

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

**WHEREAS**, it is recognized that there has been a growth in the amount of complexity of air pollution in Clark County, Nevada, brought about by, and incident to, the population growth of and industrial development in the said County, which conditions are likely to be aggravated and compounded by additional population growth and industrial development in the future, all resulting in serious potential danger to the public health and welfare of the residents of said County, and substantial injury to or interference with the reasonable use and enjoyment of property and the conduct of business therein, as well as injury to agricultural crops and livestock, and hazards to air and ground transportation; and

**WHEREAS**, it is the responsibility of the Clark County Board of County Commissioners to promote and protect the health and welfare of the inhabitants of this County, which necessitates the control and regulation of activities affecting the quality of the air therein; and

**WHEREAS**, it is the public policy of Clark County and the purpose of these Regulations to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of Clark County; and

**WHEREAS**, it is the intent of these Regulations to:

- (a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout Clark County;
- (b) Maintain cooperative programs;
- (c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction; and

**WHEREAS**, the quality of air is declared to be affected with the public interest and these Regulations are enacted in the exercise of the police power of this county and the municipal entities comprising Clark County to protect the health, peace, safety and general welfare of its people as required by State law; and

**WHEREAS**, Clark County Board of County Commissioners has initiated and conducted an air pollution control program, including a comprehensive air monitoring program for the purpose of determining air quality standards and source emission standards; and

**WHEREAS**, the need for control of air contaminants, and the emission thereof at their source, was first determined by an air pollution survey of Clark County conducted in 1962 and 1963, the findings of which survey and the problems identified therein having been confirmed by subsequent measurements and experience gained in the conduct of an air pollution control program established pursuant to authority vested in the Clark County Department of Air Quality and Environmental Management; and

**WHEREAS**, the Clark County Board of County Commissioners has taken into consideration all of the facts and circumstances bearing upon the reasonableness of the emission of air contaminants in the area including but not limited to:

- (a) The character and degree of injury to or interference with health and property or the reasonable use and enjoyment of property or conduct of business;
- (b) The social and economic value of the source of air contaminants;
- (c) The technical practicability and economic reasonableness of reducing or eliminating the emission of air contaminants from such source;
- (d) The location involved, the density of population, the atmospheric condition, and the relationship of the emissions to the general air pollution condition of the area;
- (e) The cost and effectiveness of control equipment available; and
- (f) Efforts previously made and the equipment previously installed to control or decrease such emissions; and

**WHEREAS**, recent developments in State and Federal law, as well as developing air pollution control technology, and the need for more precise and equitable standards and procedures, require the updating and amendment of the current Air Quality Regulations of the Clark County Board of County Commissioners;

**NOW, THEREFORE**, the Clark County Board of County Commissioners, in accordance with the authority vested in it by Chapter 445 of Nevada Revised Statutes, does hereby adopt, promulgate and order compliance therewith within Clark County, Nevada, the following amended Regulations, to be known as "Air Quality Regulations."

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# **CLARK COUNTY AIR QUALITY REGULATIONS**

## **SECTION 0 - DEFINITIONS**

In the Regulations, defined words are CAPITALIZED.

In these Regulations, unless the context otherwise requires:

"ACT" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

"ACTUAL EMISSIONS" means the actual rate of EMISSIONS of a pollutant from an EMISSION UNIT, as determined in accordance with the following:

- (a) In general, ACTUAL EMISSIONS as of a particular date shall equal the average rate, in tons per year, at which the EMISSION UNIT actually emitted the pollutant during the two (2) year period which precedes the particular date and which is representative of normal source operation. The CONTROL OFFICER shall allow the use of a different time period upon determination that it is more representative of normal source operation. ACTUAL EMISSIONS shall be calculated using the EMISSION UNIT's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (b) The CONTROL OFFICER may presume that source specific ALLOWABLE EMISSIONS for an EMISSIONS UNIT are equivalent to the ACTUAL EMISSIONS of such EMISSION UNIT.
- (c) For any EMISSION UNIT, except as specified in (d), which has not begun normal operations on the particular date, ACTUAL EMISSIONS shall equal the POTENTIAL TO EMIT of such EMISSION UNIT on that date.
- (d) For an ELECTRIC UTILITY STEAM GENERATING UNIT (other than a new unit or the replacement of an existing unit) ACTUAL EMISSIONS of the unit following the physical or operational change shall equal the representative ACTUAL EMISSIONS of the unit, provided the source owner or operator maintains and submits to the CONTROL OFFICER on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an

EMISSIONS increase. A longer period, not to exceed ten (10) years, may be required by the CONTROL OFFICER if he determines such a period to be more representative of normal source post-change operations.

"ACTUAL INITIAL START-UP DATE" means the date when any new or Modified EMISSION UNIT within a new or Modified STATIONARY SOURCE COMMENCES operation for any reason.

"ADMINISTRATIVE CHANGE" means any change to an AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT that entails correction of typographical errors; changes to contact information (e.g., name, address, phone number, etc.) for any PERSON identified in the AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT; changes to informational aspects of the AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT.

"ADMINISTRATOR" means the ADMINISTRATOR of the federal Environmental Protection Agency (EPA) or the ADMINISTRATOR's designee.

"AFFECTED SOURCE" means a source that includes one or more AFFECTED UNITS that are subject to the acid rain requirements under Title IV of the ACT.

"AFFECTED STATES" means all STATES whose air quality may be affected that are located contiguous to or within 50 miles of Clark County, Nevada, including Arizona, California, and Utah. Any Indian Tribe located in Clark County or within 50 miles of the permitted source shall be considered an AFFECTED STATE.

"AFFECTED UNIT" means a unit that is subject to any requirement under Title IV of the ACT.

"AGGRIEVED PARTY" means only the Clark County Department of Air Quality and Environmental Management or the alleged violator with material interest in the action under consideration.

"AGRICULTURAL OPERATIONS" means the growing of crops for profit or the growing of crops for the purpose of providing life support to a considerable number of people, animals, or fowl.

"AIRPLANE REFUELING AREA" means a place capable of receiving, storing and dispensing one or more types of GASOLINE for consumption by airplanes.

"AIR POLLUTION" means the presence in the outdoor atmosphere of one or more air pollutants or any combination thereof in such quantity and duration as may tend to:

Injure human health or welfare, animal or plant life, or property;

Limit visibility or interfere with scenic, esthetic and historic values of the STATE;

Interfere with the enjoyment of life or property.

"AIR QUALITY AREA" means the AIRSHED REGIONS within Clark County, Nevada designated as a serious NONATTAINMENT AREA, moderate NONATTAINMENT AREA, MANAGEMENT AREA, or a PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA. The following table lists the AIR QUALITY AREAS for each Criteria Air Pollutant by AIR QUALITY PLANNING REGION:

AIR QUALITY AREAS for each Criteria Air Pollutant by AIR QUALITY PLANNING REGION					
	PM <sub>10</sub>	CO	VOC	NO <sub>x</sub>	SO <sub>2</sub> and Pb
Serious NONATTAINMENT AREA	LV	LV			
Moderate NONATTAINMENT AREA					
MANAGEMENT AREA	EV	EV	LV, EV, IV	LV, EV, IV	
PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA	IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	LV, EV, IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA

"AIRSHED REGION" or "AIRSHED" means an area within Clark County, Nevada consisting of one HYDROGRAPHIC AREA as listed in the following table:



AIRSHED REGIONS within Clark County, Nevada		
AIR QUALITY PLANNING REGION	AIRSHED REGION	AIR QUALITY PLANNING REGION Abbreviation
Las Vegas Valley	HYDROGRAPHIC AREA 212	LV
Eldorado Valley	HYDROGRAPHIC AREA 167	EV
North Ivanpah Valley	HYDROGRAPHIC AREA 164A	IV
South Ivanpah Valley	HYDROGRAPHIC AREA 164B	SI
Jean Lake Valley	HYDROGRAPHIC AREA 165	JL
South Hidden Valley	HYDROGRAPHIC AREA 166	SH
Garnet Valley	HYDROGRAPHIC AREA 216	GV
North Hidden Valley	HYDROGRAPHIC AREA 217	NH
Paiute Valley	HYDROGRAPHIC AREA 214	PV
Colorado River Valley	HYDROGRAPHIC AREA 213	CV
Mesquite Valley	HYDROGRAPHIC AREA 163	MS
Pahrump Valley	HYDROGRAPHIC AREA 162	PR
South Three Lakes Valley	HYDROGRAPHIC AREA 211	ST
Frenchman Flat	HYDROGRAPHIC AREA 160	FF
Indian Springs Valley	HYDROGRAPHIC AREA 161	IS
North Three Lakes Valley	HYDROGRAPHIC AREA 168	NT
Tikapoo Valley	HYDROGRAPHIC AREA 169B	TV
California Wash	HYDROGRAPHIC AREA 218	CW
Muddy River Springs Area	HYDROGRAPHIC AREA 219	MR
Lower Meadow Valley Wash	HYDROGRAPHIC AREA 205	MW
Coyote Springs Valley	HYDROGRAPHIC AREA 210	CS
Lower Moapa Valley	HYDROGRAPHIC AREA 220	LM
Virgin River Valley	HYDROGRAPHIC AREA 222	VV
Black Mountains Area	HYDROGRAPHIC AREA 215	BA
Gold Butte Area	HYDROGRAPHIC AREA 223	GB
Greasewood Area	HYDROGRAPHIC AREA 224	GA

If a HYDROGRAPHIC AREA extends beyond the boundary of Clark County and the STATE of Nevada, only the portion that is within the boundary of Nevada is included in the definition of AIRSHED REGION.

“AIR QUALITY PLANNING REGION” means an area within Clark County, Nevada consisting of one HYDROGRAPHIC AREA, as listed in the definition of AIRSHED REGION, which is used for air quality planning purposes.

"ALLOWABLE EMISSIONS" means the EMISSIONS rate of a STATIONARY SOURCE calculated using the maximum rated capacity of the source (unless the source is subject to FEDERALLY

ENFORCEABLE limits which restrict the operating rate, hours of operation, or both) and the most stringent of the following:

- (a) The applicable standards as set forth in 40 CFR Parts 60, 61 and 63;
- (b) The applicable STATE Implementation Plan (SIP) EMISSIONS limitation, including those with a future compliance date; or
- (c) The EMISSIONS rate specified as a FEDERALLY ENFORCEABLE permit condition, including those with a future compliance date.

"AMBIENT AIR" means that portion of the atmosphere, external to buildings, to which the general public has access. Land owned or controlled by the STATIONARY SOURCE and to which public access is precluded by a fence, physical barriers, or other effective means as approved by the CONTROL OFFICER is exempted from the AMBIENT AIR.

"APEX VALLEY" means the geographical area that coincides with the boundary of HYDROGRAPHIC AREA 216 (also known as Garnet Valley) as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"APPLICABLE REQUIREMENT" means all of the following as they apply to EMISSION UNITS in a PART 70 SOURCE:

- (a) Any standard or requirement included in an applicable STATE Implementation Plan (SIP) approved by EPA or Federal Implementation Plan (FIP) promulgated by EPA under Title I of the ACT, including any revisions to an Implementation Plan promulgated in 40 CFR Part 52.
- (b) Any term or condition of any preconstruction permit.
- (c) Any requirement under Section 111 (New Source Performance Standards) of the ACT.
- (d) Any requirement under Section 112 (HAZARDOUS AIR POLLUTANTS) of the ACT.
- (e) Any standard or requirement of the regulations promulgated pursuant to Title IV (Acid Rain) of the ACT.
- (f) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) (Monitoring, Analysis and Compliance) of the ACT.
- (g) Any requirement relating to solid WASTE INCINERATION under Section 129 (Solid WASTE Combustion) of the ACT.

- (h) Any requirement for consumer or commercial products under Section 183(e) (Ozone) of the ACT.
- (i) Any requirement for tank vessels under Section 183(f) (Tank Vessel Standards) of the ACT.
- (j) Any standard or requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the ACT, unless the EPA determines that any such requirement need not be contained in a PART 70 PERMIT.
- (k) Any national AMBIENT AIR quality standard or increment or visibility requirement under Part C of Title 1 of the ACT, but only as it would apply to temporary sources permitted pursuant to Section 504(e) (Temporary Sources) of the ACT.

"APPLICATION AREA" means the area where surface coating is applied by spraying, dipping or flow-coating techniques.

"ASBESTOS" means one of several minerals from the serpentine or amphibole groups that readily separate into long flexible fibers suitable for use as an incombustible, non-conducting, or chemically resistant material.

"ATTACHMENT 1" means a supplementary application to be completed by the holder of a VARIOUS LOCATION PERMIT (VLP) and submitted to the CONTROL OFFICER or his/her representative each time the Permittee changes the work location of equipment and/or other accessories authorized under the VLP.

"AUTHORITY TO CONSTRUCT/OPERATING PERMIT AMENDMENT" means any change to an AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT that documents the following:

- (a) any change to AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT that does not qualify as an ADMINISTRATIVE CHANGE or MODIFICATION OF
- (b) the removal of any EMISSION UNIT.

"AUTHORITY TO CONSTRUCT CERTIFICATE" or "AUTHORITY TO CONSTRUCT" means that certificate issued, after review of a new or modified STATIONARY SOURCE, which constitutes approval to COMMENCE CONSTRUCTION or MODIFICATION of such source.

"BANKING" means, the procedures which allow the CONTROL OFFICER to collect, identify, track, store, and reserve EMISSION REDUCTION CREDITS for future air quality management use, including sale, transfer or demonstration of maintenance or progress towards attainment, subject to conditions set out in Sections 58 and 59.

"BASELINE" means the ACTUAL EMISSIONS of a source as determined by Section 12.

"BASELINE AREA" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the ACT in which the major source or major MODIFICATION establishing the NON-MAJOR SOURCE BASELINE DATE would construct or would have an air quality impact equal to or greater than 1 µg/m<sup>3</sup> (annual average) of the pollutant for which the minor source baseline date is established.

"BASELINE CONCENTRATION" means that ambient concentration level which exists in the BASELINE area at the time of the applicable NON-MAJOR SOURCE BASELINE Date. A BASELINE CONCENTRATION is determined for each REGULATED AIR POLLUTANT for which a BASELINE date is established and shall include:

- (a) The ACTUAL EMISSIONS representative of sources in existence on the applicable NON-MAJOR SOURCE BASELINE Date, except as provided below; and
- (b) The ALLOWABLE EMISSIONS of MAJOR STATIONARY SOURCES which COMMENCED CONSTRUCTION before the MAJOR SOURCE BASELINE Date but were not in operation by the applicable NON-MAJOR SOURCE BASELINE Date.
- (c) The following shall not be included in the BASELINE CONCENTRATION and will affect the applicable maximum allowable increase(s):
  - (1) ACTUAL EMISSIONS for any MAJOR STATIONARY SOURCE on which CONSTRUCTION COMMENCED after the MAJOR SOURCE BASELINE Date; and
  - (2) ACTUAL EMISSIONS increases and decreases at any STATIONARY SOURCE occurring after the NON-MAJOR STATIONARY SOURCE BASELINE Date.

"BASELINE EMISSIONS" means the lowest of actual, SIP-allowable or RACT-allowable EMISSIONS of a stationary source.

"BEGIN ACTUAL CONSTRUCTION" means in general, initiation of physical on-site CONSTRUCTION activities on an EMISSION UNIT which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and CONSTRUCTION of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

"BEST AVAILABLE CONTROL TECHNOLOGY" means an EMISSIONS limitation (including a visible EMISSION standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed STATIONARY SOURCE or MODIFICATION which the CONTROL OFFICER, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or MODIFICATION through application of production processes or available methods, systems, and techniques, including FUEL cleaning or treatment or innovative FUEL combustion techniques for control of such pollutant. In no event shall application of BEST AVAILABLE CONTROL TECHNOLOGY result in EMISSIONS of any pollutant which would exceed the EMISSIONS allowed by any applicable standard under 40 CFR Parts 60 and 61. If the CONTROL OFFICER determines that technological or economic limitations on the application of measurement methodology to a particular EMISSION UNIT would make the imposition of an EMISSIONS standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BEST AVAILABLE CONTROL TECHNOLOGY. Such standard shall, to the degree possible, set forth the EMISSIONS reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"BEST MANAGEMENT PRACTICES" means dust CONTROL MEASURES that are based on each project soil type, project activity, and phasing as required in the Section 94 Handbook. These practices shall be included in each Dust Control Permit and Dust Mitigation Plan and are established to meet the goal of reducing particulate EMISSIONS from CONSTRUCTION sites. Additionally, some practices are designed to address the economic and environmental purposes of reducing the amount of water to be used for dust control.

"BRITISH THERMAL UNIT" means that quantity of heat required to raise the temperature of one pound of water 1 degree F.

"BUILDING, STRUCTURE, FACILITY, OR INSTALLATION" means all of the pollutant-emitting activities that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel.

"BUILDING VENT" means an opening of a building through which there is mechanically induced air flow for the purpose of exhausting air carrying PARTICULATE MATTER EMISSIONS.

"CHEMICAL PROCESS" means a manufacturing operation in which one or more changes in chemical composition, chemical properties, or physical properties are involved.

"CLEARING AND GRUBBING" means the removal of tree stumps, shrubs, trash, and dirt piles before excavation of a site.

"COMBINED TANK CAPACITY" means all GASOLINE storage tanks at the GASOLINE STATION.

"COMBUSTIBLE REFUSE" means any WASTE material that can be consumed by combustion.

"COMMENCE" as applied to CONSTRUCTION of a STATIONARY SOURCE or MODIFICATION means that the owner or operator has all necessary preconstruction approvals or permits and either has:

- (a) Begun, or caused to begin, a continuous program of actual on-site CONSTRUCTION of the source, to be completed within a reasonable time; or
- (b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual CONSTRUCTION of the source to be completed within a reasonable time.

"COMMERCIAL AND RESIDENTIAL CONSTRUCTION" means CONSTRUCTION of structures intended to be utilized solely as personal dwellings, including but not limited to single family homes, duplexes, fourplexes, apartments, condominiums, town houses; CONSTRUCTION of institutional structures, schools, libraries, churches, hospitals, parks, office structures; shopping malls; residential streets within a subdivision; improvements to existing curbed paved roads; parking lots, parking lot structures; and CONSTRUCTION of underground utilities for sanitary sewer, water, electricity, natural GAS and communication.

"COMPLEX SOURCE" means, for purposes of annual permit renewal fees, any source with POTENTIAL TO EMIT greater than 25 tons per year for any REGULATED AIR POLLUTANT or 40 tons per year combination of REGULATED AIR POLLUTANTS, except VARIOUS LOCATION ACTIVITY PERMITS (VLPs)

"CONFIDENTIAL INFORMATION" means information or records which:

- (a) Relate to dollar amounts of production or sales;
- (b) Relate to processes or production unique to the OWNER or OPERATOR; or
- (c) If disclosed, would tend to affect adversely the competitive position of the OWNER OR OPERATOR.

"CONSTRUCTION" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or MODIFICATION of an EMISSION UNIT), which would result in a change in ACTUAL EMISSIONS.

"CONSTRUCTION ACTIVITY" means the following activities: COMMERCIAL AND RESIDENTIAL CONSTRUCTION, FLOOD CONTROL CONSTRUCTION, and HIGHWAY CONSTRUCTION as defined in Section 0.

"CONTROL MEASURE" means a technique, practice, or procedure used to prevent or minimize the generation, EMISSION, entrainment, suspension, and/or airborne transport of FUGITIVE DUST.

"CONTROL OFFICER" means the Air Pollution Control Officer appointed by the COUNTY MANAGER or his designee.

"DE MINIMUS PERMIT" (also "PERMITTING DE MINIMUS") means a permit issued to a source that has demonstrated necessary controls with the application of AIR POLLUTION CONTROL technology, limits on the hours of operation, or other effective controls to maintain a POTENTIAL TO EMIT that is less than the following limits:

<b>Type of Air Pollutant</b>	<b>POTENTIAL TO EMIT (tons per year)</b>
PM <sub>10</sub>	1.0
CO	2.0
VOC	2.0
NO <sub>x</sub>	2.0
SO <sub>2</sub>	1.0
Lead (Pb)	0.3
HAZARDOUS AIR POLLUTANT (HAP)	1.0
Particulate Matter	25.0
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	50.0
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0

"DESIGNATED REPRESENTATIVE" means a responsible PERSON or official authorized by the owner or operator of a unit to represent the OWNER or OPERATOR in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit. For sources subject to the acid rain program under Title IV of the ACT, "DESIGNATED REPRESENTATIVE" shall have the meaning defined in 40 CFR Part 72.

"DESIGNATED TRAIL" means any trail designated by a public agency for use by equestrians, hikers, bicycles, or other non-motorized forms of travel.

"DIESEL FUEL" means low viscosity oil normally used in compression ignition engines.

"DISPATCHABLE PEAK SHAVING" means a program by which Peak Shaving operations will be scheduled and controlled by the serving public utility to those times essential to maintain a reliable, area-wide, supply source of electrical energy.

"DISTURBED SURFACE AREA" means a portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the EMISSION of FUGITIVE DUST.

"DRAFT PERMIT" means the version of a permit for which the CONTROL OFFICER offers public participation and AFFECTED STATE review.

"DUST PALLIATIVE" means hygroscopic material, non-toxic chemical stabilizer or other DUST PALLIATIVE material which is not prohibited for ground surface application by the federal Environmental Protection Agency (EPA) or the Nevada Department of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing FUGITIVE DUST EMISSIONS. Water, solutions of water and chemical surfactants, and foam are not DUST PALLIATIVES for the purpose of these Regulations.

"DUST SUPPRESSANT" means water, hygroscopic material, solution of water and chemical surfactants, foam, non-toxic chemical stabilizer or any other DUST PALLIATIVE which is not prohibited for ground surface application by the federal Environmental Protection Agency (EPA) or the Nevada Department of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing FUGITIVE DUST EMISSIONS.

"EASEMENT" means the grant to a PERSON a right of use of a property given by the property owner for a specific purpose, or a prescriptive right as determined by a court of law.

"EASEMENT HOLDER" means any PERSON who owns, leases, operates, controls, or supervises an EASEMENT.

"ELECTRIC UTILITY STEAM GENERATING UNIT" means any steam electric generating unit that is constructed for the purpose of supplying more than one third (1/3) of its potential electric output capacity and more than twenty-five (25) MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"ELDORADO VALLEY" means the geographical area that coincides with the boundary of the HYDROGRAPHIC AREA 167 as reported in the Hydrographic Areas Map, prepared by the



Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"EMERGENCY" means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including Acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based EMISSION limitation under the permit, due to unavoidable increases in EMISSIONS attributable to the EMERGENCY. An EMERGENCY shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

"EMERGENCY STANDBY GENERATOR" means an internal combustion engine that powers an electric generator permanently installed on the users' property to provide electrical energy on an EMERGENCY and standby basis for life safety functions and general business functions during the loss of utility power and EMERGENCY situations. These functions include EMERGENCY lighting, ventilation and smoke control, elevators, exit lights, fire pumps, and other life safety functions as required by the Uniform Building Code and the Uniform Fire Code.

"EMERGENCY STANDBY DIESEL POWERED GENERATOR" means a diesel power electric generator permanently installed on the users' property to provide electrical energy on an EMERGENCY and standby basis for life safety functions and general business functions during the loss of utility power and EMERGENCY situations. These functions include EMERGENCY lighting, ventilation and smoke control, elevators, exit lights, fire pumps, and other life safety functions as required by the Uniform Building Code and the Uniform Fire Code.

"EMISSION" or "EMIT" means the release or the passing into the atmosphere of a REGULATED AIR POLLUTANT.

"EMISSION REDUCTION CREDIT (ERC)" means a unit of emission reduction, measured in tons per year, that has been applied for and accepted by the CONTROL OFFICER in accordance with the provisions of Section 52, Section 58, and Subsection 12.4 of previous air quality regulations (revision dates May 27, 1993 through May 24, 2001 inclusive).

- (a) A Subsection 12.4 ERC shall have a verifiable existence, and have a QUANTIFIABLE reduction in EMISSIONS. SUBSECTION 12.4 ERCs cannot be used to satisfy FEDERAL OFFSET REQUIREMENTS.
- (b) A Section 52 ERC shall represent a PERMANENT, QUANTIFIABLE and enforceable reduction in EMISSIONS. In addition, emission reductions shall have a verifiable existence. Section 52 ERCs cannot be used to satisfy FEDERAL OFFSET REQUIREMENTS. Section 52 ERCs may only OFFSET VOC EMISSIONS from GASOLINE DISPENSING FACILITIES.

- (c) A Section 58 EMISSION REDUCTION CREDIT (ERC) shall mean an emission reduction which has been applied for and accepted by the CONTROL OFFICER in accordance with provisions of Section 58. A Section 58 ERC shall represent a SURPLUS, PERMANENT, QUANTIFIABLE and FEDERALLY ENFORCEABLE reduction in EMISSIONS below a stationary source's BASELINE EMISSIONS. In addition, emission reductions shall have a verifiable existence. A Section 58 ERC shall be FEDERALLY ENFORCEABLE prior to issuance of the AUTHORITY TO CONSTRUCT/OPERATING PERMIT. A Section 58 ERC can be used to satisfy FEDERAL OFFSET REQUIREMENTS.

"EMISSION UNIT" means any part of a STATIONARY SOURCE that EMITS or has the POTENTIAL To EMIT any REGULATED AIR POLLUTANT or any pollutant listed under Section 112(b) of the ACT.

- (a) Examples of EMISSION UNITS include but are not limited to the following: any process which can be assigned to a Source Classification Code (SCC), such as crushers, screens, conveyer belt systems, storage silos, stockpiles, boilers, heaters, mining operation, combustion turbines, kilns, haul roads within a permitted facility, and stationary engines with rating of at least 35 hp or 26 kilowatts.
- (b) The following are examples of emission units and may be subject to a fee pursuant to Section 18:

	<b>EMISSION UNIT</b>
1.	Stationary heated asphalt storage tank
2.	Combustion turbine
3.	Sand & gravel or hard rock crusher
4.	EMERGENCY STANDBY GENERATOR
5.	FUEL BURNING EQUIPMENT (i.e. boilers)
6.	Paved and Unpaved Roads
7.	GASOLINE storage tank
8.	Kiln
9.	Mechanical screen
10.	Mining operation
11.	PROCESS EQUIPMENT
12.	STATIONARY INTERNAL COMBUSTION ENGINE
13.	Stationary tank, reservoir, or other container
14.	Storage silo

"EMISSIONS ALLOWABLE UNDER THE PERMIT" means a FEDERALLY ENFORCEABLE permit term or condition determined at issuance to be required by an APPLICABLE REQUIREMENT that establishes an EMISSIONS limit (including a work practice standard) or a FEDERALLY

ENFORCEABLE EMISSIONS cap that the source has assumed to avoid an APPLICABLE REQUIREMENT to which the source would otherwise be subject.

"EPA" means the Environmental Protection Agency (EPA).

"ETHANOL" means an alcohol with the chemical formula CH<sub>3</sub>CH<sub>2</sub>OH. ETHANOL has been approved by EPA as an additive for unleaded GASOLINE for blends up to 10 percent by volume. Federal law allows a rebate from the federal GASOLINE sales tax, for GASOLINE containing a blend of 10 percent ETHANOL by volume. 100 grams of ETHANOL contains approximately 35 grams of combined oxygen.

"EXEMPT STATIONARY SOURCE" means a STATIONARY SOURCE with EMISSIONS, calculated without the application of AIR POLLUTION control technology or limits on the hours of operation or throughputs that are less than all of the following enumerated limits for all non-specified sources (those sources not listed as a "Specified STATIONARY SOURCE", as defined by STATIONARY SOURCE, subsection (a) of this Section):

<b>Type of Air Pollutant</b>	<b>Uncontrolled Emissions (tons per year)</b>
PM <sub>10</sub>	1.0
CO	2.0
VOC	2.0
NO <sub>x</sub>	2.0
SO <sub>2</sub>	1.0
Lead (Pb)	0.3
HAZARDOUS AIR POLLUTANT (HAP)	1.0
Particulate Matter	1.0
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0

"EXISTING EMISSION UNIT" means, unless otherwise specified in these Regulations, an EMISSION UNIT that COMMENCED CONSTRUCTION or MODIFICATION prior to August 25, 1971.

"EXISTING STATIONARY SOURCE" means, unless otherwise specified in these Regulations, any STATIONARY SOURCE that COMMENCED CONSTRUCTION or MODIFICATION prior to August 25, 1971.

"FEDERAL LAND MANAGER" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

"FEDERALLY ENFORCEABLE" means all limitations and conditions which are enforceable by the EPA, including those requirements developed pursuant to Title 40 Code of Federal Regulations (CFR) Parts 60, 61, and 63 requirements within any applicable STATE implementation plan, any permit requirements established pursuant to Title 40 CFR 52.21 or under regulations approved pursuant to Title 40 CFR Part 51, Subpart I, including OPERATING PERMITS issued under an EPA-approved program that is incorporated in the STATE implementation plan and expressly requires adherence to any permit and/or AUTHORITY TO CONSTRUCT issued under such program. This includes limitations and conditions contained in an OPERATING PERMIT issued under a program established and authorized by Title 40 CFR, Part 70.

"FINAL PERMIT" means the version of a PART 70 PERMIT issued by the CONTROL OFFICER that has completed all review procedures required by Subsections 19.5 and 19.6.

"FLOOD CONTROL CONSTRUCTION" means CONSTRUCTION of flood detention basins, flood diversion channels, box culverts, and excavations intended to capture or retain water.

"FREEBOARD RATIO" means the ratio determined by dividing the freeboard height (area above the cooling coils to the top of the tank) by the smaller of the length or width of the degreaser.

"FUEL" means any form of combustible matter (solid, liquid VAPOR, or GAS), excluding COMBUSTIBLE REFUSE.

"FUEL BURNING EQUIPMENT" means any device used for the burning of FUEL for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with any other materials.

"FUEL OIL" means a liquid or liquefiable petroleum product normally produced, manufactured, used, or sold for the purpose of creating useful heat.

"FUGITIVE DUST" means PARTICULATE MATTER, which is not collected by a capture system, which is entrained in the AMBIENT AIR and which is caused from human and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of these Regulations, FUGITIVE DUST does not include PARTICULATE MATTER emitted directly from the exhaust of MOTOR VEHICLES and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from pile drivers, and does not include EMISSIONS from process and combustion sources that are subject to other Sections of these Regulations.

"FUGITIVE EMISSIONS" means those EMISSIONS which could not reasonably pass through a STACK, chimney, vent, or other functionally equivalent opening.

"FUGITIVE GAS" means gaseous matter emitted from any source other than a vent or STACK.

"GARBAGE" means putrescible animal or vegetable refuse.

"GAS" means matter which has neither independent shape nor volume and tends to expand indefinitely.

"GASOLINE" means any petroleum distillate having a Reid VAPOR pressure of 4 pounds per square inch or greater.

"GASOLINE DISPENSING FACILITY" means a facility, except bulk distribution terminal, that is capable of receiving, storing, and dispensing to a MOTOR VEHICLE one or more grades of GASOLINE.

"GASOLINE STATION" means a place capable of receiving, storing, and dispensing one or more grades of GASOLINE for use in MOTOR VEHICLES.

"GENERAL PERMIT" means a Part 70 Permit that meets the requirements of Subsection 19.4.4

"HAZARDOUS AIR POLLUTANT" means any air pollutant listed pursuant to Section 112(b) of the ACT including the following list:

<b>CAS Number</b>	<b>Chemical Name</b>
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic Acid
107131	Acrylonitrile
107051	Allyl Chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	ASBESTOS
71432	Benzene (including Benzene from GASOLINE)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl Chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate(DEHP)

<b>CAS Number</b>	<b>Chemical Name</b>
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium Cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon Disulfide
56235	Carbon Tetrachloride
463581	Carbonyl Sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic Acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl Methyl Ether
126998	Chloroprene
1319773	Cresols/Cresylic Acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, Salts and Esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-Chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidine
111444	Dichloroethyl Ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl Aniline (N,N-Dimethylaniline)
64675	Diethyl Sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl Aminoazobenzene
119937	3,3-Dimethyl Benzidine
79447	Dimethyl Carbamoyl Chloride

<b>CAS Number</b>	<b>Chemical Name</b>
68122	Dimethyl Formamide
57147	1,1-Dimethyl Hydrazine
131113	Dimethyl Phthalate
77781	Dimethyl Sulfate
534521	4,6-Dinitro-o-Cresol, and Salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-Epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl Acrylate
100414	Ethyl Benzene
51796	Ethyl Carbamate (Urethane)
75003	Ethyl Chloride (Chloroethane)
106934	Ethylene Dibromide (Dibromoethane)
107062	Ethylene Dichloride (1,2-Dichloroethane)
107211	Ethylene Glycol
151564	Ethylene Imine (Aziridine)
75218	Ethylene Oxide
96457	Ethylene Thiourea
75343	Ethylidene Dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-Diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric Acid
7664393	Hydrogen Fluoride (Hydrofluoric Acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic Anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl Bromide (Bromomethane)
74873	Methyl Chloride (Chloromethane)
71556	Methyl Chloroform (1,1,1-Trichloroethane)

<b>CAS Number</b>	<b>Chemical Name</b>
78933	Methyl Ethyl Ketone (2-Butanone)
60344	Methyl Hydrazine
74884	Methyl Iodide (Lodomethane)
108101	Methyl Isobutyl Ketone (Hexone)
624839	Methyl Isocyanate
80626	Methyl Methacrylate
1634044	Methyl Tert Butyl Ether
101144	4,4-Methylene Bis(2-Chloroaniline)
75092	Methylene Chloride (Dichloromethane)
101688	Methylene Diphenyl Diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-Methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic Anhydride
1336363	Polychlorinated Biphenyls (Aroclors)
1120714	1,3-Propane Sultone
57578	Beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene Dichloride (1,2-Dichloropropane)
75569	Propylene Oxide
75558	1,2-Propylenimine (2-Methyl Aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene Oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)



<b>CAS Number</b>	<b>Chemical Name</b>
7550450	Titanium Tetrachloride
108883	Toluene
95807	2,4-Toluene Diamine
584849	2,4-Toluene Diisocyanate
95534	o-Toluidine
8001352	Toxaphene (Chlorinated Camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl Acetate
593602	Vinyl Bromide
75014	Vinyl Chloride
75354	Vinylidene Chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including Arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds
0	Glycol Ethers
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine Mineral Fibers
0	Nickel Compounds
0	Polycyclic Organic Matter
0	Radionuclides (including Radon)
0	Selenium Compounds

"HEARING BOARD" means seven (7) members appointed by the Clark County Board of County Commissioners to perform the function set forth in the Nevada Revised Statutes and these Regulations.

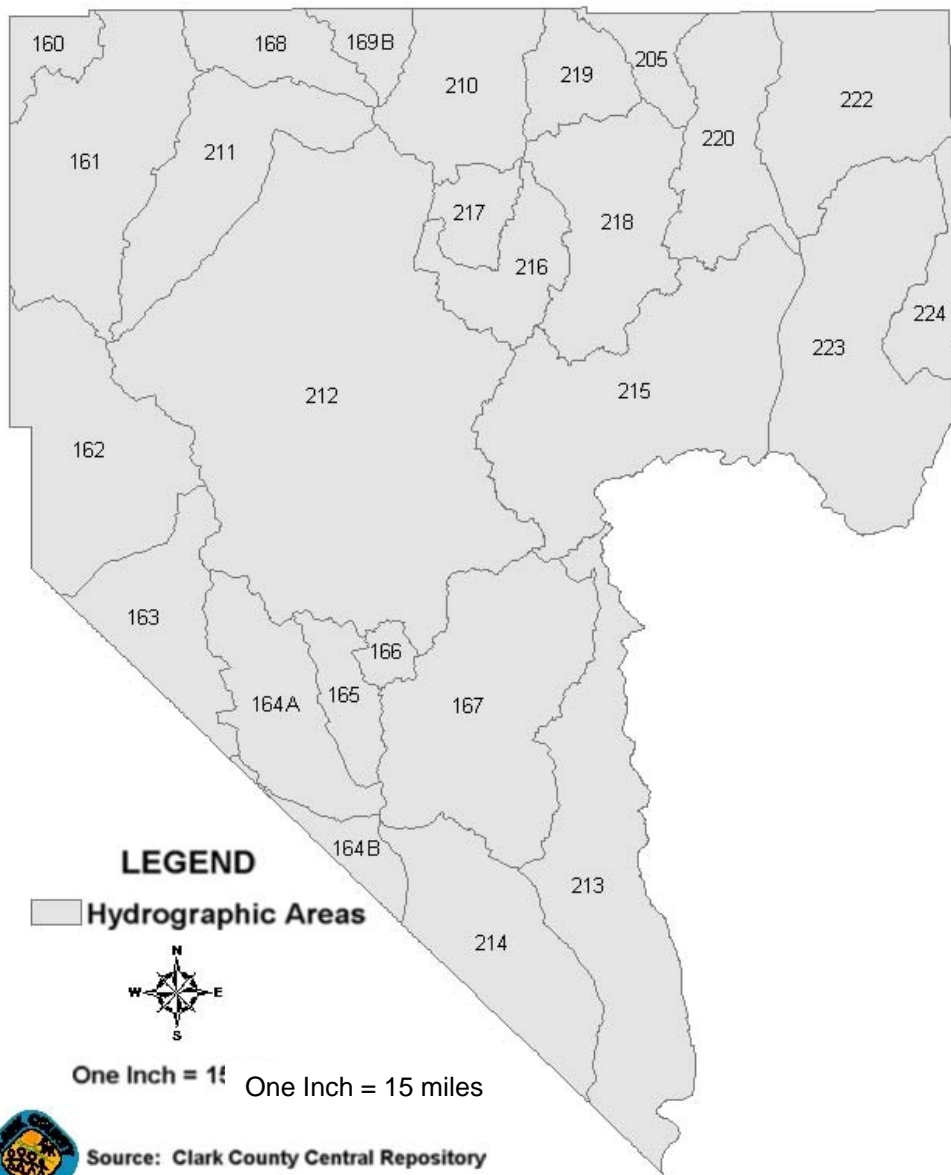
"HEARING OFFICER" means an individual(s) appointed or contracted by the Clark County Board of County Commissioners to perform the function set forth in the Nevada Revised Statutes and these Regulations.

"HIGHLY VOLATILE SOLVENT" means a solvent whose volatility is greater than 0.6 PSI at 100° F.

"HIGHWAY CONSTRUCTION" means CONSTRUCTION of roadway systems including; arterials, expressways, interstates, tunnels, overpasses, bridges, interchanges and airport runway improvements but not residential streets within a subdivision.

"HYDROGRAPHIC BASIN AREAS" or "HYDROGRAPHIC AREAS" means the areas within Clark County, Nevada as defined in the STATE OF NEVADA - Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. A hydrographic area may extend into adjacent county(s), but the hydrographic area will terminate at the state boundary. For quick reference the following map is provided that represents the HYDROGRAPHIC AREAS and AIR QUALITY PLANNING REGIONS within the Clark County boundary and exclude only the portion of the hydrographic area that is outside of the Nevada boundary:

# Hydrographic Areas in Clark County



This information is for display purposes only. No Liability is assumed as to the accuracy of the data delineated hereon.

October 15, 2002

"INCINERATOR" means a combustion device specifically designed for the destruction, by high temperature burning, of COMBUSTIBLE REFUSE and from which the solid residues contain little or no combustible material.

"IVANPAH VALLEY" means the geographical area that coincides with the boundary of the HYDROGRAPHIC AREA 164A (also known as North Ivanpah Valley) as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"LARGE APPLIANCES" means doors, cases, lids, panels and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

"LAS VEGAS VALLEY" means that geographical area that coincides with the boundary of the HYDROGRAPHIC AREA 212 as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"LEAK FREE" means a liquid leak of less than four drops per minute.

"LOW ORGANIC SOLVENT COATING" means coatings which contain less organic solvents than conventional coatings used by industry. Low organic coatings include water-borne, higher solids, electrodeposition and powders.

"LOWEST ACHIEVABLE EMISSION RATE" means for any source, the more stringent rate of EMISSIONS based on the following:

- (a) The most stringent EMISSIONS limitation that is contained in the STATE Implementation Plan of any STATE for such class or category of STATIONARY SOURCE, unless the owner or operator of the proposed STATIONARY SOURCE demonstrates that such limitations are not achievable; or
- (b) The most stringent EMISSIONS limitation which is achieved in practice by such class or category of STATIONARY SOURCES. This limitation, when applied to a MODIFICATION, means the lowest achievable EMISSIONS rate for the new or MODIFIED EMISSION UNITS within the STATIONARY SOURCE. In no event shall the application of the term permit a proposed new or MODIFIED STATIONARY SOURCE to EMIT any pollutant in excess of the amount allowable under an applicable new source standard of performance.

"MAJOR MODIFICATION" means

- (a) a MODIFICATION which results in a Net EMISSIONS Increase for any REGULATED AIR POLLUTANT at any MAJOR STATIONARY SOURCE equal to or exceeding the following amounts:

<b>Air Pollutant</b>	<b>Emission Rate (tons per year)</b>
PM <sub>10</sub>	15
CO	70
VOC	40
NO <sub>x</sub>	40
SO <sub>2</sub>	40
Lead	0.6
HAZARDOUS AIR POLLUTANT (HAP)	10
ASBESTOS	0.007
Beryllium	0.0004
Mercury	0.1
Vinyl Chloride	1.0
Fluorides	3.0
Sulfuric Acid Mist	7.0
Hydrogen Sulfide (H <sub>2</sub> S)	10
Total Reduced Sulfur (including H <sub>2</sub> S)	10
Reduced Sulfur Compounds	10
Municipal WASTE Combustor Organics	0.0000035
Municipal WASTE Combustor Metals	15
Municipal WASTE Combustor Acid Gases	40
Particulate Matter	25
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	50
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0

- (b) or, at such time that a particular source or MODIFICATION becomes a MAJOR STATIONARY SOURCE or MAJOR MODIFICATION solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or MODIFICATION otherwise to EMIT a pollutant, such as a restriction on hours of operation, then the requirements of the Air Quality Regulations shall apply to the source or MODIFICATION as though CONSTRUCTION had not yet COMMENCED on the source or MODIFICATION.

"MAJOR PART 70 SOURCE" means any STATIONARY SOURCE or any group of STATIONARY SOURCES that are located on one or more contiguous or adjacent properties, and are under common control of the same PERSON (or PERSONS under common control) that EMITS or has the potential to EMIT:

- (a) Any REGULATED AIR POLLUTANT equal to or exceeding the following:

Air Pollutant	MANAGEMENT AREA or NONATTAINMENT AREA Emission Rate (Controlled) (tons per year)	PSD AREA Emission Rate (Controlled) (tons per year)
PM <sub>10</sub>	70	100
CO	70	100
VOC	50	100
NO <sub>x</sub>	50	100
SO <sub>2</sub>		100
Lead (Pb)		0.6
HAZARDOUS AIR POLLUTANT (HAP)		10 each or 25 combined
Particulate Matter		100
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		100
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		1.0

- (b) Or, except for radionuclides, ten (10) tons per year of any HAZARDOUS AIR POLLUTANT listed pursuant to Section 112(b) of the Clean Air Act or any combination of HAZARDOUS AIR POLLUTANTS exceeding twenty-five (25) tons per year or such lesser quantities as may be determined by the EPA. For radionuclides, "major source" shall have the meaning specified by the ADMINISTRATOR by rule.

For STATIONARY SOURCES subject to 40 CFR Part 60.670 (Subpart OOO-Standards of Performance for NON-METALLIC MINERAL Processing Plants), effective July 1, 1997, FUGITIVE EMISSIONS, not considered to be a HAZARDOUS AIR POLLUTANT, shall be included for purposes of determining whether a source is major.

