT:	3185	BUREAU OF AIR QUALITY
DEPARTMENT:	70	CONSERVATION
AGENCY:	9	ENVIRONMENTAL PROTECTION

**** Use Cat. 59 for Utility bills**

	<u>ORG</u>	***TRADITIONAL CATEGORIES***		<u>JOB #</u>	<u>REVENUE GL</u>	
DIVISION:	01	Performance Partnership Grant (PPG) (07/01/2013 - 06/30/2015)		BG-97958814		
Sect.	20	Federally Funded - Non MBE/WBE	FEDERAL	6660514A	0100	3549
	29	Federally Funded - MBE/WBE				
Sect.	30	Fee Funded - Non MBE/WBE	MATCH	AF01	0100	4721
	39	Fee Funded - MBE/WBE				
DIVISION:	42	SMOKE MANAGEMENT PROGRAM (04/19/08 - 04/18/2013)				
Sect.	20	Federally Funded-Non MBE/WBE	FEDERAL		4200	3502
Sect.	30	Fee Funded - Non MBE/WBE		AF42	4200	4355
DIVISION:	47	AIR ADMIN/FEES				
Sect.	30	Fee Funded - Non MBE/WBE		AF47	4700	4721/4775 trx from 3184
Sect.	39	Fee Funded - MBE/WBE Air Toxics		AF47	4700	4721/4775 trx from 3184
DIVISION:	79	TITLE V FEES				
Sect.	30	Fee Funded - Non MBE/WBE		AF79	7900	4775
DIVISION:	84	CAPP PROGRAM				
Sect.	30	Fee Funded - WBE	TRANSFER	CH84	8400	4673 trx from 3174
DIVISION:	91	PM2.5 Monitoring Network (04/01/2014 - 03/31/2015)		PM-99T08101		
Sect.	20	Federally Funded - Non MBE/WBE	FEDERAL	6603414	9100	3509
<u>CAT</u>	<u>ORG</u>	***SPECIAL USE CATEGORIES***		<u>JOB #</u>	<u>REVENUE GL</u>	
DIVISION:	BR	AQP Clean Diesel Grant (10/01/2012-09/30/2013)		DS-00T95801		
12	Sect.	20	Federally Funded - Non MBE/WBE	FEDERAL	6604013	BR00 3501
12	Sect.	29	Fed Funded - MBE/WBE	FEDERAL	6604013	BR00 3501

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REPORT DATE AS OF: 08/25/2014

PROC ID: INBOBL_0

STATE OF NEVADA
Office of the State Controller

Internal Budget Status Report - Obligations
Organization Summary

Fiscal Year:	2014		Budget Account:	3185	AIR QUALITY
Fund:	101	GENERAL FUND	Agency:	709	ENVIRONMENTAL PROTECTION
Organization:	7930	FEE FUNDED-NON-MBE/WBE			

Expended	Encumbered	Pre-encumbered	Obligated	Internal Budget	Difference
995,677.11	.00	.00	995,677.11	1,608,732.00	613,054.89

Category	Description	Expended	Encumbered	Pre-encumbered	Obligated	Internal Budget	Difference
<u>01</u>	PERSONNEL SERVICES	757,201.11	.00	.00	757,201.11	879,042.00	121,840.89
<u>03</u>	IN STATE TRAVEL	8,831.56	.00	.00	8,831.56	7,967.00	-864.56
<u>04</u>	OPERATING	34,498.46	.00	.00	34,498.46	374,631.00	340,132.54
<u>14</u>	INDIRECT COST	187,634.43	.00	.00	187,634.43	177,219.00	-10,415.43
<u>26</u>	INFORMATION SERVICES	6,533.14	.00	.00	6,533.14	13,712.00	7,178.86
<u>30</u>	TRAINING	.00	.00	.00	.00	5,423.00	5,423.00
<u>86</u>	RESERVE	.00	.00	.00	.00	150,163.00	150,163.00
<u>87</u>	PURCHASING ASSESSMENT	978.41	.00	.00	978.41	575.00	-403.41

