



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

February 25, 2009

Richard Beckstead, Permitting Manager  
Clark County Department of Air Quality and  
Environmental Management  
500 S. Grand Central Pkwy  
Las Vegas, NV 89155-5210

Re: Proposed Title V Permit for Nellis Air Force Base

Dear Mr. Beckstead:

Thank you for the opportunity to review DAQEM's proposed initial title V permit for the Nellis Air Force Base, which we received on January 14, 2009.

During our review, we identified missing applicable requirements that must be incorporated into the permit. We want to emphasize the need for DAQEM to incorporate these requirements into permits with sufficient specificity to clarify the source's compliance obligations. As my staff has discussed with you, it is our understanding that you will work with us to make the necessary corrections to the permit and statement of basis prior to issuing the permit.

We have enclosed our detailed comments. Please contact me or Roger Kohn of my staff at (415) 972-3973 or [kohn.roger@epa.gov](mailto:kohn.roger@epa.gov) if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerardo C. Rios", with a long horizontal flourish extending to the right.

Gerardo C. Rios  
Chief, Permits Office  
Air Division

Enclosure

**EPA Region 9 Comments  
Proposed Initial Title V Permit  
Nellis Air Force Base**

1. The proposed permit lacks some applicable requirements from the applicable New Source Performance Standards (“NSPS”). Some emission units at Nellis are subject to NSPS Subpart I (Hot Mix Asphalt Facilities), Subpart XX (Bulk Gasoline Terminals), and Subpart OOO (Nonmetallic Mineral Processing Plants). Yet the permit does not contain all of the applicable NSPS provisions for emission limits, monitoring, and testing. In some cases, the requirements may be present, but it is not clear because the specific NSPS citation is not provided in addition to citations to DAQEM regulations.

Subpart OOO has grain loading limits for stack emissions from transfer points and belt conveyors, and opacity limits for both stack emissions (7%) and fugitive emissions (10%) from these emission points, as well an opacity limit (15%) for crushers. See 40 CFR §60.672. DAQEM must add these opacity limits to the permit. (We note that the Technical Support Documents mentions most of these opacity limits in Table XIX-B-1; but not all of them appear in the permit.)

For the grain-loading limits in Subparts OOO and I, DAQEM discusses the fact that compliance with the source’s NSR lb/hr PM-10 limits will assure compliance with the NSPS grain-loading limit for the asphalt dryer. DAQEM should expand this streamlining analysis to include all emission units subject to NSPS grain-loading limits and NSR limits, and then cite the subsumed NSPS limits in addition to the NSR limits in the citation of origin and authority in the permit.

The permit is missing applicable requirements from Subpart XX. There are only two references to Subpart XX in the permit (on page 19). Since these citations only state “40 CFR 60 Subpart XX,” it is not clear which specific provisions are being incorporated. In addition to making these citations more specific, DAQEM must review Subpart XX, particularly the VOC standard (§60.502), test methods and procedures (§60.503), and reporting and record-keeping (§60.505) provisions and add the missing applicable requirements to the permit.

2. EPA recommends that DAQEM improve opacity monitoring for the mineral processing operations at the source (section X of the permit). It is not clear that the annual Method 9 testing required by condition X.C.1. on page 58 is sufficient to demonstrate compliance with the opacity limits, based on the maximum throughputs and the specific opacity limits that apply to the conveyors, transfer points, and crushers. (See comment #1 above for description of missing opacity limits that must be added to the permit.) It is possible that annual Method 9 testing could be sufficient, in conjunction with other visible emissions survey requirements, if the surveys can trigger Method 9 observations (additional explanation below) and if the source has a documented history of compliance with its opacity limits. However, the Technical Support Document does not explain DAQEM’s rationale for the limited opacity monitoring it selected for this section of the permit.

We note that condition X.C.2, which requires the source to “regularly observe operations and investigate any occurrence of visible fugitive dust,” is not enforceable as a practical matter because a specific frequency is not required. In addition, DAQEM has not structured this part of the permit so that these observations can trigger a Method 9 observation if visible emissions appear to exceed the opacity on an instantaneous basis, as it has in other parts of the permit. DAQEM should require visible emission observations on a specific frequency, write the permit so that these observations can trigger Method 9 observations, and consider increasing the Method 9 frequency.