For all other STATIONARY SOURCE categories, FUGITIVE EMISSIONS shall be included for the purposes of determining whether a source is major.

"MAJOR SOURCE BASELINE DATE" means the date after which ACTUAL EMISSIONS associated with CONSTRUCTION (i.e., physical changes or changes in the method of operation) at a MAJOR STATIONARY SOURCE affect the available Prevention of Significant Deterioration (PSD) Increment for a specific area (as defined in Subsection 12.2). The MAJOR SOURCE BASELINE DATE is:

Pollutant	Date
PM <sub>10</sub>	January 6, 1975
SO <sub>2</sub>	January 6, 1975
NO <sub>2</sub>	February 8, 1988

"MAJOR STATIONARY SOURCE" - see "STATIONARY SOURCE" definition

"MALFUNCTION" means an UPSET/BREAKDOWN which meets the guidelines specified in Section 25. The resulting excess EMISSIONS may not be a violation if certain conditions are met.

"MANAGEMENT AREA" means an AIR QUALITY AREA designated by the CONTROL OFFICER to be of special interest for specific pollutants due to the following: potential transport of a pollutant into a NONATTAINMENT AREA; an area with a high growth rate potential; an area with ambient air quality approaching the NAAQS or increment limit; an area previously designated as a NONATTAINMENT AREA that is presently designated as an Attainment Area; or per the request from a municipality. This designation is a preemptive measure to address an area that has a high probability of causing a NONATTAINMENT AREA designation or causing an exceedence of the National Ambient Air Quality Standard (NAAQS).

"MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)" with respect to the following source types means:

- (a) For EXISTING STATIONARY SOURCES, the EMISSION limitation reflecting the maximum degree of reduction in EMISSIONS of HAZARDOUS AIR POLLUTANTS (including a prohibition on such EMISSIONS, where achievable) that the CONTROL OFFICER, taking into consideration the cost of achieving such EMISSION reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such EMISSION standard applies. This limitation shall not be less stringent than the MACT Floor;
- (b) For new STATIONARY SOURCES, the EMISSION limitation which is not less stringent than the EMISSION limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in EMISSIONS of HAZARDOUS AIR POLLUTANTS (including a prohibition on such EMISSIONS, where achievable) that the ADMINISTRATOR, taking into consideration the cost of achieving such EMISSION reduction, and any non-air

quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such EMISSION standard applies.

"MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) FLOOR" with respect to the number of sources in a category or subcategory means:

- (a) For categories or subcategories of STATIONARY SOURCES with thirty (30) or more sources, the average EMISSION limitation achieved by the best performing twelve (12) percent of the existing sources in the United States (for which the ADMINISTRATOR has EMISSIONS information), excluding those sources that have, within eighteen (18) months before the EMISSION standard is proposed or within thirty (30) months before such standard is promulgated, whichever is later, first achieved a level of EMISSION rate or EMISSION reduction which complies, or would comply if the source is not subject to such standard, with the LOWEST ACHIEVABLE EMISSION RATE (LAER), applicable to the source category and prevailing at the time, in the category or subcategory;
- (b) For categories or subcategories of STATIONARY SOURCES with fewer than thirty (30) sources, the average EMISSION limitation achieved by the best performing five (5) sources in the United States (for which the ADMINISTRATOR has or could reasonably obtain EMISSIONS information), in the category or subcategory.

"METHYL TERTIARY BUTYL ETHER" means an ether with the chemical formula  $(\text{CH}_3)_3\text{C}(-\text{OCH}_3)$ . MTBE has been approved by EPA as an additive for unleaded GASOLINE for blends up to 15 percent by volume. 100 grams of MTBE contains approximately 19 grams of combined oxygen.

"MODIFICATION" means any physical change in or change in the method of operation of a STATIONARY SOURCE that would result in a NET EMISSIONS INCREASE for any REGULATED AIR POLLUTANT at such STATIONARY SOURCE, or would result in the EMISSION of any REGULATED AIR POLLUTANT into the atmosphere not previously emitted, or the addition of any EMISSION UNIT.

- (a) A physical change or change in the method of operation shall not include:
  - (1) Routine maintenance, repair and replacement, except RECONSTRUCTION.
  - (2) The use of an alternative FUEL or raw material by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C.A. 792 or any



superseding legislation) or by reason of a natural GAS curtailment plan in effect pursuant to the Federal Power Act (U.S.C. Title 16, Chapter 12).

- (3) The use of an alternative FUEL by reason of an order or rule under Section 125 of the ACT.
- (4) Use of an alternative FUEL at a steam-generating unit to the extent that the FUEL is generated from municipal solid WASTE.
- (5) Use of an alternative FUEL or raw material by the STATIONARY SOURCE which:
  - (i) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any FEDERALLY ENFORCEABLE permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Subpart I or 40 CFR 51.166; or,
  - (ii) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166.
- (6) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any FEDERALLY ENFORCEABLE permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21, or under regulations approved pursuant to 40 CFR Subpart I or 40 CFR 51.166.
- (7) Any change in ownership at a STATIONARY SOURCE.

"MODIFIED EMISSION UNIT" means any EMISSION UNIT which undergoes, as part of a MODIFICATION at a STATIONARY SOURCE, a physical change or change in method of operation that would result in an increase in EMISSIONS from such EMISSION UNIT.

"MOTOCROSS RACE COURSE" means a closed loop course established on improved or unimproved property upon which the actual track may be dirt, gravel, pavements or other surface encompassing an area of less than 50 acres.

"MOTOR VEHICLE" means every device in, upon or by which any PERSON or property is, or may be, transported or drawn upon a road or highway, except devices moved by human power or used exclusively upon stationary rails.

"MTBE" means METHYL TERTIARY BUTYL ETHER.

"MULTIPLE CHAMBER INCINERATOR" means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of COMBUSTIBLE REFUSE by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by GAS passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"NATURAL COVER" means any vegetation which exists on the property.

"NECESSARY PRECONSTRUCTION APPROVALS OR PERMITS" means those permits or approvals required under Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable STATE Implementation Plan.

"NET EMISSIONS INCREASE"

- (a) "NET EMISSIONS INCREASE" means the amount by which the sum of the following exceeds zero:
  - (1) Any increase in ACTUAL EMISSIONS from a particular physical change or change in method of operation at a STATIONARY SOURCE; and
  - (2) Any other increases and decreases in ACTUAL EMISSIONS at a source that are contemporaneous with the particular change, are otherwise creditable, and occurring between pollutant emitting activities and considered as part of the same industrial grouping and belonging to the same Major Group (i.e., which have the same two-digit code).
- (b) An increase or decrease in ACTUAL EMISSIONS is contemporaneous with the increase from the particular change only if it occurs between:
  - (1) The date five years before CONSTRUCTION on the particular change COMMENCES; and
  - (2) The date that the increase or decrease from the particular change occurs.
- (c) An increase or decrease in ACTUAL EMISSIONS is creditable only if the CONTROL OFFICER has not relied on it in issuing a permit and/or an AUTHORITY TO CONSTRUCT for the source under Air Quality Regulations, which permit is in effect when the increase in ACTUAL EMISSIONS from the particular change occurs.

- (d) An increase or decrease in ACTUAL EMISSIONS of sulfur dioxide, PM<sub>10</sub>, or nitrogen oxides which occurs before the applicable minor source BASELINE Date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- (e) An increase in ACTUAL EMISSIONS is creditable only to the extent that the new level of ACTUAL EMISSIONS exceeds the old level.
- (f) A decrease in ACTUAL EMISSIONS is creditable only to the extent that:
  - (1) The old level of ACTUAL EMISSIONS or the old level of ALLOWABLE EMISSIONS, whichever is lower, exceeds the new level of ACTUAL EMISSIONS;
  - (2) It is FEDERALLY ENFORCEABLE at and after the time that actual CONSTRUCTION on the particular change begins;
  - (3) The reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51 subpart I or the STATE has not relied on it in demonstrating attainment or reasonable further progress; and
  - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (g) An increase that results from a physical change at a source occurs when the EMISSION UNIT on which CONSTRUCTION occurred becomes operational and begins to EMIT a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period not to exceed 180 days.
- (h) The following examples are provided on how to calculate a NET EMISSIONS INCREASE (NEI):

Example 1

Given Information:

Increase in Production MODIFICATION -No change in Process  
 Source's existing POTENTIAL TO EMIT (PTE): 60 tons/year  
 Source's new POTENTIAL TO EMIT: 80 tons/year  
 Source's existing ACTUAL EMISSIONS (AE): 50 tons/year

$$\text{NEI} = (\text{new PTE}) - (\text{existing AE})$$

NEI = 80 - 50  
NEI = 30 tons per year

- ◆ In the situation of identical process with an increase in production MODIFICATION, the existing ACTUAL EMISSIONS and the new POTENTIAL TO EMIT must be calculated using the same EMISSION factors. The existing ACTUAL EMISSIONS are based on actual production over the appropriate period prior to application submission.

#### Example 2

Given Information:

New Process MODIFICATION

Source's existing POTENTIAL TO EMIT (PTE): 60 tons/year

Source's new POTENTIAL TO EMIT: 65 tons/year

Source's existing ACTUAL EMISSIONS (AE): 50 tons/year

NEI = (new PTE) – (existing AE)

NEI = 65 - 50

NEI = 15 tons per year

- ◆ In the situation of new process MODIFICATION, the existing ACTUAL EMISSIONS and the new POTENTIAL TO EMIT must be calculated using the most recently updated EMISSION factors. The existing ACTUAL EMISSIONS are based on actual production over the appropriate period prior to application submission.

"NONATTAINMENT AREA" means that area which has been designated as nonattainment for the National AMBIENT AIR Quality Standards by the Environmental Protection Agency.

"NON-MAJOR SOURCE BASELINE DATE" means the earliest date after the TRIGGER DATE on which a MAJOR STATIONARY SOURCE or MAJOR MODIFICATION submits a complete Prevention of Significant Deterioration (PSD) permit application to the CONTROL OFFICER. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

- (a) The area in which the proposed source or MODIFICATION would construct is designated as attainment or unclassifiable under Section 170(d) of the ACT for the pollutant on the date of its complete application under Air Quality Regulations approved pursuant to 40 CFR § 51.166; and
- (b) In the case of MAJOR STATIONARY SOURCE, the pollutant would be emitted in significant amounts, or, in the case of a MAJOR MODIFICATION, there would be a significant NET EMISSIONS INCREASE of the pollutant.

"NON-METALLIC MINERAL" means any of the following minerals or any mixture of which more than fifty percent (50%) by weight is any of the following minerals:

- (a) Crushed and Broken Stone, including Limestone, Dolomite, and Sandstone;
- (b) Sand and Gravel;
- (c) Clay, including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay;
- (d) Rock Salt;
- (e) Gypsum;
- (f) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate;
- (g) Pumice;
- (h) Gilsonite;
- (i) Talc and Pyrophyllite;
- (j) Boron, including Borax, Kernite, and Colemanite;
- (k) Barite;
- (l) Flurorspar;
- (m) Feldspar;
- (n) Diatomite;
- (o) Perlite;
- (p) Vermiculite;
- (q) Mica; and
- (r) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

"NON-METALLIC MINERAL PROCESSING PLANT" means any combination of equipment that is used to batch, screen, convey, crush, grind, or treat any NON-METALLIC MINERAL.

"NON-ROAD EASEMENT" means an easement not utilized by the EASEMENT HOLDER, or others with the permission of the EASEMENT HOLDER, for travel by MOTOR VEHICLE more often than 12 times within any 12 month period.

"NORMAL FARM CULTURAL PRACTICE" means all activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

"NUISANCE" means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the reasonable or comfortable enjoyment of life or property.

"ODOR" means those qualities of matter that make it perceptible to the olfactory senses of man.

"OFF-ROAD VEHICLE" means any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motor buggies.

"OFFSET" means to compensate for an emission increase by decreasing emissions at a specified ratio. EMISSION REDUCTION CREDITS (ERCs) are redeemed for the purpose of satisfying an OFFSET requirement found in an AUTHORITY TO CONSTRUCT CERTIFICATE or OPERATING PERMIT. The OFFSET shall be applied for and accepted by the CONTROL OFFICER pursuant to the conditions found in Section 59.

- (a) "FEDERAL OFFSET REQUIREMENT" means an offset requirement that is found in the Clean Air Act (CAA) and amendments thereof. The FEDERAL OFFSET REQUIREMENTS are found in Section 59.
- (b) "LOCAL OFFSET REQUIREMENT" means an offset requirement that is not federally mandated. The LOCAL OFFSET REQUIREMENTS are found in Section 59 of the Clark County Air Quality Regulations.

"OPACITY" means the degree to which EMISSIONS reduce the transmission of light and obscure the view of an object in the background and is measured in terms of percent of obscuration.

"OPEN AREAS AND VACANT LOTS" means any of the following described in Subsections (a) through (e) below. For the purpose of this Regulation, vacant portions of residential or

commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant OPEN AREA or VACANT LOT.

- (a) An unsubdivided or undeveloped tract of land.
- (b) A subdivided lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.
- (c) An undeveloped or partially developed lot.
- (d) NON-ROAD EASEMENTS.
- (e) Unpaved parts of controlled access freeway right-of-ways, except those portions subject to Section 93 requirements.

"OPEN FIRE" means any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a STACK or chimney.

"OPERATING PERMIT" means a document issued and signed by the CONTROL OFFICER authorizing, with conditions, the operation of a STATIONARY SOURCE of any REGULATED AIR POLLUTANT.

"OWNER AND/OR OPERATOR" means for the purposes of Sections 90 through 94, any PERSON who owns, leases, operates, maintains, controls, or supervises a FUGITIVE DUST source subject to the requirements of these Regulations.

"OXYGENATED GASOLINE" means GASOLINE blended with a component or components containing Oxygen, generally an alcohol or an ether.

"PART 70 PERMIT" means any permit or group of permits covering a PART 70 SOURCE that is issued, renewed, amended, or revised pursuant to Section 19.

"PART 70 PERMIT MODIFICATION" means a revision to a PART 70 PERMIT that meets the requirements of Subsection 19.5.5.

"PART 70 PERMIT REVISION" means any Part 70 Permit MODIFICATION or administrative permit amendment defined in Section 19.

"PART 70 PROGRAM" means a program approved by the EPA under Title 40 CFR, Part 70.

"PART 70 SOURCE" means any source subject to the permitting requirements of Title 40 CFR, Part 70, or any source subject to federal performance Standards including the following list:

- (a) Any **Industrial Steam Generating Unit** COMMENCING CONSTRUCTION, MODIFICATION or RECONSTRUCTION after June 19, 1984 that has a heat input capacity exceeding 100 million Btu/hour (40 CFR §60 Subpart Db).
- (b) Any **Small Industrial Steam Generating Unit** COMMENCING CONSTRUCTION, MODIFICATION or RECONSTRUCTION after June 9, 1989 that has a heat input capacity exceeding 10 million Btu/hour but less than or equal to 100 million Btu/hour (40 CFR §60 Subpart Dc).
- (c) Any **INCINERATOR** COMMENCING CONSTRUCTION or MODIFICATION after August 17, 1971 with a charging rate exceeding 50 tons per day (40 CFR §60 Subpart E).
- (d) Any **Portland Cement Plant** COMMENCING CONSTRUCTION or MODIFICATION after August 17, 1971 (40 CFR §60 Subpart F).
- (e) Any **Hot Mix Asphalt Facility** COMMENCING CONSTRUCTION or MODIFICATION after June 11, 1973 (40 CFR §60 Subpart I).
- (f) Any **Volatile Organic Liquid Storage Vessel** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after July 23, 1984 with a storage capacity exceeding 10,568 gallons (40 CFR §60 Subpart Kb).
- (g) Any **Secondary Lead Smelter** COMMENCING CONSTRUCTION or MODIFICATION after June 11, 1973 that has a pot furnace with a charging capacity exceeding 550 pounds (40 CFR §60 Subpart L).
- (h) Any **Sewage Treatment Plant** that combusts WASTES containing more than 10 percent sewage sludge (dry basis) or each INCINERATOR that charges more than 1 ton of sewage sludge (dry basis) per day that COMMENCED CONSTRUCTION or MODIFICATION after June 11, 1973 (40 CFR §60 Subpart O).
- (i) Any **Primary Copper Smelter** COMMENCING CONSTRUCTION or MODIFICATION after October 16, 1974 (40 CFR §60 Subpart P).
- (j) Any **Primary Zinc Smelter** COMMENCING CONSTRUCTION or MODIFICATION after October 16, 1974 (40 CFR §60 Subpart Q).
- (k) Any **Primary Lead Smelter** COMMENCING CONSTRUCTION or MODIFICATION after October 16, 1974 (40 CFR §60 Subpart R).



- (l) Any **Coal Preparation Plant** COMMENCING CONSTRUCTION or MODIFICATION after October 24, 1974 that processes more than 200 tons per day (40 CFR §60 Subpart Y).
- (m) Any **Grain Elevator** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after August 3, 1978 with a storage capacity exceeding 2.5 million U.S. bushels (40 CFR §60 Subpart DD).
- (n) Any **Metal Furniture Surface Coating Facility** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after November 28, 1980 that uses over 1015 gallons of coating (as applied) per year (40 CFR §60 Subpart EE).
- (o) Any **Stationary Gas Turbine** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after October 3, 1977 with a heat input at peak load exceeding 10.1 million Btu/hour (40 CFR §60 Subpart GG).
- (p) Any **Lime Manufacturing Plant** COMMENCING CONSTRUCTION or MODIFICATION after May 3, 1977 (40 CFR §60 Subpart HH).
- (q) Any **Lead-Acid Battery Manufacturing Plant** COMMENCING CONSTRUCTION or MODIFICATION after January 14, 1980 that produces or has the design capacity to produce in 24 hours a quantity of batteries that contain an amount of lead exceeding 6.5 tons (40 CFR §60 Subpart KK).
- (r) Any **Metallic Mineral Processing Plant** COMMENCING CONSTRUCTION or MODIFICATION after August 24, 1982 (40 CFR §60 Subpart LL).
- (s) Any **Automobile or Light Truck Assembly Plant Utilizing Surface Coating Operations** that COMMENCED CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after October 5, 1979 (40 CFR §60 Subpart MM).
- (t) Any **Phosphate Rock Plant** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after September 21, 1979 that has a maximum plant production capacity exceeding 4 tons per hour (40 CFR §60 Subpart NN).
- (u) Any **Graphic Arts Facility Utilizing Publication Rotogravure Printing** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after October 28, 1980 (40 CFR §60 Subpart QQ).
- (v) Any **Facility Manufacturing Pressure Sensitive Tape and Label Materials** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after December 30, 1980 that utilizes a VOC input exceeding 49.6 tons per year (40 CFR §60 Subpart RR).

- (w) Any **Facility that performs Industrial Surface Coating of LARGE APPLIANCES** that COMMENCED CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after December 24, 1980 (40 CFR §60 Subpart SS).
- (x) Any **Facility that performs Metal Coil Surface Coating** that COMMENCED CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 5, 1981 (40 CFR §60 Subpart TT).
- (y) Any **Asphalt Processing Plant and Asphalt Roofing Plant** that COMMENCED CONSTRUCTION or MODIFICATION after November 18, 1980 (40 CFR §60 Subpart UU).
- (z) Any **Synthetic Organic Chemical Manufacturing Facility** COMMENCING CONSTRUCTION or MODIFICATION after January 5, 1981 that has a production design capacity exceeding 1102.3 tons per year (40 CFR §60 Subpart VV).
- (aa) Any **Bulk GASOLINE Terminal** COMMENCING CONSTRUCTION or MODIFICATION after December 17, 1980 that has a throughput exceeding 19997.8 gallons per day (40 CFR §60 Subpart XX).
- (bb) Any **Polymer Manufacturing Facility with VOC EMISSIONS** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after September 30, 1987 that has a production design capacity exceeding 1102.3 tons per year (40 CFR §60 Subpart DDD).
- (cc) Any **Rotogravure Printing Facility Utilizing Flexible Vinyl and Urethane Coating and Printing** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 18, 1983 (40 CFR §60 Subpart FFF).
- (dd) Any **Petroleum Dry Cleaning Plant** COMMENCING CONSTRUCTION or MODIFICATION after December 14, 1982 with a manufacturers' total rated dryer capacity equal to or exceeding 84 pounds. Exception: A plant consuming less than 4700 gallons that has a dryer installed between December 14, 1982 and September 21, 1984 is not subject to the PART 70 requirements (40 CFR §60 Subpart JJJ).
- (ee) Any **NON-METALLIC MINERAL PROCESSING PLANT** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after August 31, 1983 (40 CFR §60 Subpart OOO).
- (ff) Any **Magnetic Tape Coating Facility** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 22, 1986 (40 CFR §60 Subpart SSS).

- (gg) Any **Facility Performing Industrial Surface Coating of Plastic Parts for Business Machines** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 8, 1986 (40 CFR §60 Subpart TTT).
- (hh) Any **Mineral Processing Plant Utilizing Calciners and Dryers** (40 CFR §60 Subpart UUU).
- (ii) Any **Facility Utilizing Polymeric Coating of Supporting Substrates** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after April 30, 1987 (40 CFR §60 Subpart VVV).
- (jj) Any **STATIONARY SOURCE that processes Beryllium, Beryllium Oxide or any Alloy** containing more than 5% Beryllium by weight (40 CFR §61 Subpart C).
- (kk) Any **STATIONARY SOURCE that processes Mercury, including Mercury ore or the use of Mercury chlor-alkali cells** to produce chlorine GAS and alkali metal hydroxide (40 CFR §61 Subpart E).
- (ll) Any **STATIONARY SOURCE that processes Vinyl Chloride**, including polymerized vinyl chloride (40 CFR §61 Subpart F).
- (mm) Any **STATIONARY SOURCE that processes ASBESTOS** (40 CFR §61 Subpart M).
- (nn) Any **STATIONARY SOURCE utilizing Perchloroethylene** at a Dry Cleaning Facility, (40 CFR §63 Subpart M).

"PARTICULATE MATTER" means any material except uncombined water that exists in a finely divided form as a liquid or solid at referenced conditions of 25° C and 760 mm mercury.

"PAVE" means the application and maintenance of asphalt, concrete, or other similar material on a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).

"PERMIT FOR CONSTRUCTION ACTIVITIES" means a permit required by Sections 17 and 94 of these Regulations. It is issued for CONSTRUCTION ACTIVITY including surface grading and trenching.

"PERMANENT" means, an emission reduction which is FEDERALLY ENFORCEABLE for the life of a corresponding increase in EMISSIONS. For federal EMISSION REDUCTION CREDITS (ERCs), emission reductions for a STATIONARY SOURCE are permanent if the reductions are FEDERALLY ENFORCEABLE and the reductions occur over the duration of the ERC rule and for as long as they are relied upon in a Clark County SIP.

"PERSON" means United States of America, the STATE OF NEVADA, any individual, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.

"PM<sub>10</sub> NONATTAINMENT AREA" means that area which has been designated as nonattainment for the National AMBIENT AIR Quality Standards for PM<sub>10</sub> by the EPA and which coincides with the area designated as HYDROGRAPHIC BASIN 212, (approximated by the attached map).

"PM<sub>10</sub>" means PARTICULATE MATTER, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers.

- (a) Any HAZARDOUS AIR POLLUTANT (HAP), considered to be PARTICULATE MATTER less than or equal to ten (10) micrometers, shall be subject to the more stringent requirements in the Regulations.

"POTENTIAL TO EMIT" means the maximum capacity of an EMISSION UNIT to EMIT any REGULATED AIR POLLUTANT under its physical and operational design. Any physical or operational limitation on the capacity of the EMISSION UNIT to EMIT any REGULATED AIR POLLUTANT, including AIR POLLUTION control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on EMISSIONS is FEDERALLY ENFORCEABLE.

"PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA" means an AIRSHED REGION that is subject to the PSD PROGRAM.

"PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM" means a major source preconstruction permit program that has been approved by the EPA and incorporated into the plan to implement the requirements of 40 CFR, Part 51, §51.166 or the program in 40 CFR Part 52, §52.21. Any permit issued under such a program is a major NSR permit.

"PRIME COAT" means the first film of coating applied in a two-coat operation.

"PROCESS EQUIPMENT", as it relates to the annual EMISSION UNIT fees billing, means any equipment, including portable equipment, used for storing, handling, conveying, processing or changing any materials whatsoever, but excluding that equipment specifically defined elsewhere in these Regulations.

"PROCESS WEIGHT" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid FUELS charged will be considered as part of the PROCESS WEIGHT, but liquid and gaseous FUELS and combustion air will not. "PROCESS WEIGHT per Hour" will be derived by dividing the

total PROCESS WEIGHT by the number of hours in one complete operation thereof, excluding any time during which the equipment is idle.

"PROPOSED PERMIT" means the version of a permit that the CONTROL OFFICER proposes to issue and forward to the EPA for review.

"PSD" means Prevention of Significant Deterioration

"PUBLIC ROAD" means the OWNER AND/OR OPERATOR is a governmental entity, who has accepted ownership of the road through a formal action of the governing board; and, who has also accepted maintenance responsibilities for the road through a separate action of its governing board or designee. All other roads are private.

"QUANTIFIABLE" means an emission reduction that can be reliably and replicably measured or determined.

"RECLAIMED WATER" means WASTE water that, as a result of appropriate treatment, is suitable for subsequent beneficial use. RECLAIMED WATER does not meet the STATE of Nevada standards for potable water.

"RECONSTRUCTION" means the replacement of components of an existing facility to such an extent that:

- (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
- (2) It is technologically and economically feasible to meet the applicable standards set forth in 40 CFR Part 60.

"REGISTRY" or "BANK" means a public record of the ownership, creation, deposit, use, sale of or transfer of ERCs/credits.

"REGULATED AIR POLLUTANT" means any pollutant subject to:

- (a) A standard under Section 111 of the ACT,
- (b) or any pollutant subject to a standard promulgated under Section 112 of the ACT, including any pollutant emitted in major amounts by a source subject to 112(j) and any pollutant that is regulated under Section 112(g),
- (c) or any Class I and Class II substances subject to a standard promulgated under or established by Title VI of the ACT,

(d) and any of the following substances that are regulated pursuant to Section 12:

- (1) Ammonia
- (2) Ammonium Particles
- (3) ASBESTOS
- (4) Beryllium and compounds
- (5) Bromine
- (6) Carbon Monoxide (CO)
- (7) Chlorine
- (8) Chlorine Dioxide
- (9) Fluorides
- (10) Germanium Tetrahydride
- (11) Hydrogen Bromide
- (12) Hydrogen Chloride
- (13) Hydrogen Cyanide
- (14) Hydrogen Selenide
- (15) Hypochlorous Acid
- (16) Hypochlorite Particles
- (17) Lead (Pb)
- (18) Mercury
- (19) Nitrate Particles
- (20) Nitric Acid
- (21) Nitrogen Oxides (NO<sub>x</sub>)
- (22) Osmium Tetroxide
- (23) Ozone
- (24) PARTICULATE MATTER
- (25) PARTICULATE MATTER-10 (PM<sub>10</sub>)
- (26) Perchloryl Fluoride
- (27) Reduced Sulfur Compounds
- (28) Silicon Tetrahydride
- (29) Sulfuric Acid Mist
- (30) Sulfur Dioxide (SO<sub>2</sub>)
- (31) Sulfur Trioxide or VAPOR phase Sulfuric Acid
- (32) Sulfuryl Fluoride
- (33) Total Reduced Sulfur (including H<sub>2</sub>S)
- (34) Tellurium Compounds
- (35) Vinyl Chloride
- (36) VOLATILE ORGANIC COMPOUNDS (VOC)

"RENEWAL" means the process by which a permit is reissued at the end of its term.

"REPRESENTATIVE OF ALLEGED VIOLATOR" means an employee of the alleged violator or a licensed legal and/or technical representative of the alleged violator or an individual authorized in writing to represent the alleged violator.

"RESPONSIBLE OFFICIAL" means one of the following:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other PERSON who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such PERSON if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (2) The delegation of authority to such representative is approved in advance by the permitting authority.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (c) For a municipality, STATE, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes relating to Section 19, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional ADMINISTRATOR of EPA).
- (d) For AFFECTED SOURCES:
  - (1) The DESIGNATED REPRESENTATIVE in so far as actions, standards, requirements, or prohibitions under Title IV of the ACT or the regulations promulgated thereunder.
  - (2) The DESIGNATED REPRESENTATIVE for any other purposes under Section 19.

"ROAD EASEMENT" means an EASEMENT utilized by the EASEMENT HOLDER, or others with the permission of the EASEMENT HOLDER, for travel by MOTOR VEHICLE. In the case of a ROAD EASEMENT the owner AND/OR operator is the EASEMENT HOLDER.

"SECONDARY EMISSIONS" means EMISSIONS which occur as a result of the CONSTRUCTION or operation of a MAJOR STATIONARY SOURCE or MAJOR MODIFICATION, but do not come from the MAJOR STATIONARY SOURCE or MAJOR MODIFICATION itself.

"SECTION 502(B)(10) CHANGES" means changes that contravene an express permit term. Such changes do not include changes that would violate APPLICABLE REQUIREMENTS or contravene FEDERALLY ENFORCEABLE permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

"SECTION 58 ERC BANK CERTIFICATE" means, a document issued by the CONTROL OFFICER pursuant to the provisions of section 58 that acknowledges a quantity of ERCs/credits to the registered owner of such certificate.

"SIGNIFICANT SOURCE" means, for purposes of annual permit renewal fees, any source with POTENTIAL TO EMIT greater than 10 tons per year for any single REGULATED AIR POLLUTANT, except VARIOUS LOCATION ACTIVITY PERMITS (VLPs)

"SINGLE COAT" means a single film of coating applied directly to the material being coated omitting the prime application.

"SLOW CURING (SC)" means a cutback asphalt generally using a low volatility FUEL OIL as a solvent.

"STACK" means a STACK, chimney, flue, duct or other opening for purposes of carrying smoke, dust, GAS, VAPOR or ODOR into the open air.

"STAGE I" means GASOLINE VAPOR recovery during transfer of GASOLINE from GASOLINE delivery vehicles to stationary tanks used for re-fueling MOTOR VEHICLES.

"STAGE II" means GASOLINE VAPOR recovery during MOTOR VEHICLE re-fueling operations from stationary tanks.

"STATE" means any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

"STATIONARY SOURCE" means any BUILDING, STRUCTURE, FACILITY OR INSTALLATION that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT and any pollutants listed pursuant to Section 112(b) of the ACT, which is not exempt (i.e., categorically exempt activities and exempt STATIONARY SOURCES). A CONSTRUCTION ACTIVITY that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT and all pollutants listed pursuant to Section 112(b) of the ACT is not a STATIONARY SOURCE. A STATIONARY SOURCE is composed of all of the EMISSION UNITS located on one or more contiguous or adjacent



properties under control of the same PERSON or PERSONS under common control. In addition, the following source categories qualify as a STATIONARY SOURCE:

- (a) Specified STATIONARY SOURCES can not be exempted:
  - (1) GASOLINE DISPENSING FACILITIES  
(Type of Air Pollutant: VOC)
  - (2) Drycleaners  
(Type of Air Pollutant: Perchloroethylene)
  - (3) NON-METALLIC MINERAL PROCESSING FACILITIES  
(Type of Air Pollutant: PM<sub>10</sub>)
  - (4) FUEL BURNING EQUIPMENT with a maximum heat input rate equal to or exceeding one (1) million (MM) Btu per hour.
  - (5) Commercial Surface Coating Operations including spray paint booths  
(Type of Air Pollutant: VOC)
  - (6) Hard and Decorative Chromium Electroplating and Chromium Anodizing Operations  
(Type of Air Pollutant: Chromium)
  - (7) Industrial Process Cooling Towers, subject to Subsection 20.1.10 (which limits chromium EMISSIONS)  
(Type of Air Pollutant: Chromium & PM<sub>10</sub>)
  - (8) Sterilization Facilities  
(Type of Air Pollutant: Ethylene Oxide)
  - (9) Synthetic Organic Chemical Manufacturing Facilities  
(Type of Air Pollutant: Organic HAZARDOUS AIR POLLUTANTS)
  - (10) Facilities utilizing Halogenated Solvents for Cleaning
  - (11) Stationary Internal Combustion Engine that has a brake horsepower rating equal to or exceeding 35 horsepower, or 26 kilowatts, except for EMERGENCY STANDBY GENERATORS.
  - (12) EMERGENCY STANDBY GENERATOR or Emergency Fire Pump that has a rating equal to or exceeding 35 horsepower or 26 kilowatts.
- (b) MAJOR STATIONARY SOURCE:

- (1) Any STATIONARY SOURCE is considered Major if it EMITS or has a total POTENTIAL TO EMIT, including any NET EMISSIONS INCREASE due to MODIFICATION, for any REGULATED AIR POLLUTANT equal to or exceeding the following amounts:

Air Pollutant	MANAGEMENT AREA or NONATTAINMENT AREA Emission Rate (Controlled) (tons per year)	PSD AREA Emission Rate (Controlled) (tons per year)
PM <sub>10</sub>	70	100
CO	70	100
VOC	50	100
NO <sub>x</sub>	50	100
SO <sub>2</sub>		100
Lead (Pb)		0.6
HAZARDOUS AIR POLLUTANT (HAP)		10 each or 25 combined
Particulate Matter		100
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		100
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		1.0

For purposes of determining whether a source is major, FUGITIVE EMISSIONS shall be included for all STATIONARY SOURCES.

- (2) or, at such time that a particular source or MODIFICATION becomes a MAJOR STATIONARY SOURCE or Major MODIFICATION solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or MODIFICATION otherwise to EMIT a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to Air Quality Regulations shall apply to the source or MODIFICATION as though CONSTRUCTION had not yet COMMENCED on the source or MODIFICATION.
- (c) NON-MAJOR STATIONARY SOURCE. Excluding EXEMPT STATIONARY SOURCE, ANY STATIONARY SOURCE is considered Non-Major if it has a total POTENTIAL

TO EMIT, including any NET EMISSIONS INCREASE due to MODIFICATION, for all REGULATED AIR POLLUTANTS less than the EMISSION rates listed in (b)(1).

"SURPLUS" means, an emission reduction that has not been relied on in any air quality program related to any Clark County STATE Implementation Plan (SIP), that is not a Clark County SIP requirement, that is not a requirement of a STATE air quality program that has been adopted but not in a Clark County SIP, is not credited in any federal reasonable further progress or other milestone demonstration, is not a requirement of a consent degree, is not a requirement of a federal rule that focuses on reducing criteria air pollutants or their precursors, and has not already been credited in any other air quality program. Double-counting of an emission reduction is prohibited.

"TEMPORARY STATIONARY SOURCE" means a STATIONARY SOURCE, as defined in Section 0, with POTENTIAL TO EMIT EMISSIONS less than the Major Source threshold for any REGULATED AIR POLLUTANT with a maximum operational lifetime of no more than three hundred sixty-five (365) continuous days at one specific location.

"TOP COAT" means the final film of coating applied to a two-coat operation.

"TOP OFF" means to attempt to dispense GASOLINE to a MOTOR VEHICLE FUEL tank after a VAPOR recovery dispensing nozzle has shut off automatically. The filling of those vehicle tanks which, because of the nature and configuration of the fill pipe, causes premature shut off of the dispensing nozzle, and which are filled only after the seal between the fill pipe and the nozzle is broken, shall not be considered topping off.

"TOPSOIL" means the layer of the soil, which by its humus content supports vegetation. It is usually the top six inches of soil but may extend to deeper depth.

"TOTAL SUSPENDED PARTICULATES" (TSP) means PARTICULATE MATTER as measured by the method described in Appendix B in Chapter 40, Part 50, Code of Federal Regulations.

"TOXIC CHEMICAL SUBSTANCE (TCS)" means any of the following air pollutants:

- (a) Ammonia
- (b) Ammonium Particles
- (c) Bromine
- (d) Chlorine
- (e) Chlorine Dioxide
- (f) Fluorides (except hydrogen fluoride)
- (g) Germanium Tetrahydride
- (h) Hydrogen Bromide
- (i) Hydrogen Sulfide
- (j) Hypochlorite Particles

- (k) Hypochlorous Acid
- (l) Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds) => 50 tpy, per 40 CFR, § 51.166, (23)(i)
- (m) Municipal WASTE Combustor Organics => 0.00000555 tpy per 40 CFR, § 51.166, (23)(i)
- (n) Municipal WASTE Combustor Metals => 15 tpy, per 40 CFR, § 51.166, (23)(i)
- (o) Municipal WASTE Combustor Acid Gases => 40 tpy, per 40 CFR, § 51.166, (23)(i)
- (p) Nitrate Particles
- (q) Nitric Acid
- (r) Osmium Tetroxide
- (s) Particulate Matter => 25 tpy, per 40 CFR, § 51.166, (23)(i)
- (t) Perchloryl Fluoride
- (u) Reduced Sulfur Compounds
- (v) Silicon Tetrahydride
- (w) Sulfuric Acid Mist
- (x) Sulfur Trioxide or VAPOR phase Sulfuric Acid
- (y) Sulfuryl Fluoride
- (z) Tellurium Compounds
- (aa) Total Reduced Sulfur (including H<sub>2</sub>S) and
- (bb) Pollutants regulated under Title VI of the ACT

"TRENCH" means a long and narrow excavation at least two (2) feet deep made for the purpose of installing or removing utility service lines (pipes, casing, conduits, cable, etc.). This includes main line and lateral spurs.

"TRIGGER DATE" means the date after which a NON-MAJOR SOURCE BASELINE DATE may be established for a BASELINE AREA. The TRIGGER DATE:

Pollutant	Date
PM <sub>10</sub>	August 7, 1977
SO <sub>2</sub>	August 7, 1977
NO <sub>2</sub>	February 8, 1988

"UNPAVED PARKING LOT" means any area of 5,000 square feet or larger that is not PAVED and that is used for parking, maneuvering, or storing MOTOR VEHICLES; material handling and storage yards; or vehicle and equipment storage yards.

"UPSET/BREAKDOWN" means:

- (a) Any sudden failure of AIR POLLUTION control equipment or PROCESS EQUIPMENT which results in EMISSIONS of air pollutants, or
- (b) A shutdown of AIR POLLUTION control equipment or PROCESS EQUIPMENT which has not been scheduled for twenty-four (24) hours in advance, after notification to CONTROL OFFICER, and which results in EMISSIONS of air pollutants.

"VACANT LOT" (See definition of OPEN AREAS AND VACANT LOTS).

"VAPOR" means the gaseous phases of a substance that at normal temperature and pressures is a liquid or solid.

"VAPOR CONTROL SYSTEM" means a device or combination of devices into which VAPORS are passed before being vented into the atmosphere.

"VAPOR TIGHT" means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source with a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds determined at least three meters upwind from any equipment to be inspected and which is uninfluenced by any specific EMISSION permit unit.

"VARIOUS LOCATIONS ACTIVITY" or "VARIOUS LOCATIONS PERMIT (VLP)" means a TEMPORARY STATIONARY SOURCE with a POTENTIAL TO EMIT less than the EMISSIONS listed pursuant to Subsection 12.1.3.1(a)(5), which is comprised of any portable facility, portable equipment, portable engine, or CONSTRUCTION ACTIVITY that is associated with NON-METALLIC MINERAL PROCESSING, hot mix asphalt production, concrete production, or other temporary operation that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT and all pollutants listed pursuant to Section 112(b) of the ACT. A VARIOUS LOCATIONS ACTIVITY or VLP is composed of all of the EMISSION UNITS located on one or more contiguous or adjacent properties under control of the same PERSON or PERSONS under common control.

"VOLATILE ORGANIC COMPOUND (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

- (a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:
  - (1) methane;
  - (2) ethane;

- (3) methylene chloride (dichloromethane);
- (4) 1,1,1-trichloroethane (methyl chloroform);
- (5) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- (6) trichlorofluoromethane (CFC-11);
- (7) dichlorodifluoromethane (CFC-12);
- (8) chlorodifluoromethane (HCFC-22);
- (9) trifluoromethane (HFC-23);
- (10) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- (11) chloropentafluoroethane (CFC-115);
- (12) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- (13) 1,1,1,2-tetrafluoroethane (HFC- 134a);
- (14) 1,1-dichloro 1-fluoroethane (HCFC-141b);
- (15) 1-chloro 1,1-difluoroethane (HCFC-142b);
- (16) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (17) pentafluoroethane (HFC-125);
- (18) 1,1,2,2-tetrafluoroethane (HFC-134);
- (19) 1,1,1- trifluoroethane (HFC-143a);
- (20) 1,1-difluoroethane (HFC-152a);
- (21) parachlorobenzotrifluoride (PCBTF);
- (22) cyclic, branched, or linear completely methylated siloxanes;
- (23) acetone;
- (24) perchloroethylene (tetrachloroethylene);
- (25) 3,3- dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (26) 1,3-dichloro-1,1,2,2,3- pentafluoropropane (HCFC-225cb);
- (27) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (28) difluoromethane (HFC-32); ethylfluoride (HFC-161);
- (29) 1,1,1,3,3,3- hexafluoropropane (HFC-236fa);
- (30) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (31) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (32) 1,1,1,2,3-pentafluoropropane (HFC- 245eb);
- (33) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (34) 1,1,1,2,3,3- hexafluoropropane (HFC-236ea);
- (35) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (36) chlorofluoromethane (HCFC-31);
- (37) 1 chloro-1-fluoroethane (HCFC-151a);
- (38) 1,2- dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (39) 1,1,1,2,2,3,3,4,4-nonafluoro-4- methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);
- (40) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3- heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>);
- (41) 1-ethoxy-1,1,2,2,3,3,4,4,4- nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);
- (42) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3- heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);
- (43) methyl acetate and perfluorocarbon compounds which fall into these classes:

- (44) methyl acetate and perfluorocarbon compounds which fall into these classes:
- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (b) Any HAZARDOUS AIR POLLUTANT (HAP), considered to be a VOLATILE ORGANIC COMPOUND (VOC), shall be subject to the more stringent requirements in the Regulations.

"WASTE" means useless, unneeded or superfluous matter, or discarded or excess material.

History: Amended: July 9, 1987; November 17, 1988; January 25, 1990; May 27, 1993; November 18, 1993; August 25, 1994; June 1995; May 23, 1996; September 26, 1996; December 19, 1996; January 23, 1997; April 24, 1997; January 22, 1998; April 23, 1998; June 22, 2000; November 16, 2000; May 24, 2001; November 20, 2001; December 4, 2001; June 3, 2003; July 1, 2004; October 7, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 2 - PROCEDURES FOR ADOPTION AND REVISION OF REGULATIONS AND FOR INCLUSION OF THOSE REGULATIONS IN THE STATE IMPLEMENTATION PLAN**

**2.1 Purpose.**

- (a) The purpose of this regulation is to set forth the general procedural requirements for the adoption and revision of Clark County Air Quality Regulations and for inclusion of certain of those regulations in the State Implementation Plan in accordance with NRS §§ 244.095-.119, NRS §§ 237.030-.110, NRS §§ 445B .215 and .500(2), Section 110 of the Act, and 40 C.F.R. Part 51. The Board of County Commissioners (“BCC”) shall comply with any additional applicable procedural requirements pursuant to federal, state, or local law.

**2.2 Procedures for Adoption and Revision of the Air Quality Regulations by Ordinance.**

**2.2.1 Enactment by Bill; Summary and Title.**

- No ordinance shall be adopted by the BCC except by bill. When an ordinance is amended, the section or sections thereof shall be reenacted as amended, and no ordinance shall be revised or amended by reference only to its title.
- Every ordinance shall bear a summary, which shall appear before the title and which shall state in brief the subject matter of the ordinance.
- The subject of each ordinance shall be clearly indicated in the title. In any case in which the subject of the ordinance is not described in the title, the ordinance shall be void as to the matter not described.