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[Main Menu](#) > [INB Input](#) > [B/A List](#) > [INB Summary](#) > [Obligations Totals by Org](#) > [Org Summary](#) > [Org Categories](#)

REPORT DATE AS OF: 08/20/2014

PROC ID: INBOBL_O

**STATE OF NEVADA
Office of the State Controller**

**Internal Budget Status Report - Obligations
Organization Summary**

Fiscal Year:	2013		Budget Account:	3185	AIR QUALITY
Fund:	101	GENERAL FUND	Agency:	709	ENVIRONMENTAL PROTECTION
Organization:	7930	FEE FUNDED-NON-MBE/WBE			

Expended	Encumbered	Pre-encumbered	Obligated	Internal Budget	Difference
1,065,332.14	.00	.00	1,065,332.14	1,290,551.44	225,219.30

Category	Description	Expended	Encumbered	Pre-encumbered	Obligated	Internal Budget	Difference
<u>01</u>	PERSONNEL SERVICES	789,511.33	.00	.00	789,511.33	516,431.00	273,080.33
<u>02</u>	OUT OF STATE TRAVEL	1,164.87	.00	.00	1,164.87	5,425.00	4,260.13
<u>03</u>	IN STATE TRAVEL	12,805.19	.00	.00	12,805.19	19,135.00	6,329.81
<u>04</u>	OPERATING	78,605.35	.00	.00	78,605.35	21,420.44	-57,184.91
<u>14</u>	INDIRECT COST	172,744.38	.00	.00	172,744.38	267,274.00	94,529.62
<u>26</u>	INFORMATION SERVICES	9,248.84	.00	.00	9,248.84	35,552.00	26,303.16
<u>30</u>	TRAINING	481.51	.00	.00	481.51	12,490.00	12,008.49
<u>86</u>	RESERVE	.00	.00	.00	.00	411,311.00	411,311.00
<u>87</u>	PURCHASING ASSESSMENT	770.67	.00	.00	770.67	1,513.00	742.33

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Main Menu > INB Input > B/A List > INB Summary > Obligations Totals by Org > Org Summary > Org Categories

REPORT DATE AS OF: 08/20/2014

PROC ID: INBOBL_O

**STATE OF NEVADA
Office of the State Controller**

**Internal Budget Status Report - Obligations
Organization Summary**

Fiscal Year:	2012		Budget Account:	3185	AIR QUALITY
Fund:	101	GENERAL FUND	Agency:	709	ENVIRONMENTAL PROTECTION
Organization:	7930	FEE FUNDED-NON-MBE/WBE			

Expended	Encumbered	Pre-encumbered	Obligated	Internal Budget	Difference
1,100,471.17	.00	.00	1,100,471.17	.00	-1,100,471.17

Category	Description	Expended	Encumbered	Pre-encumbered	Obligated	Internal Budget	Difference
<u>01</u>	PERSONNEL SERVICES	852,874.78	.00	.00	852,874.78	.00	-852,874.78
<u>03</u>	IN STATE TRAVEL	7,966.43	.00	.00	7,966.43	.00	-7,966.43
<u>04</u>	OPERATING	33,566.96	.00	.00	33,566.96	.00	-33,566.96
<u>05</u>	EQUIPMENT	.00	.00	.00	.00	.00	.00
<u>14</u>	INDIRECT COST	186,353.14	.00	.00	186,353.14	.00	-186,353.14
<u>26</u>	INFORMATION SERVICES	13,712.40	.00	.00	13,712.40	.00	-13,712.40
<u>30</u>	TRAINING	5,422.32	.00	.00	5,422.32	.00	-5,422.32
<u>87</u>	PURCHASING ASSESSMENT	575.14	.00	.00	575.14	.00	-575.14

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Class 1 FY2012-14 EPA Audit Report Including Application Fees