3. Throughout the permit, the opacity limit is frequently stated as “The Permittee shall not allow visible emissions in excess of the 20 percent opacity standard.” In these cases, it is not clear which emission units are subject to the opacity limit. For greater clarity, we recommend that DAQEM specify which emission units are subject to the various opacity limits, either by referring to the specific emission units in the permit condition or referring to one of the tables in the permit (qualifying as appropriate, if not all the emission units in a given table are subject).
4. The applicability of two National Emission Standards for Hazardous Air Pollutants (“NESHAP”) regulations to some emission units at Nellis is not clear, based on DAQEM’s Technical Support Document (“TSD”) and proposed permit. Section IV of the permit contains two conditions that cite the NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, 40 CFR 63, Subpart BBBB. (See pages 20 and 22.). However, DAQEM’s TSD does not address the applicability of this NESHAP, which applies to area sources. Section IV also contains two conditions that cite the NESHAP for Gasoline Dispensing Facilities, Subpart CCCCC, which also applies to area sources. (See pages 19 and 23. One of these conditions is an initial notification requirement. Since this is a time-sensitive requirement with a deadline that has passed, DAQEM should delete this condition.) The TSD states that the storage tanks, loading racks and fuel dispensing activities at Nellis are subject to Subpart CCCCC, but does not provide any additional explanation.

DAQEM should clarify the applicability of Subparts BBBB and CCCCC to the facility in the TSD. If the regulations apply, DAQEM must add the appropriate applicable requirements to the permit in sufficient detail for the source and DAQEM inspectors to understand what is required. The compliance date for existing area sources subject to these regulations is January 10, 2011, which must be stated in the final permit.

5. Condition II.4 states that “In the event of any changes in control or ownership of the source, all conditions in this permit shall be binding on all subsequent owners and operators, upon execution of an administrative permit amendment.” EPA does not believe this condition is necessary because DAQEM already has the authority to issue an administrative amendment in its EPA-approved title V program. We recommend deleting the condition. However, if you choose to retain this condition in the final permit, you should revise it. The phrase “upon execution of an administrative permit amendment” could be used by a new owner, in a way that DAQEM does not intend, to claim that it is not liable for a violation that occurred after the transfer of ownership but before the permit was amended.

6. Condition 28 in Section II (General Conditions) of the permit requires the sources to promptly report deviations from permit requirements, but does not define the term "prompt." Since the term is not defined anywhere in DAQEM's air quality regulations, DAQEM should define it in this and other title V permits. We believe that "prompt" should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems.
7. DAQEM states in the TSD that the Compliance Assurance Monitoring ("CAM") rule does not apply at this time because Nellis submitted its initial title V application on June 14, 1996, "which is prior to the April 20, 1998 cut-off period." The reference to the "cut-off period" is not clear to readers not familiar with the CAM rule. We recommend that DAQEM provide Part 64 citations, and explain more clearly that CAM does not apply to "large pollutant specific emission units" until permit renewal, provided that the source submitted a complete initial title V application prior to April 20, 1998. (If Nellis has emission units that will be subject to CAM that are not "large," DAQEM can simply state that CAM will not apply until renewal.)

DAQEM also states in the TSD that Nellis "has updated its Title V application numerous times; the last request for update was received by DAQEM on March 14, 2008." In the preamble to the final CAM rule, EPA explained that:

"...if the permit application has been found complete but the permit has not issued, and the owner or operator proposes to revise the application to include a change of a type that would have been subject to the significant permit revision process, had the permit been issued, then the owner or operator must include part 64 required information for the pollutant-specific emissions unit(s) identified in the application revision. This circumstance triggers part 64 implementation because this type of permit application revision would require a second completeness determination by the permitting authority, and the implementation provision of §64.5(a)(1)(ii) would be applicable."

While it may be true that CAM does not apply to any emission unit at Nellis at this time, DAQEM should review the facility's application updates to determine if any involved emission units with control devices subject to CAM, and if so, whether the requested revisions would have constituted a significant permit revision. If none of the application updates fit this criteria, DAQEM can document this in the administrative record and explain why CAM does not apply at this time.