**2.2.2 Notice of Public Hearing; Introduction of Ordinance; Publication of Hearing Procedures for Enactment; Publication of Revised Ordinance.**



- (a) Notice of Public Hearing. Notice of the public hearing on an ordinance which is to be considered by the BCC must be given in any newspaper, pursuant to the provisions of chapter 238 of NRS, once a week for three weeks commencing at least 30 days before the hearing. The notice must specify with particularity the reasons for the proposed ordinance and provide other informative details.
- (b) Introduction of Ordinance. All proposed ordinances including ordinances proposed for inclusion in the SIP, when first proposed, must be read by title to the BCC, immediately after which at least one copy of the proposed ordinance must be filed with the County Clerk for public examination in each district in which it will apply.
- (c) Publication of Hearing. Notice of the filing, together with the title and an adequate summary of the ordinance, and the date on which a public hearing will be held, must be published once in a newspaper published in the county at least 10 days before the date set for the hearing.
- (d) Enactment. The BCC shall adopt or reject the ordinance, or the ordinance as amended, within thirty-five (35) days after the date of the close of the final public hearing, except that in cases of emergency, by unanimous consent of the whole BCC, final action may be taken immediately or at a special meeting called for that purpose.
  - (1) After adoption, the ordinance must be:
    - (i) Signed by the chairman of the BCC.
    - (ii) Attested by the County Clerk.
    - (iii) Published by title only, together with the names of the County commissioners voting for or against its passage, in a newspaper published in and having a general circulation in the County, at least once a week for a period of two (2) weeks before it goes into effect. Publication by title must also contain a statement to the effect that typewritten copies of the ordinance are available for inspection at the office of the County Clerk by all interested persons.
- (e) Publication of Revised Ordinance. Whenever a revision is made and the revised ordinances are published in book or pamphlet form by authority of the BCC, no further publication is necessary.
  - (1) Except in an emergency, before acting upon a new or amended ordinance the BCC must hold a hearing at which interested persons may present their views. The public hearing may be held in conjunction with the meeting provided for in subsection 2.2.2(d).

### 2.2.3 Style of Ordinances.

- (a) The style of the ordinances shall be as described in NRS § 244.110.

### 2.2.4 Adoption of Ordinances Affecting Businesses; Economic Impact Analysis. The BCC shall comply with the provisions set forth in NRS §§ 237.030 through 237.110.

### 2.2.5 Variance Between Ordinance and Published Notice of Proposed Ordinance.

- (a) The BCC may not consider an ordinance that is substantially different from the proposed ordinance contained in the notice of proposed rule making filed with the County Clerk pursuant to subsection 2.2.2(b). However, the BCC may terminate a rule making proceeding and commence a new rule making proceeding for the purpose of making a substantially different rule.
- (b) In determining whether an ordinance is substantially different from the published proposed ordinance on which it is required to be based, all of the following must be considered:
  - (1) The extent to which all persons affected by the ordinance should have understood that the published proposed ordinance would affect their interests.
  - (2) The extent to which the subject matter of the ordinance or the issues determined by that ordinance are different from the subject matter or issues involved in the published proposed ordinance.
  - (3) The extent to which the procedure contained in the ordinance or the effects of the ordinance differ from the procedure or effects of the published proposed ordinance if it had been made instead.

## **2.3 Additional Procedures for the Adoption and Revision of Regulations and Other Materials to be Incorporated in the State Implementation Plan.**

### 2.3.1 Applicability. To the extent an air quality regulation is also to be submitted to the Nevada Division of Environmental Protection (“NDEP”) for inclusion in the SIP under § 110 of the Act, the procedures described in this section 2.3 shall be followed. These procedures shall apply to submission of:

- (a) Any revision to the SIP described by 40 C.F.R. § 51.104(a).
- (b) Any individual compliance schedule under 40 C.F.R. § 51.260.

- (c) Any other SIP revision submitted to NDEP pursuant to 40 C.F.R. § 51.104(d).

### 2.3.2 Additional Procedural Requirements.

- (a) Public Notice. Any notice required by subsection 2.2.2(a) will also include notice to:
  - (1) The Administrator (through the appropriate regional office).
  - (2) Notification to each local air pollution control agency and tribal government which will be significantly impacted by such plan, schedule or revision;
  - (3) In the case of an interstate region, notification to any other States included, in whole or in part, in the regions which are significantly impacted by such plan or schedule or revision.
  - (4) In addition to the public notice requirements provided herein, the BCC may require that notice be given in an alternate publication or forum.
- (b) Public hearings.
  - (1) Separate hearings may be held for plans to implement primary and secondary standards.
  - (2) No hearing will be required for any change to an increment of progress to an approved individual source compliance schedule unless that change is likely to cause the source to be unable to comply with the final compliance date in the schedule.
- (c) Recording-keeping and Certification of Public Hearing.
  - (1) The Department of Air Quality and Environmental Management (“DAQEM”), on behalf of the BCC, shall prepare and retain, for inspection by the Administrator upon request, a record of each hearing and each written comment. The hearing record must contain, at a minimum, a list of commenters together with the content of each presentation.
  - (2) The BCC shall submit to NDEP with the plan, revision, or schedule a certification that the hearing required by 40 C.F.R. § 51.102(a) was held in accordance with the notice required by 40 C.F.R. § 51.102(d).

### 2.3.3 Submission of Plans; Preliminary Review of Plans.

- (a) The following items shall be included with ordinances, compliance plans or other SIP components to be submitted to NDEP for transmittal to EPA:
  - (1) SIP administrative materials:
    - (i) Evidence that the BCC has adopted the SIP in accordance with applicable state and local law or issued the permit, order, consent agreement or other SIP component in final form in accordance with 40 C.F.R. Part 51. That evidence must include the date of adoption or final issuance as well as the effective date of the revision or other component, if different from the adoption/issuance date.
    - (ii) Evidence that the BCC has the necessary legal authority to adopt and implement the SIP.
    - (iii) A copy of the actual ordinance, or document submitted for approval and incorporation by reference into the SIP, including indication of the changes made to the existing approved SIP, where applicable. The submittal may be a copy of the official ordinance/document signed, stamped, dated by the appropriate BCC official indicating that it is fully enforceable by the BCC. The effective date of the ordinance/document must, whenever possible, be indicated in the document itself.
    - (iv) Evidence that public notice was given of the proposed change consistent with EPA procedures, including the date of publication of that notice.
    - (v) Certification that public hearing(s) were held in accordance with information provided in the public notice and applicable state and local law, if required.
    - (vi) Compilation of public comments and the BCC's response.
  - (2) Technical Support.
    - (i) Identification of all regulated pollutants affected by the ordinance, compliance plan or other SIP component.
    - (ii) Identification of the locations of affected sources.
    - (iii) Quantification of the changes in SIP allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of

changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

- (iv) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.
  - (v) Evidence that the plan contains emission limitations, work practice standards and record-keeping/reporting requirements, where necessary, to ensure compliance with emission levels.
  - (vi) Compliance/enforcement strategies, including how compliance will be determined in practice.
- (b) The BCC, through its submission to NDEP for transmittal to the Administrator, may submit those elements of the SIP awaiting formal adoption for EPA's comment prior to adoption under the "parallel processing" procedures of 40 C.F.R. Part 51, § 51.103(b), Appendix V, Section 2.3.1. SIP provisions undergoing parallel processing are not subject to the requirements of subsection 2.3.3(a)(1) but must meet all requirements of subsection 2.3.3(a)(2). The following requirements apply to plans submitted for parallel processing:
- (1) A letter requesting that EPA propose approval of the proposed plan by parallel processing.
  - (2) In lieu of subsection 2.3.3(a)(1)(i), the BCC shall submit a schedule for final adoption or issuance of the plan.
  - (3) In lieu of subsection 2.3.3(a)(1)(iii), the submission shall include a copy of the proposed/draft regulation or document, including indication of the proposed changes to be made to the existing approved plan, where applicable.
  - (4) The requirements of subsections 2.3.3(a)(1)(v)-(vi) do not apply to plans submitted for parallel processing.
- (c) Parallel Processing applies only to EPA's determination of proposed action. The BCC must meet all requirements of subsection 2.3.3(a)(2) prior to publication of EPA's final determination of plan approvability.

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History: Amended: November 18, 1993; December 19, 1996; February 20, 2001; June 3, 2003; July 1, 2004; December 20, 2005.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 4 - CONTROL OFFICER**

- 4.1 The administrative enforcement of the Regulations shall be performed by the CONTROL OFFICER.
- 4.2 The CONTROL OFFICER, or his designated agent, shall carry out the policies of the Clark County Board of County Commissioners, and each of the CONTROL OFFICER'S acts shall be subject to review by the Clark County Board of County Commissioners.
- 4.3 The CONTROL OFFICER, or his representative, may enter into and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these Regulations.
- 4.3.1 No person shall:
- 4.3.2 Refuse entry or access to any authorized representative of the Clark County Board of County Commissioners who requests entry for purposes of inspection, as provided in this section, and who presents appropriate credentials.
- 4.3.3 Obstruct, hamper or interfere with any such inspection.
- 4.3.4 If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.
- 4.4 The CONTROL OFFICER at any time may require from any person such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the CONTROL OFFICER may designate an authorized agent to make an independent study and report as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from source. An authorized agent so designated is authorized to inspect any

article, machine, equipment, or other contrivance necessary to make the inspection and report.

- 4.5 The CONTROL OFFICER may require any person responsible for EMISSION of air contaminants to make or have made tests to determine the EMISSION of air contaminants from any source, whenever the CONTROL OFFICER has reason to believe that an EMISSION in excess of that allowed by the Air Quality Regulations is occurring. The CONTROL OFFICER may specify testing methods to be used in accordance with good professional practice. The CONTROL OFFICER may observe the testing. All tests shall be conducted by reputable, qualified personnel. The CONTROL OFFICER shall be given a copy of the test results in writing and signed by the person responsible for the tests.
- 4.6 The CONTROL OFFICER may conduct tests of EMISSIONS of air contaminants from any source. Upon request of the CONTROL OFFICER, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the EMISSION of air contaminants.
- 4.7 Whenever the CONTROL OFFICER believes that a statute or regulation for the prevention, abatement or control of AIR POLLUTION has been violated, he shall cause written notice to be served in person or by certified mail upon the PERSON or PERSONS responsible for the alleged violation.
- 4.7.1 The notice shall specify:
- 4.7.1.1 The statute or regulation alleged to be violated.
- 4.7.1.2 The facts alleged to constitute the violation.
- 4.7.2 The notice may include an order to take corrective action within a reasonable time, which shall be specified.
- 4.7.2.1A Corrective Action Order issued pursuant to Subsection 4.7.2 becomes final unless appealed to the Air Pollution Control HEARING BOARD, in writing, within ten (10) days after it is mailed to the person ordered to take corrective action.
- 4.7.2.2A Corrective Action Order appealed to the Air Pollution Control HEARING BOARD is temporarily stayed pending disposition of the appeal by the Air Pollution Control HEARING BOARD.
- 4.7.2.3A Corrective Action Order appealed to the Air Pollution Control HEARING BOARD becomes final immediately upon its affirmance by the Air Pollution Control HEARING BOARD.

- 4.7.2.4 Failure to comply with the terms of a final Corrective Action Order is a violation of these Regulations.
- 4.7.3 With or without the issuance of an order pursuant to Subsection 4.7.2, or if corrective action is not taken within the time specified:
- 4.7.3.1 The CONTROL OFFICER may notify the person or persons responsible for the alleged violation to appear before the Air Pollution Control HEARING BOARD at a specified time and place; or
- 4.7.3.2 The CONTROL OFFICER may initiate proceedings before the Hearing Officer for the levying of the appropriate penalty and/or Order to Show Cause.
- 4.7.4 Nothing in this Section prevents the Clark County Board of County Commissioners or the CONTROL OFFICER from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.
- 4.7.5 The CONTROL OFFICER may seek criminal fines not to exceed \$10,000 per day per violation against any PERSON who knowingly violates any applicable permit requirement; any permit condition; or any fee or filing requirement.
- 4.7.6 The CONTROL OFFICER may seek criminal fines not to exceed \$10,000 per day per violation against any PERSON who knowingly makes false material statement, representation or certification in any form, in any notice or report required by a permit, or who knowingly renders inaccurate any required monitoring device or method.
- 4.8 Upon a finding by the Air Pollution Control HEARING BOARD that a PERSON has not complied with the terms of an order, or upon the levying of a penalty by the Hearing Officer and/or Air Pollution Control HEARING BOARD, the CONTROL OFFICER, in the name of the Clark County Board of County Commissioners, may initiate action in the District Court or other court of competent jurisdiction for injunctive relief, to collect the penalty levied, or for other appropriate remedy.
- 4.9 It is a condition of the issuance of an OPERATING PERMIT or any registration required by these Regulations that the registrant or holder agrees to permit inspection of the premises to which the permit or registration relates by the CONTROL OFFICER at any time during the registrant's or holder's hours of operation without prior notice. This condition shall be stated on each registration or application form, and OPERATING PERMIT.
- 4.10 If a source of air contaminant exists or is constructed without registration or is operated without an OPERATING PERMIT, the CONTROL OFFICER may inspect it



at any reasonable time, and may enter any premises to search for such a source. If entry is refused, or prior to attempting to enter, the CONTROL OFFICER may apply to any magistrate for a search warrant.

4.11 The CONTROL OFFICER shall maintain all procedural forms and instructions pertaining to procedures set forth in these Regulations, and shall make such forms and instructions available upon request of any interested party.

4.12 **Public Notification**

4.12.1 The CONTROL OFFICER shall notify the public on a regular basis of instances or areas in which any AMBIENT AIR quality standard was exceeded during any portion of the preceding calendar year.

4.12.2 The CONTROL OFFICER shall advise the public of the health hazards associated with such an exceedance of an AMBIENT AIR quality standard.

4.12.3 The CONTROL OFFICER shall increase the public awareness of

- (1) Measures which can be taken to prevent an AMBIENT AIR quality standard from being exceeded; and
- (2) Ways in which the public can participate in regulatory and other efforts to improve air quality.

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History: Amended: April 24, 1980; September 3, 1981; May 15, 1985; July 25, 1991; December 19, 1996; December 21, 2000; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 5 - INTERFERENCE WITH CONTROL OFFICER**

- 5.1           **It is unlawful for any person:**
- 5.1.1        To hinder, obstruct, delay, resist, interfere with, or attempt to interfere with, the CONTROL OFFICER, or any individual to whom authority has been duly delegated for the performance of any duty by these Regulations.
- 5.1.2        To refuse to permit the CONTROL OFFICER or any individual to whom such authority has been delegated, to administer or perform any function provided for herein, by refusing him at any reasonable time entrance to property or premises, except a private residence, containing equipment or open fire, discharging, or suspected and believed to be discharging, smoke, dust, gas, vapor, or odor into the open air.
- 5.1.3        To fail to disclose information when requested under oath or otherwise, to the CONTROL OFFICER or any individual to whom such authority has been delegated.

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History: Amended: December 21, 2000; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 6 - INJUNCTIVE RELIEF**

**6.1 In addition to any remedy of law hereunder, the CONTROL OFFICER may apply to a court of competent jurisdiction for other equitable and injunctive relief to enforce compliance with, or to restrain violations of any provision of these Regulations, or of any regulation or rule made and adopted pursuant thereto.**

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History: February 20, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 7 – AIR POLLUTION CONTROL HEARING BOARD AND HEARING OFFICER**

- 7.1 The Air Pollution Control HEARING BOARD shall select a Chairman and Vice-Chairman and such other officers as it deems necessary and, subject to the approval of the Clark County Board of County Commissioners, may adopt a manual of procedures to govern its operation.
- 7.2 Members of the Air Pollution Control HEARING BOARD shall serve the following terms: Three shall be appointed for a term of one year, three shall be appointed for a term of two years and one shall be appointed for a term of three years. Each succeeding term shall be for a period of three years.
- 7.3 The HEARING OFFICER(s) shall act, independent of each other in regards to decisions. HEARING OFFICER(s) shall be selected by the Clark County Board of County Commissioners, from qualified applicants to the Department of Air Quality and Environmental Management. The HEARING OFFICER(s) will be an independent contractor who serves at the pleasure of the Clark County Board of County Commissioners. The Clark County Board of County Commissioners shall review and set such fees as are paid to the HEARING OFFICER and shall be in accord with the fee schedule(s) annually approved by the Clark County Board of County Commissioners.
- 7.4 **Alleged Violations:**
- 7.4.1 Alleged Violations without Corrective Action:
- 7.4.1.1 The CONTROL OFFICER may notify person or persons responsible for an alleged violation to appear before the HEARING OFFICER.
- 7.4.1.2 If a hearing upon an alleged violation is held and if the Hearing Officer finds that a violation has occurred:
- 7.4.1.2.1 The HEARING OFFICER may levy such penalty that he deems appropriate to the violation, in accordance with Section 9 of these Regulations.

7.4.1.2.2 If the HEARING OFFICER determines that emissions in excess of any limits, contained in the Regulations, were the result of a malfunction, then he shall dismiss the Notice of Violation, except as otherwise provided herein. In determining whether or not a malfunction occurred, the HEARING OFFICER may use the guidelines of Subsection 25.1.1.

7.4.2 Alleged Violations with Corrective Action:

7.4.2.1 If an alleged violator does not agree with a Corrective Action Order issued by the CONTROL OFFICER, he may appeal to the Air Pollution Control HEARING BOARD.

7.4.2.2 The Air Pollution Control HEARING BOARD may affirm, modify, or rescind a Corrective Action Order previously issued by the CONTROL OFFICER; and

7.4.2.2.1 The Air Pollution Control HEARING BOARD may issue an order for abatement, control or other appropriate corrective action.

## 7.5 **Request for Variance**

7.5.1 The owner or operator of a source of Air Contaminant or a person who desires to establish such a source may apply to the Air Pollution Control HEARING BOARD for a variance. There shall be a \$140.00 fee for filing any request for a variance. The Air Pollution Control HEARING BOARD may grant a variance only if, after public hearing on due notice, it finds from a preponderance of the evidence that:

7.5.1.1 The emissions occurring or proposed do not endanger or tend to endanger human health or safety; and

7.5.1.2 Compliance with the Regulations would produce serious hardship without equal or greater benefits to the public.

7.5.2 Variance Applicants shall truthfully disclose all information required to process the variance application. Information determined to be false or misrepresented shall void the variance application and the application fee shall be forfeit.

7.5.2.1 Variances granted based on false or misrepresented application information shall be nullified by the Air Pollution Control HEARING BOARD and may result in enforcement action. All fees paid for the variance shall be forfeit.

7.5.3 A variance shall not be granted unless the Air Pollution Control HEARING BOARD has considered the relative interests of first, the public; second, other owners of property likely to be affected by the EMISSIONS; and last, the applicant.

7.5.4 The Air Pollution Control HEARING BOARD may in granting a variance impose appropriate conditions upon an applicant, and may revoke the variance for failure to comply.

7.5.5 No STATIONARY SOURCE shall be granted a variance from any applicable requirement, as defined in Section 0, or any requirement in Section 19.

## 7.6 **Renewals of Variance**

7.6.1 A variance may be renewed only under circumstances and upon conditions which would justify its original granting.

7.6.2 Application for any renewal must be made at least sixty (60) days prior to expiration of the variance to be renewed, and the Air Pollution Control HEARING BOARD shall give public notice of the application.

7.6.3 If a protest is filed with the Air Pollution Control HEARING BOARD against the renewal, the Air Pollution Control HEARING BOARD shall hold a public hearing and shall not renew the variance unless it makes specific, written findings, of fact which justify the renewal.

## 7.7 **Duration of Variance**

7.7.1 If the variance is granted for any reason, it shall be granted for one year or less.

7.8 **No applicant is entitled to the granting or renewal of a variance as a right.**

## 7.9 **Advice**

7.9.1 Any interested person may file a petition with the Air Pollution Control HEARING BOARD for a declaratory order or advisory opinion as to the applicability of these Regulations or of actions by the Clark County Board of County Commissioners, or the CONTROL OFFICER.

## 7.10 **Appeals**

7.10.1 Any person aggrieved by:

7.10.1.1 The issuance, denial, renewal, suspension or revocation of an OPERATING PERMIT; or

7.10.1.2 The issuance, modification or rescission of any other order by the CONTROL OFFICER may appeal to the Air Pollution Control HEARING BOARD.

- 7.10.2 The Air Pollution Control HEARING BOARD shall decide the appeal, and may order the affirmance, modification or reversal of any action taken by the CONTROL OFFICER which is the subject of the appeal.
- 7.10.3 The Air Pollution Control HEARING BOARD shall decide the appeal, and may order the affirmance, modification or reversal of any action taken by the HEARING OFFICER which is the subject of the appeal.
- 7.10.4 The Air Pollution Control HEARING BOARD shall provide by rule for the time and manner in which appeals are to be taken to the Air Pollution Control HEARING BOARD. Appeals from any order issued pursuant to Subsection 4.7.2 shall be made in writing within ten (10) days of receipt by the violator of the order or from receipt by the violator of the written decision of the HEARING OFFICER, whichever is later.
- 7.11 **Judicial Review**
- 7.11.1 Any person aggrieved by an order or decision of the Air Pollution Control HEARING BOARD may seek judicial review in accordance with law.
- 7.11.2 Judicial review procedures for permits issued pursuant to Section 19.
- 7.11.2.1 Any person aggrieved by the following may seek judicial review:
- (a) Failure of the CONTROL OFFICER to take final action within the time specified in Section 19:
    - (1) Permit Issuance
    - (2) Permit Renewal
    - (3) Permit Revision
  - (b) Failure of the CONTROL OFFICER to take final action on an application requesting minor permit modification within ninety (90) days of receipt of such application.
  - (c) Failure of the CONTROL OFFICER to reopen a permit under Subsection 19.5.6.1(e).
- 7.11.2.2 Subsection 7.11 shall be the exclusive means for obtaining judicial review of the permit terms and conditions
- 7.11.2.3 Petitions requesting judicial review shall be filed no later than thirty (30) days after the final decision of the Air Pollution Control HEARING BOARD as

provided in Subsection 7.10.2, or the failure of the CONTROL OFFICER to act as set forth in Subsection 7.11.2.1.

## 7.12 **Procedures**

7.12.1 The Air Pollution Control HEARING BOARD shall meet within twenty (20) days after receipt of a request by the AIR QUALITY COMMITTEE, the CONTROL OFFICER, or on its own initiative.

7.12.2 The Chairman, or in his absence the Vice-Chairman of the Air Pollution Control HEARING BOARD, may issue subpoenas to compel attendance of any person at hearing, and require the production of books, records, and other documents material to a hearing.

7.12.3 Four members of the Air Pollution Control HEARING BOARD must be present to hold a hearing, and a majority of those present must concur in any decision.

7.12.4 All testimony must be given under oath and recorded verbatim, by human or electronic means. Upon request, the Chairman shall provide for a transcript at the expense of the requesting party.

7.12.5 Air Pollution Control HEARING BOARD procedures shall be governed by a manual of procedures adopted by the Board where not inconsistent with Chapter 233B of NRS.

7.12.6 For the purpose of this Subsection an order of the Air Pollution Control HEARING BOARD shall be final ten (10) days after mailing to or personal service upon all of the aggrieved parties.

7.12.7 An aggrieved party may request a rehearing before the Air Pollution Control HEARING BOARD within ten (10) days of his receipt of the final order.

## 7.13 **Procedures of the HEARING OFFICER**

7.13.1 The HEARING OFFICER(s) shall meet upon the request of the CONTROL OFFICER or on their own initiative.

7.13.2 The HEARING OFFICER may issue subpoenas to compel attendance of any person at the hearing, and require the production of books, records, and other documents material to a hearing.

7.13.3 The decision of the HEARING OFFICER or the CONTROL OFFICER shall be final unless the violator or the CONTROL OFFICER petitions for appeal of the



decision to the Air Pollution Control HEARING BOARD pursuant to Subsection 7.10.

7.13.4 All testimony shall be given under oath and recorded verbatim, by human or electronic means. Upon request, the HEARING OFFICER shall provide for a transcript at the expense of the requesting party.

7.13.5 HEARING OFFICER shall be governed by a manual of procedures adopted by the Clark County Board of County Commissioners, consistent with the Air Pollution Control HEARING BOARD procedures and policies and where not inconsistent with Chapter 233B of NRS.

7.13.6 For the purpose of this Subsection, a written order of the HEARING OFFICER shall be final ten (10) days after mailing to or personal service upon all of the affected parties.

7.13.7 Actions of the HEARING OFFICER will be forwarded as an informational item to the Air Pollution Control HEARING BOARD.

#### 7.14 **Conflict of Interest**

7.14.1 A HEARING OFFICER or a member of the Air Pollution Control HEARING BOARD may vote upon or consider a matter, if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business profession, occupation or group, is not greater than that accruing to any other member of the general business, profession, occupation or group.

7.14.2 A HEARING OFFICER or a member of the Air Pollution Control HEARING BOARD shall not vote upon, consider, or advocate the passage or failure of, but may otherwise participate in the consideration of a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

- (a) His acceptance of a gift or loan;
- (b) His pecuniary interest; or
- (c) His commitment in a private capacity to the interest of others.

7.14.3 If a member of the Air Pollution Control HEARING BOARD declares that he will abstain from voting because of the requirements of Subsection 7.14.2, the necessary quorum to act upon and the number of votes necessary to act upon the matter, is reduced as though the member abstaining were not a member of the Air Pollution Control HEARING BOARD

7.14.4 If a HEARING OFFICER declares that he must abstain from rendering a decision because of the requirements of Subsection 7.14.2, the scheduled hearing will then be forwarded to a second HEARING OFFICER. If there are no qualified individuals, then the HEARING OFFICER(s) who are not disqualified per Subsection 7.14.2, then the Air Pollution Control HEARING BOARD will take action on the item as the reviewing administrative body.

History: Amended: September 3, 1981; July 8, 1985; April 23, 1987; November 18, 1993; May 26, 1994; December 19, 1996; April 24, 1997; December 21, 2000; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 8 - PERSONS LIABLE FOR PENALTIES - PUNISHMENT:**  
**DEFENSE**

- 8.1 All PERSONS owning, operating, or in control of any equipment or property who shall cause, permit, or participate in, any violation of these Regulations shall be individually and collectively liable to any penalty or punishment imposed by and under these Regulations.
  
- 8.2 It shall be a defense to any prosecution instituted against any employee or a PERSON owning, operating, or conducting any business, industry, or operation that the acts complained of were done and performed pursuant to the orders and directions of such OWNER OR OPERATOR, or his agent or representative, conducting such business, industry or operation.

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History: Amended: December 28, 1978; February 20, 2001; June 3, 2003; July 1, 2004.

## CLARK COUNTY

### AIR QUALITY REGULATIONS

#### SECTION 9 - CIVIL PENALTIES

- 9.1 Any person who violates any provision of these Regulations, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry or monitoring activities or any requirements by the Department of Air Quality and Environmental Management is guilty of a civil offense and shall pay civil penalty levied by the Air Pollution Control HEARING BOARD and/or the HEARING OFFICER of not more than \$10,000. Each day of violation constitutes a separate offense.
- 9.2 The following penalties apply to violations of Section 42 (Open Burning)
- 9.2.1 First Violation \$ 200.00
- 9.2.2 Second Violation \$ 400.00
- 9.3 The following minimum penalties apply to violations of Section 94 (Permitting and Dust Control for CONSTRUCTION ACTIVITIES) (effective date January 1, 2001):
- 9.3.1 Violation of Section 94.4.5 (Failure to post sign) \$ 250.00
- 9.3.2 Violation of Section 94.4.11 (Failure to have Dust Monitor on Site) \$ 250.00
- 9.3.3 Violation of Section 94.6.6 or 94.7 (Failure to attend required Dust Control Class) \$ 250.00
- 9.3.4 Any failure to comply as set forth in Section 94.6.7 \$ 500.00
- 9.3.5 Any failure to comply as set forth in Section 94.6.8(a), Section 94.6.8(c), Section 94.6.8(e) or Section 94.6.8(f) \$1,000.00
- 9.3.6 Any failure to comply as set forth in Section 94.6.8(b) or Section 94.6.8(d) \$2,000.00
- 9.4 The minimum penalty for any violation of Section 90 (FUGITIVE DUST From OPEN AREAS AND VACANT LOTS) (effective date January

- 1, 2001) is: \$ 500.00
- 9.5 The minimum penalty for any violation of Section 91 (FUGITIVE DUST From Unpaved Roads, Unpaved Alleys and Unpaved EASEMENT Roads) is: \$ 500.00
- 9.6 The minimum penalty for any violation of Section 92 (FUGITIVE DUST From UNPAVED PARKING LOTS) is: \$ 500.00
- 9.7 The minimum penalty for any violation of Section 93 (FUGITIVE DUST from PAVED Roads and Street Sweeping Equipment) (effective date January 1, 2001) is: \$ 500.00
- 9.8 For a FUGITIVE DUST violation at any commercial site where the current permit for CONSTRUCTION ACTIVITIES covers 1 acre or more, the minimum penalty shall be not less than: (in effect until December 31, 2000) \$2,000.00
- 9.9 The minimum penalty for a FUGITIVE DUST violation at any STATIONARY SOURCE shall be: \$2,000.00
- 9.10 The minimum penalty for a violation of Section 4.7.2.4 (failure to comply with the terms of a final Corrective Action Order) related to CONSTRUCTION ACTIVITIES or at a STATIONARY SOURCE capable of emitting PARTICULATE MATTER shall be: \$2,000.00
- 9.11 The minimum penalty for violation of Section 26 (EMISSION of Visible Air Contaminants), Section 14 (Visible EMISSION Limitation based on New Source Performance Standards), Section 12 (Preconstruction Review for New or Modified STATIONARY SOURCES), or EMISSION limitation violations of Section 16 (Operating Permits) shall be: \$2,000.00
- 9.12 Any person aggrieved by an order issued pursuant to this section is entitled to review as provided in Chapter 233B of NRS.
- 9.13 Nothing contained in Section 9 of these Regulations shall be construed as limiting the authority of the Air Pollution Control HEARING BOARD or HEARING OFFICER to take other appropriate remedies as provided in these Regulations.

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 History: Amended : September 3, 1981; January 25, 1990; May 28, 1992; November 18, 1993; December 19, 1996; April 24, 1997; June 22, 2000; December 21, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 10 - COMPLIANCE SCHEDULES**

- 10.1 Any existing source not in compliance with EMISSION limitations hereinafter adopted, or which is not operating under a compliance schedule approved by the Air Pollution Control HEARING BOARD, shall submit a compliance schedule to the CONTROL OFFICER for review no later than 90 days after adoption of such EMISSION limitations.**
- 10.2 The Air Pollution Control HEARING BOARD shall hold a public hearing on each compliance schedule within 60 days after submission of such schedule to the CONTROL OFFICER.**
- 10.3 The Air Pollution Control HEARING BOARD may approve, disapprove, alter, or change all or any part of a compliance schedule, or may impose its own schedule upon the source involved.**
- 10.4 Compliance schedules shall contain as a minimum:**
- 10.4.1 A narrative description of how the source will achieve compliance with such requirements and a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with APPLICABLE REQUIREMENTS.
- 10.4.2 Any such schedule of compliance shall not sanction noncompliance with the APPLICABLE REQUIREMENTS on which it is based.
- 10.4.3 A schedule for submission of certified progress reports.
- 10.4.4 Appropriate increments of progress.
- 10.4.5 Final date of compliance with the appropriate EMISSION limitations.

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History: Amended: November 18, 1993; February 20, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 11 - AMBIENT AIR QUALITY STANDARDS**

**11.1 Definitions:**

11.1.1 “Primary standards” means standards that set limits to protect public health, including the health of “sensitive” populations such as asthmatics, children, and the elderly.

11.1.2 “Secondary standards” means standards that set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

11.1.3 “ $\mu\text{g}/\text{m}^3$ ” means micrograms of all contaminant per cubic meter of air.

11.1.4 “ $\text{mg}/\text{m}^3$ ” means milligrams of air contaminant per cubic meter of air.

11.1.5 “ppm” means parts of air contaminant by volume per million parts of air by volume.

**11.2 The following concentrations of air contaminants shall not be exceeded at any single point in the ambient air:**

<b>National Ambient Air Quality Standards (NAAQS)</b>			
<b>Pollutant</b>	<b>Standard</b>	<b>Standard Value*</b>	<b>Standard Type</b>
Carbon Monoxide (CO)	8-Hour Average	9 ppm (10 $\text{mg}/\text{m}^3$ )	Primary
	1-Hour Average	35 ppm (40 $\text{mg}/\text{m}^3$ )	Primary
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	0.053 ppm (100 $\mu\text{g}/\text{m}^3$ )	Primary & Secondary
Ozone (O <sub>3</sub> )	1-Hour Average	0.12 ppm (235 $\mu\text{g}/\text{m}^3$ )	Primary & Secondary
	8-Hour Average	0.08 ppm (157 $\mu\text{g}/\text{m}^3$ )	Primary & Secondary
Lead (Pb)	Quarterly Average	1.5 $\mu\text{g}/\text{m}^3$	Primary & Secondary
Particulate Matter (PM <sub>10</sub> )	Annual Arithmetic Mean	50 $\mu\text{g}/\text{m}^3$	Primary & Secondary
	24-Hour Average	150 $\mu\text{g}/\text{m}^3$	Primary & Secondary
Particulate Matter (PM <sub>2.5</sub> )	Annual Arithmetic Mean	15 $\mu\text{g}/\text{m}^3$	Primary & Secondary
	24-Hour Average	65 $\mu\text{g}/\text{m}^3$	Primary & Secondary
Sulfur Dioxide (SO <sub>2</sub> )	Annual Arithmetic Mean	0.03 ppm (80 $\mu\text{g}/\text{m}^3$ )	Primary
	24-Hour Average	0.14 ppm (365 $\mu\text{g}/\text{m}^3$ )	Primary
	3-Hour Average	0.50 ppm (1300 $\mu\text{g}/\text{m}^3$ )	Secondary

\* Parenthetical value is an approximate equivalent concentration.

**11.3 Measurement Methods**

The methods of measurement for AMBIENT Air Quality Standards described in Subsections 11.2, inclusive, shall be those prescribed in Title 40 CFR Part 50 Appendix A through N as amended.

**11.4 Adoption of these AMBIENT Air Quality Standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of Clark County.**

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History: Amended: October 25, 1979; April 23, 1987; May 27, 1993; February 20, 2001; June 3, 2003; BCC-October 7, 2003, effective October 21, 2003; July 1, 2004.



# CLARK COUNTY

## AIR QUALITY REGULATIONS

### SECTION 12 - PRECONSTRUCTION REVIEW FOR NEW OR MODIFIED STATIONARY SOURCES

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**12.1 General Application Requirements for New and Modified Sources of Air Pollutants**

**12.1.1 PERSONS who must apply**

12.1.1.1 Any PERSON who proposes to install or construct any new STATIONARY SOURCE (as defined in Section 0), or make MODIFICATION (as defined in Section 0) to any existing STATIONARY SOURCE shall apply for an "AUTHORITY TO CONSTRUCT" CERTIFICATE prior to COMMENCING CONSTRUCTION unless a source has COMMENCED CONSTRUCTION, or MODIFICATION prior to August 25, 1971, and has not undergone a MODIFICATION, or reconstruction since such time. Effective September 01, 1996, unless a source is exempt from the ATC requirements, any STATIONARY SOURCE which is operating in Clark County without an AUTHORITY TO CONSTRUCT issued by the Clark County Department of Air Quality and Environmental Management shall be considered "new" for purposes of this Regulation.

12.1.1.2 Any new or MODIFYING STATIONARY SOURCE that requires site excavation aggregating one quarter ( $\frac{1}{4}$ ) acre or greater shall obtain a Dust Control Permit pursuant to Section 94 prior to COMMENCING CONSTRUCTION.

12.1.1.3 Any PERSON may submit a written request to the CONTROL OFFICER for an applicability determination of the permitting requirements in this section. Such request shall be evaluated by the CONTROL OFFICER within thirty (30) days of receipt of all required information pertaining to the written request.

**12.1.2 Prohibition:** No PERSON shall COMMENCE CONSTRUCTION of any new STATIONARY SOURCE or make MODIFICATIONS to any existing STATIONARY SOURCE prior to receiving an AUTHORITY TO CONSTRUCT CERTIFICATE from the CONTROL OFFICER in accordance with this section.

12.1.2.1 Failure to comply with the requirements of subsection 12.1.2 may result in federal enforcement action and, as of July 1, 1996, shall result in the issuance of a Notice of Violation (NOV) with a Corrective Action Order (CAO) requiring such STATIONARY SOURCE to make application for an AUTHORITY TO CONSTRUCT (ATC) and shall result in the Hearing Board assessment of a Civil Penalty pursuant to Section 9 of the Air Quality Regulations. Such Civil Penalty may be assessed at a rate of two (2) times the total Section 18.4 New Source Review Application Review fees as determined by the CONTROL OFFICER.

- (a) For any new STATIONARY SOURCE, the Section 18.4 New Source Review Application Review fees shall be based on the total POTENTIAL TO EMIT for all REGULATED AIR POLLUTANTS.
- (b) For any Modifying STATIONARY SOURCE, the Section 18.4 New Source Review Application Review fees shall be based on the NET EMISSIONS INCREASE for all REGULATED AIR POLLUTANTS.

**12.1.3 Exemptions.** This subsection pertains to Section 12 applicability.

12.1.3.1 VARIOUS LOCATIONS PERMIT (VLP). Any non-major TEMPORARY STATIONARY SOURCE that meets the definition of a VARIOUS LOCATIONS ACTIVITY shall be subject to the following, which shall satisfy the requirement to obtain an AUTHORITY TO CONSTRUCT and an OPERATING PERMIT pursuant to Section 16 of the Air Quality Regulations:

- (a) Each EMISSION UNIT has permit conditions included in a valid VARIOUS LOCATIONS OPERATING PERMIT issued pursuant to Section 12 and Section 16 of the Air Quality Regulations;
- (b) Each EMISSION UNIT incorporates EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT);
- (c) VLPs are subject to the OFFSET requirements of Section 59;
- (d) As applicable, each EMISSION UNIT shall be subject to the new source performance standard(s) pursuant to Section 14 of the Air Quality Regulations, and;
- (e) The annual (per calendar year) aggregate total of EMISSIONS from all EMISSION UNITS authorized under each VARIOUS LOCATIONS ACTIVITY shall not equal or exceed the following POTENTIAL TO EMIT EMISSIONS for any pollutant:

Pollutant	POTENTIAL TO EMIT EMISSIONS	
	MANAGEMENT AREA & Serious NONATTAINMENT AREA (tons per calendar year)	PSD AREA (tons per calendar year)
PM <sub>10</sub>	15	15
CO	10	70
VOC	20	40
NO <sub>x</sub>	20	40
SO <sub>2</sub>	Not Applicable	40
Pb	Not Applicable	0.3
HAP	Not Applicable	10
TCS	Not Applicable	1.0

- (f) An ATTACHMENT 1 shall be completed and submitted to the CONTROL OFFICER or his/her representative each time the Permittee changes the work location of equipment and/or other accessories authorized under the VLP.
- (g) Forms at ATTACHMENT 1 shall be processed according to the following timeline:
  - (1) ATTACHMENT 1 shall be submitted to the CONTROL OFFICER not less than fourteen (14) days prior to the date of location change.
  - (2) The CONTROL OFFICER will approve, disapprove, or indicate need for additional review of relocation request, in writing, within ten (10) days of receipt of ATTACHMENT 1.

12.1.3.2 This Regulation is applicable to any STATIONARY SOURCE (as defined in Section 0) that is located in Clark County, Nevada, except for a facility which generates electricity by using steam produced by the burning of fossil fuel pursuant to NRS 445.546(5). Such a facility must apply for a preconstruction permit from the Nevada Department of Environmental Protection unless such authority is specifically delegated to the Clark County Board of County Commissioners.

12.1.3.3 EXEMPT STATIONARY SOURCE: The CONTROL OFFICER may require a potential STATIONARY SOURCE to submit information demonstrating that such STATIONARY SOURCE has uncontrolled EMISSIONS less than the EXEMPT STATIONARY SOURCE enumerated limits, as defined in Section 0, for each REGULATED AIR POLLUTANT.

- (a) Any STATIONARY SOURCE determined to have uncontrolled EMISSIONS less than the EXEMPT STATIONARY SOURCE enumerated limits shall receive a letter of exemption at no cost to the owner/operator.
- (b) Any STATIONARY SOURCE determined to have uncontrolled EMISSIONS equal to or exceeding the EXEMPT STATIONARY SOURCE enumerated limits shall be required to submit an application for an AUTHORITY TO CONSTRUCT or such STATIONARY SOURCE may be subject to enforcement action pursuant to Subsection 12.1.2.1.
- (c) "Categorically Exempt Activities" are those activities that rely on the use of specific equipment or those activities based on specific processes, which are contained in the following list:
  - (1) Aircraft engine testing;

- (2) Hobby activities done not for business, profit, research, commercial gain, or as a part of a job or occupation, but for personal reasons, e.g., relaxation, diversion, enjoyment, etc;
- (3) Airbrushing articles of clothing;
- (4) Mobile, motor vehicle scratch and dent repair, mural painting, or pin-striping less than 144 (one hundred forty-four) square inches;
- (5) Portable liquid asphalt kettles;
- (6) Non-production line surface coating with spray cans;
- (7) Media blasting done on in-place stationary equipment or structures;
- (8) Architectural coating of houses, bridges, etc. done in place;
- (9) Internal combustion engines powering portable light plants, portable signs, portable generators, portable welders, and portable compressors as long as they are not providing power to any EMISSION UNITS requiring a permit or providing electrical power to another EMISSION UNIT requiring a permit;
- (10) Vacuum cleaning systems;
- (11) Portable steam cleaners/pressure washers;
- (12) Human transportable power tools, including the attached engine that powers it (e.g., string trimmers, concrete saws, power trowels);
- (13) Temporary "padding" machines, including the engine that powers it, used on an underground utility project provided there is no crusher and provided the project is being performed under a Dust Control Permit;
- (14) Temporary, on-site, demolition debris "grinders", including the engine that powers it, provided the project is being performed under a Dust Control Permit;
- (15) Temporary trenching machines, including the engine that powers it, provided the project is being performed under a Dust Control Permit;
- (16) Pilot testing of soil or groundwater remediation projects for the purpose of gathering engineering data for the selection of control technology. The duration of such testing shall not exceed 72 (seventy-two) hours;
- (17) Equipment demonstration activities lasting less than 14 (fourteen) days in a row and not exceeding a total of 14 (fourteen) days within a 365 (three hundred sixty-five) day period;
- (18) Fuel burning equipment used to heat air, e.g., space heaters, with a maximum heat input less than 1 (one) million BTU/hour;
- (19) Tank-type water heaters with a maximum rated heat input or the total of all tank-type water heaters less than 4 (four) million BTU/hour;

- (20) All fuel burning boilers, steam generators, water heaters, spa heaters, pool heaters with an individual maximum rated heat input of less than 1 (one) million BTU/hour and that have an aggregate total < 10 (ten) million BTU/hour;
- (21) Wood sawing, with cyclone or baghouse control;
- (22) Wood chipping/shredding where no soil or wallboard remains on the wood;
- (23) Emergency standby generator, emergency fire pumps, and stationary internal combustion engine with a rating < 35hp or < 26kw;
- (24) Gasoline storage tank with capacity < 500 gallons; and
- (25) Stationary tank, reservoir, or other container <= 40,000 gallons containing petroleum product with vapor pressure < 1.5 PSIA @STP equipment.