List #	Facility Seq. #	Company Name	Total	FY2014	FY2014	FY2014	FY2014	Total	FY2013	FY2013	FY2013	FY2013	Total	FY2012	FY2012	FY2012	FY2012
			FY2014	Maintenance	Emissions	Application	FY2013	Maintenance	Emissions	Application	FY2012	Maintenance	Emissions	Application	Annual Fees	Fees	Fees
			Annual Fees	Fees	Fees	Fees	Annual Fees	Fees	Fees	Fees	Annual Fees	Fees	Annual Fees	Fees	Fees	Fees	
1	0091	SIERRA PACIFIC POWER COMPANY - FORT CHURCHILL GENERATING STATION	\$32,992.48	\$25,000.00	\$7,992.48	\$0.00	\$27,774.32	\$25,000.00	\$2,774.32	\$0.00	\$29,724.83	\$25,000.00	\$3,724.83	\$0.00			
2	0133	AIR LIQUIDE LARGE INDUSTRIES U.S. LP	\$5,032.99	\$0.00	\$32.99	\$5,000.00	\$5,034.14	\$0.00	\$34.14	\$0.00	\$5,076.00	\$0.00	\$38.76	\$0.00			
3	0194	SIERRA PACIFIC POWER COMPANY - TRACY GENERATING STATION	\$34,755.89	\$30,000.00	\$4,755.89	\$0.00	\$39,548.11	\$30,000.00	\$9,548.11	\$0.00	\$48,774.00	\$30,000.00	\$18,774.00	\$0.00			
4	0387	NEVADA CEMENT COMPANY	\$51,622.82	\$30,000.00	\$21,622.82	\$0.00	\$57,968.83	\$30,000.00	\$27,968.83	\$0.00	\$59,663.52	\$30,000.00	\$29,663.52	\$0.00			
5	0457	SIERRA PACIFIC POWER COMPANY - VALMY GENERATING STATION	\$142,199.40	\$30,000.00	\$107,199.40	\$5,000.00	\$143,367.14	\$30,000.00	\$108,367.14	\$5,000.00	\$221,020.68	\$30,000.00	\$188,020.68	\$5,000.00			
6	0723	NEWMONT MINING CORPORATION - TWIN CREEKS MINE	\$27,575.33	\$20,000.00	\$2,575.33	\$5,000.00	\$26,737.80	\$20,000.00	\$1,737.80	\$5,000.00	\$29,612.17	\$20,000.00	\$3,612.17	\$5,700.00			
7	0739	BARRICK GOLDSTRIKE MINES, INC. - GOLDSTRIKE MINE	\$40,529.90	\$25,000.00	\$5,529.90	\$10,000.00	\$41,261.38	\$25,000.00	\$5,261.38	\$11,000.00	\$55,420.93	\$25,000.00	\$4,420.93	\$25,500.00			
8	0786	TERRA-GLEN DIXIE VALLEY, LLC.	\$21,763.55	\$20,000.00	\$1,763.55	\$0.00	\$21,925.40	\$20,000.00	\$1,925.40	\$0.00	\$21,662.88	\$20,000.00	\$1,662.88	\$0.00			
9	0778	VERIS GOLD USA, INC. (FORMERLY QUEENSTAKE RESOURCES USA, INC.) - JERRIT CANYON MINE	\$21,857.22	\$20,000.00	\$1,857.22	\$0.00	\$21,305.51	\$20,000.00	\$1,305.51	\$200.00	\$26,905.56	\$20,000.00	\$6,905.56	\$5,700.00			
10	0793	NEWMONT MINING CORPORATION - GOLD QUARRY MINE	\$29,348.18	\$25,000.00	\$3,848.18	\$500.00	\$50,559.57	\$25,000.00	\$4,559.57	\$21,400.00	\$41,833.61	\$25,000.00	\$5,833.61	\$11,200.00			
VOID	0804	NEVADA POWER COMPANY - SUNRISE GENERATING STATION (VOID - Cancelled 10/10/12)	\$0.00	\$0.00	\$0.00	\$0.00	\$25,000.00	\$25,000.00	\$0.00	\$0.00	\$25,000.00	\$25,000.00	\$0.00	\$0.00			