(d) Categorically Exempt STATIONARY SOURCES:

- (1) Containing only natural gas fuel burning equipment with an aggregate maximum rated heat input less than 4 (four) million BTU/hour (e.g., boilers, water heaters, dryers, etc.), which includes units with less than a 1 (one) million BTU/hour maximum rated heat input;
- (2) Containing only 1 (one) emergency generator or fire pump powered by an internal combustion engine of less than 500 (five hundred) hp and tested less than 150 (one hundred fifty) hours per year; and
- (3) Containing only 1 (one) cooling tower circulating less than 1,000 (one thousand) gallons per minute, provided it is equipped with drift eliminators.

**12.1.4 Information to be submitted with an application for AUTHORITY TO CONSTRUCT (ATC):**

12.1.4.1 To comply with the pre-construction application requirements, the applicant shall submit the following information:

- (a) Landowners' name, address and phone number;
- (b) STATIONARY SOURCE owners' name, address and phone number;
- (c) Plant manager's name, address and phone number;
- (d) STATIONARY SOURCE location map with a legal description of the proposed site location, including the property boundaries;
- (e) STATIONARY SOURCE site map identifying all buildings or structures on the site;

- (f) A general flow diagram identifying all processes located at the STATIONARY SOURCE;
- (g) A complete detailed flow diagram of each process at the STATIONARY SOURCE listing all EMISSION UNITS associated with the process;
- (h) Location of nearest residence and distance from the proposed STATIONARY SOURCE;
- (i) Zoning approved by local municipality, or a copy of a currently approved zoning map;
- (j) Copy of application for Use Permit, or decision of the zoning authority;
- (k) Any new PM<sub>10</sub> or CO MAJOR STATIONARY SOURCE proposing to locate in the NONATTAINMENT AREA, or any existing PM<sub>10</sub> or CO MAJOR STATIONARY SOURCE located in the NONATTAINMENT AREA that proposes a Major PM<sub>10</sub> or Major CO MODIFICATION, shall perform an analysis of alternative sites, sizes, production processes, fuel burned, and EMISSION control techniques that demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or MODIFICATION. The required analysis shall be based on EPA guidance or applicable regulations;
- (l) Identification of all REGULATED AIR POLLUTANTS emitted from each EMISSION UNIT;
- (m) Brief general description of the new STATIONARY SOURCE or MODIFICATION;
- (n) Complete description of all processes by Standard Industrial Classification (SIC);
- (o) Complete description of all EMISSION UNITS by Source Classification Code (SCC);
- (p) Type of fuel utilized in each EMISSION UNIT (if applicable);
- (q) Estimate of total annual fuel usage from all non-road engines (gasoline and diesel); such information may be used by the Clark County Department of Air Quality and Environmental Management for modeling and EMISSION inventory purposes, but shall not be included as a condition in the AUTHORITY TO CONSTRUCT;



- (r) Maximum POTENTIAL TO EMIT of all REGULATED AIR POLLUTANTS for each EMISSIONS UNIT in (lbs/hr, lbs/day, and ton(s)/yr);
- (s) Maximum POTENTIAL TO EMIT EMISSIONS of all REGULATED AIR POLLUTANTS for each non-road engine utilized within a permitted facility in (lbs/hr, lbs/day, and ton(s)/yr). Such EMISSIONS may be used by the Clark County Department of Air Quality and Environmental Management for modeling and EMISSION inventory purposes and shall not be included in the facility POTENTIAL TO EMIT;
- (t) Stack data: location, height above grade, diameter (I.D. or effective), exhaust gases, flow rate (ACFM), and temperature;
- (u) Maximum rated design production capacity;
- (v) Expected production capacity;
- (w) Schedule of operation (hrs/day)(days/wk)(wks/yr);
- (x) Description of air pollution control equipment, for each EMISSION UNIT;
- (y) Analysis of compliance with requirements for BEST AVAILABLE CONTROL TECHNOLOGY, LOWEST ACHIEVABLE EMISSION RATE, MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY, as applicable;
- (z) Pre-construction measurements of existing air quality, as required by other subsections of Section 12;
- (aa) Results of modeling for each REGULATED AIR POLLUTANT, (if applicable);
- (bb) Description of post construction ambient air monitoring systems for each REGULATED AIR POLLUTANT, (if applicable);
- (cc) Description and general specifications of continuous EMISSIONS monitoring systems for each REGULATED AIR POLLUTANT, (if applicable);
- (dd) Additional impact analysis of soils, visibility, vegetation, secondary air quality as required by other subsections of Section 12;
- (ee) Anticipated construction schedule including the estimated initial start-up date;
- (ff) Statement of statewide compliance of existing facilities operated by applicant;

- (gg) General information on the air pollution control equipment installed on similar EMISSION UNITS at similar facilities owned or operated by the applicant, applicable to sources subject to public notice requirements; and
- (hh) Payment of all applicable fees pursuant to Section 18 of the Air Quality Regulations.

12.1.4.2 Upon written request of the CONTROL OFFICER, the applicant shall provide any additional information necessary for the CONTROL OFFICER to ascertain compliance with any of the Air Quality Regulations.

12.1.4.3 Each application shall be signed by the RESPONSIBLE OFFICIAL or delegated representative. When required by the CONTROL OFFICER, the information submitted shall be certified by a licensed professional engineer for its accuracy.

12.1.4.4 An application for AUTHORITY TO CONSTRUCT may be deemed incomplete if the submitted information is incorrect, inaccurate, or missing.

#### **12.1.5 AUTHORITY TO CONSTRUCT Completeness Determination**

12.1.5.1 Completeness of an application for AUTHORITY TO CONSTRUCT shall be determined on the satisfactory demonstration of compliance with all the application requirements listed in subsection 12.1.4.

12.1.5.2 The processing deadline for each ATC application shall be established pursuant to subsection 12.3.

12.1.5.3 If the CONTROL OFFICER, after deeming an ATC application complete, should discover incorrect, inaccurate, and/or missing information from the ATC application, then, such ATC application may be redesignated incomplete and additional information may be requested to determine compliance with the Regulations. Based on additions, modifications, and/or deletions from the ATC Application, the source may be subject to additional NSR (New Source Review and/or PSD) Application Review Fees.

#### **12.1.6 Total POTENTIAL TO EMIT:**

12.1.6.1 Based upon the information supplied by the applicant, the CONTROL OFFICER will calculate the total POTENTIAL TO EMIT by adding the POTENTIAL TO EMIT of each proposed EMISSION UNIT, which shall include all FUGITIVE EMISSIONS. In addition, the total POTENTIAL TO EMIT shall include potential emissions from all categorically exempt activities and categorically exempt STATIONARY SOURCES as defined in Subsection 12.1.3. The potential EMISSIONS from these EMISSION UNITS shall be included in the determination of whether a STATIONARY SOURCE is a MAJOR STATIONARY SOURCE, except for the potential

EMISSIONS from motor vehicles and special mobile equipment, residential and commercial housekeeping vacuum systems, and agricultural land use.

12.1.6.2 The total POTENTIAL TO EMIT for the STATIONARY SOURCE will be used by the CONTROL OFFICER to determine all NSR (New Source Review and/or PSD) Application Review fees pursuant to Sections 12 and 18.

12.1.6.3 The total POTENTIAL TO EMIT for each EMISSION UNIT shall be included in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE and in the enforceable conditions of the OPERATING PERMIT.

12.1.6.4 For any STATIONARY SOURCE, the total POTENTIAL TO EMIT for each REGULATED AIR POLLUTANT shall be included in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE and in the enforceable conditions of the OPERATING PERMIT.

## **12.2 Requirements for Specific Air Pollutants:**

In addition to the requirements of Sections 13, 14 and 20 of the Air Quality Regulations, the following air pollutant specific requirements shall apply:

### **12.2.1 PM<sub>10</sub> Non-Major Sources in the Serious NONATTAINMENT AREA:**

12.2.1.1 Subsection 12.2.1 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM<sub>10</sub> NONATTAINMENT AREA with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM<sub>10</sub> NONATTAINMENT AREA with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual PM<sub>10</sub> POTENTIAL TO EMIT shall mean the addition of the PM<sub>10</sub> EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM<sub>10</sub> POTENTIAL TO EMIT.

12.2.1.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.1.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS

INCREASE from all EMISSION UNITS, including FUGITIVE EMISSIONS, that is equal to or exceeding fifteen (15) tons per year.

12.2.1.4 OFFSET requirements are found in Section 59.

12.2.1.5 Post Construction Ambient Air Monitoring Requirements:

(a) Applicability:

- (1) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10)  $\mu\text{g}/\text{m}^3$  then such source shall perform post construction monitoring pursuant to 12.2.1.5 (b) and 12.6.2.
- (2) Any MODIFYING STATIONARY SOURCE with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM<sub>10</sub> POTENTIAL TO EMIT from all EMISSION UNITS at such source.
  - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10)  $\mu\text{g}/\text{m}^3$  then such source shall perform post construction monitoring pursuant to 12.2.1.5 (b) and 12.6.2.
  - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM<sub>10</sub> shall not be subject to the requirements of 12.2.1.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
- (3) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

**12.2.2 PM<sub>10</sub> Major Sources in the Serious NONATTAINMENT AREA:**

12.2.2.1 Subsection 12.2.2 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM<sub>10</sub> NONATTAINMENT AREA with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and
- (b) any proposed MODIFICATION to any STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM<sub>10</sub> NONATTAINMENT AREA with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.
- (c) The total annual PM<sub>10</sub> POTENTIAL TO EMIT shall mean the addition of the PM<sub>10</sub> EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM<sub>10</sub> POTENTIAL TO EMIT.

12.2.2.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.2.3 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major PM<sub>10</sub> STATIONARY SOURCE,
- (b) any existing Non-Major PM<sub>10</sub> STATIONARY SOURCE proposing MODIFICATION with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year that results in a total PM<sub>10</sub> POTENTIAL TO EMIT which is equal to or exceeding the EMISSIONS threshold of a Major PM<sub>10</sub> STATIONARY SOURCE, and
- (c) any existing Major PM<sub>10</sub> STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year.

12.2.2.4 OFFSET requirements are found in Section 59.

12.2.2.5 Post Construction Ambient Air Monitoring Requirements for AUTHORITY TO CONSTRUCT CERTIFICATES issued after October 1, 1993:

- (a) Applicability:
- (1) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.2.5(b) and 12.6.2.
  - (2) Any Modifying STATIONARY SOURCE with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM<sub>10</sub> POTENTIAL TO EMIT from all EMISSION UNITS at such source.
    - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.2.5(b) and 12.6.2.
    - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM<sub>10</sub> shall not be subject to the requirements of 12.2.2.5(b).
- (b) Post Construction Ambient Air Monitoring Requirements:
- (1) The OWNER OR OPERATOR of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
  - (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
  - (3) The Post Construction monitoring shall commence within thirty (30) days of the Actual Initial Start-up Date.

**12.2.3 PM<sub>10</sub> Non-Major Sources in the PM<sub>10</sub> MANAGEMENT AREAS:**

12.2.3.1 Subsection 12.2.3 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in the PM<sub>10</sub> MANAGEMENT AREA with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE located in the PM<sub>10</sub> MANAGEMENT AREA with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual PM<sub>10</sub> POTENTIAL TO EMIT shall mean the addition of the PM<sub>10</sub> EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM<sub>10</sub> POTENTIAL TO EMIT.

12.2.3.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.3.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding fifteen (15) tons per year.

12.2.3.4 Post Construction Ambient Air Monitoring Requirements:

- (a) Applicability:
  - (1) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.3.4(b) and 12.6.2.
  - (2) Any MODIFYING STATIONARY SOURCE with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM<sub>10</sub> POTENTIAL TO EMIT from all EMISSION UNITS at such source.

- (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10)  $\mu\text{g}/\text{m}^3$  then such source shall perform post construction monitoring pursuant to 12.2.3.4(b) and 12.6.2.
- (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for  $\text{PM}_{10}$  shall not be subject to the requirements of 12.2.3.4(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The OWNER OR OPERATOR of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
- (3) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

12.2.3.5 Growth Allowance for  $\text{PM}_{10}$

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

PM <sub>10</sub> Class II Increment	
Time Period	Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )
Annual Arithmetic Mean	17
24-Hour Maximum	30

The following shall be excluded in determining compliance with the maximum allowable increase: concentrations of PARTICULATE MATTER attributable to the increase in EMISSIONS from CONSTRUCTION or other temporary EMISSION-related activities of new or modified sources.



- (b) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for PM<sub>10</sub> listed in Section 11 of these Air Quality Regulations.
- (c) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (d) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.3.5(a) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

**12.2.4 PM<sub>10</sub> Major Sources in the PM<sub>10</sub> MANAGEMENT AREAS:**

12.2.4.1 Subsection 12.2.4 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.
- (c) The total annual PM<sub>10</sub> POTENTIAL TO EMIT shall mean the addition of the PM<sub>10</sub> EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM<sub>10</sub> POTENTIAL TO EMIT.

12.2.4.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.4.3 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major PM<sub>10</sub> STATIONARY SOURCE,
- (b) any existing Non-Major PM<sub>10</sub> STATIONARY SOURCE proposing MODIFICATION with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year that results in a total PM<sub>10</sub> POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a Major PM<sub>10</sub> STATIONARY SOURCE, and

- (c) any existing Major PM<sub>10</sub> STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year.

#### 12.2.4.4 Pre-application Requirements:

- (a) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
- (b) Preconstruction ambient air monitoring requirement:
  - (1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for PM<sub>10</sub> pursuant to Subsection 12.6.
  - (2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring. If such data is not representative or unavailable, then the owner or operator of the STATIONARY SOURCE shall install and operate an Automated Particle Sampler listed as a 40 CFR, Part 53, Equivalent Method. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

#### 12.2.4.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Applicability:
  - (1) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.4.5(b) and 12.6.2.

(2) Any MODIFYING STATIONARY SOURCE with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM<sub>10</sub> POTENTIAL TO EMIT from all EMISSION UNITS at such source.

(i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.4.5(b) and 12.6.2.

(ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM<sub>10</sub> shall not be subject to the requirements of 12.2.4.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

(1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

(2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.

(c) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

12.2.4.6 Growth Allowance for PM<sub>10</sub>

(a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

PM <sub>10</sub> Class II Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	17
24-Hour Maximum	30

The following shall be excluded in determining compliance with the maximum allowable increase: concentrations of PARTICULATE MATTER attributable to the increase in EMISSIONS from CONSTRUCTION or other temporary EMISSION-related activities of new or modified sources.

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.4.8, the allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

PM <sub>10</sub> Class I Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	4
24-Hour Maximum	8

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for PM<sub>10</sub> listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.4.6(a) or 12.2.4.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.4.7 Additional Impact Analysis. Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or

exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE EQUAL to or exceeding fifteen (15) tons per year shall conduct an impact analysis:

- (a) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
- (b) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

#### 12.2.4.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5 ) to calculate the maximum increase in Ambient PM<sub>10</sub> concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1)µg/m<sup>3</sup> (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION, and
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

#### 12.2.5 PM<sub>10</sub> Sources in the PSD AREA:

12.2.5.1 Subsection 12.2.5 shall apply to any new or MODIFIED STATIONARY SOURCE with PM<sub>10</sub> EMISSIONS in an AIR QUALITY AREA that is in a PM<sub>10</sub> PSD AREA .

12.2.5.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.5.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE FROM all EMISSION UNITS that is equal to or exceeding fifteen (15) tons per year.

12.2.5.4 Pre-application Requirements:

(a) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.

(b) Preconstruction ambient air monitoring requirement:

(1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for PM<sub>10</sub> pursuant to Subsection 12.6.

(2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring. If such data is not representative or unavailable, then the owner or operator of the STATIONARY SOURCE shall install and operate an Automated Particle Sampler listed as a 40 CFR, Part 53, Equivalent Method. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

(c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.5.5 Post Construction Ambient Air Monitoring Requirements:

(a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5,

Table 12-1) shall perform post construction monitoring for PM<sub>10</sub> pursuant to Subsection 12.6.

- (b) The OWNER OR OPERATOR of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (c) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM<sub>10</sub> shall not be subject to the requirements of 12.2.5.5.

12.2.5.6 Growth Allowance for PM<sub>10</sub>

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

PM <sub>10</sub> Class II Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	17
24-Hour Maximum	30

The following shall be excluded in determining compliance with the maximum allowable increase: concentrations of PARTICULATE MATTER attributable to the increase in EMISSIONS from CONSTRUCTION or other temporary EMISSION-related activities of new or modified sources.

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.5.8, the allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

PM <sub>10</sub> Class I Increment
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Time Period	Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )
Annual Arithmetic Mean	4
24-Hour Maximum	8

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for  $\text{PM}_{10}$  listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.5.6(a) or 12.2.5.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.5.7 Additional Impact Analysis. Any new STATIONARY SOURCE with a  $\text{PM}_{10}$  POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a  $\text{PM}_{10}$  POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a  $\text{PM}_{10}$  NET EMISSIONS INCREASE EQUAL to or exceeding fifteen (15) tons per year shall conduct an impact analysis:

- (a) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
- (b) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.5.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a  $\text{PM}_{10}$  POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a  $\text{PM}_{10}$  POTENTIAL TO EMIT equal to or exceeding



two hundred fifty (250) tons per year shall conduct a Class I area analysis.

- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient PM<sub>10</sub> concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1)µg/m<sup>3</sup> (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

## **12.2.6 CO Non-Major Sources in the Serious NONATTAINMENT AREA:**

12.2.6.1 Subsection 12.2.6 shall apply to the following:

- (a) Any new STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.6.2 A STATIONARY SOURCE with a CO POTENTIAL TO EMIT exceeding fifty (50) tons per year shall not be authorized for construction within the area bounded by Washington Avenue on the north, Lamb Boulevard on the east, Tropicana Avenue on the south, and Interstate 15 on the west.

**COMMENT: On September 26, 1996, at the direction of the Board of Health, any new or Modified Stationary Source with a CO EMISSION increase exceeding ten (10) tons per year but less than fifty (50) tons**

**per year in the area of applicability shall be required to mitigate such a CO EMISSION increase by achieving CO reductions from motor vehicles associated with the facility at an offset ratio of 2:1.**

12.2.6.3 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.6.4 Notice of Proposed Action (described in Subsection 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE from all EMISSION Units that is equal to or exceeding ten (10) tons per year.

**12.2.7 CO Major Sources in the Serious NONATTAINMENT AREA:**

12.2.7.1 Subsection 12.2.7 shall apply to the following:

(a) Any new STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and

(b) any proposed MODIFICATION to any existing STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.

(c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.7.2 A MAJOR CO STATIONARY SOURCE shall not be authorized for construction within the area bounded by Washington Avenue on the north, Lamb Boulevard on the east, Tropicana Avenue on the south, and Interstate 15 on the west.

12.2.7.3 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.7.4 Notice of Proposed Action (described in Subsection 12.3) is required for:

(a) Any new MAJOR CO STATIONARY SOURCE,

(b) any existing non-major CO STATIONARY SOURCE proposing MODIFICATION with a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year that results in a total CO POTENTIAL

TO EMIT which is equal to or exceeds the EMISSIONS threshold of a MAJOR CO STATIONARY SOURCE, and

- (c) any existing MAJOR CO STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year.

12.2.7.5 OFFSET requirements are found in Section 59.

**12.2.8 CO Non-Major Sources in the CO MANAGEMENT AREA:**

12.2.8.1 Subsection 12.2.8 shall apply to the following:

- (a) Any new STATIONARY SOURCE with a proposed total annual Carbon Monoxide (CO) POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to an existing NON-MAJOR STATIONARY SOURCE with a proposed total annual CO POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.8.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.8.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE from all EMISSION Units that is equal to or exceeding ten (10) tons per year.

**12.2.9 CO Major Sources in the CO MANAGEMENT AREAS:**

12.2.9.1 Subsection 12.2.9 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual Carbon Monoxide (CO) POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and
- (b) any proposed MODIFICATION to an existing NON-MAJOR STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.

- (c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.9.2 Each new or Modified STATIONARY SOURCE satisfying the applicability criteria shall be subject to the CO PSD requirements in subsections 12.2.10.4, 12.2.10.5, 12.2.10.6 and 12.2.10.7.

12.2.9.3 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.9.4 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) Any new Major CO STATIONARY SOURCE,
- (b) any existing Non-Major CO STATIONARY SOURCE proposing MODIFICATION with a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year that results in a total CO POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a Major CO STATIONARY SOURCE; and
- (c) any existing Major CO STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year.

**12.2.10 CO Sources in the PSD AREA:**

12.2.10.1 Subsection 12.2.10 shall apply to any new or Modifying STATIONARY SOURCE in an AIR QUALITY AREA that is in a CO PSD AREA with CO EMISSIONS.

12.2.10.2 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.10.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE from all EMISSION Units that is equal to or exceeding seventy (70) tons per year.

12.2.10.4 Pre-application Requirements:

- (a) Any new STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding one hundred (100) tons per year shall perform air quality modeling pursuant to

Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.

- (b) Preconstruction ambient air monitoring requirement. Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform preconstruction monitoring for CO pursuant to Subsection 12.6.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

#### 12.2.10.5 Post Construction Ambient Air Monitoring Requirements

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for CO pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for CO shall not be subject to the requirements of 12.2.10.5.

#### 12.2.10.6 Additional Impact Analysis:

- (a) Any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding one hundred (100) tons per year shall conduct an impact analysis:
  - (1) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
  - (2) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

#### 12.2.10.7 Class I Area Analysis

- (a) Any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a CO POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5 ) to calculate the maximum increase in Ambient CO concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or Net EMISSIONS Increase for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

#### 12.2.11 VOC Non-Major Sources in the VOC MANAGEMENT AREAS:

VOLATILE ORGANIC COMPOUNDS (VOCs) are a precursor to the formation of ground level ozone. Clark County is classified as an attainment area for ozone; however, the Las Vegas Valley has maximum ozone levels approaching the National Ambient Air Quality Standard (NAAQS).

##### 12.2.11.1 Subsection 12.2.11 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a total annual VOC POTENTIAL TO EMIT less than fifty (50) tons per year, or
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a proposed total annual VOC POTENTIAL TO EMIT less than fifty (50) tons per year.

- (c) The total annual VOC POTENTIAL TO EMIT shall mean the addition of the VOC EMISSIONS from the MODIFICATION and the EMISSIONS from the existing VOC POTENTIAL TO EMIT.

12.2.11.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.11.3 Notice of Proposed Action (described in Section 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding twenty (20) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding twenty (20) tons per year.

**12.2.12 VOC Major Sources in the VOC MANAGEMENT AREAS:**

VOLATILE ORGANIC COMPOUNDS (VOCs) are a precursor to the formation of ground level ozone. Clark County is classified as an attainment area for ozone; however, the Las Vegas Valley has maximum ozone levels approaching the National Ambient Air Quality Standard (NAAQS).

12.2.12.1 Subsection 12.2.12 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a total annual VOC POTENTIAL TO EMIT equal to or exceeding fifty (50) tons per year, and
- (b) any proposed MODIFICATION to any STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a proposed total annual VOC POTENTIAL TO EMIT equal to or exceeding fifty (50) tons per year.
- (c) The total annual VOC POTENTIAL TO EMIT shall mean the addition of the VOC EMISSIONS from the MODIFICATION and the EMISSIONS from the existing VOC POTENTIAL TO EMIT.

12.2.12.2 Each new or MODIFIED STATIONARY SOURCE satisfying the applicability criteria shall be subject to the VOC PSD requirements in subsections 12.2.13.4, 12.2.13.5, 12.2.13.6, and 12.2.13.7.

12.2.12.3 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.12.4 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major VOC STATIONARY SOURCE,

- (b) any existing Non-Major VOC STATIONARY SOURCE proposing MODIFICATION with a VOC NET EMISSIONS INCREASE equal to or exceeding twenty (20) tons per year that results in a total VOC POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a Major VOC STATIONARY SOURCE, and
- (c) any existing Major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE equal to or exceeding twenty (20) tons per year.

**12.2.13 VOC Sources in PSD AREA:**

12.2.13.1 Subsection 12.2.13 shall apply to any new or Modified STATIONARY SOURCE in an AIR QUALITY AREA that is in a VOC PSD AREA with VOC EMISSIONS.

12.2.13.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.13.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding forty (40) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding forty (40) tons per year.

12.2.13.4 Pre-application Requirements:

(a) Preconstruction ambient air monitoring requirement:

(1) Any new STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any Major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one hundred (100) tons per year shall perform preconstruction monitoring for O<sub>3</sub> pursuant to Subsection 12.6.

(2) If AMBIENT AIR monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.

(b) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.13.5 Post Construction Ambient Air Monitoring Requirements:



- (a) Any new STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any Major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one hundred (100) tons per year shall perform post construction monitoring for O<sub>3</sub> pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for O<sub>3</sub> shall not be subject to the requirements of 12.2.13.5.

12.2.13.6 Additional Impact Analysis:

- (a) Any STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or a VOC STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall conduct an impact analysis:
  - (1) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
  - (2) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.13.7 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5 ) to calculate the maximum increase in Ambient VOC concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a

modeled impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (24-hour average) at or within the property boundary of the Class I area shall:

- (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
- (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

**12.2.14 NO<sub>x</sub> Sources in the NO<sub>x</sub> MANAGEMENT AREAS.** Oxides of Nitrogen (NO<sub>x</sub>) are a precursor to the formation of ground level ozone. Clark County is classified as an attainment area for ozone; however, the LAS VEGAS VALLEY has maximum ozone levels approaching the National Ambient Air Quality Standard (NAAQS).

12.2.14.1 Subsection 12.2.14 shall apply to any new or Modified STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with Nitrogen Oxides (NO<sub>x</sub>) EMISSIONS.

12.2.14.2 Special Restriction: Any STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT exceeding fifty (50) tons per year shall not be authorized for construction within the area bounded by Washington Avenue on the north, Lamb Boulevard on the east, Tropicana Avenue on the south, and Interstate 15 on the west.

- (a) For any new or MODIFIED STATIONARY SOURCE of NO<sub>x</sub>, which receives an AUTHORITY TO CONSTRUCT after July 1, 1991, the total accumulated NO<sub>x</sub> NET EMISSIONS INCREASE from all EMISSION UNITS within such STATIONARY SOURCE shall not exceed fifty (50) tons per year.
- (b) The total accumulated NO<sub>x</sub> NET EMISSIONS INCREASE (NEI) shall mean the accumulation of all NO<sub>x</sub> NEIs occurring after July 1, 1991. The POTENTIAL TO EMIT, related to the accumulation of such NEIs for an affected STATIONARY SOURCE, shall not exceed a lifetime limit of fifty (50) tons per year.
- (c) EXCEPTION: Any new or MODIFYING STATIONARY SOURCE may exceed a total accumulated NO<sub>x</sub> NET EMISSIONS INCREASE of fifty (50) tons per year from all EMISSION UNITS within such STATIONARY SOURCE after July 1, 1991, if such NO<sub>x</sub> NET EMISSIONS INCREASE is offset with

an approved Section 58 EMISSION REDUCTION CREDIT at a ratio of 1.2 to 1.

- 12.2.14.3 Each new or Modified STATIONARY SOURCE satisfying the applicability criteria shall be subject to the NO<sub>x</sub> PSD requirements in subsections 12.2.15.4, 12.2.15.5, 12.2.15.6, 12.2.15.7, and 12.2.15.8.
- 12.2.14.4 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).
- 12.2.14.5 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding twenty (20) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a NO<sub>x</sub> NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding twenty (20) tons per year.

**12.2.15 NO<sub>x</sub> Sources in PSD AREA:**

- 12.2.15.1 Subsection 12.2.15 shall apply to any new or Modified STATIONARY SOURCE located in an AIR QUALITY AREA that is in a NO<sub>x</sub> PSD AREA with NO<sub>x</sub> EMISSIONS.
- 12.2.15.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).
- 12.2.15.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding forty (40) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a NO<sub>x</sub> NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding forty (40) tons per year.
- 12.2.15.4 Pre-application Requirements:
  - (a) Any new STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a NO<sub>x</sub> NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
  - (b) Preconstruction ambient air monitoring requirement:
    - (1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in

Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for NO<sub>2</sub> pursuant to Subsection 12.6.

- (2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.15.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for NO<sub>2</sub> pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for NO<sub>2</sub> shall not be subject to the requirements of Subsection 12.2.15.5.

12.2.15.6 Growth Allowance for Nitrogen Dioxide

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

NO <sub>2</sub> Class II Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	25

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.15.8, the allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

NO <sub>2</sub> Class I Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	2.5

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for NO<sub>2</sub> listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.15.6(a) or 12.2.15.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.15.7 Additional Impact Analysis. Any STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or a STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in NO<sub>x</sub> NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.15.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty two (62) miles of a Class I area or any STATIONARY SOURCE located in

Clark County with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.

- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient NO<sub>x</sub> concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter (µg/m<sup>3</sup>) (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

**12.2.16 SO<sub>2</sub> Sources in PSD AREA:**

- 12.2.16.1 Subsection 12.2.16 shall apply to any new or Modified STATIONARY SOURCE in an AIR QUALITY AREA that is in a SO<sub>2</sub> PSD AREA with SO<sub>2</sub> EMISSIONS.
- 12.2.16.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).
- 12.2.16.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding forty (40) tons per year and any STATIONARY SOURCE proposing MODIFICATION that results in a SO<sub>2</sub> NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding forty (40) tons per year.
- 12.2.16.4 Pre-application Requirements:
  - (a) Any new STATIONARY SOURCE with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a SO<sub>2</sub> NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.

- (b) Preconstruction ambient air monitoring requirement:
  - (1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for SO<sub>2</sub> pursuant to Subsection 12.6.
  - (2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.16.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall conduct post construction monitoring for SO<sub>2</sub> pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction SO<sub>2</sub> ambient air monitoring for SO<sub>2</sub> shall not be subject to the requirements of 12.2.16.5.

12.2.16.6 Growth Allowance for Sulfur Dioxide

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

SO <sub>2</sub> Class II Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	20
24-Hour Maximum	91
3-Hour Maximum	512

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.16.8, the allowable EMISSION increases

from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

SO <sub>2</sub> Class I Increment	
Time Period	Maximum Allowable Increase (µg/m <sup>3</sup> )
Annual Arithmetic Mean	2
24-Hour Maximum	5
3-Hour Maximum	25

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for SO<sub>2</sub> listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.16.6(a) or 12.2.16.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.16.7 Additional Impact Analysis. Any STATIONARY SOURCE with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or a STATIONARY SOURCE with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a SO<sub>2</sub> NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.



- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.16.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty two (62) miles of a Class I area or any STATIONARY SOURCE located in Clark County with a SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient SO<sub>2</sub> concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

**12.2.17 Pb Sources in PSD AREA:**

- 12.2.17.1 Subsection 12.2.17 shall apply to any new or Modified STATIONARY SOURCE located in an AIR QUALITY AREA that is in a Pb PSD AREA with Pb EMISSIONS.
- 12.2.17.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY.
- 12.2.17.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding three tenths (0.3) of a ton per year and any STATIONARY SOURCE proposing MODIFICATION that results in a Pb NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding three tenths (0.3) of a ton per year.

12.2.17.4 Pre-application Requirements:

- (a) Any new STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year or any Major Pb STATIONARY SOURCE proposing MODIFICATION that results in a Pb NET EMISSIONS INCREASE equal to or exceeding six tenths (0.6) of a ton per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
- (b) Preconstruction ambient air monitoring requirement. Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform preconstruction monitoring for Pb pursuant to Subsection 12.6.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.17.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for Pb pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for Pb shall not be subject to the requirements of 12.2.17.5.

12.2.17.6 Additional Impact Analysis. Any STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year or a STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year proposing MODIFICATION that results in a Pb NET EMISSIONS INCREASE equal to or exceeding six tenths (0.6) of a ton per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.17.7 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year that is located within sixty-two (62) miles of a Class I area or any STATIONARY SOURCE located in Clark County with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5 ) to calculate the maximum increase in Ambient lead concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION.
- (c) Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

**12.2.18 HAP Sources in Clark County:**

12.2.18.1 The applicability of Subsection 12.2.18 shall be limited to any STATIONARY SOURCE subject to the requirements of Section 20 of the Regulations, or any STATIONARY SOURCE with EMISSIONS of HAZARDOUS AIR POLLUTANTS (HAPs) that are not subject to the  $\text{PM}_{10}$ , VOC, or TCS requirements of the Regulations and shall apply to the following:

- (a) Any new STATIONARY SOURCE located in Clark County which emits or has a POTENTIAL TO EMIT equal to or exceeding, ten (10) tons per year for any HAZARDOUS AIR POLLUTANT (HAP), or twenty-five (25) tons per year for any combination of HAPs, as defined in Section 0; and

- (b) any MODIFIED HAP STATIONARY SOURCE located in Clark County which has a NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year for any HAZARDOUS AIR POLLUTANT (HAP), or twenty-five (25) tons per year for any combination of HAPs as defined in Section 0.

12.2.18.2 EMISSION Control Requirements:

- (a) For any STATIONARY SOURCE not subject to the requirements of Section 20 of the Air Quality Regulations and/or National EMISSION Standards for Hazardous Air Pollutants promulgated under section 112 of the ACT:
  - (1) each new or MODIFIED EMISSION UNIT that does not represent an imminent or substantial danger, as determined by the CONTROL OFFICER, may incorporate no control; and
  - (2) each new or MODIFIED EMISSION UNIT that does represent an imminent or substantial danger, as determined by the CONTROL OFFICER, the EMISSION controls shall be, at a minimum, designed for the BEST AVAILABLE CONTROL TECHNOLOGY.
- (b) For any STATIONARY SOURCE subject to the requirements of Section 20 of the Air Quality Regulations each new or MODIFIED EMISSION UNIT shall be subject to the applicable standard listed in Section 20.

12.2.18.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year for all HAPs or any STATIONARY SOURCE proposing MODIFICATION that results in a NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding ten (10) tons per year for all HAPs.

12.2.18.4 An application to construct or reconstruct any major source of hazardous pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the ACT will be met. Where MACT has not been established by the administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44. For purposes of this subsection, constructing or reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.

- (a) Notice of Proposed Action (described in Subsection 12.3) is required for any source subject to this subsection.
- (b) Within 60 days of the issuance of the permit, a copy of the MACT determination will be submitted to the EPA.

**12.2.19 TCS Sources in Clark County:** Requirements for TOXIC CHEMICAL SUBSTANCES (TCS) contained in this Subsection apply to all new and MODIFIED STATIONARY SOURCES that emit one (1) or more of the TOXIC CHEMICAL SUBSTANCE(S), as defined in Section 0.

12.2.19.1 Pre-application Requirements—Preconstruction ambient air monitoring requirement:

- (a) Any new STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) ton per year or any Major TCS STATIONARY SOURCE proposing MODIFICATION that results in a TCS NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one (1) ton per year shall perform preconstruction monitoring for TCS pursuant to Subsection 12.6.
- (b) If AMBIENT AIR monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.

12.2.19.2 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) ton per year or any Major TCS STATIONARY SOURCE proposing MODIFICATION that results in a TCS NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one (1) ton per year shall perform post construction monitoring for TCS pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for TCS shall not be subject to the requirements of 12.2.19.2.

12.2.19.3 Additional Impact Analysis. Any STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year or a STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year proposing MODIFICATION that results in a TCS NET EMISSIONS INCREASE equal to or exceeding one (1) of a ton per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.19.4 Class I Area Analysis:

- (a) Applicability: Any STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient TCS concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION.
- (c) Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (24-hour average) at or within the property boundary of the Class I area shall:
  - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
  - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.19.5 Air Quality Modeling:

- (a) The applicant shall estimate changes in ambient air quality resulting from the new or MODIFIED STATIONARY SOURCE by using a mathematical model described in Subsection 12.5.
- (b) Actual measurements of ambient air quality, before or after construction of the new or MODIFIED STATIONARY SOURCE, may be required. At no time shall a STATIONARY SOURCE be exempted from the requirements of Subsection 12.5.5.1.

- (c) After the new or MODIFIED STATIONARY SOURCE is constructed and has commenced operation, the EMISSION UNIT(s) will be tested to verify conformance with the POTENTIAL TO EMIT, as described in Subsection 12.2.19.5(b).
- 12.2.19.6 Public notification (described in Subsection 12.3) is required if there is a net increase in any TOXIC CHEMICAL SUBSTANCE EMISSIONS from all EMISSION UNITS that is equal to or greater than one (1) ton per year.
- 12.2.19.7 BEST AVAILABLE CONTROL TECHNOLOGY is required if the total POTENTIAL TO EMIT exceeds one (1) tpy for any TOXIC CHEMICAL SUBSTANCES and Municipal WASTE Combustor Organics equal to or exceeding 0.00000555 tpy.
- 12.2.19.8 Chlorine. The applicant shall meet the requirements of Section 33 of these Regulations.
- 12.2.19.9 Compliance testing for TOXIC CHEMICAL SUBSTANCES:
- (a) As stated in Subsection 12.1.6, the POTENTIAL TO EMIT is an enforceable OPERATING PERMIT condition.
  - (b) The applicant and the CONTROL OFFICER shall mutually determine the most appropriate sampling method and analytical technique to measure the POTENTIAL TO EMIT for an EMISSION UNIT. If the applicant/permittee and the CONTROL OFFICER fail to reach an agreement, the Hearing Board may be consulted for selecting the compliance testing method.
- 12.2.20 Additional Requirements for STATIONARY SOURCES with Beryllium, Mercury, Vinyl Chloride, or Asbestos EMISSIONS in Clark County:**
- 12.2.20.1 In addition to any of the requirements of Section 13 and Subsection 12.2.18, the applicant shall meet the following requirements:
- 12.2.20.2 Pre-application Requirements:
- (a) Any new or Modified STATIONARY SOURCE shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
  - (b) Preconstruction ambient air monitoring requirement. Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform preconstruction monitoring for each applicable pollutant pursuant to Subsection 12.6.

12.2.20.3 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for each applicable pollutant pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for such pollutant, shall not be subject to the requirements of 12.2.20.3.

12.2.20.4 Asbestos:

- (a) The accumulated Ambient Air concentrations for all new or Modified STATIONARY SOURCES since June 1, 1987, shall not exceed 1,000 fibers per cubic meter.
- (b) The applicant shall meet requirements of Section 13 of these Regulations.

**12.2.21 [RESERVED]**

**12.2.22 PM<sub>10</sub> Non-Major Sources in the Moderate NONATTAINMENT Area:**

12.2.22.1 Subsection 12.2.22 shall apply to the following:

- (a) any new STATIONARY SOURCE with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT less than seventy (70) tons per year; or
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual PM<sub>10</sub> POTENTIAL TO EMIT shall mean the addition of the PM<sub>10</sub> EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM<sub>10</sub> POTENTIAL TO EMIT.

12.2.22.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.22.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS



INCREASE from all EMISSION UNITS, including FUGITIVE EMISSIONS, that is equal to or exceeding fifteen (15) tons per year.

12.2.22.4 Post Construction Ambient Air Monitoring Requirements:

(a) Applicability:

- (1) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.22.5(b) and 12.6.2.
- (2) Any MODIFYING STATIONARY SOURCE with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM<sub>10</sub> POTENTIAL TO EMIT from all EMISSION UNITS at such source.
  - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m<sup>3</sup> then such source shall perform post construction monitoring pursuant to 12.2.22.5 (b) and 12.6.2.
  - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM<sub>10</sub> shall not be subject to the requirements of 12.2.22.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.

- (3) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

**12.2.23 PM<sub>10</sub> Major Sources in the Moderate NONATTAINMENT Area:**

12.2.23.1 Subsection 12.2.23 shall apply to the following:

- (a) any new STATIONARY SOURCE with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year; and
- (b) any proposed MODIFICATION to any STATIONARY SOURCE with a proposed total annual PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.
- (c) The total annual PM<sub>10</sub> POTENTIAL TO EMIT shall mean the addition of the PM<sub>10</sub> EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM<sub>10</sub> POTENTIAL TO EMIT.

12.2.23.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.23.3 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major PM<sub>10</sub> STATIONARY SOURCE,
- (b) any existing Non-Major PM<sub>10</sub> STATIONARY SOURCE proposing MODIFICATION with a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year that results in a total PM<sub>10</sub> POTENTIAL TO EMIT which is equal to or exceeding the EMISSIONS threshold of a Major PM<sub>10</sub> STATIONARY SOURCE, and
- (c) any existing Major PM<sub>10</sub> STATIONARY SOURCE proposing MODIFICATION that results in a PM<sub>10</sub> NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year.

12.2.23.4 OFFSET requirements are found in Section 59.

12.2.23.5 Post Construction Ambient Air Monitoring Requirements for AUTHORITY TO CONSTRUCT CERTIFICATES issued after October 1, 1993:

- (a) Applicability:
  - (1) Any new STATIONARY SOURCE with a PM<sub>10</sub> POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior

to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10)  $\mu\text{g}/\text{m}^3$  then such source shall perform post construction monitoring pursuant to 12.2.23.5(b) and 12.6.2.

(2) Any Modifying STATIONARY SOURCE with a  $\text{PM}_{10}$  NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total  $\text{PM}_{10}$  POTENTIAL TO EMIT from all EMISSION UNITS at such source.

(i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10)  $\mu\text{g}/\text{m}^3$  then such source shall perform post construction monitoring pursuant to 12.2.23.5(b) and 12.6.2.

(ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for  $\text{PM}_{10}$  shall not be subject to the requirements of 12.2.23.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

(1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

(2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.

(3) The Post Construction monitoring shall commence within thirty (30) days of the Actual Initial Start-up Date.

## **12.3 Owner/Operator Notification, Application Processing Deadlines, Notice of Proposed Action Procedures, and Public Hearings**

### **12.3.1 Owner/Operator Notification and Application Processing Deadlines:**

12.3.1.1 New or MODIFIED NON-MAJOR STATIONARY SOURCE or NON-MAJOR MODIFICATION to a MAJOR STATIONARY SOURCE. Within sixty (60) days upon receipt of an application, the CONTROL OFFICER shall notify the applicant, in writing, that the application is complete or incomplete:

- (a) If the application is deemed complete, then within forty-five (45) days after the date an application is deemed complete, the CONTROL OFFICER shall publish a Notice of Proposed Action pursuant to 12.3.2.
- (b) If the application is deemed incomplete, then the CONTROL OFFICER shall itemize the deficiencies in writing.
- (c) If the CONTROL OFFICER, after deeming an ATC application complete, should discover incorrect, inaccurate, and/or missing information from the ATC application, then, such ATC application may be redesignated incomplete and additional information may be requested to determine compliance with the Regulations.
- (d) When the requested additional information is provided to the CONTROL OFFICER, the application will be considered complete and the time period specified in 12.3.1.1(a) will start over.

12.3.1.2 New MAJOR STATIONARY SOURCE or MAJOR MODIFICATION to a MAJOR STATIONARY SOURCE:

- (a) Within hundred (100) days after receipt of an application, the CONTROL OFFICER shall notify the applicant, in writing, that the application is complete or incomplete.
  - (1) If the application is deemed complete, then within ninety (90) days after the date an application is deemed complete, the CONTROL OFFICER shall publish a Notice of Proposed Action pursuant to 12.3.2.
  - (2) If the application is deemed incomplete, then the CONTROL OFFICER shall itemize the deficiencies in writing.
  - (3) If the CONTROL OFFICER, after deeming an ATC application complete, should discover incorrect, inaccurate, and/or missing information from the ATC application, then, such ATC application may be redesignated incomplete and additional information may be requested to determine compliance with the Regulations.
  - (4) When the requested additional information is provided to the CONTROL OFFICER, the application will be considered complete and the time period specified in 12.3.1.2(a) will start over.

- (b) Upon receipt of the application, the CONTROL OFFICER shall notify the U.S. EPA, the Federal Land Manager, the Fish and Wildlife Service, the Air Quality Division of the U.S. National Park Service, and the USDA Regional Forester of any new MAJOR STATIONARY SOURCE or major MODIFICATION.

**12.3.2 Notice of Proposed Action:**

12.3.2.1 After receipt of a complete application, the CONTROL OFFICER shall publish in newspapers of general circulation within Clark County, Nevada, a notice listing the following items regarding the applicant:

- (a) receipt of application;
- (b) availability of information;
- (c) availability of review and analysis of the application based on its compliance with each applicable regulation;
- (d) preliminary determination whether CONSTRUCTION should be approved, or disapproved;
- (e) availability of proposed conditions of AUTHORITY TO CONSTRUCT;
- (f) for STATIONARY SOURCES subject to Subsections 12.2.3, 12.2.4, 12.2.5, 12.2.14, 12.2.15, and 12.2.16 the notice shall include the estimated PSD increments for each PSD REGULATED AIR POLLUTANT consumed by all increment consuming stationary, area and mobile sources;
- (g) the total POTENTIAL TO EMIT of each REGULATED AIR POLLUTANT, as calculated for Subsection 12.1;
- (h) the total EMISSION reductions of each REGULATED AIR POLLUTANT from EMISSION UNITS that have been removed, disassembled or discontinued;
- (i) opportunity for any PERSON to submit written or oral comments on the air quality impact of the source including but not limited to the following:
  - (1) the air quality modeling used,
  - (2) other alternatives available to the STATIONARY SOURCE,
  - (3) the control technology requirements, and

(4) other appropriate considerations;

(j) All written and oral comments must be received by the CONTROL OFFICER within thirty (30) days from the publication date of the Notice of Proposed Action; and

(k) an opportunity for any PERSON to request a Public Hearing pursuant to subsection 12.3.3.

12.3.2.2 The CONTROL OFFICER shall send a copy of the notice of public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows:

(a) Any other STATE or local air pollution control agencies;

(b) the chief executives of the city and county where the source would be located;

(c) any comprehensive regional land use planning agency; and

(d) any STATE, FEDERAL LAND MANGER, or Indian Governing body whose lands may be affected by EMISSIONS form the source or modification.

### **12.3.3 Public Hearings:**

12.3.3.1 During the Notice of Proposed Action period specified in 12.3.2, any PERSON may petition the CONTROL OFFICER, in writing, for a Public Hearing. All such petitions shall contain: the petitioner's name, address, daytime telephone number; and comments related to the items listed in subsection 12.3.2.1(f-i).

12.3.3.2 If a proper petition is filed, the CONTROL OFFICER shall hold a Public Hearing no sooner than thirty (30) days after the date of the Notice of Proposed Action but no later than seventy (70) days after the date of the Notice of Proposed Action.

12.3.3.3 The petitioner shall receive no less than seven (7) day prior written notice of the date and location of the Public Hearing.

### **12.3.4 Final Application Evaluation:**

12.3.4.1 Within seventy-five (75) days, but no sooner than thirty (30) days, after the date of publication of the Notice of Proposed Action, unless a public hearing is held, the CONTROL OFFICER shall act on the application by either:

(a) issuing a Certificate of AUTHORITY TO CONSTRUCT with conditions; or

(b) issuing a finding of disapproval.

12.3.4.2 The CONTROL OFFICER shall consider and evaluate all written comments and oral testimony before taking final action. If the written comments and/or oral testimony identify an APPLICABLE REQUIREMENT, or applicable Clark County Air Quality Regulation that was overlooked, then such APPLICABLE REQUIREMENT(s) or applicable Air Quality Regulation(s) shall be included in the conditions of the AUTHORITY TO CONSTRUCT.

12.3.4.3 If a public hearing is held, the CONTROL OFFICER shall act on the application within forty-five (45) days after the public hearing.

12.3.4.4 The CONTROL OFFICER shall notify the applicant, the Nevada Department of Environmental Protection (NDEP) and the U.S. Environmental Protection Agency (USEPA) of each action taken under this Subsection 12.3. Copies of the application, review reports, conditions of approval, and OPERATING PERMIT conditions shall be available for inspection by the public, NDEP, and USEPA.

The CONTROL OFFICER shall provide a mechanism whereby a FEDERAL LAND MANAGER (FLM) responsible for management of any Class I lands may present to the STATE a demonstration that the EMISSIONS for the proposed source or MODIFICATION would have an adverse impact on the air quality-related values (including visibility) of any Federal mandatory Class I lands, notwithstanding that the change in air quality resulting from EMISSIONS from such source or MODIFICATION would not cause or contribute to concentrations which would exceed the maximum allowable increase for a Class I area. If the STATE concurs with such demonstration, the reviewing authority shall not issue the permit.

The New Source Review (NSR) process for Federal Class I lands shall be conducted pursuant to 40 CFR 50.307. The following requirements enumerate the NRS process:

(a) The CONTROL OFFICER shall determine applicability of proposals to the National Park Service (NPS) based on the following criteria:

(1) A Federal MAJOR STATIONARY SOURCE with 250 tons per year (tpy) or more of any criteria air pollutant Or A Federal MAJOR MODIFICATION or 100 tpy of any criteria air pollutant from one of the following source categories:

- (i) Coal cleaning plants (with thermal dryers),
- (ii) Kraft pulp mills
- (iii) Portland cement plants,
- (iv) Primary zinc smelters,
- (v) Iron and steel mills,

- (vi) Primary aluminum ore reduction plants,
  - (vii) Primary copper smelters,
  - (viii) Municipal INCINERATOR capable of charging more than 250 tons of refuse per day,
  - (ix) Hydrofluoric, sulfuric, or nitric acid plants,
  - (x) Petroleum refineries,
  - (xi) Lime plants,
  - (xii) Phosphate rock processing plants,
  - (xiii) Coke oven batteries,
  - (xiv) Sulfur recovery plants,
  - (xv) Carbon black plants (furnace process),
  - (xvi) Primary lead smelters,
  - (xvii) Fuel conversion plants,
  - (xviii) Sintering plants,
  - (xix) Secondary metal production plants,
  - (xx) CHEMICAL PROCESS plants,
  - (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million BRITISH THERMAL UNITS per hour heat input,
  - (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
  - (xxiii) Taconite ore processing plants,
  - (xxiv) Glass fiber processing plants,
  - (xxv) Charcoal production plants,
  - (xxvi) Fossil fuel-fired steam electric plants of more than 250 million BRITISH THERMAL UNITS per hour heat input, and
  - (xxvii) Any other STATIONARY SOURCE category regulated under sections 111 or 112 of the ACT; and
- (2) The project site is located within 100km (62 miles) of any boundary of the Grand Canyon National Park Class I land or if the EMISSIONS from a proposed source located more than 100km (62 miles) from a Federal Class I land are sufficiently large that professional judgment suggests that there may be a possible impact.
- (b) The CONTROL OFFICER shall provide the NPS with the following information:
- (1) Within thirty (30) days of receipt, the CONTROL OFFICER shall submit a copy of all information relevant to the permit application, including an analysis of the anticipated impacts on visibility and/or air quality related values for any Federal Class I land.
  - (2) If the CONTROL OFFICER receives an advance notice of an applicable project of the intent to monitor pursuant to 40



CFR 51.166 and that source may affect visibility or other air quality related values, the CONTROL OFFICER shall notify NPS of the intent within 30 days.

- (3) The CONTROL OFFICER shall submit the Final Draft AUTHORITY TO CONSTRUCT and Technical Support Document (TSD) to NPS at least thirty (30) calendar days prior to the public notice and provide the NPS within the required sixty (60) calendar day comment period.
- (c) The CONTROL OFFICER shall submit all required information to NPS Air Resources Division by email when possible, and by U.S. Mail when necessary.
- (d) The CONTROL OFFICER shall keep a printed record of all correspondence in the associated STATIONARY SOURCE'S master file. The NPS Air Resources Division will assume responsibility for transmitting all information to the appropriate NPS staff at the Grand Canyon National Park.
- (e) The CONTROL OFFICER shall consider and act upon, when necessary, all written comments received from the NPS in an open and timely manner. The CONTROL OFFICER shall respond in writing to NPS written comments.
- (f) Within thirty (30) days of receipt of the AUTHORITY TO CONSTRUCT Application, NPS shall respond in writing to the CONTROL OFFICER of any major concerns or additional information necessary to review the air quality analysis.
- (g) Within sixty (60) days of receipt of the Final Draft AUTHORITY TO CONSTRUCT and TSD, NPS shall respond in writing to the CONTROL OFFICER, including "No Comment". The CONTROL OFFICER shall file the response in the STATIONARY SOURCE'S master file.
- (h) For all projects that may impact a Federal Class I land, the CONTROL OFFICER shall notify the affected parties within thirty (30) calendar days of receipt of the project application:
  - (1) Bureau of Land Management,
  - (2) U.S. Forest Service,
  - (3) any STATE, FEDERAL LAND MANGER, local, or Indian Governing body whose lands may be affected by EMISSIONS form the source or modification.

- (4) Any other STATE or local air pollution control agencies with responsibility for lands may be affected by EMISSIONS from the source or modification; and
- (5) any comprehensive regional land use planning agency with responsibility for lands may be affected by EMISSIONS from the source or modification.

12.3.4.5 Appeals. Any citizen, pursuant to this Section 12, may file a notice of appeal to the HEARING BOARD, pursuant to Section 7, no later than thirty (30) days after the date of the CONTROL OFFICER'S action.

**12.4 [RESERVED]**

**12.5 Air Quality Models**

**12.5.1 Air Quality Modeling Applicability.** Air quality modeling applies to any new or Modifying STATIONARY SOURCE located in the PSD Area or MANAGEMENT AREA that triggers the EMISSIONS threshold listed pursuant to subsection 12.2. The applicant shall utilize a mathematical model (as specified in Subsection 12.5.3) to calculate the maximum increase in Ambient concentration for each REGULATED AIR POLLUTANT at and beyond the property boundary resulting from the total POTENTIAL TO EMIT (described in Subsection 12.1.6) for each REGULATED AIR POLLUTANT.

**12.5.2 [RESERVED]**

**12.5.3 Air Quality Modeling Requirements:**

12.5.3.1 Estimates of ambient concentrations required under Subsection 12.2 shall be based on the applicable air quality models and data bases approved by USEPA.

12.5.3.2 Air quality modeling is subject to the provisions of 40 CFR Part 51 Appendix W, as revised.

**12.5.4 Stack heights:**

12.5.4.1 The degree of EMISSION limitation required for control of any REGULATED AIR POLLUTANT shall not be affected in any manner by the stack height portion of any source that exceeds good engineering practice, or any other dispersion technique.

12.5.4.2 Exception: stack heights in existence before December 31, 1970 or dispersion techniques implemented before then.

**12.5.5 PSD Monitoring Significance Levels:**

12.5.5.1 Air quality modeling that results in concentrations for any REGULATED AIR POLLUTANT equal to or exceeding the values listed in Table 12-1 shall require PSD ambient air monitoring for each REGULATED AIR POLLUTANT.

**Table 12-1 PSD Monitoring Significance Levels**

REGULATED AIR POLLUTANT	Significance Level ( $\mu\text{g}/\text{m}^3$ )		Averaging Time
	Pre-Construction	Post Construction	
PM <sub>10</sub>	10	16	24-hour
CO	575	2000	8-hour
O <sub>3</sub> (VOC)	a	a	
NO <sub>2</sub> (NO <sub>x</sub> )	14	14	annual
SO <sub>2</sub>	13	50	24-hour
Pb	0.1	0.1	3-month
Asbestos	b	b	
Beryllium (Be)	0.001	0.001	24-hour
Mercury (Hg)	0.25	0.25	24-hour
Vinyl Chloride	15	15	24-hour
Fluorides	0.25	0.25	24-hour
Hydrogen Sulfide (H <sub>2</sub> S) at MAJOR STATIONARY SOURCES of PM <sub>10</sub> , VOC, SO <sub>2</sub> , lead, CO and hazardous air pollutants.	0.2	2	1 hour
Hydrogen Sulfide (H <sub>2</sub> S) - Other Stationary Sources	b	2	1 hour
Total Reduced Sulfur (including H <sub>2</sub> S)	10	10	1-hour
Reduced Sulfur Compounds	10	10	1-hour
Toxic Chemical Substances	c	c	24-hour
Hazardous Air Pollutant (HAP)	d	d	

<sup>a</sup> No 'de minimus' significance level is provided for ozone. However, any VOC NET EMISSIONS INCREASE of one hundred (100) tons per year or more would require the applicant to perform an ambient impact analysis and perform preconstruction monitoring for ozone.

<sup>b</sup> No 'de minimus' significance level is provided, therefore no modeling or preconstruction monitoring is required.

<sup>c</sup> Only each TOXIC CHEMICAL SUBSTANCE with a significance level specifically identified in an applicable standard shall be required to model. Otherwise, no modeling is required.

<sup>d</sup> Only each HAP with a significance level specifically identified in an applicable standard adopted pursuant to Section 20 of the Air Quality Regulations shall be required to model. Otherwise, no modeling is required.

**12.6 Preconstruction and Post Construction Ambient Air Monitoring Requirements:**

**12.6.1 Preconstruction Ambient Air Monitoring Requirements:**

12.6.1.1 The applicant shall submit a preconstruction monitoring proposal to the CONTROL OFFICER for review at least thirty (30) days prior to commencing preconstruction monitoring. All preconstruction monitoring proposals shall include the following:

- (a) type of monitoring equipment,
- (b) location of monitor,
- (c) enclosure design,
- (d) electrical power supply,
- (e) climate control,
- (f) quality assurance, and
- (g) and quality control.

12.6.1.2 All preconstruction monitoring measurements shall be gathered over a period of at least twelve (12) months preceding receipt of the application for AUTHORITY TO CONSTRUCT, except that, if the CONTROL OFFICER determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than twelve (12) months (but not less than four (4) months), the data that is required shall have been gathered over at least that shorter period.

12.6.1.3 The preconstruction monitor shall be located in the general proximity of the modeled point of maximum impact. If such location is infeasible due to technical or physical limitations, then, the CONTROL OFFICER and the applicant shall determine the appropriate preconstruction monitor location.

12.6.1.4 All preconstruction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53, and 58.

12.6.1.5 The applicant shall submit all preconstruction monitoring data to the CONTROL OFFICER with the application for AUTHORITY TO CONSTRUCT.

**12.6.2 Post Construction Ambient Air Monitoring Requirements:**

12.6.2.1 Post construction monitoring shall commence on the Actual Initial Start-up Date.

12.6.2.2 The post construction monitor shall be located in the general proximity of the modeled point of maximum impact. If such location is infeasible due to

technical or physical limitations, then, the CONTROL OFFICER and the applicant shall determine the appropriate post construction monitor location.

12.6.2.3 The owner or operator shall submit a post construction monitoring proposal to the CONTROL OFFICER with the AUTHORITY TO CONSTRUCT application. All post construction monitoring proposals shall include the following:

- (a) type of monitoring equipment,
- (b) location of monitor,
- (c) enclosure design,
- (d) electrical power supply,
- (e) telephone line availability,
- (f) climate control,
- (g) quality assurance, and
- (h) and quality control.

12.6.2.4 Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53, and 58.

12.6.2.5 Reporting Requirements. Quality assurance and quality control requirements shall be reported to the CONTROL OFFICER as required.

12.6.2.6 Post construction monitoring shall be conducted for a minimum of two (2) years. At the end of the second (2nd) year and each subsequent two (2) year period (if applicable), the CONTROL OFFICER shall review the air quality impact to determine if additional post construction monitoring is required. The owner or operator may terminate post construction monitoring only if the CONTROL OFFICER notifies the owner or operator, in writing, that such monitoring is no longer required.

**COMMENT: On September 26, 1996, the Control Officer agreed to develop a policy guidance that will address the termination of post construction ambient monitoring.**

## **12.7 Continuous EMISSION Monitoring Systems**

### **12.7.1 Continuous EMISSION Monitoring Systems Applicability:**

12.7.1.1 For any new STATIONARY SOURCE with a CO, NO<sub>x</sub>, or SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year:

- (a) The conditions of the AUTHORITY TO CONSTRUCT shall include the requirement to operate and maintain a continuous EMISSION monitoring system (CEMS) for each EMISSION UNIT with a POTENTIAL TO EMIT equal to or exceeding the following:

REGULATED AIR POLLUTANT	EMISSION Rate (tons/year)
Carbon Monoxide	100
Oxides of Nitrogen	40
Sulfur Dioxide	40

- (b) As applicable, the application shall include a description of a CEMS for each affected REGULATED AIR POLLUTANT on each applicable EMISSION UNIT. Conditions shall assure compliance with the subject provisions of Title 40, Code of Federal Regulations, Part 60.

12.7.1.2 For any MODIFYING STATIONARY SOURCE with a CO, NO<sub>x</sub>, or SO<sub>2</sub> POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year:

- (a) The conditions of the AUTHORITY TO CONSTRUCT shall include the requirement to operate and maintain a CEMS for each EMISSION UNIT with a NET EMISSIONS INCREASE equal to or exceeding the following:

REGULATED AIR POLLUTANT	EMISSION Rate (tons/year)
Carbon Monoxide	100
Oxides of Nitrogen	40
Sulfur Dioxide	40

- (b) As applicable, the application shall include a description of a CEMS for each affected REGULATED AIR POLLUTANT on each applicable EMISSION UNIT. Conditions shall assure compliance with the subject provisions of Title 40, Code of Federal Regulations, Part 60.

**12.7.2 Continuous EMISSIONS Monitoring System Requirements.** Any Continuous EMISSION Monitoring System required for Carbon Monoxide, Oxides of Nitrogen, or Sulfur Dioxide shall be used for direct-compliance.

**12.7.3 Continuous Opacity Monitoring System (COMS) Requirements:**

12.7.3.1 Applicability. Any EMISSION UNIT subject to an applicable New Source Performance Standard adopted pursuant Section 14 of the Air Quality Regulations which requires an opacity monitor.

12.7.3.2 Any COMS shall be used for direct-compliance.

**12.7.4 [RESERVED]**

**12.7.5 Alternative Monitoring System(s).** The owner or operator of an affected EMISSION UNIT may apply for approval of an alternative monitoring system (or system component) to determine average hourly EMISSION data, by demonstrating that the alternative monitoring system has the same or better precision, reliability, accessibility, and timeliness as provided by

continuous EMISSION monitoring system. The owner or operator of an affected EMISSION UNIT shall submit all requests for an alternative monitoring system to the AQD Enforcement Supervisor.

- (a) Within two (2) months of receipt of a complete request for an alternative monitoring system, the CONTROL OFFICER shall notify the requester in writing of approval or disapproval of such request.
- (b) To be deemed complete, a request must contain all information required pursuant to Subsection 12.7.5 in sufficient detail to evaluate the request. The CONTROL OFFICER may request additional information in writing and set a reasonable deadline for response.

## **12.8 Issuance of AUTHORITY TO CONSTRUCT CERTIFICATE with Conditions**

**12.8.1 AUTHORITY TO CONSTRUCT CERTIFICATE Conditions.** The conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE shall include, but not be limited to the following:

- (a) total POTENTIAL TO EMIT for each EMISSION UNIT,
- (b) compliance testing deadlines,
- (c) performance standards,
- (d) control requirements,
- (e) reporting schedules,
- (f) EMISSION limitations,
- (g) continuous EMISSIONS monitoring,
- (h) post construction monitoring,
- (i) offset requirements,
- (j) upset/breakdown notification,
- (k) all PSD increment consumption, and
- (l) expiration date.

12.8.1.2 These conditions shall be duplicated in the OPERATING PERMIT conditions when the facility is ready to start up.

**12.8.2 AUTHORITY TO CONSTRUCT Issuance Requirements.** An "AUTHORITY TO CONSTRUCT CERTIFICATE" shall not be issued unless the CONTROL OFFICER has:

- (a) approved the location of the STATIONARY SOURCE;
- (b) determined that the applicant has demonstrated that all STATIONARY SOURCES owned or operated by the Applicant within the STATE or by any entity controlling, controlled by, or under common control with the applicant in the STATE are subject to EMISSION limitations and are in

compliance, or on a schedule for compliance, with all applicable EMISSION limitations and standards under the Clean Air Act; and

- (c) received full payment of all applicable fees.
  - (1) For any STATIONARY SOURCE or MODIFICATION subject to subsection 12.3 requirements (Notice of Proposed Action), all applicable fees shall be paid prior to the publication of the Notice of Proposed Action.
  - (2) For any STATIONARY SOURCE or MODIFICATION not subject to subsection 12.3 requirements (Notice of Proposed Action), all applicable fees shall be paid prior to the issuance of the AUTHORITY TO CONSTRUCT.

**12.8.3 Enforceability of AUTHORITY TO CONSTRUCT Conditions.** The AUTHORITY TO CONSTRUCT CERTIFICATE shall become enforceable and effective if the applicant signs and returns such ATC to the CONTROL OFFICER within thirty (30) days from the issuance date.

- (a) If the AUTHORITY TO CONSTRUCT CERTIFICATE is not signed by the applicant and returned to the CONTROL OFFICER within the thirty (30) day period, then such ATC shall be deemed invalid.
- (b) Revalidation of such ATC shall require reapplication for a new AUTHORITY TO CONSTRUCT CERTIFICATE which may be subject to additional fees.

**12.8.4 Compliance with the AUTHORITY TO CONSTRUCT Conditions:**

12.8.4.1 Applicability: Any new MAJOR STATIONARY SOURCE, or any Major MODIFICATION to a MAJOR STATIONARY SOURCE for any REGULATED AIR POLLUTANT.

- (a) The CONTROL OFFICER shall issue a Stop Order prohibiting the construction, installation, establishment, or alteration of such STATIONARY SOURCE if any of the following are determined prior to issuance of the OPERATING PERMIT:
  - (1) such STATIONARY SOURCE has deviated from the construction design as proposed in the AUTHORITY TO CONSTRUCT Application which results in an increase in the POTENTIAL TO EMIT, or the EMISSION of an unpermitted REGULATED AIR POLLUTANT; or



(2) such STATIONARY SOURCE has altered or modified the control technology requirements which were agreed upon in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE.

(b) The Stop Order shall specify the reasons for the issuance of the Stop Order, the effective time and date. The Hearing Board shall meet within twenty (20) days of filing of an appeal to review the action of the CONTROL OFFICER in accordance with the provisions of Section 7 of the Air Quality Regulations.

12.8.4.2 Applicability: Any new NON-MAJOR STATIONARY SOURCE, or any non-Major MODIFICATION to any STATIONARY SOURCE for any REGULATED AIR POLLUTANT.

(a) The CONTROL OFFICER may issue a Stop Order prohibiting the construction, installation, establishment, or alteration of such STATIONARY SOURCE if any of the following are determined prior to issuance of the OPERATING PERMIT:

(1) such STATIONARY SOURCE has deviated from the construction design as proposed in the AUTHORITY TO CONSTRUCT Application which results in an increase in the POTENTIAL TO EMIT, or the EMISSION of an unpermitted REGULATED AIR POLLUTANT; or

(2) such STATIONARY SOURCE has altered or modified the control technology requirements which were agreed upon in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE.

(b) The Stop Order shall specify the reasons for the issuance of the Stop Order, the effective time and date. The Hearing Board shall meet within twenty (20) days of filing of an appeal to review the action of the CONTROL OFFICER in accordance with the provisions of Section 7 of the Air Quality Regulations.

12.8.4.3 Noncompliance with any AUTHORITY TO CONSTRUCT condition(s) is a violation of Section 12 and a violation of the AUTHORITY TO CONSTRUCT CERTIFICATE which shall result in enforcement action.

12.8.4.4 No stationary source shall commence construction unless it has met all requirements of the rule to which it is subject, except where the rule allows that compliance with a specific requirement may be achieved by a later date.

## **12.9 Cancellation or Extension of an AUTHORITY TO CONSTRUCT CERTIFICATE**

**12.9.1 Cancellation of an AUTHORITY TO CONSTRUCT CERTIFICATE.** The CONTROL OFFICER shall cancel a Certificate issued pursuant to Section 12, except as

provided in subsection 12.9.2, if the applicant does not Commence Construction within eighteen (18) months of date of ATC issuance or if construction work is discontinued for any eighteen (18) month period and any Prevention of Significant Deterioration (PSD) increment reserved on behalf of the applicant shall expire.

**12.9.2**      **Extension of AUTHORITY TO CONSTRUCT CERTIFICATE.** If the applicant requires an extension, a request shall be submitted in writing to the CONTROL OFFICER at least thirty (30) days prior to the eighteen (18) month cancellation date of the AUTHORITY TO CONSTRUCT CERTIFICATE. Such extension request shall include the following:

- (a)      Justification why construction did not commence as scheduled, if applicable;
- (b)      Revised construction schedule which assures that continuous construction will be initiated or maintained during the extension period;
- (c)      Perform reanalysis of BACT (applies to extension request beyond the first request);
- (d)      Reanalyze PSD increment consumption and air quality impacts for each applicable REGULATED AIR POLLUTANT (applies to extension request beyond the first request); and
- (e)      Extension request must be signed by a responsible representative of the company proposing the project.

12.9.2.2      Within thirty (30) days after receipt of Certificate extension request, the CONTROL OFFICER shall notify the permittee of intention to approve or disapprove Certificate extension. The Clark County Board of County Commissioners shall approve or disapprove the extension with or without conditions.

12.9.2.3      Proposed revisions to the AUTHORITY TO CONSTRUCT CERTIFICATE shall meet any new requirements promulgated since issuance of the Certificate and shall be subject to public notification procedures described in Subsection 12.3.

12.9.2.4      Each AUTHORITY TO CONSTRUCT CERTIFICATE extension shall not exceed twelve (12) months from Certificate expiration date.

**12.10**      **Disclaimers.** An AUTHORITY TO CONSTRUCT CERTIFICATE shall not relieve any owner or operator of the responsibility to comply with all applicable Local, STATE and Federal Regulations. Certificates issued by the CONTROL OFFICER shall not be deemed to be an acceptance or approval of operation of any

article, machine, equipment, process or other contrivance listed on said Certificate by the CONTROL OFFICER or his agent. The Certificate shall not be construed to show compliance on the part of the Registrant with the Regulations contained herein, limiting the EMISSION of air pollutants into the atmosphere.

**12.11 Severability Clause.** In the event that portions of an AUTHORITY TO CONSTRUCT are challenged, all remaining portions of said AUTHORITY TO CONSTRUCT not subject to such challenge shall remain fully in effect as if the challenge had not been filed.

**12.12 Protection of Visibility from Sources in NONATTAINMENT AREAS.**

**12.12.1** Review of MAJOR STATIONARY SOURCES and Major MODIFICATIONS--Source Applicability and Exemptions.

- (a) No STATIONARY SOURCE or MODIFICATION to which the requirements of this section apply shall begin actual construction without an AUTHORITY TO CONSTRUCT/OPERATING PERMIT which states that the STATIONARY SOURCE or MODIFICATION would meet those requirements.
- (b) The requirements of this section shall apply to construction of any new MAJOR STATIONARY SOURCE or major MODIFICATION that would both be constructed in an area classified as a NONATTAINMENT AREA under Section 107(d)(1)(A), (B) or (C) of the ACT and potentially have an impact on visibility in any visibility protection area.
- (c) The requirements of subsection 12.12 shall apply to any such MAJOR STATIONARY SOURCE and any such major MODIFICATION with respect to each pollutant subject to regulation under the ACT that it would emit, except as this section otherwise provides.
- (d) The requirements of this section shall not apply to a particular MAJOR STATIONARY SOURCE or major MODIFICATION, if:
  - (1) The MAJOR STATIONARY SOURCE or major MODIFICATION would be a nonprofit health or nonprofit educational institution, or a major MODIFICATION would occur at such an institution, and the governor of the STATE in which the MAJOR STATIONARY SOURCE or major MODIFICATION would be located requests that it be exempt from those requirements; or
  - (2) The source or MODIFICATION would be a MAJOR STATIONARY SOURCE or major MODIFICATION only if fugitive emissions, to the extent quantifiable, are considered in calculating the POTENTIAL TO EMIT of the STATIONARY SOURCE OR modification and the source does not belong to any of the following categories:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boiler (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (xxvii) Any other STATIONARY SOURCE category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the ACT; or

(3) The MAJOR STATIONARY SOURCE is a portable MAJOR STATIONARY SOURCE which has previously received an AUTHORITY TO CONSTRUCT/OPERATING PERMIT under this section, and

- (i) The OWNER/OPERATOR proposes to relocate the source and EMISSIONS of the source at the new location would be temporary; and
- (ii) The EMISSIONS from the source would not exceed its ALLOWABLE EMISSIONS; and

- (iii) The EMISSIONS from the source would impact no Class I area and no area where an applicable increment is known to be violated; and
  - (iv) Reasonable notice is given to the CONTROL OFFICER, prior to the relocation, identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the CONTROL OFFICER not less than ten (10) calendar days in advance of the proposed relocation, unless a different time duration is previously approved by the CONTROL OFFICER.
- (e) The requirements of this subsection shall not apply to a MAJOR STATIONARY SOURCE or major MODIFICATION with respect to a particular pollutant if the OWNER/OPERATOR demonstrates that, as to that pollutant, the source or MODIFICATION is located in an area designated as attainment under Section 107 of the ACT.
  - (f) The requirements of this subsection shall not apply to a MAJOR STATIONARY SOURCE or major MODIFICATION with respect to a particular pollutant, if the ALLOWABLE EMISSIONS of that pollutant from the source, or the NET EMISSIONS INCREASE of that pollutant from the MODIFICATION:
    - (1) Would impact no Class I area and no area where an applicable increment is known to be violated, and
    - (2) Would be temporary.

12.12.2 Visibility Impact Analyses. The OWNER/OPERATOR of a source shall provide an analysis of the impairment to visibility that would occur as a result of the source or MODIFICATION and general commercial, residential, industrial and other growth associated with the source or MODIFICATION.

12.12.3 FEDERAL LAND MANAGER Notification.

- (a) The FEDERAL LAND MANAGER and the Federal official charged with direct responsibility for management of Federal Class I areas have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the CONTROL OFFICER, whether a proposed source or modification will have an adverse impact on such values.
- (b) The CONTROL OFFICER shall provide written notification to all affected FEDERAL LAND MANAGERS of any AUTHORITY TO CONSTRUCT/ OPERATING PERMIT application for any proposed new MAJOR STATIONARY SOURCE or major MODIFICATION that may affect visibility in

any visibility protection area. The CONTROL OFFICER shall also provide for such notification to the Federal official charged with direct responsibility for management of any lands within any such area:

- (1) Such notification shall include a copy of all information relevant to the AUTHORITY TO CONSTRUCT/OPERATING PERMIT application and shall be given within thirty (30) calendar days of receipt and at least sixty (60) calendar days prior to any public hearing on the application for an AUTHORITY TO CONSTRUCT/OPERATING PERMIT.
- (2) Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in any visibility protection area.
- (3) The CONTROL OFFICER shall also notify all affected FLM's within thirty (30) calendar days of receipt of any advance notification of any such AUTHORITY TO CONSTRUCT/OPERATING PERMIT application.

- (c) The CONTROL OFFICER shall consider any analysis performed by the FEDERAL LAND MANAGER, provided within thirty (30) calendar days of the notification required by subsection 12.2.3(b), that such proposed new MAJOR STATIONARY SOURCE or major MODIFICATION may have an adverse impact on visibility in any visibility protection area. Where the CONTROL OFFICER finds that such an analysis does not demonstrate to the satisfaction of the CONTROL OFFICER that an adverse impact on visibility will result in the visibility protection area, the CONTROL OFFICER must, in the notice of public hearing, either explain their decision or give notice as to where the explanation can be obtained.

12.12.4 National Visibility Goal. The CONTROL OFFICER shall only issue an AUTHORITY TO CONSTRUCT/OPERATING PERMIT to those sources whose EMISSIONS will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in visibility protection areas which impairment results from man-made air pollution. In making the decision to issue an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, the CONTROL OFFICER may take into account the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.

12.12.5 Monitoring. The CONTROL OFFICER may require monitoring of visibility in any visibility protection area near the proposed new STATIONARY SOURCE or major MODIFICATION for such purposes and by such means as the CONTROL OFFICER deems necessary and appropriate.

History: Amended: July 9, 1987; January 25, 1990; December 13, 1990; May 23, 1991; September 26, 1991; May 27, 1993; November 18, 1993; August 25, 1994; January 25, 1996; March 28, 1996; May 23, 1996; September 26, 1996; December 19, 1996; January 23, 1997; June 26, 1997; January 22, 1998; April 23, 1998; September 28, 2000; May 24, 2001; November 20, 2001; June 3, 2003; July 1, 2004; October 7, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 13 - EMISSION STANDARDS FOR HAZARDOUS  
POLLUTANTS**

**13.1 WHEREAS,** The Clark County Board of County Commissioners is responsible for control of pollutants discharged into the air; and

**WHEREAS,** Air Quality Standards and Regulations have been adopted by said Board pursuant to NRS 445 for the purpose, among others, of limiting contaminant EMISSIONS from existing, MODIFIED or new sources handling or processing HAZARDOUS AIR POLLUTANTS; and

**WHEREAS,** it is a public policy of Clark County and the purpose of the Department of Air Quality and Environmental Management's Regulations to review and approve existing, MODIFIED and new sources of HAZARDOUS AIR POLLUTANTS only if the EMISSION standards are or can be met; and

**WHEREAS,** United States Environmental Protection Agency has adopted standards for certain HAZARDOUS AIR POLLUTANTS which are required throughout the nation; and

**WHEREAS,** it is the Department of Air Quality and Environmental Management's belief that review and approval of existing, MODIFIED or new sources is best managed at the local level.

**NOW, THEREFORE,** the provisions of Part 61, Chapter I, Title 40, Code of Federal Regulations, are hereby adopted by reference and made a part hereof as if fully set forth. Any final revisions to an existing subpart that are promulgated by the United States Environmental Protection Agency are hereby adopted by reference and made a part hereafter as if fully set forth. Any new subparts to 61 that are promulgated by the United States Environmental Protection Agency after the effective date of this Section shall be subject to review and adoption by the Clark County Board of County Commissioners prior to becoming part of these Regulations. For the purpose of this Section, the word "ADMINISTRATOR" as used in Parts 60 and 61, Chapter I, Title 40, Code of Federal Regulations shall mean the CONTROL OFFICER, except that the CONTROL OFFICER shall not be empowered to



approve alternate or equivalent test methods or alternative standards/work practices.

13.1.1 Subpart A - General Provisions

Except Sections 61.04, 61.12(d)(1) and 61.13(h)(1)(ii)

13.1.2 Subpart B reserved

13.1.3 Subpart C - EMISSION Standards for Beryllium

13.1.4 Subpart D - EMISSION Standard for Beryllium Rock Motor Firing

13.1.5 Subpart E - EMISSION Standard for Mercury

13.1.6 Subpart F - EMISSION Standard for Vinyl Chloride

13.1.7 Subpart M - EMISSION Standard for Asbestos

13.1.20 Appendix A - Compliance Status Information

13.1.21 Appendix B - Test Methods

**13.2 Any person subject to this Section must also comply with all other requirements of these Regulations. If there is inconsistency between standards or requirements, the most stringent standard or requirements shall apply.**

**13.3 All requests, reports, applications, submittals, and other communications, pursuant to this Section, shall be addressed to: Air Quality CONTROL OFFICER, Department of Air Quality and Environmental Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155.**

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History: Amended: September 3, 1981; May 15, 1985; April 23, 1987; February 20, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 14 - NEW SOURCE PERFORMANCE STANDARDS**

**14.1 WHEREAS**, the Clark County Board of County Commissioners is responsible for control of pollutants discharged into the air; and

**WHEREAS**, Air Quality Standards and Regulations have been adopted by said Board pursuant to NRS 445 for the purpose, among others, of limiting Air Contaminant EMISSIONS from new sources of air pollutants; and

**WHEREAS**, it is a public policy of Clark County and the purpose of the Department of Air Quality and Environmental Management's Regulations to review and approve proposed new sources of AIR POLLUTION, only if EMISSION standards can be met and air quality standards will not be violated; and

**WHEREAS**, the United States Environmental Protection Agency has adopted EMISSION standards for certain categories of new sources which are required throughout the nation; and

**WHEREAS**, it is the Department of Air Quality and Environmental Management's belief that review and approval of new sources are best managed at the local level;

**NOW, THEREFORE**, the provisions of Part 60, Chapter 1, Title 40, Code of Federal Regulations, as indexed below, are hereby adopted by reference and made a part hereof as if fully set forth. Any final revisions to an existing subpart that are promulgated by the United States Environmental Protection Agency are hereby adopted by reference and made a part hereafter as if fully set forth. Any new subparts to Part 60 that are promulgated by the United States Environmental Protection Agency after the effective date of this Section shall be subject to review and adoption by the Clark County Board of County Commissioners prior to becoming part of these Regulations. For the purposes, of this section, the word "ADMINISTRATOR" as used in Parts 60 and 61, Chapter I, Title 40, Code of Federal Regulations shall mean the CONTROL OFFICER, except that the CONTROL OFFICER shall not be empowered to approve: alternate test methods, equivalent test methods, alternative standards, or alternative work practices.

- 14.1.1 Subpart A - General Provisions.
- 14.1.2 –
- 14.1.10 [Reserved]
- 14.1.11 Subpart Cc - EMISSIONS Guidelines and Compliance Times for Municipal Solid WASTE Landfills
- 14.1.12 \*Subpart D-Standards of Performance for Fossil-FUEL-Fired Steam Generators for Which CONSTRUCTION Is COMMENCED After August 17, 1971
- 14.1.13 \*Subpart Da-Standards of Performance for ELECTRIC UTILITY STEAM GENERATING UNITS for Which CONSTRUCTION is COMMENCED After September 18, 1978
- 14.1.14 Subpart Db - Standards of Performance for Industrial - Commercial - Institutional Steam Generating Units
- 14.1.15 Subpart Dc - Standards of Performance for Small Industrial - Commercial - Institutional Steam Generating Units
- 14.1.16 \*Subpart E - Standards of Performance for INCINERATORS
- 14.1.17 \*Subpart F - Standards of Performance for Portland Cement Plants
- 14.1.18 –
- 14.1.20 [Reserved]
- 14.1.21 \*Subpart I - Standards of Performance for Hot Mix Asphalt Facilities
- 14.1.22 –
- 14.1.23 [Reserved]
- 14.1.24 \*Subpart K-Standards of Performance for Storage Vessels for Petroleum Liquids for Which CONSTRUCTION, Reconstruction, or MODIFICATION COMMENCED After June 11, 1973, and Prior to May 19, 1978
- 14.1.25 \*Subpart Ka-Standards of Performance for Storage Vessels for Petroleum Liquids for Which CONSTRUCTION, Reconstruction, or MODIFICATION COMMENCED After May 18, 1978, and Prior to July 23, 1984
- 14.1.26 Subpart Kb - Standards of Performance for Storage Vessels for Petroleum Liquids
- 14.1.27 \*Subpart L - Standards of Performance for Secondary Lead Smelters
- 14.1.28 –
- 14.1.31 [Reserved]
- 14.1.32 \*Subpart O - Standards of Performance for Sewage Treatment Plants
- 14.1.33 \*Subpart P - Standards of Performance for Primary Copper Smelters
- 14.1.34 \*Subpart Q - Standards of Performance for Primary Zinc Smelters
- 14.1.35 \*Subpart R - Standards of Performance for Primary Lead Smelters
- 14.1.36 –

- 14.1.43 [Reserved]
- 14.1.44 \*Subpart Y - Standards of Performance for Coal Preparation Plants
- 14.1.45 –
- 14.1.51 [Reserved]
- 14.1.52 \*Subpart DD - Standards of Performance for Grain Elevators
- 14.1.53 Subpart EE - Standards of Performance for Surface Coating of Metal Furniture
- 14.1.54 –
- 14.1.55 [Reserved]
- 14.1.56 \*Subpart GG - Standards of Performance for GAS Turbines
- 14.1.57 \*Subpart HH - Standards of Performance for Lime Manufacturing Plants
- 14.1.58 –
- 14.1.60 [Reserved]
- 14.1.61 Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants
- 14.1.62 Subpart LL - Standards of Performance for Metallic Mineral Processing Plants
- 14.1.63 \*Subpart MM - Standards of Performance for Automobile and Light-Duty Truck Surface Coating
- 14.1.64 Subpart NN - Standards of Performance for Phosphate Rock Plants
- 14.1.65 –
- 14.1.67 [Reserved]
- 14.1.68 Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing
- 14.1.69 Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
- 14.1.70 Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances
- 14.1.71 Subpart TT - Standards of Performance for Metal Coil Surface Coating
- 14.1.72 Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing
- 14.1.73 Subpart VV - Standards of Performance for Equipment Leaks of VOLATILE ORGANIC COMPOUNDS in the Synthetic Organic Chemicals Manufacturing Industry Except Sections 60.482-1(c)(2) and 60.484
- 14.1.74 –
- 14.1.77 [Reserved]
- 14.1.78 Subpart XX - Standards of Performance for Bulk GASOLINE Terminals
- 14.1.79 Subpart AAA - Standards of Performance for New Residential Wood heaters except Sections 60.533; 60.534; 60.535; 60.537; 60.539

- 14.1.80 –
- 14.1.81 [Reserved]
- 14.1.82 Subpart DDD - Standards of Performance for VOLATILE ORGANIC COMPOUND (VOC) EMISSIONS from the Polymer Manufacturing Industry
- 14.1.83 [Reserved]
- 14.1.84 Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
- 14.1.85 –
- 14.1.87 [Reserved]
- 14.1.88 Subpart JJJ-Standards of Performance for Petroleum Dry Cleaners Except Section 60.623
- 14.1.89 –
- 14.1.93 [Reserved]
- 14.1.94 Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants
- 14.1.95 –
- 14.1.98 [Reserved]
- 14.1.99 Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities
- 14.1.100 Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
- 14.1.101 Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries
- 14.1.102 Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
- 14.1.103 Subpart WWW Standards of Performance for Municipal Solid WASTE Landfills
- 14.1.200 Appendix A - Reference Methods (Testing Procedures)
- 14.1.201 Appendix B - Performance Specifications (Continuous Monitoring)
- 14.1.202 Appendix C - Determination of EMISSION Rate Change
- 14.1.203 Appendix D - Required EMISSION Inventory Information
- 14.1.204 Appendix F - Quality Assurance Procedures

\* indicates Delegation of Authority to the Department of Air Quality and Environmental Management by EPA

**14.2 Any PERSON subject to this section must also comply with all other requirements of these Regulations. If there is inconsistency between standards or requirements, the most stringent standard or requirement shall apply, except that where a specific limitation for certain categories is set forth in Subsection 14.1, that limit shall take precedence over provisions of Section 27.**

**14.3 All requests, reports, applications, submittals, and other communications, pursuant to this section, shall be addressed to: Air Quality CONTROL OFFICER, Department of Air Quality and Environmental Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155.**

**14.4 –**

**14.9 [Reserved]**

**14.10 Preparation And Review Of Site-Specific Test Plans (Protocol)**

**(a) General**

(1) Each OWNER OR OPERATOR required to conduct a required performance test, shall submit a written protocol to the

Compliance Supervisor  
Department of Air Quality and Environmental Management  
Air Compliance Division  
P.O. Box 555210  
Las Vegas, NV 89155

for approval prior to conducting such test. A required performance test is a test that is subject to any of the following:

- (i) Subsection 14.1;
- (ii) A condition of an Authority to Construct issued pursuant to Section 12;
- (iii) A condition of an OPERATING PERMIT issued pursuant to Section 16;
- (iv) A Corrective Action Order, or
- (v) Any other instrument issued by the CONTROL OFFICER.