11	0883	US DEPARTMENT OF THE ARMY - HAWTHORNE ARMY DEPOT	\$29,398.94	\$20,000.00	\$4,398.94	\$5,000.00	\$28,455.01	\$20,000.00	\$5,455.01	\$0.00	\$26,024.62	\$20,000.00	\$1,024.62	\$5,000.00			
12	0886	CYANCO COMPANY	\$28,698.25	\$25,000.00	\$1,698.25	\$0.00	\$31,337.38	\$25,000.00	\$1,337.38	\$5,000.00	\$31,960.54	\$25,000.00	\$1,960.54	\$5,000.00			
13	0897	NEVADA POWER COMPANY - REID-GARDNER GENERATING STATION	\$72,355.03	\$30,000.00	\$42,355.03	\$0.00	\$171,149.36	\$30,000.00	\$86,149.36	\$55,000.00	\$132,794.83	\$30,000.00	\$97,794.83	\$5,000.00			
14	1082	NANIWA ENERGY, LLC	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$20,000.00	\$20,000.00	\$0.00	\$0.00			
15	1148	REFUSE, INC	\$18,883.20	\$15,000.00	\$3,883.20	\$0.00	\$25,923.53	\$15,000.00	\$10,923.53	\$0.00	\$33,318.96	\$15,000.00	\$13,318.96	\$5,000.00			
16	1183	CARSON CITY PUBLIC WORKS	\$25,513.22	\$15,000.00	\$513.22	\$10,000.00	\$15,480.22	\$15,000.00	\$480.22	\$0.00	\$15,468.10	\$15,000.00	\$468.10	\$0.00			
17	1233	US AIR FORCE/NELLIS	\$25,313.58	\$25,000.00	\$313.58	\$0.00	\$30,461.15	\$25,000.00	\$2,461.15	\$5,200.00	\$25,028.05	\$25,000.00	\$28.05	\$0.00			
18	1284	HIGH DESERT GENERATION, LLC.	\$175.36	\$0.00	\$175.36	\$0.00	\$5,780.01	\$0.00	\$780.01	\$5,000.00	\$907.90	\$0.00	\$907.90	\$0.00			
VOID	1296	RODEO CREEK GOLD, INC. (VOID - Cancelled 10/29/12, replaced by Class 2 Permit AP1041-3127)	\$0.00	\$0.00	\$0.00	\$0.00	\$21,583.44	\$20,000.00	\$1,583.44	\$0.00	\$21,842.57	\$20,000.00	\$1,842.57	\$0.00			
19	1329	GRAYMONT WESTERN US, INC	\$46,424.55	\$30,000.00	\$16,424.55	\$0.00	\$56,823.88	\$30,000.00	\$26,823.88	\$5,000.00	\$49,901.78	\$30,000.00	\$19,901.78	\$0.00			
20	1340	CITY OF ELKO	\$15,234.56	\$15,000.00	\$234.56	\$0.00	\$15,183.52	\$15,000.00	\$183.52	\$0.00	\$15,114.40	\$15,000.00	\$114.40	\$0.00			
21	1356	CITY OF FALLON	\$15,210.44	\$15,000.00	\$210.44	\$0.00	\$15,184.93	\$15,000.00	\$184.93	\$0.00	\$15,156.86	\$15,000.00	\$156.86	\$0.00			
22	1437	GQ PRINTING CORP	\$26,285.20	\$20,000.00	\$285.20	\$5,000.00	\$20,239.80	\$20,000.00	\$239.80	\$0.00	\$20,185.53	\$20,000.00	\$185.53	\$0.00			
23	2141	BARRICK CORTEZ, INC. - CORTEZ GOLD MINES	\$36,571.71	\$20,000.00	\$771.71	\$15,800.00	\$21,449.00	\$20,000.00	\$949.00	\$800.00	\$46,194.98	\$20,000.00	\$5,894.98	\$25,600.00			
24	2189	BARRICK GOLDSTRIKE MINES, INC. - WESTERN 102 POWER PLANT	\$21,797.27	\$20,000.00	\$1,797.27	\$0.00	\$21,167.55	\$20,000.00	\$1,167.55	\$0.00	\$21,345.43	\$20,000.00	\$1,345.43	\$0.00			