(2) A copy of each test protocol subject to paragraph (a)(1), shall be forwarded to:

Chief, Enforcement Office, Air-5  
US EPA Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

- (3) The OWNER OR OPERATOR shall submit a protocol for review and approval at least forty-five (45) days prior to anticipated test date. However, the OWNER OR OPERATOR may submit a protocol for review and approval up to ninety (90) days prior to the anticipated test date.
- (4) Within forty (40) days from receipt of a complete protocol, the Compliance Supervisor shall declare, in writing, whether the protocol is approved or not.

**(b) Contents**

(1) Each protocol shall contain:

- (i) all applicable information as presented in *GUIDEBOOK: Preparation and Review of Site-Specific Test Plans, EPA, 12-91*<sup>1</sup>; in sufficient detail as to allow the CONTROL OFFICER to re-construct the protocol's conclusions from original premises. The CONTROL OFFICER may edit the GUIDEBOOK to allow for local requirements.
- (2) Each STATIONARY SOURCE subject to a visible FUGITIVE EMISSIONS standard (e.g., Subsection 14.1.94) shall also include a detailed flow diagram which clearly identifies each affected facility;

**(c) Pre-test Inspection**

- (1) The Compliance Supervisor may conduct a pre-test inspection of STATIONARY SOURCES subject to a visible FUGITIVE EMISSIONS standard.
- (2) The Compliance Supervisor may, on a case-by-case basis, conduct a pre-test inspection of STATIONARY SOURCES not included in (c)(1).

**14.11 Disqualifying A Performance Test**

**(a) Disqualification And Compliance Action**

- (1) Any performance test required in 14.10(a)(1) that is conducted without an approved protocol will not be considered as meeting the requirements of this section.
  - (i) Determinations of compliance, or non-compliance, are not restricted solely to performance testing. Other available information may be used as allowed by sections 113(a) and 113(e) of the federal Clean Air Act.
- (2) Each performance test not meeting the requirements of this Subsection is a violation Subsections 14.1, 12.8, and/or 16.4. The Compliance Supervisor shall initiate such action as necessary to insure compliance with Subsection 14.10. Such action will include, but not be limited to, an order to re-conduct the performance test in accordance with this subsection.

**14.12 Preparation And Review Of EMISSION Test Reports (Report)**

**(a) General**

- (1) Each OWNER OR OPERATOR required to conduct a performance test pursuant to Subsection 14.10(a), shall submit a report of the test results to the

Compliance Supervisor  
Department of Air Quality and Environmental Management  
Air Compliance Division  
P.O. Box 555210  
Las Vegas, NV 89155

within sixty (60) days from the conclusion of the test.

- (2) A copy of each test report shall be forwarded to:  
Chief, Enforcement Office, Air-5

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<sup>1</sup> As of revision date, available via the Internet at: <http://www.epa.gov/ttn/emc/guidInd.html>

US EPA Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

- (3) The report from any performance test required in 14.10(a)(1) that is conducted without an approved protocol will not be considered as meeting the requirements of this section.
  - (i) Determinations of compliance, or non-compliance, are not restricted solely to performance testing. Other available information may be used as allowed by sections 113(a) and 113(e) of the federal Clean Air Act.
- (4) Each report not meeting the requirements of this Subsection is a violation Subsections 14.1, 12.8, and/or 16.4. The Compliance Supervisor shall initiate such action as necessary to insure compliance with this subsection. Such action will include, but not be limited to, an order to re-conduct the performance test in accordance with this subsection.
- (5) The Compliance Supervisor shall review and declare, in a timely manner and in writing, the status of compliance with all applicable regulations based on the contents of the report.

**(b) Contents**

- (1) Each report shall contain:
  - (i) all applicable information as presented in *GUIDEBOOK: Preparation and Review of EMISSION Test Reports, EPA, 1-92*; in sufficient detail as to allow the CONTROL OFFICER to re-construct the test results from original premises. The CONTROL OFFICER may edit the GUIDEBOOK to allow for local requirements.
- (2) Each STATIONARY SOURCE subject to a visible FUGITIVE EMISSIONS standard (e.g., Subsection 14.1.94) shall also include a detailed flow diagram which clearly identifies each affected facility.

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History: Amended: September 3, 1981; October 21, 1983; September 21, 1984; May 15, 1985; April 23, 1987; January 25, 1990; May 27, 1993; November 18, 1993; January 23, 1997; August 26, 1999; February 20, 2001; June 3, 2003; July 1, 2004.



**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 16 - OPERATING PERMITS**

**16.1 No PERSON shall cause, suffer, or allow the operation of any EMISSION UNIT in a STATIONARY SOURCE or in a GASOLINE STATION unless an OPERATING PERMIT has been issued by the CONTROL OFFICER and such permit is current and valid.**

**16.2 The OPERATING PERMIT will require an annual fee.**

16.2.1 Failure to remit the fee within thirty (30) calendar days of invoicing date is a violation of Section 16 of these Regulations.

16.2.2 An OPERATING PERMIT shall not be valid unless the annual fee is paid within sixty (60) days of the invoicing date.

**16.3 The CONTROL OFFICER may issue an OPERATING PERMIT on a provisional basis to any new EMISSION UNIT requiring some reasonable time for initial testing, or to any EXISTING SOURCE which is not in compliance with applicable emission limitations, but which has had a compliance schedule or variance approved by the HEARING BOARD.**

16.3.1 OPERATING PERMITS may be issued to new EMISSION UNITS upon completion of CONSTRUCTION and upon verification that the new EMISSION UNITS conform to the information originally submitted with application for certificate and the conditions of the certificate.

**16.4 Conditions to OPERATING PERMITS**

The CONTROL OFFICER may issue an OPERATING PERMIT with conditions, agreed upon in writing by the applicant, that specify emission limits, production rates, control methods, etc. These conditions may also limit the hours or periods of operation.

16.4.1 These conditions are subject to annual review by the CONTROL OFFICER. After the review with the permittee, the CONTROL OFFICER may impose or MODIFY conditions to assure continuing compliance with all sections of these Regulations.

- 16.4.2 Violation of the conditions of the permit shall constitute a violation of this section.
- 16.5 The OPERATING PERMIT conditions for new or MODIFIED STATIONARY SOURCES commencing CONSTRUCTION after May 1, 1981, shall include a description of additional CONTROL MEASURES the OPERATOR will undertake, as necessary, if a nearby monitoring station indicates that an applicable AMBIENT AIR quality standard or increment has been exceeded.**
- 16.5.1 The CONTROL MEASURES shall be taken within 24 hours of notification to the OPERATOR by the CONTROL OFFICER.
- 16.5.2 The CONTROL OFFICER shall consider the possible effects of emissions from other nearby or influential sources prior to notifying the OPERATOR.
- 16.6 No PERSON shall willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, process or other contrivance.**
- 16.7 An OPERATING PERMIT for an EMISSION UNIT shall not be transferable by operation of law or otherwise, from one location to another, nor from one piece of equipment or process to another, but it may be transferred from one PERSON to another upon payment of the required fee, and approval by the CONTROL OFFICER.**
- 16.8 OPERATING PERMITS for an EMISSION UNIT are subject to revocation or suspension for violation of these Regulations. Upon a determination by the CONTROL OFFICER that a permittee is in violation of these Regulations, the CONTROL OFFICER may serve upon the permittee, through personal service or by certified mail, a Notice of Suspension or Revocation of OPERATING PERMIT, setting forth in detail the violations charged. Such suspension or revocation shall become final and effective ten (10) days after service of the written notice, and the OPERATING PERMIT thereupon surrendered to the CONTROL OFFICER, unless the permittee files with the Air Pollution Control HEARING BOARD, in writing, within ten (10) days after service of the Notice of Suspension or Revocation, an appeal from such action of the CONTROL OFFICER. The filing of such appeal shall stay the suspension or revocation of the permit pending a decision thereon by the Air Pollution Control HEARING BOARD. The Air Pollution Control HEARING BOARD shall meet to decide the appeal no later than thirty (30) days after the filing of the permittee's appeal, and after public hearing on said appeal, affording the permittee and the CONTROL OFFICER full opportunity to present evidence, and testimony may affirm, MODIFY or set aside the action taken by the CONTROL OFFICER. For this purpose, public notice of less than thirty (30) days may be given of such appeal hearing.**

**16.9 If the OPERATING PERMIT is canceled, suspended, or revoked, any fee paid shall be forfeit.**

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History: Amended: September 3, 1981; April 23, 1987; January 25, 1990; February 20, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 18 - PERMIT AND TECHNICAL SERVICE FEES**

**18.1 OPERATING PERMIT Issuance Fees:**

18.1.1	OPERATING PERMIT issued pursuant to Section 16: This permit is issued for any new or MODIFIED STATIONARY SOURCE.	\$127.00
18.1.2	OPERATING PERMIT issued pursuant to Section 19: This permit is issued to any new or MODIFIED STATIONARY SOURCE subject to the PART 70 PROGRAM.	Free

**18.2 Annual EMISSIONS UNIT and Annual Permit Renewal Fees:**

These fees are assessed on each EMISSIONS UNIT and each OPERATING PERMIT each calendar year.

18.2.1	Each PROCESS EQUIPMENT, except as otherwise listed in this Section.	\$216.00
18.2.2	Each Storage Silo.	\$106.00
18.2.3	Each STATIONARY tank, reservoir, or other container exceeding 40,000 gallons capacity containing any petroleum product having a VAPOR pressure of 1.5 pounds per square inch absolute or greater at standard temperature and pressure.	\$289.00
18.2.4	Each GASOLINE storage tank equipped with STAGE I VAPOR Recovery or STAGE II VAPOR Recovery equipment at any GASOLINE Dispensing Facility including bulk plants but excluding bulk terminals.	\$56.00
18.2.5	Each Heated Asphalt Storage Tank.	\$54.00

18.2.6	Each STATIONARY Internal Combustion engine, including microturbines up to 2.5MW, that meets the definition of a STATIONARY SOURCE, except as required in Subsection 18.2.7 shall pay the following fee:									
	<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>35-350 HP</td> <td>351-800 HP</td> <td>801-1500 HP</td> <td>1501 HP and up</td> </tr> <tr> <td style="text-align: center;">\$313.00</td> <td style="text-align: center;">\$626.00</td> <td style="text-align: center;">\$1,251.00</td> <td style="text-align: center;">\$1,878.00</td> </tr> </table>	35-350 HP	351-800 HP	801-1500 HP	1501 HP and up	\$313.00	\$626.00	\$1,251.00	\$1,878.00	
35-350 HP	351-800 HP	801-1500 HP	1501 HP and up							
\$313.00	\$626.00	\$1,251.00	\$1,878.00							
18.2.7	Each STATIONARY Emergency Internal Combustion engine that has a brake horsepower rating greater than five hundred (500) that meets the definition of a STATIONARY SOURCE shall pay the following fee:									
	<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>500 to 1500 HP</td> <td>1501 HP and up</td> </tr> <tr> <td style="text-align: center;">\$216.00</td> <td style="text-align: center;">\$626.00</td> </tr> </table>	500 to 1500 HP	1501 HP and up	\$216.00	\$626.00					
500 to 1500 HP	1501 HP and up									
\$216.00	\$626.00									
18.2.8	Each FUEL BURNING EQUIPMENT not otherwise listed in this section that meets the definition of a STATIONARY SOURCE.	\$187.00								
18.2.9	Each stationary printing press.	\$358.00								
18.2.10	Each commercial surface coating operation, including spray booths. In the event that spray booths are not applicable or required, the fee will apply to the coating process, e.g., spray gun, dip tank.	\$358.00								
18.2.11	Each electrical generating or compressor turbine with a rating of 2.5 megawatts or larger based on ISO standard operating conditions at 67°F, excluding equipment fueled solely on gas generated within Clark County by the decomposition of garbage in a landfill.	\$3,751.00								
18.2.11.1	Megawatt Equivalent Fee: (Megawatt Equivalent) x (Fee)	\$127.00								
18.2.11.1.1	Each Megawatt Equivalent based on a facility total megawatt output of all electrical or compressor turbines with a rating of 2.5 megawatts or larger plus all supplemental duct firing units and/or supplemental Heat Recovery Steam Generators (HRSGs), excluding equipment fueled solely on hydrogen, multiplied by the permitted annual hours of operation and divided by 8,760 hours per year. Megawatt ratings shall be based on ISO Standard Operating Conditions at 67°F.									

18.2.11.2	Each supplemental duct firing unit and/or supplemental Heat Recovery Steam Generator (HRSG), excluding duct-firing equipment fueled solely on hydrogen, or on gas generated within Clark County by the decomposition of garbage in a landfill.	\$1,251.00
18.2.12	Nevada Department of Transportation (NDOT) subcontractors shall pay equipment fees at the time of permit issuance. The fees shall be for the duration of the project, prorated on a calendar quarter basis.	
18.2.13	Annual Permit Renewal Fees: If more than one fee schedule is applicable to a permit, the governing schedule shall be that which results in the higher fee.	
18.2.13.1	Each MAJOR STATIONARY SOURCE	\$6,252.00
18.2.13.2	Each COMPLEX SOURCE	\$5,002.00
18.2.13.3	Each SIGNIFICANT SOURCE	\$937.00
18.2.13.4	Baseline annual permit renewal applies to every permitted stationary source except those classified as MAJOR, COMPLEX, SIGNIFICANT, fee exempt, or covered in another section of the AQ Regulations.	\$63.00
18.2.14	Fee exempt	Free

**18.3 Dust Control Permit Fee:**

For CONSTRUCTION ACTIVITIES including Surface Grading and TRENCHING that are permitted pursuant to Section 17 or 94.

18.3.1	Dust Control Permit Fee - shall be determined on the number of acres or fraction thereof multiplied by the following: (Multiply fee by the sum of the whole number of acres plus 1.0 acre for any fraction of an acre.)	\$138.00
18.3.2	Dust Control Permit Modification Fee: The fee is related only to the processing of any dust control permit which is modified from the originally issued permit as per AQ Regulations. The modified permit will retain the expiration date of the original dust control permit.	\$31.30

18.3.2.1	Modification in combination with additional acres: The Dust Control Permit Fee shall also apply, limited to the new acres.	
18.3.2.2	Modification in combination with additional acres where construction on the additional acreage commenced prior to submission of either a stand-alone Dust Control Permit or the Modification. The Dust Control Permit late fee shall apply.	
18.3.4	Dust Control Class Card (Pursuant to Section 94): The dust control card will be valid for three years.	\$37.60
18.3.5	Dust Control Permit Late Fee: This fee will be charged for any construction site which commences construction activity prior to submitting a complete dust permit application. This fee will be 1.5 times the Dust Control Permit Fee as specified in this Section.	\$207.00 (per acre)
18.3.6	Dust Control Monitor: The minimum fee per person for DAQEM Dust Control Monitor Class is \$500. The minimum fee for DAQEM to hold a Dust monitoring training Class is \$5,000.00. Any individual or company requesting DAQEM to conduct a Dust Control Monitor Class with less than 10 fee-paying trainees will be responsible for the balance of the cost between paying trainees and \$5,000.00.	

**18.4 NSR [New Source Review and/or PSD] Application Review Fee:**

Technical Preconstruction Review of Proposed New or MODIFIED STATIONARY SOURCES requesting an AUTHORITY TO CONSTRUCT CERTIFICATE

18.4.1	NSR Application fee: All STATIONARY SOURCES	\$323.00
18.4.2	Publication fee for Notice of Proposed Action: (if required)	Direct Cost
18.4.2.1	Direct Cost shall mean the actual publication cost of the Notice of Proposed Action as invoiced by the newspaper.	
18.4.2.2	Notice of Proposed Action shall be initiated after the CONTROL OFFICER receives full payment of all applicable fees from the applicant.	

18.4.3	NSR Application Review fee:	
18.4.3.1	NSR POTENTIAL TO EMIT (TONS PER YEAR) fee shall be determined on annual total POTENTIAL TO EMIT for all REGULATED AIR POLLUTANTS multiplied by the following and rounded off to the nearest whole number:	\$59.00
18.4.3.2	NSR EMISSIONS UNIT fee shall be determined on the number of EMISSION UNITS multiplied by the following:	\$232.00
18.4.3.3	An AUTHORITY TO CONSTRUCT CERTIFICATE shall not be issued unless the CONTROL OFFICER has received full payment of all applicable fees.	
18.4.3.4	The NSR Application Review Fee for AUTHORITY TO CONSTRUCT applications submitted by the NDOT shall be based upon the following:	
18.4.3.4.1	NDOT maintains the permit for the pit as a single EMISSION UNIT and is charged for one EMISSION UNIT review fee (E1).	
18.4.3.4.2	Subcontractors applying for an OPERATING PERMIT pursuant to the NDOT ATC shall pay review fees based on EMISSION UNITS (E1) and tons of emissions (E2), but need not pay the Application Fee.	
18.4.3.5	VLP Relocation Fee: All ATTACHMENT-1 for a new operating location within Clark County.	\$31.30
18.4.3.6	Acid Rain Permit: Associated with the Requirements of Title IV of the 1990 Clean Air Act Amendments.	\$127.00

**18.5. PART 70 Application Review Fee:**

Technical Review of PART 70 Applications for New or Existing STATIONARY SOURCES

18.5.1	Application fee: MAJOR PART 70 STATIONARY SOURCES	Free
18.5.2	Application fee: NON-MAJOR PART 70 STATIONARY SOURCES	Free



18.5.3 Publication fee for Notice of Proposed Action (if required): Direct Cost

18.5.3.1 Direct Cost shall mean the actual publication cost of the Notice of Proposed Action as invoiced by the newspaper.

## **18.6 Annual EMISSION Inventory and Emission Fee:**

18.6.1 Annual Emissions Inventory:

18.6.1.1 The Annual Emissions Inventory must be submitted to DAQEM by March 31 of each calendar year.

18.6.1.2 ACTUAL Calendar Year EMISSIONS will be determined by using emission factors consistent with permit conditions or performance testing (whichever is most recent), and documented emission control factors.

18.6.1.2.1 Each annual emission inventory shall be signed by a responsible official of the company attesting to the accuracy and completeness of the inventory.

18.6.2 Annual Emission Fee:

18.6.2.1 Failure by permit holder to submit an accurate and complete actual emissions inventory by March 31 of each calendar year will result in assessment of emission fees based on facility PTE.

18.6.2.1.1 In the event a PTE fee assessment is made and subsequently the actuals are discovered to be greater than the PTE, DAQEM shall collect the unpaid fees as determined by the difference in emissions between actual and PTE multiplied by the pollutant fee rate in force at the time of the discovery.

18.6.2.2 Emission Fees will be determined by DAQEM.

18.6.2.3 In addition to the Annual EMISSIONS UNIT Fee, each MAJOR STATIONARY SOURCE and each STATIONARY SOURCE subject to Federal Performance Standards, shall pay an Annual PART 70 EMISSION Fee.

- 18.6.2.4 The Annual PART 70 EMISSION Fee shall be based on the total number of tons of ACTUAL Annual EMISSIONS for all REGULATED AIR POLLUTANTS (rounded off to the nearest whole number).
- 18.6.3 ACTUAL Annual EMISSIONS shall mean the following:
- 18.6.3.1 Measured EMISSIONS for any EMISSIONS monitored by a continuous EMISSIONS monitoring system (CEMS) over the previous calendar year, or
- 18.6.3.2 Estimated EMISSIONS for any EMISSIONS calculated based on annual facility production over the previous calendar year.
- 18.6.4 Annual PART 70 EMISSION Fees:
- 18.6.4.1 Annual PART 70 EMISSION Fee shall be determined on the number of tons (to the nearest tenth of a ton) of all REGULATED AIR POLLUTANTS, except as provided in Subsection 18.6.4.2, multiplied by the following fee: \$47.90
- 18.6.4.2 For the Carbon Monoxide EMISSIONS portion, the Annual PART 70 EMISSION Fee shall be determined on the number of tons (to the nearest tenth of a ton) of Carbon Monoxide multiplied by the following fee: \$16.30
- 18.6.5 Exceptions:
- 18.6.5.1 The following shall not be subject to an Annual PART 70 EMISSION Fee:
- 18.6.5.1.1 Any CONSTRUCTION ACTIVITY permitted pursuant to Section 17 or Section 94 of the Regulations,
- 18.6.5.1.2 Any GASOLINE DISPENSING FACILITY permitted pursuant to Sections 12 and 52 of the Regulations
- 18.7 Certificate for ASBESTOS Removal:** **\$626.00**  
 Fee charged on all projects that require National EMISSION Standards for HAZARDOUS AIR POLLUTANTS (NESHAPS) notification.

<b>18.7.1 Post Abatement Inspection Fee:</b>	<b>\$313.00</b>
Fee charged for post abatement inspection of all projects that require National Emission Standards for Hazardous Air Pollutants (NESHAPS) notification.	
<b>18.7.2 Inspection For Ongoing Asbestos Removal Projects:</b>	<b>\$313.00/wk</b>
Fee charged on a weekly basis for one inspection per week on all projects that require National Emission Standards for Hazardous Air Pollutants (NESHAPS) notification and which meet or exceed the regulated amounts of Regulated Asbestos-Containing Material (RACM).	
<b>18.8 Certificate of Exemption (Initial):</b>	<b>\$313.00</b>
HEARING BOARD Filing Fee (Non-refundable) (This fee is assessed one time for an exemption granted pursuant to Section 44 of the Regulations)	
<b>18.9 Certificate of Exemption (Renewal):</b>	<b>\$127.00</b>
Air Pollution Control HEARING BOARD Filing Fee (Non-refundable) (This fee is assessed for each subsequent exemption renewal granted pursuant to Section 44 of the Regulations)	
<b>18.10 Transfer of a STATIONARY SOURCE OPERATING PERMIT from one person to another.</b>	<b>\$127.00</b>
<b>18.11 Replacement of each lost or destroyed OPERATING PERMIT.</b>	<b>\$31.30</b>
<b>18.12 Request for Hearing before the Air Pollution Control HEARING BOARD (fee is non-refundable):</b>	<b>\$140.00</b>
Applicable to each Variance, Appeal or Compliance Schedule	

**18.13 Any fees required pursuant to this Section may be waived for each qualifying EMISSIONS Unit owned and operated by local, State, and Federal government agencies.**

**18.14 Blasting Fee:** \$127.00

A one-time fee for each dust permit issued with a blasting permit.

**18.15 Implosion Fee** \$12,506.00

**18.16 Billing Procedures**

18.16.1 Fee(s) shall be due within thirty (30) days of billing date.

18.16.2 After forty-five (45) days from billing date, unpaid invoices shall be assessed a 10% late charge.

18.16.3 Failure to pay any fee within ninety (90) days may result in a Notice of Violation (NOV) which may impose additional penalties and enforcement action up to and including permit revocation.

**18.17 Reserved**

**18.18 STATIONARY SOURCE Inspection Fees**

The following STATIONARY SOURCE inspection fee schedule (Table 18.18) outlines the fees associated with re-inspections for all STATIONARY SOURCES, including various location permits (VLPs). These fees apply when a source fails an inspection, has an incomplete inspection, and requires re-inspection to determine compliance status or the inspector has to return to the source to verify completion/compliance status due to the fault of the source.

The initial and annual inspections are conducted with no charge (n/c) to the source.

Note: Only the highest applicable fee category shall apply for each source.

Table 18.18

STATIONARY SOURCE Inspections Fee Schedule					
Total POTENTIAL TO Emit (PTE)	DE MINIMUS PERMIT	Less than 5 tons	5 Tons or greater	NSPS / NESHAPS	MAJOR and COMPLEX
Initial/Annual (Included in annual fees)	0	* n/c	n/c	n/c	n/c
1st re-inspect	0	\$63.00	\$127.00	\$313.00 With Control Device = \$180.00	\$937.00
All subsequent re-inspects/per	0	\$127.00	\$251.00	\$626.00 With Control Device = \$377.00	\$1,878.00
* n/c = no charge					

### 18.19 STATIONARY SOURCE Performance Testing Fees

The following STATIONARY SOURCE performance test (P/T) fee schedule (Table 18.19) outlines the fees associated for all STATIONARY SOURCES, including various location activity permits (VLPs). These fees apply when the source is required to conduct a performance test to determine compliance status. The associated fees are on a per protocol basis and shall be invoiced for all performance test(s) which is/are outlined in each of the required performance test protocol.

Performance test fees include the protocol and final report review and covers any on-site time by DAQEM, if required.

Note: Only the highest applicable fee category shall apply for each source.

**Table 18.19**

<b>STATIONARY SOURCE PerformanceTest (P/T) Fee Schedule</b>					
<b>TOTAL POTENTIAL TO EMIT (PTE)</b>	<b>DE MINIMUS PERMIT</b>	<b>Less than 5 tons</b>	<b>5 Tons or greater</b>	<b>NSPS / NESHAPS</b>	<b>MAJOR and COMPLEX</b>
<b>Initial/Annual P/T</b> (includes protocol/report review) <b>(per protocol submittal)</b>	0	\$63.00	\$127.00	\$626.00	\$1,878.00
<b>1st re-test</b> (on-site, problems/delays)	0	\$63.00	\$127.00	\$313.00	\$937.00
<b>All subsequent re-tests/per</b> (on-site, problems/delays)	0	\$127.00	\$251.00	\$1,251.00	\$3,751.00

**18.20 CEMS/PEMS/RATA Fees**

The following STATIONARY SOURCE performance specification (PS) testing and continuous emissions monitoring system (CEMS) fee schedule (Table 18.20) outlines the fees associated for all STATIONARY SOURCES performance specification test (PS) and continuous emissions monitoring systems (CEMS), including predictive emissions monitoring systems (PEMS), and relative accuracy test audits (RATAs) where the source is required to conduct a performance test/audit to determine compliance status. The associated fees are on a per protocol basis and shall be invoiced for all performance tests/audits and include the QA/QC review for all CEMS/PEMS initial equipment review.

Performance specification (PS) test/audit fees include the protocol and final report review and covers any on-site time by DAQEM, if required.

**Table 18.20**

<b>STATIONARY SOURCE CEMS Performance Specification Tests (PS), PEMS, and RATA Fees</b>	
<b>Initial CEMS Certification Test</b> (includes protocol/report and QA/QC document review) <b>(per protocol submittal)</b>	\$1,878.00
<b>1st re-test</b> (on-site, problems/delays)	\$937.00
<b>All subsequent re-tests/per</b> (on-site, problems/delays)	\$1,878.00
<b>Annual RATA/ PEMS</b> (includes protocol/ report review) <b>(per protocol submittal)</b>	\$626.00
<b>1st re-test</b> (on-site, problems/delays)	\$313.00
<b>All subsequent re-tests/per</b> (on-site, problems/delays)	\$626.00

**18.21 Effective each January 20, all Section 18 fee rates except for the following shall be adjusted according to the relative percent change from the previous calendar year in the Urban Consumer Price Index (CPI-U), which is published by the U. S. Department of Labor, Bureau of Labor Statistics:**

Gasoline storage tank at GASOLINE DISPENSING FACILITIES  
 Dust Control Monitor Certificate  
 Hearing Request before HEARING BOARD

18.21.1 CPI Calculation Example:

Assume last years CPI average = 215.303

Assume previous years CPI average = 207.342

The relative percent change (RPC) for current year is:

$$\text{RPC} = [(\text{Avg CPI last year} / \text{Avg CPI previous year}) - 1] * 100$$

$$\text{RPC} = [(215.303 / 207.342) - 1] * 100$$

$$\text{RPC} = 3.84\%$$

Assume current fee of a Permit is \$122.00

$$\text{New Fee} = [\text{Current fee} \times (1 + \text{RPC})]$$

$$\text{New Fee} = \$122 * 1.0384 = \$127$$

Note: Fees < \$50 are rounded to nearest \$0.10

Fees > \$50 are rounded to nearest \$1.00

History: Amended: September 25, 1980; September 3, 1981; April 23, 1987; November 15, 1990; July 25, 1991; May 28, 1992; August 26, 1993; September 28, 1995; December 19, 1996; April 24, 1997; December 14, 2000; January 21, 2003; June 3, 2003; July 1, 2004; January 20, 2005; January 20, 2006; January 22, 2007; January 22, 2008; January 27, 2009



**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 19 - PART 70 Operating Permits**

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## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 19 - PART 70 OPERATING PERMITS**

##### **19.1 Program Overview**

- 19.1.1 This Section sets forth a comprehensive county-wide air quality permitting system to meet the requirements of Title V of the Clean Air ACT (42 U.S.C. 7401, *et seq.*) and 40 CFR Part 70.
- 19.1.2 All Sources subject to this section shall have a permit to operate that assures compliance by the Source with all APPLICABLE REQUIREMENTS.

##### **19.2 Applicability**

- 19.2.1 PART 70 SOURCES: This Regulation applies to any "MAJOR PART 70 SOURCE" or "PART 70 SOURCE" as defined in Section 0 of the Department of Air Quality and Environmental Management's Air Quality Regulations and all sources required by the ADMINISTRATOR to obtain a permit including Title IV acid rain sources.
- 19.2.2 Source Category Exemptions: The following source categories are exempted from the obligation of obtaining a PART 70 PERMIT:
- 19.2.2.1 All sources that would be required to obtain a permit solely because they are subject to Section 14, Subpart AAA - Standards of Performance for New Residential Wood Heaters.
- 19.2.2.2 All sources that would be required to obtain a permit solely because they are subject to Section 13, Subpart M - National EMISSION Standard for HAZARDOUS AIR POLLUTANTS for ASBESTOS 40 CFR Part 61.145, Standard for Demolition and Renovation.
- 19.2.2.3 All sources that would be required to obtain a permit solely because they are subject to Section 14, Subpart Da - Standards of Performance for ELECTRIC UTILITY STEAM GENERATING UNITS for which CONSTRUCTION is COMMENCED after September 18, 1978.

## **19.3 PART 70 PERMIT Applications**

19.3.1 Duty to Apply: For each MAJOR PART 70 SOURCE and PART 70 SOURCE, the OWNER OR OPERATOR shall submit a timely and complete permit application in accordance with Subsection 19.3.

### 19.3.1.1 Timely Application

- (a) An existing Source must submit a complete application within six (6) months after the Source is notified by the CONTROL OFFICER to be subject to the permitting requirements of the PART 70 PROGRAM except as specified under Subsection (b).
- (b) A PART 70 SOURCE required to meet the requirements under SECTION 112(g) of the ACT, or to have a permit under the pre-CONSTRUCTION review program approved into the applicable implementation plan under Part C or D of Title I of the ACT, shall file a complete application to obtain the PART 70 PERMIT or PERMIT REVISION within twelve (12) months after COMMENCING operation. Where an existing PART 70 PERMIT would prohibit such CONSTRUCTION or change in operation, the Source must obtain a PERMIT REVISION before COMMENCING operation.
- (c) For purposes of permit RENEWAL, a timely and complete application is one that is submitted between six (6) and eighteen (18) months, prior to the date of permit expiration.
- (d) Sources subject to the Title IV Acid Rain program under the Clean Air ACT Amendments must submit an additional Phase II acid rain application by January 1, 1996 for sulfur dioxide and by January 1, 1998 for nitrogen oxides.

### 19.3.1.2 Complete Application

To be deemed complete, an application must provide all information required pursuant to Subsection 19.3.3 except that applications for PERMIT REVISIONS need supply such information only if it is related to the proposed change. Information required under Subsection 19.3.3 must be sufficient to evaluate the subject source, its application and to determine all APPLICABLE REQUIREMENTS. Unless the CONTROL OFFICER determines that an application is not complete within sixty (60) days of receipt of the application, such application shall be deemed to be complete. If, while processing an application that has been determined or deemed to be complete, the CONTROL OFFICER determines that additional information is necessary to evaluate or take final action on the

application, he may request such information in writing and set a reasonable deadline for response.

#### 19.3.1.3 CONFIDENTIAL INFORMATION

Any information which the Department of Air Quality and Environmental Management obtains in the course of its duties is public information unless otherwise designated as CONFIDENTIAL INFORMATION pursuant to the following provisions:

- (a) The Department of Air Quality and Environmental Management cannot certify as confidential the EMISSIONS data of any air pollutant which has an AMBIENT AIR quality standard or EMISSION standard or has been designated as a HAZARDOUS AIR POLLUTANT by regulation.
- (b) The Department of Air Quality and Environmental Management cannot certify as confidential the information contained in a PART 70 PERMIT.
- (c) Information received by the Department of Air Quality and Environmental Management which is certified in writing as confidential by the OWNER OR OPERATOR and verified and approved in writing by the Department of Air Quality and Environmental Management as confidential must, unless the OWNER expressly agrees to its publication or availability to the public, be used only:
  - (1) In the administration or formulation of AIR POLLUTION controls;
  - (2) In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any OWNER OR OPERATOR or reveal any CONFIDENTIAL INFORMATION; or
  - (3) In complying with federal statutes, rules and regulations.
- (d) CONFIDENTIAL INFORMATION may be used in a prosecution for the violation of any statute, ordinance or regulation for the control of AIR POLLUTION.
- (e) When a source submits information to the CONTROL OFFICER under a claim of confidentiality, the CONTROL OFFICER may also require the Source to submit a copy of such information directly to the ADMINISTRATOR.

19.3.2 Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly

submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a DRAFT PERMIT.

19.3.3 Standard application form and required information.

Application information required pursuant to Subsection 19.3.3 shall be provided for each EMISSION UNIT in the standard application form provided by the CONTROL OFFICER. Each application shall include all information needed to determine or impose any APPLICABLE REQUIREMENT, including the following information on forms provided by the CONTROL OFFICER:

19.3.3.1 Identifying information, including company name and address, or plant name and address, if different from company name; OWNER's name, agent, and telephone number, names and telephone number of plant site manager/contact, and RESPONSIBLE OFFICIAL.

19.3.3.2 A description of the Source's processes and products by Standard Industrial Classification Code, including any associated with each alternate scenario identified by the Source.

19.3.3.3 Information related to the EMISSIONS as follows:

- (a) All EMISSIONS of pollutants for which the source is major and all EMISSIONS of REGULATED AIR POLLUTANTS including FUGITIVE EMISSIONS, and all allowable emissions that are listed in the Section 12 Authority To Construct Certificates and the Section 16 Operating Permits, which are in effect.

The CONTROL OFFICER shall require additional information related to the EMISSIONS of air pollutants sufficient to verify which requirements are applicable to the source and other information necessary to collect any permit fees owed under Section 18.

- (b) Identification and description of all points of EMISSIONS described in Subsection 19.3.3.3(a) in sufficient detail to establish a basis for fees pursuant to Section 18 and applicability of requirements of the ACT.
- (c) EMISSIONS in tons per year, concentrations and EMISSION rates in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
- (d) Information to determine or regulate EMISSIONS: FUELS, FUEL use, raw materials, production rates, and operating schedules.

- (e) Identification and description of AIR POLLUTION control equipment and compliance monitoring devices or activities.
- (f) Limitations on the Source operation or any work practice standards, where applicable, that affect EMISSIONS of any regulated pollutant at the PART 70 SOURCE. These include production capacity limits and control requirements listed in the Section 12 Authority To Construct Certificates and the Section 16 Operating Permits, which are in effect.
- (g) Other information required by any APPLICABLE REQUIREMENT, including information related to STACK height limitations developed pursuant to Section 123 of the ACT.
- (h) Calculations on which the information in paragraphs (a) through (g) above is based.

19.3.3.4 The following AIR POLLUTION control requirements:

- (a) Citation and description of all APPLICABLE REQUIREMENTS, including requirements applicable to EMISSIONS UNITS that cause the source to be subject to the PART 70 PROGRAM.
- (b) Description of or reference to any applicable test method for determining compliance with each APPLICABLE REQUIREMENT.
- (c) An application to construct or reconstruct any major source of hazardous pollutants shall contain a determination that MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) for new sources under Section 112 of the ACT will be met. Where MACT has not been established by the ADMINISTRATOR, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44. For purposes of this Subsection, constructing or reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.

19.3.3.5 Other specific information that may be necessary to implement, and enforce other requirements of the ACT or to determine the applicability of such requirements.

19.3.3.6 An explanation of any proposed exemptions from otherwise APPLICABLE REQUIREMENTS.

19.3.3.7 Additional information as determined to be necessary by the CONTROL OFFICER to define alternative operating scenarios identified by the Source pursuant to Subsection 19.4.1.10 or to define permit terms and conditions implementing Subsections 19.4.1.9 and 19.5.7.

19.3.3.8 A compliance plan for all PART 70 SOURCES shall contain the following:

- (a) A description of the compliance status of the source with respect to all APPLICABLE REQUIREMENTS.
- (b) A statement that the source will continue to comply with APPLICABLE REQUIREMENTS for which the source is in compliance.
- (c) For APPLICABLE REQUIREMENTS that become effective during the permit term, the compliance schedule shall include a statement that the source will meet such requirements in a timely manner including a more detailed schedule if expressly required by a APPLICABLE REQUIREMENT.
- (d) A compliance schedule must be submitted for sources not in compliance with all APPLICABLE REQUIREMENTS at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any APPLICABLE REQUIREMENTS for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the APPLICABLE REQUIREMENTS on which it is based.
- (e) Acid Rain-Title IV  
Except as specifically superceded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the affected source will use to achieve compliance with the acid rain emissions limitations, the requirements for the plan content shall be included in the acid rain portion of the compliance plan.

19.3.3.9 Requirements for compliance certification:

- (a) A certification of compliance with all APPLICABLE REQUIREMENTS by a RESPONSIBLE OFFICIAL shall be submitted to the CONTROL OFFICER each year or more frequently if specified by the underlying APPLICABLE REQUIREMENT.
- (b) A statement of methods used for determining compliance, including a description of proposed methods of periodic monitoring, record-keeping, and reporting requirements and test methods.

- (c) A schedule for submission of compliance certifications during the permit term.
- (d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the ACT.

#### 19.3.3.10 Acid Rain-Title IV

The use of nationally standardized forms for the acid rain portion of the permit application and the compliance plan, as required by the regulations promulgated under Title IV of the Act.

#### 19.3.3.11 Permit Shield

A source, at its option, may propose in its application to streamline multiple applicable requirements into a single set of permit terms and conditions that will assure compliance with all APPLICABLE REQUIREMENTS for an emission unit or group of EMISSION UNITS so as to eliminate redundant or conflicting requirements. All APPLICABLE REQUIREMENTS that are subsumed in the streamlined requirements shall be identified in a permit shield. A source opting for the streamlining of APPLICABLE REQUIREMENTS must demonstrate the adequacy of the proposed streamlined requirements. Any streamlining demonstration shall be submitted to the CONTROL OFFICER and EPA for approval in advance of DRAFT PERMIT issuance.

#### 19.3.3.12 Insignificant Activities or EMISSION UNITS

Insignificant activities or EMISSION UNITS, which are listed in Attachment A to this Section may be presumptively omitted from the PART 70 PERMIT application. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities or EMISSION UNITS must be included in the application.

19.3.4 Certification of truth, accuracy and completeness: Any application form, report, or compliance certification submitted pursuant to these Regulations shall contain certification of truth, accuracy, and completeness by a RESPONSIBLE OFFICIAL. This certification and any other certification required under Section 19 shall state that, based on the information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.



## **19.4 PART 70 PERMIT Content**

19.4.1 Standard permit requirements. Each PART 70 PERMIT issued shall include the following elements:

19.4.1.1 EMISSION limitations and standards, including operational requirements and limitations that assure compliance with all APPLICABLE REQUIREMENTS and all requirements in Section 19 at the time of permit issuance.

- (a) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the APPLICABLE REQUIREMENT upon which the term or condition is based.
- (b) A statement that, where another APPLICABLE REQUIREMENT is more stringent than an acid rain requirement, both shall be included in the permit and be FEDERALLY ENFORCEABLE.
- (c) Alternative EMISSION limits may be specified in the permit conditions at permit issuance, RENEWAL or MAJOR PART 70 MODIFICATION if such determinations are allowed by an applicable STATE Implementation Plan or Federal Implementation Plan. The permit shall contain provisions to ensure that the alternate EMISSION limit resulting from such equivalency determination shall be quantifiable, accountable, enforceable and based on replicable procedures.
- (d) FUGITIVE EMISSIONS shall be included in the permit in the same manner as STACK EMISSIONS.

19.4.1.2 Permit duration. PART 70 PERMITS shall be issued for a fixed term not to exceed five (5) years. The PART 70 PERMIT issuance date is the beginning of the permit term.

19.4.1.3 Monitoring and related record-keeping and reporting requirements.

- (a) Each permit shall contain the following requirements with respect to monitoring:
  - (1) Periodic monitoring methods proposed by the applicant sufficient to demonstrate compliance and accepted by the CONTROL OFFICER.
  - (2) All EMISSIONS monitoring and analysis procedures or test methods required under the APPLICABLE REQUIREMENTS including

any procedures and methods promulgated pursuant to Sections 114(a)(3) - (enhanced monitoring and submission of compliance certifications) and 504(b) (monitoring and analysis) of the ACT.

- (3) If an APPLICABLE REQUIREMENT does not require periodic testing or instrumental monitoring (which may include record-keeping). Then periodic monitoring shall be required that must be sufficient to yield data which is reliable for the relevant time period and representative of the source's compliance with the permit as reported under Subsection 19.4.1.3(c). Record-keeping, if appropriate, may be sufficient to meet the requirements of this paragraph. Use of terms, test methods, units, averaging periods, and other statistical conventions shall be consistent with the APPLICABLE REQUIREMENTS.
  - (4) Procedures or other requirements concerning monitoring equipment use, maintenance, and where appropriate, installation practices or methods. If a periodic monitoring method proposed by the applicant is inadequate to demonstrate compliance, or in the absence of a proposed periodic method, the CONTROL OFFICER shall invoke an adequate periodic method that will yield reliable data from the relevant time period that are representative of the source's compliance status with respect to the APPLICABLE REQUIREMENT.
- (b) The following monitoring data, information and record-keeping requirements shall be included in the permit:
- (1) The date, sampling location as defined in the PART 70 PERMIT, and the time of the sampling or measurements.
  - (2) The date or dates the analyses were performed and the company or entity that performed the analyses.
  - (3) The analytical techniques or methods used and the results of such analyses.
  - (4) The operating conditions existing at the time of sampling or measurement.
  - (5) Records including required monitoring data and support information shall be maintained for a period of at least 5 years from the date of the monitoring sample, measurement, report or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for

continuous monitoring instrumentation, and copies of all reports required by the PART 70 PERMIT.

- (c) The following reporting requirements shall be included in the permit:
- (1) Sources subject to any required monitoring shall submit reports every three (3) months. All instances of deviations from the PART 70 PERMIT requirements must be clearly identified in such reports. All required reports must be certified by a RESPONSIBLE OFFICIAL consistent with Subsection 19.3.4.
  - (2) Sources shall promptly report deviations from permit requirements, including those attributable to UPSET conditions as defined in the PART 70 PERMIT. Such reporting shall include the probable cause of such deviations and any corrective actions or preventative measures taken.
    - (a) UPSET, BREAKDOWN, or EMERGENCY conditions shall be reported to the CONTROL OFFICER within one (1) hour pursuant to Section 25.2.

19.4.1.4 For AFFECTED SOURCES as defined in 40 CFR Part 72, a permit condition prohibiting EMISSIONS exceeding any allowances that the source lawfully holds under Title IV and the regulations promulgated thereunder.

19.4.1.5 Severability Clause. The various permit requirements shall continue to be valid in event of a challenge to any portion of the permit.

19.4.1.6 Permit Provisions:

- (a) The permittee must comply with all conditions of the PART 70 PERMIT. Any permit noncompliance constitutes a violation of the ACT and is grounds for enforcement action; for permit termination, revocation and reissuance, or MODIFICATION; or for denial of a permit RENEWAL application.
- (b) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (c) The permit may be MODIFIED, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit MODIFICATION, revocation, reissuance, or termination, or of notification of planned changes or anticipated noncompliance does not stay any permit condition.

- (d) The permit does not convey any property rights of any sort, or any exclusive privilege.
- (e) The permittee shall furnish to the CONTROL OFFICER, within a reasonable time, any information that the CONTROL OFFICER may request in writing to determine whether cause exists for MODIFYING, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the CONTROL OFFICER copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the ADMINISTRATOR along with a claim of confidentiality.

19.4.1.7 Permit fees, including annual EMISSION fee, shall be determined pursuant to Section 18, and shall be invoiced in January of each year. Failure to pay PART 70 PERMIT fees may result in citations or suspensions or revocation of the PART 70 PERMIT.

19.4.1.8 SECTION 502(b)(10) CHANGES. A source may make changes in operations that will affect EMISSIONS without a PERMIT REVISION provided:

- (a) The changes are not MODIFICATIONS under any provision of Title I of the ACT, including New Source Review (NSR), NSPS (SECTION 111 of the ACT), and NESHAPS (SECTION 112 of the ACT).
- (b) The changes do not contravene FEDERALLY ENFORCEABLE permit terms and conditions pertaining to monitoring, record-keeping, reporting, or compliance certification requirement.
- (c) The changes do not exceed the EMISSIONS ALLOWABLE UNDER THE PERMIT.
- (d) For each such change, the source shall provide written notice of the proposed changes seven (7) days in advance and attach such notice to their permit. The notice shall include a brief description of the change within the permitted facility, the date on which the change will occur, and any permit term or condition that is no longer applicable as a result of the change. The source, the permitting authority and EPA shall attach each such notice to their copy of the permit.
- (e) The PART 70 SOURCE provides the EPA and the Department of Air Quality and Environmental Management with written notification at least seven (7) days in advance of implementation of the proposed changes.

- 19.4.1.9 The CONTROL OFFICER shall, if requested by the applicant and allowed under Subsection 19.4.1.8, include permit terms and conditions for the trading of EMISSIONS increases and decreases in the permitted facility solely for the purpose of complying with a FEDERALLY ENFORCEABLE EMISSIONS cap independent of otherwise APPLICABLE REQUIREMENTS.
- (a) The permit application must include proposed replicable procedures and permit terms that ensure the EMISSIONS trades are quantifiable and enforceable. The permit terms and conditions must include all terms required under Subsections 19.4.1 and 19.4.3.
  - (b) The permitting authority shall not include any EMISSIONS UNITS for which EMISSIONS are not quantifiable or for which there are no replicable procedures to enforce the EMISSIONS trades.
  - (c) The written notice required under Subsection 19.4.1.8(e) must state when the change will occur and must describe the changes in EMISSIONS that will result and how these increases and decreases in EMISSIONS will comply with the terms and conditions of the permit.
- 19.4.1.10 Alternative Operating Scenarios. A source may identify terms and conditions for reasonably anticipated operating scenarios in its application as approved by the Department of Air Quality and Environmental Management.
- (a) Permit terms and conditions shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating.
  - (b) Permit terms and conditions of each alternative operating scenario shall meet all APPLICABLE REQUIREMENTS and the requirements of Section 19.
- 19.4.1.11 EMISSIONS Trading. PERMIT REVISIONS are not required under any EPA approved economic incentives, marketable permits, EMISSIONS trading and other similar programs or processes for changes that are provided for in the permit, provided the Source conforms to the APPLICABLE REQUIREMENTS of Sections 12 and 58

- 19.4.2 FEDERALLY-ENFORCEABLE requirements
- 19.4.2.1 All terms and conditions in a PART 70 PERMIT, including provisions designed to limit a source's POTENTIAL TO EMIT, are enforceable by the ADMINISTRATOR and citizens under the ACT.
- 19.4.2.2 The CONTROL OFFICER shall specifically designate as not FEDERALLY ENFORCEABLE, any terms and conditions included in the permit that are not FEDERALLY ENFORCEABLE under the ACT or under any of its APPLICABLE REQUIREMENTS.
- 19.4.3 Compliance requirements. All PART 70 PERMITS shall contain the following elements with respect to compliance.
- 19.4.3.1 All testing, monitoring, reporting, record-keeping and compliance certification requirements shall be sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by the PART 70 PERMIT shall contain certification by a RESPONSIBLE OFFICIAL that meets the requirements of Subsection 19.3.4.
- 19.4.3.2 Inspection and Entry Requirements. The permittee shall allow the CONTROL OFFICER or an authorized representative of the CONTROL OFFICER, upon presentation of credentials:
- (a) Entry upon the permittee's premises where the PART 70 SOURCE is located or EMISSIONS related activity is conducted or where records must be kept under the conditions of the permit.
  - (b) Access to inspect and copy, at reasonable times, any records that must be kept under conditions of the permit.
  - (c) To inspect, at reasonable times, any facilities, equipment (including monitoring and AIR POLLUTION control equipment), practices, or operations regulated or required under the permit.
  - (d) To sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or APPLICABLE REQUIREMENTS.
- 19.4.3.3 A compliance schedule shall be consistent with the requirements of Subsection 19.3.3.8.
- 19.4.3.4 Progress reports shall be submitted to the CONTROL OFFICER every three (3) months and must be consistent with compliance schedule and Subsection 19.3.3.8. Such progress reports shall contain the following:

- (a) Dates for achieving the activities, milestones, or compliance required in the compliance schedule and dates when such activities, milestones or compliance were achieved.
- (b) An explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.

19.4.3.5 Requirements for compliance certification with terms and conditions contained in the permit, including EMISSION limitations, standards, or work practices. Permit conditions with respect to compliance shall include the following:

- (a) Compliance certifications shall be submitted annually in writing to both the Department of Air Quality and Environmental Management and the EPA, unless required more frequently by an APPLICABLE REQUIREMENT. A compliance certification is due on January 30 of each year.
- (b) Compliance shall be determined in accordance with the requirements detailed in Subsection 19.4.1.3 or any creditable evidence.
- (c) Compliance certification shall include:
  - (1) Identification of each term or condition of the permit that is the basis of the certification.
  - (2) The source's compliance status and whether compliance was continuous or intermittent.
  - (3) Methods used in determining the compliance status of the source, currently and over the reporting period consistent with Subsection 19.4.1.3.
  - (4) Other specific information required by the CONTROL OFFICER to determine the compliance status of the source.
- (d) Such additional requirements as may be specified pursuant to SECTIONS 114(a)(3) (enhanced monitoring and submission of compliance certifications) and 504(b) (monitoring and analysis) of the ACT.

19.4.4 General Permits. The Department of Air Quality and Environmental Management may issue general permits to numerous similar sources.

19.4.4.1 A general permit shall be subject to the following requirements:

- (1) The general permit must undergo public, AFFECTED STATE and EPA review pursuant to Subsections 19.5.8 and 19.6. The general permit must ensure compliance with all APPLICABLE REQUIREMENTS. Each general permit shall set forth the criteria by which sources may qualify to operate under the general permit.
- (2) After the effective date of any general permit, any source which meets the criteria set forth in the general permit may request authority to operate under the general permit. Such a request must be in writing and must include all information required by the general permit. The Department of Air Quality and Environmental Management shall grant or deny authority to operate under the general permit within thirty (30) days of receipt of the request.
- (3) General permits shall not be authorized for sources whose EMISSION limits are subject to an offset requirement or a permit-by-permit evaluation of terms and conditions including permit-by-permit BACT analysis.
- (4) If a source is later determined not to qualify for the terms and conditions of a general permit, such a source shall be subject to enforcement action for operating without a PART 70 PERMIT.
- (5) AFFECTED SOURCES under the acid rain program shall not be authorized general permits unless otherwise provided in regulations promulgated under Title IV of the ACT.

19.4.5 Temporary Sources. The Department of Air Quality and Environmental Management may issue a single permit authorizing EMISSIONS from similar operations by the same source OWNER OR OPERATOR at multiple temporary locations. The operation must be temporary and involve at least one change of location during the permit term. No AFFECTED SOURCE under the acid rain program shall be permitted as a temporary source.

19.4.5.1 Permits for temporary sources shall include the following requirements:

- (1) Conditions that assure compliance with all APPLICABLE REQUIREMENTS and all other provisions of Section 19 at all authorized locations.
- (2) The OWNER OR OPERATOR shall notify the Department of Air Quality and Environmental Management at least ten (10) days in advance of each change in location.



#### 19.4.6 Permit Shield - Optional

The Department of Air Quality and Environmental Management may include a permit shield in a Part 70 Permit which states that compliance with the conditions of the Part 70 Permit issued to the source shall be deemed in compliance with the applicable requirements as of the date of permit issuance, provided that:

- (a) Such applicable requirements are included and are specifically identified in the permit; or
- (b) The CONTROL OFFICER, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 Permit includes the determination or a concise summary thereof.
- (c) A permit shield may not extend to minor permit modifications.

#### 19.4.7 EMERGENCY Provision

19.4.7.1 An EMERGENCY as defined in Section 0, can constitute an affirmative defense to actions brought for noncompliance with a technology based standard provided the properly signed contemporaneous operating logs or other relevant evidence demonstrate:

- (a) An EMERGENCY occurred and that the permittee can identify the cause(s) of the EMERGENCY.
- (b) The permitted facility was properly operated during claimed EMERGENCY.
- (c) The permittee took all reasonable steps to minimize levels of EMISSIONS that exceeded the EMISSION standards, or other requirements in the permit during the period of the EMERGENCY.
- (d) The permittee submitted notice of the EMERGENCY to the CONTROL OFFICER within one (1) hour of the time when EMISSION limitations were exceeded due to the EMERGENCY. This notice must contain a description of the EMERGENCY, any steps taken to mitigate EMISSIONS, and corrective actions taken.

19.4.7.2 In any enforcement proceeding, the permittee has the burden of proof in seeking to establish the occurrence of an EMERGENCY.

19.4.7.3 Subsection 19.4.7 is in addition to any EMERGENCY or UPSET provision contained in any APPLICABLE REQUIREMENT.

19.4.7.4 Section 25.1 shall not provide a defense to a violation of a FEDERALLY ENFORCEABLE permit term or condition.

## **19.5 Permit Issuance, RENEWAL, Reopenings, and Revisions**

19.5.1 Action on Application.

19.5.1.1 A permit, permit MODIFICATION, or RENEWAL may be issued only if all of the following conditions have been met:

- (a) The CONTROL OFFICER has received a complete application for a permit, permit MODIFICATION, or permit RENEWAL.
- (b) The CONTROL OFFICER has complied with the requirements for public participation under Subsection 19.5.8.
- (c) The CONTROL OFFICER has complied with the requirements for notification and response to AFFECTED STATES under Subsection 19.6.
- (d) The conditions of the permit provide for compliance with all APPLICABLE REQUIREMENTS and the requirements of Section 19.
- (e) The EPA has received a copy of the PROPOSED PERMIT and any notices required under Subsections 19.6.1 and 19.6.2, and has not objected to the issuance of the permit under Subsection 19.6.3 within the time period specified therein.

19.5.1.2 Applications for the permitting of AFFECTED SOURCES under the acid rain program, except for initial Phase II applications, shall be processed within eighteen (18) months after the Department of Air Quality and Environmental Management receives a complete application.

19.5.1.3 For a construction or modification, the CONTROL OFFICER shall act on an application under Section 12 for Authority To Construct before acting on an application for Part 70 Permit or revision of an existing Part 70 Permit.

19.5.1.4 The CONTROL OFFICER shall take final action on each permit application (including application for PERMIT modification or RENEWAL within eighteen (18) months after receiving a complete application.

- (a) Any complete permit application containing an early reduction demonstration under SECTION 112(i)(5) of the ACT shall be acted on within nine (9) months of receipt of the complete application.

- 19.5.1.5 The Department of Air Quality and Environmental Management shall provide a statement that sets forth the legal and factual basis for the DRAFT PERMIT conditions that includes references to the applicable statutory or regulatory provisions. The Department of Air Quality and Environmental Management shall send this statement to EPA and to any other PERSON who requests it.
- 19.5.2 Requirement for a Permit. The OWNER AND/OR OPERATOR of each source required under Subsection 19.2 to obtain a PART 70 PERMIT shall make application for a permit in a timely manner specified in Subsection 19.3.1.1. No source may operate after the time it is required to submit a timely and complete application except in compliance with a permit issued under this Section.
- 19.5.2.1 Application Shield: Any PART 70 SOURCE that submits a timely and complete application and provides any additional information as required, shall not be held in violation of operating without a permit until after the Department of Air Quality and Environmental Management takes final action on the application.
- 19.5.2.2 Protection from operating without a permit shall cease to apply if, subsequent to completeness determination, an applicant fails to submit by the deadline specified in writing by the CONTROL OFFICER any additional information identified as necessary to process the application pursuant to Subsection 19.3.1.2.
- 19.5.3 Permit RENEWAL and Expiration
- 19.5.3.1 Permittees seeking a PART 70 PERMIT RENEWAL are subject to the same procedural requirements that apply to initial permit issuance, including public participation, AFFECTED STATE review and EPA review.
- 19.5.3.2 Permit expiration terminates the source's right to operate unless a timely and complete RENEWAL application has been submitted consistent with Subsection 19.5.2 and Subsection 19.3.1.1(d) in which case the permit shall not expire and all terms and conditions of the permit shall remain in effect until the RENEWAL permit has been issued or denied.
- 19.5.3.3 If the Department of Air Quality and Environmental Management fails to act in a timely way on a permit RENEWAL, EPA may invoke its authority under Section 505(e) of the ACT to terminate or revoke and reissue the permit.
- 19.5.4 Administrative Permit Amendments
- 19.5.4.1 An "Administrative Permit Amendment" is defined as a PERMIT REVISION that:
- (a) Corrects typographical errors

- (b) Changes the name, address and phone number of any PERSON identified in the PART 70 PERMIT or similar minor administrative changes at the source.
- (c) Requires more frequent monitoring or reporting by the permittee.
- (d) Allows for a change in OWNERSHIP or operational control of a source where the CONTROL OFFICER determines that no other change in the permit is necessary, provided the CONTROL OFFICER receives a copy of a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee.
- (e) Allows any other type of change which the EPA determines as part of the approved PART 70 PROGRAM that is similar to administrative permit amendments listed in Subsection 19.5.4.1, paragraphs (a-d).
- (f) Incorporates into the Part 70 Permit the requirements from the AUTHORITY TO CONSTRUCT CERTIFICATES (ATC), provided that the preconstruction review meets the procedural requirements substantially equivalent to the requirements of Sections 19.5 and 19.6 that would be applicable to the change if it were subject to review as a permit modification, and the ATC contains compliance requirements substantially equivalent to those contained in Section 19.4.

19.5.4.2 Administrative Permit Amendments to acid rain permits are allowed for the changes listed in 40 CFR part 72.83(a).

19.5.4.3 Administrative permit amendment procedures. An administrative permit amendment may be made by the CONTROL OFFICER consistent with the following:

- (a) The CONTROL OFFICER shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or AFFECTED STATES provided that it designates any such PERMIT REVISIONS as having been made pursuant to this paragraph.
- (b) The CONTROL OFFICER shall submit a copy of the revised permit to the EPA.
- (c) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request to the CONTROL OFFICER.

#### 19.5.4.4 Permit Shield-

The CONTROL OFFICER may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in Subsection 19.4.6 for administrative permit amendments made pursuant to Subsection 19.5.4.1(f) which meets the relevant requirements of Sections 19.4, 19.5, 19.6 for major permit MODIFICATIONS.

19.5.5 Permit MODIFICATION. A permit MODIFICATION is any revision to a PART 70 PERMIT that cannot be accomplished under the program's provisions for administrative permit amendments under Subsection 19.5.4. Any revision to the Acid Rain portion of the permit shall be made in accordance with 40 CFR Part 72.

19.5.5.1 General. All PART 70 SOURCES requesting a PART 70 PERMIT MODIFICATION must comply with Section 19. Sources subject to Section 12 - General Application Requirements for New and MODIFIED Sources of Air Pollutants must comply with all Section 12 requirements.

#### 19.5.5.2 Applicability

(a) A MAJOR PART 70 MODIFICATION is a proposed change to any PART 70 SOURCE which results in:

- (1) The EMISSION of any REGULATED AIR POLLUTANT not listed in the permit conditions.
- (2) A NET EMISSIONS INCREASE for any REGULATED AIR POLLUTANT.
- (3) A significant change in any existing monitoring permit term or condition.
- (4) A relaxation of any reporting or record-keeping permit term or condition.
- (5) Any change to a PART 70 SOURCE permit or a MAJOR PART 70 source permit if the change does not meet the requirements of Subsections 19.5.4.1 or 19.5.5.3.

(b) A Minor MODIFICATION is any proposed change to a PART 70 SOURCE or MAJOR PART 70 SOURCE that does not meet the requirements of Subsections 19.5.4.1 and meets the requirements of Subsection 19.5.5.3.

#### 19.5.5.3 Minor Permit MODIFICATION Procedures.

- (a) Minor permit MODIFICATIONS are allowed only if the proposed change does not result in an increase in EMISSIONS or the EMISSION of any REGULATED AIR POLLUTANT not listed in the permit conditions.
- (b) Sources meeting the requirements of 19.5.5.3(a) may request a minor permit MODIFICATION provided all of the following criteria are met:
  - (1) The minor MODIFICATION does not violate any APPLICABLE REQUIREMENT.
  - (2) The minor MODIFICATION does not involve significant changes to existing monitoring, reporting, or record-keeping requirements in the permit.
  - (3) The minor MODIFICATION does not require or change a case-by-case determination of an EMISSION limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
  - (4) The minor MODIFICATION does not seek to establish or change a permit term or condition for which there is no corresponding underlying APPLICABLE REQUIREMENT and that the source adopts to avoid an APPLICABLE REQUIREMENT to which the source would otherwise be subject, including:
    - (i) A FEDERALLY ENFORCEABLE EMISSIONS cap assumed to avoid classification as a MODIFICATION under any provision of Title I (Nonattainment/Attainment Areas) of the ACT.
    - (ii) An alternative EMISSIONS limit approved pursuant to regulations promulgated under SECTION 112(i)(5) of the ACT.
  - (5) The minor MODIFICATION does not qualify as a MODIFICATION under any provision of Title I (relating to MODIFICATION requirements under New Source Review [NSR], New Source Performance Standards [NSPS] and National EMISSION Standards for HAZARDOUS AIR POLLUTANTS [NESHAPS]) of the ACT.
  - (6) The minor MODIFICATION does not qualify as a MAJOR PART 70 MODIFICATION.
- (c) Minor permit MODIFICATIONS shall be subject to the following requirements pursuant to Section 12:

- (1) Growth allowance in Prevention of Significant Deterioration (PSD) areas.
  - (2) Public notice requirements.
- (d) Notwithstanding Subsection 19.5.5.2(a), the minor permit MODIFICATION procedures may be used for minor permit amendments involving the use of economic incentives, marketable permits, or EMISSIONS trading to the extent that such minor permit MODIFICATION procedures are explicitly provided for in APPLICABLE REQUIREMENTS promulgated by EPA.
- (e) An Application for minor permit MODIFICATION shall meet the requirements of Subsection 19.3.3 and shall include the following:
- (1) A description of the change, the EMISSIONS resulting from the change, and any new APPLICABLE REQUIREMENTS that will apply if the change occurs.
  - (2) The Source's suggested DRAFT PERMIT conditions.
  - (3) Certification by a RESPONSIBLE OFFICIAL, consistent with Subsection 19.3.4, that the proposed MODIFICATION meets the criteria for use of minor permit MODIFICATION procedures.
  - (4) A sufficient number of completed forms for the CONTROL OFFICER to submit to the EPA and AFFECTED STATES.
- (f) EPA and AFFECTED STATES notification.
- (1) The CONTROL OFFICER will send a complete minor permit MODIFICATION application to the EPA and AFFECTED STATES within five (5) working days of receipt.
  - (2) The CONTROL OFFICER will promptly notify EPA of any AFFECTED STATE comment it does not accept.
- (g) Timetable for issuance.
- Within the later of fifteen (15) days after EPA's review period or ninety (90) days after the CONTROL OFFICER 's receipt of a minor permit MODIFICATION application, the CONTROL OFFICER shall:
- (1) Issue the minor permit MODIFICATION as proposed.

- (2) Deny the minor permit MODIFICATION application.
- (3) Determine that the requested MODIFICATION does not meet the minor permit MODIFICATION criteria and should be reviewed under the MAJOR PART 70 MODIFICATION procedures.
- (4) Revise the draft minor permit MODIFICATION and transmit the new PROPOSED PERMIT MODIFICATION to the EPA.

19.5.5.4 Reserved (Group Processing of Minor Permit MODIFICATIONS) - Optional

19.5.5.5 MAJOR PART 70 MODIFICATION Procedures:

- (a) Applicants requesting a MAJOR PART 70 PERMIT MODIFICATION shall meet the following requirements of Section 19:
  - (1) Submit a PART 70 PERMIT application pursuant to Subsection 19.3.
  - (2) Undergo Public Participation pursuant to Subsection 19.5.8.
  - (3) Undergo Review by EPA and AFFECTED STATES pursuant to Subsection 19.6.
- (b) Timetable for issuance.

Within eighteen (18) months of the CONTROL OFFICER 's receipt of a MAJOR PART 70 PERMIT MODIFICATION application, the CONTROL OFFICER shall:

- (1) Issue the permit MODIFICATION as proposed.
- (2) Deny the MAJOR PART 70 PERMIT MODIFICATION application.

19.5.6 Reopenings for Cause:

19.5.6.1 Permit Issuance Provisions: Each permit issued shall include provisions to allow a permit to be reopened prior to permit expiration under the following conditions:

- (a) Additional APPLICABLE REQUIREMENTS under the ACT become applicable to a MAJOR PART 70 SOURCE with a remaining permit term of three (3) or more years. Such a reopening shall be completed within eighteen (18) months after promulgation of the APPLICABLE REQUIREMENT. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to



expire, unless the original permit or any of its terms and conditions have been extended.

- (b) Additional requirements under the Acid Rain program, including nitrogen dioxide requirements, that become applicable to an AFFECTED SOURCE.
- (c) The CONTROL OFFICER or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the EMISSIONS standards or other terms or conditions of the permit.
- (d) The CONTROL OFFICER or EPA determines that the permit must be revised or revoked to assure compliance with the APPLICABLE REQUIREMENTS.
- (e) In addition to (a) through (d) above, the CONTROL OFFICER may reopen a permit of his own accord or in response to a written request from any PERSON if he determines that there are grounds for reopening and such grounds arose entirely after the deadline set forth in Subsection 7.11.2.3.

19.5.6.2 Reopening and Issuance Procedures: Proceedings to reopen and issue a permit shall follow the same procedure that apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

19.5.6.3 Reopening Notification Procedures: A PART 70 SOURCE subject to a permit reopening pursuant to Subsection 19.5.6.1 shall be notified by the CONTROL OFFICER at least thirty (30) days in advance of the date that the permit is to be reopened, except that the CONTROL OFFICER may provide a shorter time period in the case of an EMERGENCY.

#### 19.5.7 Reopenings for Cause by EPA

19.5.7.1 The CONTROL OFFICER shall, within ninety (90) days after receipt of EPA reopening notification, forward to the EPA a proposed determination of termination, MODIFICATION, or revocation and reissuance, as appropriate. The EPA may extend this ninety (90) day period for an additional ninety (90) days if EPA determines that a new or revised permit application is necessary or that the CONTROL OFFICER must require the permittee to submit additional information.

19.5.7.2 The EPA will review the proposed determination from the CONTROL OFFICER within ninety (90) days of receipt.

- 19.5.7.3 Within ninety (90) days from receipt of an EPA objection, the CONTROL OFFICER shall terminate, MODIFY, or revoke and reissue the permit in accordance with the EPA's objection.
- 19.5.7.4 If the CONTROL OFFICER fails to submit a proposed determination pursuant to Subsection 19.5.7.1 or fails to resolve any objection pursuant to Subsection 19.5.7.3, the EPA will terminate, MODIFY, or revoke and reissue the permit after taking the following actions:
- (a) Providing thirty (30) days notice to the permittee in writing of the reasons for any such action. This notice may be given during procedures detailed in Subsections 19.5.6.1 through 19.5.6.3.
  - (b) Providing the permittee an opportunity for comment on the EPA's proposed action and an opportunity for a hearing.
- 19.5.8 Public Participation: Minor permit MODIFICATIONS and administrative permit amendments shall be excluded from public notification proceedings. All permit proceedings, including initial permit issuance, MAJOR Part 70 MODIFICATIONS, reopenings and RENEWALS, shall be subject to public notice procedures including the following:
- 19.5.8.1 Notice shall be given by publication in a newspaper of general circulation in Clark County designed to give general public notice. In addition, PERSONS may request to be included on a mailing list maintained by the Department of Air Quality and Environmental Management to give public notice. Notice shall also be given by other means when necessary to ensure adequate notice to the affected public.
- 19.5.8.2 The notice shall identify the affected facility; the name and address of the permittee; the address of the Department of Air Quality and Environmental Management processing the permit; the activity or activities involved in the permit action; the EMISSION 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 permit draft, the application, all relevant supporting materials, including compliance plan, permit, and monitoring and compliance certification report, and all other materials available to the Department of Air Quality and Environmental Management that are relevant to the permit decision; a brief description of the comment procedures required pursuant to 40 CFR PART 70; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled).
- 19.5.8.3 The Department of Air Quality and Environmental Management shall provide such notice and opportunity for participation by AFFECTED STATES as provided for in Subsection 19.6.

- 19.5.8.4 Timing. The Department of Air Quality and Environmental Management shall provide at least thirty (30) days for public comment and shall give notice of any public hearing at least thirty (30) days in advance of the hearing.
- 19.5.8.5 The Department of Air Quality and Environmental Management shall keep a record of commentators and the issues raised during the public participation process so that the ADMINISTRATOR may fulfill his obligation under Section 505(b)(2) of the ACT to determine whether a citizen petition may be granted, and such records shall be available to the public.

## **19.6 Permit Review by the EPA and AFFECTED STATES**

- 19.6.1 Transmission of information to the EPA and AFFECTED STATES.
- 19.6.1.1 The Department of Air Quality and Environmental Management shall provide to the EPA a copy of each permit application, each PROPOSED PERMIT and each FINAL PERMIT, including those for MODIFICATIONS.
- 19.6.1.2 The Department of Air Quality and Environmental Management shall give notice of each draft PART 70 PERMIT to any AFFECTED STATE on or before the time the Department of Air Quality and Environmental Management provides public notice pursuant to Subsection 19.5.8, except for minor permit MODIFICATIONS which are noticed pursuant to Subsection 19.5.5.3(f).
- 19.6.1.3 The Department of Air Quality and Environmental Management shall keep for five (5) years such records and submit to the ADMINISTRATOR such information as the ADMINISTRATOR may reasonably require to ascertain whether the Department of Air Quality and Environmental Management's program complies with the requirements of the ACT or 40 CFR PART 70. The Department of Air Quality and Environmental Management will submit any information subject to a claim of confidentiality with that claim.
- 19.6.2 Response to Review by the EPA and the AFFECTED STATES
- 19.6.2.1 The Department of Air Quality and Environmental Management shall notify ADMINISTRATOR with the PROPOSED PERMIT or as soon as practical for minor permit MODIFICATIONS and any AFFECTED STATE in writing of a refusal by the Department of Air Quality and Environmental Management to accept all recommendations for the PROPOSED PERMIT that the AFFECTED STATE submitted during the public or AFFECTED STATE review period. The notice shall include the Department of Air Quality and Environmental Management's reasons for not accepting any such recommendation. The Department of Air Quality and Environmental Management is not required to accept recommendations that are

not based on APPLICABLE REQUIREMENTS or the requirements of 40 CFR PART 70.

19.6.2.2 No permit for which an application must be transmitted to the ADMINISTRATOR under Subsection 19.6.1.1 shall be issued if the ADMINISTRATOR objects to its issuance in writing within forty-five (45) days of receipt of the PROPOSED PERMIT and all necessary supporting information.

19.6.3 Public Petitions to ADMINISTRATOR. If ADMINISTRATOR does not object in writing, any PERSON may petition the ADMINISTRATOR within sixty (60) days after the expiration of ADMINISTRATOR'S forty-five (45) day review period to make such objection. Any such petition shall be based only on objections to the PART 70 PERMIT that were raised with reasonable specificity during the public comment period provided, 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.

If the EPA objects to the permit as a result of petition filed under Subsection 19.6.3, the CONTROL OFFICER shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a PART 70 PERMIT or its requirements if the PART 70 PERMIT was issued after the end of the forty-five (45) day review period and prior to an EPA objection.

After EPA action to MODIFY, terminate, or revoke the permit, the Department of Air Quality and Environmental Management may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the Source will not be in violation of the requirement to have submitted a timely and complete application.

19.6.4 Prohibition on Default Issuance.

The Department of Air Quality and Environmental Management shall not issue, MODIFY, or renew a PART 70 PERMIT, until the AFFECTED STATE and EPA review requirements have been satisfied as required under Subsection 19.6.

## **19.7 Fee Determination and Certification**

19.7.1 Fees shall be determined pursuant to Section 18 of the Department of Air Quality and Environmental Management Air Quality Regulations. Annual EMISSION Fee shall be calculated on estimated actual annual EMISSIONS in tons per year of each REGULATED AIR POLLUTANT EMITTED from the PART 70 SOURCE.

19.7.2 ACTUAL EMISSIONS shall be determined through annual CONTROL OFFICER inspection or throughput survey of the PART 70 SOURCE. Differences between actual and estimated EMISSIONS will be used to determine any adjustments to invoice fees in subsequent year.

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History: Initial Adoption: November 18, 1993

Amended: May 26, 1994; June 22, 1995; December 18, 1997; September 28, 2000; May 24, 2001; June 3, 2003; BCC - January 6, 2004, Effective January 20, 2004 (only Subsection 19.3.1.1); July 1, 2004.

## ***ATTACHMENT A TO SECTION 19***

### **List of Insignificant Activities or Emission Units**

The following types of activities and emissions units may be presumptively omitted from Part 70 permit applications. Certain of these listed activities include qualifying statements intended to exclude many similar activities.

Combustion emissions from propulsion of mobile sources, except for vessel emissions from Outer Continental Shelf sources.

Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.

Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

Non-commercial food preparation.

Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.

Janitorial services and consumer use of janitorial products.

Internal combustion engines used for landscaping purposes.

Laundry activities, except for dry-cleaning and steam boilers.

Bathroom/toilet vent emissions.

Emergency (backup) electrical generators at residential locations.

Tobacco smoking rooms and areas.

Blacksmith forges.

Plant maintenance and upkeep activities (e.g., grounds keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.<sup>1</sup>

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<sup>1</sup> Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit if otherwise required.

Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.

Portable electrical generators that can be moved by hand from one location to another.<sup>2</sup>

Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.

Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals.<sup>3</sup>

Air compressors and pneumatically operated equipment, including hand tools.

Batteries and battery charging stations, except at battery manufacturing plants.

Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP.<sup>4</sup>

Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

Equipment used to mix and package, soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

Drop hammers or hydraulic presses for forging or metalworking.

Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

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<sup>2</sup> "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

<sup>3</sup> Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

<sup>4</sup> Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids should be based on size limits such as storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

Vents from continuous emissions monitors and other analyzers.

Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.

Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.

CO<sub>2</sub> lasers, used only on metals and other materials which do not emit HAP in the process.

Consumer use of paper trimmers/binders.

Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

Laser trimmers using dust collection to prevent fugitive emissions.

Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.<sup>5</sup>

Routine calibration and maintenance of laboratory equipment or other analytical instruments.

Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

Hydraulic and hydrostatic testing equipment.

Environmental chambers not using hazardous air pollutant (HAP) gasses.

Shock chambers.

Humidity chambers.

Solar simulators.

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<sup>5</sup> Many lab fume hoods or vents might qualify for treatment as insignificant depending on the applicable SIP or be grouped together for purposes of description.



Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

Process water filtration systems and demineralizers.

Demineralized water tanks and demineralizer vents.

Boiler water treatment operations, not including cooling towers.

Oxygen scavenging (de-aeration) of water.

Ozone generators.

Fire suppression systems.

Emergency road flares.

Steam vents and safety relief valves.

Steam leaks.

Steam cleaning operations.

Steam sterilizers.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 20 - EMISSION STANDARDS FOR HAZARDOUS AIR  
POLLUTANTS FOR SOURCE CATEGORIES**

**20.1** **WHEREAS**, the Clark County Board of County Commissioners, is responsible for control of pollutants discharged into the air; and

**WHEREAS**, Air Quality Standards and Regulations have been adopted by said Board pursuant to NRS 445 for the purpose, among others, of limiting Air Contaminant EMISSIONS from new sources of AIR POLLUTANTS; and

**WHEREAS**, it is a public policy of Clark County and the purpose of the Department of Air Quality and Environmental Management, Air Quality Regulations, to review and approve proposed new sources of AIR POLLUTION, only if EMISSION standards can be met and air quality standards will not be violated; and

**WHEREAS**, the United States Environmental Protection Agency has adopted standards for certain HAZARDOUS AIR POLLUTANTS for source categories which are required throughout the nation; and

**WHEREAS**, it is the Department of Air Quality and Environmental Management's belief that review and approval of new sources are best managed at the local level;

**NOW, THEREFORE**, the provisions of Part 63, Chapter I, Title 40, Code of Federal Regulations, as indexed below, are hereby adopted by reference and made a part hereof as if fully set forth. Any final revisions to an existing subpart that are promulgated by the United States Environmental Protection Agency are hereby adopted by reference and made a part hereafter as if fully set forth. Any new subparts to Part 63 that are promulgated by the United States Environmental Protection Agency after the effective date of this Section shall be subject to review and adoption by the Clark County Board of County Commissioners prior to becoming part of these Regulations. For the purposes, of this Section, the word "ADMINISTRATOR" as used in Parts 60 and 61, Chapter I, Title 40, Code of Federal Regulations shall mean the CONTROL OFFICER, except that the CONTROL OFFICER shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices.

- 20.1.1 Subpart A - General Provisions
- 20.1.2 Subpart B - Reserved
- 20.1.3 Subpart F - National EMISSION Standards for Organic HAZARDOUS AIR POLLUTANTS from the Synthetic Organic Chemical Manufacturing Industry
- 20.1.4 Subpart G - National EMISSION Standards for Organic HAZARDOUS AIR POLLUTANTS from the Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and WASTEWATER
- 20.1.5 Subpart H - National EMISSION Standards for Organic HAZARDOUS AIR POLLUTANTS for Equipment Leaks
- 20.1.6 Subpart I - National EMISSION Standards for Organic HAZARDOUS AIR POLLUTANTS for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
- 20.1.7 Subpart M - National Perchloroethylene Air EMISSION Standards for Dry Cleaning Facilities
- 20.1.8 Subpart N - National EMISSION Standards for Chromium EMISSIONS From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
- 20.1.9 Subpart O - Ethylene Oxide EMISSIONS Standards for Sterilization Facilities
- 20.1.10 Subpart Q - National EMISSION Standards for HAZARDOUS AIR POLLUTANTS for Chromium EMISSIONS from Industrial Process Cooling Towers
- 20.1.11 Subpart R - National EMISSION Standards for Gasoline Distribution Facilities (Bulk GASOLINE Terminals and Pipeline Breakout Stations)
- 20.1.12 Subpart T - National EMISSION Standards for Halogenated Solvent Cleaning
- 20.1.13 Subpart DD - National EMISSION Standards for HAZARDOUS AIR POLLUTANTS from Off-Site WASTE Recovery Operations
- 20.1.14 Subpart GG - National EMISSION Standards for Aerospace Manufacturing and Rework Facilities
- 20.1.15 Subpart JJ - National EMISSION Standards for Wood Furniture Manufacturing Operations
- 20.2 Any person subject to this Section must also comply with all other requirements of these Regulations. If there is inconsistency between**

**standards or requirements, the most stringent standard or requirement shall apply.**

**20.3 All requests, reports, applications, submittals, and other communications, pursuant to this Section, shall be addressed to: Control Officer, Department of Air Quality and Environmental Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155.**

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History: Initial Adoption: November 18, 1993  
Amended: December 21, 1995; January 23, 1997; April 9, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 21 - ACID RAIN PERMITS**

**21.1** **WHEREAS**, The Clark County Board of County Commissioners, is responsible for control of pollutants discharged into the air; and

**WHEREAS**, Air Quality Control Standards and Regulations have been adopted by said Board pursuant to NRS 445 for the purpose, among others, of limiting contaminant EMISSIONS from existing, MODIFIED or new sources handling or processing HAZARDOUS AIR POLLUTANTS; and

**WHEREAS**, it is a public policy of Clark County and the purpose of the Department of Air Quality and Environmental Management's Air Quality Regulations to review and approve existing, MODIFIED and new sources of AIR POLLUTION, only if the EMISSION standards are or can be met; and air quality standards will not be violated; and

**WHEREAS**, the United States Environmental Protection Agency has adopted certain general provisions and OPERATING PERMIT requirements for affected sources and affected units under the Acid Rain Program, pursuant to Title IV of the Clean Air Act, 42 U.S.C. 7401, et seq., as amended by Public Law 101-549 [November 15, 1990]; and

**WHEREAS**, it is the Department's belief that review and approval of existing, MODIFIED or new sources is best managed at the local level.

**NOW, THEREFORE**, the provisions of Part 72, Chapter I, Title 40, Code of Federal Regulations, as indexed below, are hereby adopted by reference and made a part hereof as if fully set forth. Any final revisions to an existing subpart that are promulgated by the United States Environmental Protection Agency are hereby adopted by reference and made a part hereafter as if fully set forth. Any new subparts to Part 72 that are promulgated by the United States Environmental Protection Agency after the effective date of this Section shall be subject to review and adoption by the Clark County Board of County Commissioners prior to becoming part of these Regulations. The term "permitting authority" shall mean the Clark County Board of County Commissioners, and the term "ADMINISTRATOR", as defined in part 72, shall mean the ADMINISTRATOR of the United States Environmental Protection Agency.

If the provisions or requirements of this section conflict with or are not included in the procedural requirement of section 19, the provisions and requirements of this section shall apply and take precedence.

- 21.2.3 Subpart A - Acid Rain Program General Provisions
- 21.2.3 Subpart B - DESIGNATED REPRESENTATIVE
- 21.2.3 Subpart C - Acid Rain Applications
- 21.2.4 Subpart D - Acid Rain Compliance Plan and Compliance Options
- 21.2.5 Subpart E - Acid Rain Permit Contents
- 21.2.6 Subpart F - Federal Acid Rain Permit Issuance Procedures
- 21.2.7 Subpart G - Acid Rain Phase II Implementation
- 21.2.8 Subpart H - PERMIT REVISIONS
- 21.2.9 Subpart I - Compliance Certification
- 21.3 Any PERSON subject to this Section must also comply with all other requirements of these Regulations. If there is inconsistency between standards or requirements, the most stringent standard or requirements shall apply.**
- 21.4 All requests, reports, applications, submittals, and other communications, pursuant to this Section, shall be addressed to: CONTROL OFFICER, Department of Air Quality and Environmental Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155.**

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History: Initial Adoption: June 22, 1995.  
Amended: February 20, 2001; June 3, 2003; July 1, 2004.

## CLARK COUNTY

### AIR QUALITY REGULATIONS

#### SECTION 22 - ACID RAIN CONTINUOUS EMISSION MONITORING

**22.1** **WHEREAS**, The Clark County Board of County Commissioners is responsible for control of pollutants discharged into the air; and

**WHEREAS**, Air Quality Standards and Regulations have been adopted by said Board pursuant to NRS 445 for the purpose, among others, of limiting contaminant EMISSIONS from existing, MODIFIED or new sources handling or processing HAZARDOUS AIR POLLUTANTS; and

**WHEREAS**, it is a public policy of Clark County and the purpose of the Department of Air Quality and Environmental Management's Regulations to review and approve existing, MODIFIED and new sources of AIR POLLUTION, only if the EMISSION standards are or can be met; and air quality standards will not be violated; and

**WHEREAS**, the United States Environmental Protection Agency has adopted standards for the monitoring, recordkeeping, and reporting of sulfur dioxide, nitrogen oxides and carbon dioxide EMISSIONS, volumetric flow, and OPACITY data from AFFECTED UNITS under the Acid Rain Program pursuant to Sections 412 and 821 of the Clean Air Act, 42 U.S.C. 7401-7671, et. seq., as amended by Public Law 101-549 [November 15, 1990]; and

**WHEREAS**, it is the Department of Air Quality and Environmental Management's belief that review and approval of existing, MODIFIED or new sources is best managed at the local level.

**NOW, THEREFORE**, the provisions of Part 75, Chapter I, Title 40, Code of Federal Regulations, as indexed below, are hereby adopted by reference and made a part hereof as if fully set forth. Any final revisions to an existing subpart that are promulgated by the United States Environmental Protection Agency are hereby adopted by reference and made a part hereafter as if fully set forth. Any new subparts to Part 75 that are promulgated by the United States Environmental Protection Agency after the effective date of this Section shall be subject to review and adoption by the Clark County Board of County Commissioners prior to becoming part of these Regulations. The term "permitting authority" shall mean the Clark County Board of County

Commissioners and the term "ADMINISTRATOR", as defined in part 72, shall mean the ADMINISTRATOR of the United States Environmental Protection Agency.

22.2.1 Subpart A - General

22.2.2 Subpart B - Monitoring Provisions

22.2.3 Subpart C - Operation and Maintenance Requirements

22.2.4 Subpart D - Missing Data Substitution Procedures

22.2.5 Subpart E - Alternative Monitoring Systems

22.2.6 Subpart F - Recordkeeping Requirements

22.2.7 Subpart G - Reporting Requirements

**22.3 Any person subject to this Section must also comply with all other requirements of these Regulations. If there is inconsistency between standards or requirements, the most stringent standard or requirements shall apply.**

**22.4 All requests, reports, applications, submittals, and other communications, pursuant to this Section, shall be addressed to: Control Officer, Department of Air Quality and Environmental Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155.**

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History: Initial Adoption: June 22, 1995  
Amended: April 9, 2001; June 3, 2003; July 1, 2004.



**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 24 - SAMPLING AND TESTING - RECORDS AND REPORTS**

- 24.1 Any person operating any article, machine, equipment, or other contrivance for which registration is required by these Regulations, shall permit the CONTROL OFFICER, or his agent to install and maintain sampling and testing facilities as are reasonable and necessary for measurement of emissions of air contaminants. Where existing facilities for sampling or testing are inadequate, the CONTROL OFFICER may, in writing, require the Registrant to provide and maintain access to, such facilities as are reasonably necessary for sampling and testing purposes by the CONTROL OFFICER, or his authorized agent, in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the Registration form or records.
- 24.2 The owner or operator of any point source as defined in Title 40 CFR, Part 51.1, Paragraph (k), published in the Federal Register on November 25, 1971, shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the CONTROL OFFICER to determine whether such source is in compliance with applicable emission limitations or other CONTROL MEASURES.
- 24.3 The information recorded shall be summarized and reported to the Control Officer on forms furnished by the CONTROL OFFICER and shall be submitted as part of the registration renewal requirements as provided in Subsection 15.5 of these Regulations.
- 24.4 Information recorded by the owner or operator and copies of the summarized reports submitted to the CONTROL OFFICER shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.
- 24.5.1 Emission data obtained pursuant to these Regulations from owners or operators of stationary sources to which air quality standards shall apply shall be correlated with applicable emission limitations and other CONTROL MEASURES and will be available to the public during normal business hours at

**the Department of Air Quality and Environmental Management, 500 S. Grand  
Central Parkway, Las Vegas, Nevada 89155.**

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History: Amended: April 9, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 25 - UPSET/BREAKDOWN, MALFUNCTIONS**

**25.1 Operation of any plant or equipment which causes EMISSIONS of air contaminants in excess of limits set by these Regulations is in violation of these Regulations unless:**

25.1.1 Such EMISSIONS resulted from a Malfunction. In determining whether or not a Malfunction has occurred, the CONTROL OFFICER, HEARING OFFICER, or HEARING BOARD may utilize the following guidelines: The burden of proof shall be upon the OPERATOR.