25	2437	VALLEY JOIST, INC.	\$20,563.00	\$20,000.00	\$563.00	\$0.00	\$25,558.59	\$20,000.00	\$5,558.59	\$5,000.00	\$20,574.77	\$20,000.00	\$574.77	\$0.00			
26	2502	NEWMONT NEVADA ENERGY INVESTMENT, LLC	\$40,988.50	\$30,000.00	\$10,988.50	\$0.00	\$41,957.82	\$30,000.00	\$11,957.82	\$0.00	\$41,340.88	\$30,000.00	\$11,340.88	\$0.00			
Pending T-V AQOP Applications																	
27	2871	NANIWA ENERGY, LLC (Will replace Class 1 Permit AP4911-1062 upon issuance)											\$30,000.00				\$30,000.00
28	2892	RAWHIDE MINING, LLC (Will replace Class 2 Permit AP1041-1116.02 upon issuance)											\$30,000.00				\$30,000.00
29	2954	HYCROFT RESOURCES & DEVELOPMENT, INC. (Will replace Class 2 Permit AP1041-0334.02 upon issuance)											\$30,000.00				\$30,000.00
30	2985	ROUND MOUNTAIN GOLD CORPORATION	\$5,000.00			\$5,000.00							\$30,000.00				\$30,000.00
31	2987	MARIGOLD MINING COMPANY	\$500.00			\$500.00							\$30,000.00				\$30,000.00
32	2988	FLORIDA CANYON MINING, INC.											\$30,000.00				\$30,000.00
33	2972	NEWMONT MINING CORPORATION - LONE TREE MINE											\$35,000.00				\$35,000.00
34	2980	NEWMONT MIDAS OPERATIONS, INC. (Will replace Class 2 Permit AP1041-0766.02 upon issuance)											\$30,000.00				\$30,000.00
35	3126	RUBY PIPELINE, LLC (Will replace Class 1 OPTC Permit AP4922-2537 upon issuance)						\$5,000.00				\$5,000.00					
36	3392	COMSTOCK MINING, LLC (FORMERLY PLUM MINING COMPANY, LLC)	\$30,000.00			\$30,000.00											
37	3422	VERIS GOLD USA, INC. (Will replace Class 1 Permit AP1041-0778.01 upon issuance)	\$35,000.00			\$35,000.00											
Fiscal Year Fee Summary: 2012 - 2014																	
			Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
			FY2014	FY2014	FY2014	FY2014	FY2013	FY2013	FY2013	FY2013	FY2012	FY2012	FY2012	FY2012	FY2012	FY2012	FY2012
			Annual Fees	Maint. Fees	Em. Fees	App. Fees	Annual Fees	Maint. Fees	Em. Fees	App. Fees	Annual Fees	Maint. Fees	Em. Fees	App. Fees	Annual Fees	Maint. Fees	Em. Fees
			\$918,526.39	\$545,000.00	\$241,726.39	\$131,800.00	\$1,025,463.07	\$560,000.00	\$296,863.07	\$138,600.00	\$1,327,410.95	\$690,000.00	\$398,710.95	\$348,700.00			
Percentage of Total Fiscal Year Fees:			100.00%	59.33%	26.32%	14.35%	100.00%	57.53%	29.05%	13.52%	100.00%	44.46%	29.28%	26.27%			

Note: Additional late fees were collected in FY2012 totalling \$5,978.04 and \$11,608.14 in FY2014.