- 1) The air pollution control equipment, process equipment, or processes involved in the incident, were at all times maintained and operated in a manner reasonably consistent with good practice for minimizing emissions;
- 2) Repairs were made in an expeditious fashion when the OPERATOR knew or should have known that applicable emission limitations were being exceeded. The OPERATOR must have employed his best efforts to use off-shift labor and overtime to insure that such repairs were made as expeditiously as possible;
- 3) The amount and duration of the excess EMISSIONS were minimized in a manner reasonably consistent with good practice during periods of such emissions;
- 4) The excess EMISSIONS were not part of an historical pattern indicative of inadequate design;
- 5) No additional course of action other than that actually taken could reasonably have been implemented by the OPERATOR.

25.1.2.1 Exceptions:

25.1.2.2 For those chemical processes specified in Subsection 26.1.2.7 a malfunction under these regulations shall not provide a defense for any EMISSION in excess of the limit established for Subsection 26.1.2.7 (4).

25.1.3 If the EMISSIONS resulted from an UPSET/BREAKDOWN the OPERATOR shall provide to the CONTROL OFFICER a written explanation of the cause of the UPSET/BREAKDOWN. If the OPERATOR demonstrates to the satisfaction of the CONTROL OFFICER that the EMISSIONS were the result of a Malfunction, then no further action shall be taken by the CONTROL OFFICER. If the CONTROL OFFICER is not satisfied that the EMISSION resulted from a Malfunction, he may issue a citation to the OPERATOR to appear before the HEARING OFFICER or HEARING BOARD or he may require corrective action.

25.1.4 UPSET/BREAKDOWN, Scheduled Maintenance, or Malfunction under these Regulations shall not provide a defense for any release of excess air contaminants

(1) which causes or significantly contributes to a violation of any air quality standard listed in Section 11 of these regulations, or

(2) which causes or significantly contributes to

(a) an intense cloud equivalent to a visual range less than five (5) miles as measured by an integrating nephelometer or equivalent instrument; or

(b) a discernible plume emanating from the stationary source and extending horizontally at or near ground level beyond the property line of the stationary source to a publicly accessible area.

25.1.4.1 In the event that the release of excess air contaminants is associated with an intense cloud, the CONTROL OFFICER shall demonstrate with available data that the release itself caused or significantly contributed to the intensity of the cloud.

## 25.2 Reporting and Consultation:

25.2.1 UPSET/BREAKDOWNS or EMERGENCIES, as defined in Section 0 shall be reported to the CONTROL OFFICER within one (1) hour of the onset of the UPSET/BREAKDOWN.

25.2.2 The OPERATOR shall consult with the CONTROL OFFICER to devise actions designed to minimize the impact of excess EMISSIONS.

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History: Amended: March 27, 1980; September 3, 1981; April 21, 1983; July 8, 1985; November 18, 1993; December 19, 1996; April 9, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 26 - EMISSION OF VISIBLE AIR CONTAMINANTS**

**26.1.1** Unless otherwise specified in Subsection 26.2 or other Sections of these Regulations, no PERSON shall cause, suffer, allow or permit the discharge into the atmosphere, from an EMISSIONS UNIT, any air contaminant in excess of an average of 20 percent OPACITY for a period of more than 6 consecutive minutes.

**26.2 Source Specific Opacity Limits**

26.2.1 For any chemical process EMISSION UNITS commencing operation or modification after January 1, 1981 and for which one or more of the following compounds are manufactured: titanium, titanium tetrachloride, magnesium, magnesium chloride, manganese dioxide, and boron trichloride, the OPACITY shall not exceed an average of 10 percent for a period of more than 6 consecutive minutes.

26.2.2 No PERSON shall cause, suffer, allow or permit the discharge into the atmosphere from any INCINERATOR, any air contaminants in excess of an average of 5 percent OPACITY for a period of more than 6 consecutive minutes and no single reading shall exceed 20 percent opacity.

**26.3 Exemptions to Subsections 26.1:**

26.3.1 Smoke from fires or from fire training as allowed in Section 42 herein;

26.3.2 Where presence of uncombined water is the only reason for the failure of an EMISSION to meet the limitations herein; and

26.3.3 Smoke discharged in the course of training individuals to observe visible EMISSIONS, if written permission is obtained from the CONTROL OFFICER specifying the times and dates of such training.

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History: Initial Adoption:

Amended: April 26, 1983; July 8, 1985; April 9, 2001; December 2, 2003, July 1, 2004,  
December 30, 2008

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 27 - PARTICULATE MATTER FROM PROCESS**  
**WEIGHT RATE**

- 27.1 For purposes of the Regulation, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter. The process weight rate shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.
- 27.2 No person may discharge in any one hour, from any source with process weight in the following range, dust or fumes from a stack or stacks in total quantities in excess of the amount shown in the following table. (Table 27-1)
- 27.3 For the purpose of establishing allowable emission limits for approval of new or modified sources of particulate matter the values of Table 27-1 can be used in absence of more stringent emission limits.
- 27.4 Where the process weight per hour falls between figures in the left-hand column the exact weight of permitted discharge may be interpolated.

**TABLE 27-1**

<u>PROCESS WT/HR</u>		<u>MAXIMUM WEIGHT DISCHARGE/HOUR</u>	
<u>KG</u>	<u>(lbs)</u>	<u>KG</u>	<u>(lbs)</u>
25	( 55)	0.12	(0.26)
50	( 110)	0.23	(0.51)
100	( 220)	0.43	(0.94)
150	( 330)	0.58	(1.27)
200	( 440)	0.73	(1.60)
250	( 550)	0.86	(1.89)
300	( 660)	0.97	(2.14)
350	( 770)	1.08	(2.38)
400	( 880)	1.17	(2.58)
450	( 990)	1.26	(2.78)
500	( 1100)	1.35	(2.97)
550	( 1210)	1.42	(3.13)
600	( 1320)	1.50	(3.29)
650	( 1430)	1.56	(3.44)
700	( 1540)	1.63	(3.59)
750	( 1650)	1.70	(3.73)
800	( 1760)	1.75	(3.86)
850	( 1870)	1.81	(3.99)
900	( 1980)	1.87	(4.12)
1000	( 2200)	1.97	(4.34)
1500	( 3300)	2.44	(5.36)
2000	( 4400)	2.83	(6.22)
3000	( 6600)	3.54	(7.78)
4000	( 8800)	4.20	(9.23)
5000	(11000)	4.83	(10.63)
6000	(13200)	5.46	(12.01)
7000	(15400)	6.08	(13.37)
8000	(17600)	6.70	(14.73)
9000	(19800)	7.30	(16.07)
10000	(22000)	8.10	(17.81)
20000	(44000)	13.95	(30.70)
27300	(60000) Or More	18.18	(40.00)

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History: Amended: September 3, 1981; April 9, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 28 - FUEL BURNING EQUIPMENT**

**28.1 General Provisions**

28.1.1 This regulation applies to installation in which FUEL is burned for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with other materials. FUELS include those such as coke, coal, lignite, coke breeze, FUEL OIL, and wood, but do not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any FUEL, the same maximum emission limitations shall apply.

28.1.2 The heat content of coal shall be determined according to ASTM method D-271-64 Laboratory Sampling and Analysis of Coal or Coke or ASTM method D-2015-62T gross calorific value of solid fuel by the Adiabatic Bomb Calorimeter, which publications are made a part of this section by reference.

28.1.3 For purposes of this regulation the heat input shall be the aggregate heat content of all FUELS whose products of combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all FUEL-BURNING UNITS on a plant or premises shall be used for determining the maximum allowable amount of PARTICULATE MATTER which may be EMITTED.

28.1.4 The amount of PARTICULATE MATTER EMITTED shall be measured according to the American Society of Mechanical Engineers' Power Test Codes PTC-27, dated 1957 entitled, "Determining Dust Concentrations in a Gas Stream," which publication is made a part of this section by reference. The CONTROL OFFICER may modify this testing procedure or specify the use of more current procedures in accordance with good professional practice.

**28.2 Emission Limitations**

28.2.1 No PERSON shall cause or permit the EMISSION of PARTICULATE MATTER from any FUEL-BURNING EQUIPMENT in excess of the quantity set forth in the following table:



Heat input, millions of BRITISH THERMAL UNITS per hour -----	Maximum allowable rate of EMISSION of PARTICULATE MATTER, pounds per million BRITISH THERMAL UNITS of heat -----
10	0.600
50	0.412
100	0.352
500	0.242
1,000	0.207
4,000	0.150
8,000	0.102
10,000	0.0904
15,000	0.0717
20,000	0.0607
40,000	0.0409
50,000	0.0358
100,000	0.0243

28.2.2 Maximum allowable EMISSION rates of PARTICULATE MATTER for heat input greater than 10 million but less than 4000 million BTU per hour shall be determined by using the equation  $Y = 1.02 X^{-0.231}$ . Maximum allowable EMISSION rates of PARTICULATE MATTER for heat inputs equal to or greater than 4000 million BTU per hour shall be determined by using the equation  $Y = 17.0 X^{-0.568}$  where Y = allowable rate of EMISSION in pounds per million BTU and X = maximum heat input in millions of BTU per hour.

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History: Amended: April 23, 1987; April 24, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 29 - SULFUR CONTENTS OF FUEL OIL**

**29.1 It is unlawful for any person to store, offer for sale, burn, or cause to be burned, within Clark County at any time, any DIESEL FUEL OIL having a sulfur content in excess of 0.05 percent by weight.**

29.1.1 The limitation for DIESEL FUEL does not apply to FUEL purchased and in storage prior to December 16, 1993.

29.1.2 The limitation on storage does not apply to product that is to be transported outside Clark County. Persons storing such product must maintain documentation to establish this exception.

**29.2 It is unlawful for any person to store, offer for sale, burn, or cause to be burned, within Clark County at any time, any Number 6 ASTM Grade (Bunker C) FUEL OIL having a sulfur content in excess of 0.3 percent by weight.**

29.2.1 The limitation for Number 6 ASTM Grade (Bunker C) FUEL OIL does not apply to FUEL purchased and in storage prior to December 16, 1993.

**29.3 Allowance for analytical variations in sulfur content of FUEL OIL:**

29.3.1 The percent by weight sulfur content shall be limited to a maximum deviation of 10 percent.

<u>Sulfur Content</u>	<u>Maximum Sulfur Content</u>
0.05	0.055
0.3	0.33

**29.4 FUEL OIL is defined as "a liquid or liquefiable petroleum product normally produced, manufactured, used, or sold for the purpose of creating useful heat."**

**29.5 DIESEL FUEL is defined as "a low viscosity oil normally used in compression ignition engines."**

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History: Amended: December 16, 1993; April 24, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 30 - INCINERATORS**

**30.1** No PERSON shall burn combustible material in any INCINERATOR, crematory device, pathological destructor, or any other device used for disposal or recovery of material by burning, other than in a multiple chamber incinerator or other designed incinerator approved in advance by the CONTROL OFFICER for which a current and valid operating permit is in effect. This Section does not apply to flares and incineration units used as air pollution control devices.

30.1.1 The provisions of this Section shall become effective upon adoption, with the exception that the requirements of Subsections 30.3, 30.4, and 30.5 shall become effective on July 1, 2004. A crematory device is exempt from the provisions of Subsection 30.4.1. A crematory device means a unit used for human cremation.

**30.2 Performance Standard:**

30.2.1 No PERSON shall cause or permit the discharge into the atmosphere from an INCINERATOR, with a rated burning capacity less than 2.08 tons per hour, ALLOWABLE PARTICULATE EMISSIONS greater than 0.10 grains per dry standard cubic foot (gr/dscf) of exhausted gas, corrected to 12 percent carbon dioxide; or

30.2.2 No PERSON shall cause or permit the discharge into the atmosphere from an INCINERATOR, with a rated burning capacity equal to or greater than 2.08 tons per hour, ALLOWABLE PARTICULATE EMISSIONS as referenced in Section 14 of these Regulations; and

30.2.3 No PERSON shall cause or permit the discharge into the atmosphere from any INCINERATOR any emissions of visible air contaminants in excess of the OPACITY limitations contained in Section 26 of these regulations.

**30.3 Compliance Demonstrations:**

30.3.1 The temperature in the primary chamber of the INCINERATOR or secondary chamber of the crematory device shall be maintained at a temperature equal to or greater than 1400°F. If the manufacturer specifies a temperature higher

than 1400°F, that temperature shall be the minimum temperature while incineration is occurring. At no time shall the INCINERATOR temperature be allowed to drop below the minimum temperature during incineration. The INCINERATOR or crematory device shall be equipped with an audible alarm that warns the operator when the temperature drops below 1400°F and/or exceeds 2000°F.

- 30.3.2 The INCINERATOR shall be equipped with a temperature measuring device installed in the primary chamber or for a crematory device in the secondary chamber at a location that will provide accurate and representative temperature readings, and a temperature gauge shall be placed at a location that is clearly visible to the operator. This temperature device shall be operated at all times when the device is being charged. To record temperatures, a continuous recorder that records hourly temperature readings shall be installed, calibrated and maintained.
- 30.3.3 Operating instructions for the INCINERATOR shall be conspicuously posted at or near the charging door.
- 30.3.4 Maintenance shall be performed annually on the unit in accordance with the manufacturer's recommendations.

#### **30.4 Performance Tests:**

- 30.4.1 To demonstrate initial compliance with ALLOWABLE PARTICULATE EMISSIONS the Person shall conduct a performance test following EPA reference Method 5 contained in Appendix A, 40 C.F.R. Part 60.
- 30.4.2 To demonstrate initial compliance with the OPACITY requirements a PERSON shall use EPA reference Method 9 in Appendix A, 40 C.F.R. Part 60 (except the averaging times shall be 3 minutes). Each Method 9 test shall be conducted for 60 consecutive minutes and conducted at the same time the performance test referenced in Subsection 30.4.1 is performed.
- 30.4.3 The PERSON shall conduct the required initial performance tests within 60 days after achieving the maximum production rate at which the affected EMISSION UNIT will be operated, but not later than 180 days after initial startup of such EMISSION UNIT and furnish the Department of Air Quality and Environmental Management a written report of the results of such performance test within 60 days after conducting such test.
- 30.4.4 The PERSON shall conduct an annual Method 9 OPACITY performance test on the INCINERATOR.
- 30.4.5 All performance testing shall be conducted in accordance with established procedures and protocols as contained in Section 14.

**30.5 Record Keeping:**

30.5.1 The PERSON shall maintain a written log recording the date, the hours of operation, temperature readings, and the total weight of the combustible materials charged, per day, in the unit.

30.5.2 The PERSON shall maintain a written log recording the amount of fuel consumed on an annual basis.

30.5.3 The PERSON shall maintain a written log recording the date, time, and results of the annual Method 9 Opacity test and when annual maintenance is performed.

30.5.4 The above written records shall be maintained on site and available for inspection by the CONTROL OFFICER.

30.5.5 For each affected INCINERATOR the PERSON shall submit an annual report of the amount of natural gas consumed and the total amount of combustible materials charged during the calendar year. Such report shall be submitted CONTROL OFFICER and shall be due on or before March 31 of each calendar year. Upon written notice the CONTROL OFFICER may require more frequent reporting.

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History: Initial Adoption:  
Amended: September 30, 1983; April 23, 1987; April 24, 2001; December 2, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 32 - REDUCTION OF ANIMAL MATTER**

**32.1 The operation of any article, machine, equipment or other contrivance for the reduction of animal matter is prohibited unless all GASES, VAPORS and gas-entrained effluents are:**

32.1.1 INCINERATED at temperatures of not less than 1400° F. for not less than 0.3 seconds; or

32.1.2 Processed in a manner determined by the CONTROL OFFICER to be equally efficient.

**32.2 This regulation does not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.**

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History: Amended: April 24, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 33 - CHLORINE IN CHEMICAL PROCESSES**

##### **33.1 Applicability**

This section applies to any STATIONARY SOURCE in Clark County which OPERATES a CHEMICAL PROCESS in which molecular chlorine gas is generated. Hereafter, "chlorine" will mean molecular chlorine gas.

##### **33.2 Performance Standard**

The POTENTIAL TO EMIT for chlorine from all EMISSION UNITS related to a specific CHEMICAL PROCESS shall be less than one pound per hour.

##### **33.3 Determination of Potential to EMIT**

33.3.1 Within 30 days of the date these regulations become effective, each OWNER OR OPERATOR of a STATIONARY SOURCE subject to this section shall submit to the CONTROL OFFICER, a written estimate of the POTENTIAL TO EMIT for chlorine. The estimate shall include the basis and method of calculation.

33.3.2 Upon receipt of such estimate, the CONTROL OFFICER shall review the same to determine whether the estimate is accurate and supported by available data. If the estimate is acceptable, the CONTROL OFFICER shall so notify the OWNER OR OPERATOR within 20 days of receipt of the estimate. If the estimate is not acceptable, the CONTROL OFFICER shall make an independent estimate of the POTENTIAL TO EMIT, showing his basis and method of calculation. Such independent estimate shall be served upon the OWNER OR OPERATOR within 30 days after receipt of the estimated POTENTIAL TO EMIT. The OWNER OR OPERATOR may appeal the independent estimate of the CONTROL OFFICER to the AIR Pollution Control HEARING BOARD by serving a written notice of appeal upon the CONTROL OFFICER within 20 days after receipt of the CONTROL OFFICER'S independent estimate. In the event no such appeal is filed, the CONTROL OFFICER'S independent estimate shall become final and binding for the purpose of this section.

In the event an appeal is considered, the Air Pollution Control HEARING BOARD shall review the OPERATOR'S original estimate, the CONTROL OFFICER'S independent estimate, the bases and methods of calculations used by each party, and shall make a final determination of the POTENTIAL TO EMIT for the purpose of this Section 33.

### **33.4 Monitoring Compliance at existing sources with a Potential to EMIT not greater than the Performance Standard**

33.4.1 To assure compliance with the Performance Standard, conditions for the OPERATING PERMITS shall include numerical standards which can be routinely monitored. The numerical standards shall be the criteria regulating chlorine EMISSIONS from that STATIONARY SOURCE. For EMISSION UNITS in which the chlorine is released through a stack or vent pipe, hereinafter called Type 1 EMISSION UNITS, the numerical standard shall be equal to the Performance Standard. For EMISSION UNITS in which the chlorine is not released through a stack or vent pipe, or in which the EMISSIONS from the process equipment area are not detectable, hereinafter called Type 2 EMISSION UNITS, the numerical standard shall be a quantitative measurement which can be performed during an inspection by the CONTROL OFFICER or his representative. An example of a quantitative measurement is to measure for chlorine, within one to five meters of the equipment in which chlorine is being processed, with a multi-stroke gas sampling pump equipped with a rapid analysis calibrated detector tube.

33.4.2 Each OWNER OR OPERATOR shall submit to the CONTROL OFFICER for his approval, a plan for monitoring compliance with numerical standard. The plan shall be submitted within 30 days of the date of final determination of the POTENTIAL TO EMIT.

- 1) For Type 1 EMISSION UNITS, the plan shall recommend design of the sampling method and describe sampling procedures and equipment.
- 2) For Type 2 EMISSION UNITS, the plan shall propose a numerical standard and a procedure for measuring it. The plan may discuss a sampling protocol to be implemented in the event that the numerical standard is exceeded. The plan may discuss a method for measuring background concentrations.

33.4.3 On or before September 1, 1984, the CONTROL OFFICER shall issue the new OPERATING PERMIT conditions. These will include numerical standards and a description of the monitoring method.

### **33.5 Existing sources with a POTENTIAL To EMIT greater than the Performance Standard**

33.5.1 If the POTENTIAL To EMIT exceeds the Performance Standard, each OWNER OR OPERATOR of such an existing source shall:

- 1) submit for approval, a proposed chlorine EMISSIONS monitoring plan. The plan shall:
  - a) specify the design and frequency of sampling to allow estimation of the annual average actual EMISSIONS from the



chemical process. This shall be submitted within 60 days of the date of final determination of the potential to EMIT;

b) provide for observation and direct participation by the Department of Air Quality and Environmental Management during testing; and

c) provide for a monitoring report to be submitted to the CONTROL OFFICER each year; and

2) submit for approval, a proposed Performance Standard compliance plan in accordance with the requirements set forth in Subsection 33.7. This shall be submitted within 90 days of the date of final determination of the potential to EMIT.

33.5.2 The CONTROL OFFICER shall approve, or modify the chlorine EMISSIONS monitoring plan and the Performance Standard compliance plan, and notify the OWNER OR OPERATOR within 30 days from the date of receipt of same. Any modification or rewriting shall become final and binding if the modification or rewriting is not appealed to the Air Pollution Control Hearing Board within 10 days from written service of same.

33.5.3 The CONTROL OFFICER shall issue temporary OPERATING PERMITS for the applicable chemical process with permit conditions incorporating the implementation of the chlorine emissions monitoring plan and the approved Performance Standard compliance plan as finally approved.

### **33.6 Requirements for Performance Standard Compliance Plan (for sources with a potential to EMIT greater than the Performance Standard)**

33.6.1 The proposed Performance Standard compliance plan shall provide for the following requirements:

1) The OPERATOR shall achieve compliance with the Performance Standard by August 1, 1988;

2) The OPERATOR shall identify critical activities or projects which will be accomplished during each calendar quarter until the final compliance date; and

3) The compliance plan shall describe what equipment and process technology will be used to comply with the Performance Standard. The description shall be sufficiently detailed so that the CONTROL OFFICER can determine if the expected potential to EMIT will meet the Performance Standard.

### **33.7 New Source Review**

33.7.1 This subsection applies to any new STATIONARY SOURCE of chlorine emissions proposing to locate in Clark County. This subsection also applies to an existing STATIONARY SOURCE if new emission units are constructed at the existing STATIONARY SOURCE. The collection of new emission units would be considered a new STATIONARY SOURCE.

33.7.2 Each new EMISSION UNIT shall employ process equipment and air pollution control equipment designed to maintain the Lowest Achievable Emission Rate.

33.7.3 Each new STATIONARY SOURCE shall also comply with all other Air Quality Regulations of the Clark County Board of County Commissioners.

### **33.8 Enforcement**

Any OPERATING PERMIT condition established as a result of this section is considered equivalent to a Regulation. If there is an alleged violation of a permit condition, the CONTROL OFFICER may exercise any of the enforcement options enumerated in Subsection 4.7 or Subsection 16.8 of these Regulations.

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History: Amended: May 18, 1984; April 24, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 34 - PERFORMANCE STANDARDS FOR METALLIC AND/OR NONMETALLIC MINERAL MINING AND PROCESSING**

##### **34.1 Applicability:**

This Section applies to any STATIONARY SOURCE which seeks an "AUTHORITY TO CONSTRUCT" CERTIFICATE or a MODIFICATION to an existing permit after January 1, 2004, to mine, store, handle, or process Metallic and/or Nonmetallic Materials in Clark County. An ADMINISTRATIVE CHANGE to an Authority to Construct and/or OPERATING PERMIT does not constitute a MODIFICATION to an existing permit.

34.1.1 This Section applies to EMISSION UNITS in Metallic and/or Nonmetallic Materials processing for which a new source performance standard has been set forth in Section 14 of these Regulations.

##### **34.2 Exemptions:**

34.2.1 Any STATIONARY SOURCE not subject to an applicable New Source Performance Standards, in accordance with 40 C.F.R. Part 60 and does not utilize a baghouse or fabric filter, an electrostatic precipitator, or a wet scrubber, excluding wet spray bars, as a control device to limit emissions, and has a total POTENTIAL TO EMIT (PTE) less than 15 tons per year of PM<sub>10</sub> emissions, shall be exempt from performance testing unless the CONTROL OFFICER determines performance testing is warranted to demonstrate compliance with these Regulations.

34.2.2 Any portable facility, including VARIOUS LOCATION ACTIVITIES or VARIOUS LOCATIONS PERMITS (VLP) that is not subject to an applicable New Source Performance Standards, in accordance with 40 C.F.R. Part 60 and does not utilize a baghouse or fabric filter, an electrostatic precipitator, or a wet scrubber, excluding wet spray bars, as a control device to limit emissions, and has a total PTE less than 15 tons per year of PM<sub>10</sub> emissions shall be exempt from performance testing for those EMISSION UNITS unless the CONTROL OFFICER determines performance testing is warranted to demonstrate compliance with these Regulations.

For the purpose of this Section, a portable facility means any temporary VARIOUS LOCATION ACTIVITY OR VARIOUS LOCATIONS PERMIT where the equipment is not part of a fixed stationary aggregate process that is mounted on a chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt, or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

**34.3 Performance Standard:**

34.3.1 No Owner and/or Operator shall cause to be discharged into the atmosphere any of the following:

34.3.1.1 Any FUGITIVE EMISSIONS from grinding mills, screening equipment, conveyors, conveyor transfer points, bagging equipment, storage bin, storage piles, stacker, enclosed truck, or rail car loading station that exhibit greater than 10 percent OPACITY for a period aggregating more than 3 minutes in any 60-minute period;

34.3.1.2 Any FUGITIVE DUST from any crusher that exhibits greater than 15 percent OPACITY for a period aggregating more than 3 minutes in any 60-minute period; or

34.3.1.3 Emissions from a stack or exhaust from a control device or BUILDING VENT that exhibits greater than 7 percent OPACITY for a period aggregating more than 3 minutes in any 60-minute period.

**34.4 Compliance Demonstration:**

34.4.1 To demonstrate compliance with these regulations an Owner and/or Operator of an affected Emission Unit shall conduct the following tests:

34.4.1.1 A performance test as specified in Subsection 34.5; and

34.4.1.2 An annual EPA Method 9 OPACITY performance test as specified in Subsection 34.5 and weekly moisture testing as specified in Subsection 34.6, or

34.4.1.3 Minimum of twice daily moisture testing as specified in Subsection 34.6, unless an Alternative Compliance Demonstration Plan has been approved by the CONTROL OFFICER.

34.4.2 The CONTROL OFFICER may require the determination of moisture content of aggregate materials at any processing point or storage pile, and/or the

OPACITY of EMISSIONS from an EMISSION UNIT within a new or modified Stationary Source at any time after initial startup, which may include performance test exempt sources.

34.4.3 All STATIONARY SOURCES, including performance test-exempt sources, shall comply with all compliance demonstration requirements contained in their permit including minimum moisture requirement and OPACITY compliance demonstration conditions.

### **34.5 Performance Tests:**

34.5.1 To demonstrate compliance with the OPACITY requirements an Owner and/or Operator shall use EPA reference Method 9 found in 40 C.F.R. Part 60, Appendix A, (averaging time shall be 3 minutes rather than 6 minutes). Each Method 9 test shall be conducted for 60 consecutive minutes.

34.5.2 All performance tests shall be conducted in accordance with established procedures and protocols as contained in Section 14.

34.5.3 The Owner and/or Operator of a STATIONARY SOURCE that has a total POTENTIAL TO EMIT of less than 15 tons per year of PM<sub>10</sub> emissions and the EMISSION UNIT is subject to 40 C.F.R. Part 60, shall perform an initial performance test.

34.5.4 The Owner and/or Operator of a STATIONARY SOURCE that has a total POTENTIAL TO EMIT of 15 tons per year or greater of PM<sub>10</sub> emissions shall perform an initial performance test. An affected EMISSION UNIT subject to 40 C.F.R. Part 60, shall be performance tested after initial startup and retested a minimum of once during each subsequent 5-year time period.

34.5.5 The Owner and/or Operator shall conduct the required initial performance test within 60 days after achieving the maximum production rate at which the affected EMISSION UNIT will be operated, but not later than 180 days after initial startup of such EMISSION UNIT, and furnish the CONTROL OFFICER a written report of the results of the performance test within 60 days after conducting such test.

34.5.6 An EMISSION UNIT required to conduct a performance test during every 5-year period, as specified in Subsection 34.5.4, shall conduct such retest no later than 5 years from the date of the initial performance test or subsequent retest.

### **34.6 Moisture Testing:**

34.6.1 An Owner and/or Operator shall comply with the moisture limitations contained in any Authority to Construct/Operating Permit issued by

conducting moisture tests on affected EMISSION UNITS in accordance with the following requirements:

- 34.6.1.1 If minimum of twice daily moisture sampling is required, samples shall be taken within 1 hour of start up and again at 3:00 P.M. or within 1 hour prior to daily shut-down, but no less frequently than once every 8-hour period.
- 34.6.1.2 If weekly moisture sampling is required, such sampling shall be conducted on any active day within 1 hour after startup.
- 34.6.2 Moisture testing shall be conducted on all affected active processes. Unless prior approval from the CONTROL OFFICER is granted, moisture testing shall be conducted at the following emission points:
  - (a) Within 10 feet from the point where crushed aggregate material is placed on the discharge belt conveyor from the crusher;
  - (b) Within 10 feet from the point where screened aggregate material is placed on the conveyor; and
  - (c) From each stacker point.
- 34.6.3 Active wet processes, which contain greater than 10 percent moisture in material less than 0.25 inches in diameter, must be sampled at the point in the process where the moisture content has the potential to be lowest.
- 34.6.4 Moisture testing is not required on a crusher and/or screen plant equipped with a baghouse or fabric filter, electrostatic precipitator, or wet scrubber, excluding wet spray bars, for control of particulate matter.
- 34.6.5 Moisture testing shall include all aggregate material less than 0.25 inch in diameter.
- 34.6.6 Moisture testing shall be conducted in accordance with the requirements of American Society for Testing and Materials C566-97, "Standard Test Method for Total Evaporable Moisture Content of Aggregate by Drying," with the exception that smaller sample portions may be used.
- 34.6.7 An Owner and/or Operator may request in a permit application, with adequate explanation, an alternative for conducting required moisture testing on active processes. In this request, the Owner and/or Operator must demonstrate that the proposed Alternative Compliance Demonstration Plan will be equivalent in determining compliance with the moisture content requirements. Prior approval from the CONTROL OFFICER must be received before implementation of any Alternative Compliance Demonstration Plan.

**34.7 Record Keeping:**

- 34.7.1 The Owner and/or Operator shall maintain a written log recording date, time, location of each moisture sampling point, and results of the moisture testing.
- 34.7.2 The Owner and/or Operator shall maintain a written log recording the date, time, and location of each Method 9 OPACITY test result.
- 34.7.3 The written logs shall be maintained on site for a minimum of 5 years.

**34.8 Reporting and Notifications:**

- 34.8.1 The Owner and/or Operator of an affected EMISSION UNIT shall provide the CONTROL OFFICER a written summary of the moisture testing results and any Method 9 OPACITY readings as specified in the operating permit for the STATIONARY SOURCE. At a minimum, the Owner and/or Operator must follow any specific operating permit requirements and provide this information annually for each previous calendar year. The results shall be submitted to the CONTROL OFFICER no later than March 31 of the following year.
- 34.8.2 Moisture tests that do not meet the minimum moisture content shall be reported and include date, time, location of the moisture sampling taken, and results of the moisture testing.
- 34.8.3 Upon written notice, CONTROL OFFICER may require more frequent reporting.

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History: Initial Adoption:

Amended: April 23, 1987; April 24, 2001; December 16, 2003; July 1, 2004.

# CLARK COUNTY

## AIR QUALITY REGULATIONS

### SECTION 35 - DIESEL ENGINE POWERED ELECTRICAL GENERATING EQUIPMENT

#### Definitions:

**DISPATCHABLE PEAK SHAVING:** A program by which Peak Shaving operations will be scheduled and controlled by the serving public utility to those times essential to maintain a reliable, area-wide, supply source of electrical energy.

**EMERGENCY STANDBY DIESEL POWERED GENERATOR:** A diesel power electric generator permanently installed on the users' property to provide electrical energy on an emergency and standby basis for life safety functions and general business functions during the loss of utility power and emergency situations. These functions include emergency lighting, ventilation and smoke control, elevators, exit lights, fire pumps, and other life safety functions as required by the Uniform Building Code and the Uniform Fire Code.

**35.1 EMERGENCY STANDBY DIESEL POWERED GENERATOR installed in the Area of Applicability (Subsection 35.3) after January 1, 1991, are limited as follows:**

- a) operations during tests, loss of electrical power and other emergency conditions as required by the Uniform Building Code and the Uniform Fire Code;
- b) DISPATCHABLE PEAK SHAVING purposes for up to 150 hours each per year.

**35.2 EMERGENCY STANDBY DIESEL POWERED GENERATOR installed prior to January 1, 1991, and installed with equipment capable of peak shaving or DISPATCHABLE PEAK SHAVING may be used for**

- a) operations during tests, loss of electrical power and other emergency conditions as required by the Uniform Building Code and Uniform Fire Code;



- b) peak shaving purposes up to 12 hours per day from June 1 through September 31 of each calendar year until June 1, 1993;

After June 1, 1993, such units shall only be used for

- a) DISPATCHABLE PEAK SHAVING purposes up to 150 hours per year.

**35.3 EMERGENCY STANDBY DIESEL POWERED GENERATOR installed prior to January 1, 1991, and without equipment for peak shaving utilization are limited to:**

- a) operations during tests, loss of electrical power and other emergency conditions;
- b) dispatchable peak shaving purposes up to 150 hours per year commencing June 1, 1991.

**35.4 OPERATING PERMIT conditions, generally discussed in Section 16, shall include these regulations.**

- a) Owners of diesel powered electrical generating equipment who intend to be covered by Subsection 35.2 shall notify the Control Officer by April 15, 1991, in order that the appropriate OPERATING PERMIT conditions can be prepared.
- b) Notification shall include sufficient documentation to assure the CONTROL OFFICER that the peak shaving equipment had been installed prior to January 1, 1991.

**35.5 Area of Applicability**

Hydrographic Basins for Las Vegas Valley, Eldorado Valley and Boulder City.

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History: Amended: February 28, 1991; April 24, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 40 - PROHIBITIONS OF NUISANCE CONDITIONS**

**40.1 No PERSON shall cause, suffer or allow the discharge from any source whatsoever such quantities of air contaminants or other material which cause a NUISANCE.**

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History: Amended: May 18, 1984; May 17, 2001; June 3, 2003, July 1, 2004.

# **CLARK COUNTY**

## **AIR QUALITY REGULATIONS**

### **SECTION 41 - FUGITIVE DUST**

#### **41.1 Prohibitions:**

41.1.1 Any PERSON engaged in activities involving the dismantling or demolition of buildings, grubbing, grading, clearing of land, public or private construction, the operation of machines and equipment, the grading of roads, trenching operations, the operation and use of UNPAVED PARKING facilities, AGRICULTURAL OPERATIONS, use and operation of live stock arenas, horse arenas and feed lots, and operation and use of raceways for MOTOR VEHICLES shall take all reasonable precautions to abate FUGITIVE DUST from becoming airborne from such activities. Reasonable precautions may include, but are not limited to the conditions agreed upon in the Department of Air Quality and Environmental Management permit for the project, sprinkling, compacting, enclosure, chemical, or asphalt sealing, cleaning up, sweeping, or such other measures as the CONTROL OFFICER may specify to accomplish satisfactory results;

41.1.1.1 The following circumstances represent examples of FUGITIVE DUST becoming airborne:

- a) a visible plume of dust, resulting from construction activities, which extends more than 100 yards from the point of origin or beyond the nearest property line, whichever is less;
- b) visible dust EMISSIONS on an unpaved road at a construction site being used by haul trucks;
- c) visible dust EMISSIONS generated by vehicles traveling over mud and dirt carried out to a paved road near or adjacent to a construction site.

41.1.1.2 A visible plume of dust resulting from construction activities which extends more than 50 yards from the point of origin, but less than 100 yards and which has not crossed the nearest property line may be subject to an issuance of a Notice of Violation including an Order to take Corrective Action for which no penalty will be assessed.

- 41.1.2 No person shall cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne;
- 41.1.3 Sand and abrasive blasting operation will not be permitted unless effective enclosures or other such dust control devices including but not limited to the injection of water have been installed to prevent excessive sand and dust dispersal.

**41.2 Off-road vehicle and motocross racing;**

- 41.2.1 No person shall cause, permit, or allow the conduct of off-road vehicle racing or motocross racing within the designated boundaries of the Non-Attainment Area as defined in Section 1 of these Regulations unless adequate dust control measures are provided and approved in advance by the CONTROL OFFICER.
- 41.2.2 Motocross racing will only be permitted at permanent motocross race courses within the Non-Attainment Area.
- 41.2.3 Permanent motocross race courses, within the Non-Attainment Area as defined in Section 1 of these Regulations, shall be registered with and permitted by the CONTROL OFFICER in accordance with Subsections 15.1 and 15.6.

**41.3 Correction of condition:**

- 41.3.1 If loose sand, dust, or dust particles are found to exist in excess of acceptable limits, as determined by the CONTROL OFFICER, the CONTROL OFFICER shall notify the owner, lessee, occupant, operator, or user of said land that said situation is to be corrected within a specified period of time, dependent upon the scope and extent of the problem. The failure to correct said situation within the specified period of time shall be in violation of this section.

**41.4 Remedial Action:**

- 41.4.1 The CONTROL OFFICER, his designated agent, or any other authorized representative of the Clark County Board of County Commissioners, after due notice shall be further empowered to enter upon any said land where any sand or dust problem exists, and to take such remedial and corrective action as may be deemed appropriate to cope with and relieve, reduce, or remedy the existent sand and dust situation and condition, when the OWNER, occupant, OPERATOR, or any tenant, lessee, or holder of any possessory interest or right in the involved land fails to do so.

**41.5 Costs:**

41.5.1 Any cost incurred in connection with any such remedial or corrective action by the Clark County Board of County Commissioners or any person acting for the Clark County Board of County Commissioners shall remain in full force and effect until any and all such costs shall have been fully paid.

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History: Amended: June 25, 1992; May 17, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 42 - OPEN BURNING**

- 42.1 No PERSON shall cause, suffer, allow, or permit the burning of any combustible material in any open fire except as provided in this section and then only when such burning has been approved in advance by the CONTROL OFFICER. Such exceptions are as follows:**
- 42.1.1 When in the judgment of the CONTROL OFFICER, no other safe method for the disposal of combustible, explosive, or dangerous material exists or can reasonably be obtained;
- 42.1.2 Small fires for recreational, educational, ceremonial, cooking purposes and warmth of human beings, including barbecues and outdoor fireplaces provided they do not create a public nuisance;
- 42.1.3 Where fire is set either by OFFICERS of governmental agencies, in performance of their official duties or for the purposes of training and instruction of fire-fighting and fire-rescue personnel;
- 42.1.4 Outside the Las Vegas Valley, when such fire is set on a field used for growing crops in the course of disposing of unused portions of a crop and intermingled weeds resulting from an agriculture operation;
- 42.1.5 Domestic burning of material originating on premises, exclusive of garbage, at a property used exclusively as a private residence or dwelling where there is no collection service available for such material.
- 42.2 Notwithstanding Subsection 42.1, any burning so permitted by this section must be controlled so that public nuisance or traffic hazards are not created as a result of the air contaminants being emitted.**
- 42.3 Nothing in this section shall be construed to prohibit or make unlawful the construction and use of private barbecue pits, grills, or outdoor fireplaces for the preparation of food for consumption by individuals; nor shall any permit from the CONTROL OFFICER be required therefor.**

**42.4 Open burning shall be prohibited during air pollution episode conditions as defined in Section 6 of the Implementation Plan for the State of Nevada entitled, EMERGENCY EPISODE PLAN.**

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History: Amended: December 28, 1978; May 17, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 43 - ODORS IN THE AMBIENT AIR**

- 43.1 An ODOR occurrence shall be deemed a violation when a complaint is received and substantiated within two hours by the CONTROL OFFICER. The CONTROL OFFICER shall deem the ODOR occurrence a violation if he is able to detect the ODOR twice within a period of one hour, if the ODOR is of such a nature as to cause a nuisance, and these detections being separated by at least 15 minutes.**

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History: Amended: December 28, 1978; May 17, 2001; June 3, 2003; July 1, 2004.



**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 44 - PROHIBITIONS ON PLANTING, SELLING, OR OFFERING TO SELL FRUITLESS MULBERRY AND EUROPEAN OLIVE TREES**

**44.1 Purpose**

The Clark County Board of County Commissioners finds that pollen from Fruitless Mulberry (*Morus Alba* "Fruitless") and European Olive (*Olea Europaea*) trees contribute to the high levels of airborne pollen in urban areas of Clark County during the spring.

**44.2 Prohibitions**

44.2.1 After April 1, 1991

No Person shall plant, sell, offer to sell, or authorize the planting of Fruitless Mulberry or European Olive trees to any other person or company doing business within the boundaries of Clark County,

**44.3 Exemption**

44.3.1 Cultivars of low pollinating Fruitless Mulberry or European Olive may be exempt from Subsection 44.2.1 if the person who grows them for commercial distribution applies for and receives a Certificate of Exemption from the Air Pollution Control Hearing Board.

44.3.2 To be approved by the Air Pollution Control Hearing Board, the applicant must demonstrate to the Board that the low pollinating cultivar releases to the atmosphere less than 15% of the pollen released by a sexually mature traditional European Olive tree and that this low pollinating capacity is retained by the sexually mature cultivar for at least three years.

44.3.3 Exempt trees in inventory at retail outlets and those being delivered to landscaping projects, must include a label approved by the CONTROL OFFICER showing exempt status, date of approval of Certificate until sale to consumer.

44.3.4 The applicant shall present a distribution plan to the CONTROL OFFICER to assure that only exempt trees under the applicant's control will carry the label provided for in Subsection 44.3.3. Shipping invoices must show copy of Certificate.

44.3.5 Such certificates expire in three (3) years. The applicant may renew a certificate for three (3) year increments.

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History: Initial Adoption: January 24, 1991.  
Amended: May 17, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 45 - IDLING OF DIESEL POWERED MOTOR VEHICLES**

**45.1 Diesel Powered Motor Vehicle Idling**

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a diesel bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- (a) For which the Clark County Air Pollution Control Hearing Board has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (b) Which is an emergency vehicle.
- (c) Used to repair or maintain other MOTOR VEHICLES.
- (d) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.
- (e) The EMISSION from which is contained and treated by a method approved by the CONTROL OFFICER.
- (f) The engine of which must idle to perform a specific task for which is it designed such as well drilling, trenching or hoisting. Such an engine may not idle for more than 15 consecutive minutes during an air quality emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (g) Which is idling while maintenance procedures are being performed at a repair facility.

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History: Amended: September 26, 1991; May 17, 2001; June 3, 2003; July 1, 2004.

## CLARK COUNTY

### AIR QUALITY REGULATIONS

#### SECTION 49 - COMPLIANCE REQUIREMENTS FOR BOILERS AND STEAM GENERATORS

##### 49.1 Purpose:

This Section sets requirements for performance testing, burner efficiency testing, record keeping and reporting for boilers and steam generators. The OWNER AND/OR OPERATOR of a boiler or steam generator subject to this Section shall also comply with all applicable requirements of the Clark County Air Quality Regulations, including but not limited to, Sections 12, 13, 14, 20, and 55.

##### 49.2 Definitions:

49.2.1 “Boiler and Steam Generator” (hereinafter referred to as “Boiler”) means a heating device that combusts fuel to produce steam, to heat water or to heat any other liquid heat transfer medium.

##### 49.3 Applicability:

49.3.1 This Section applies only to:

49.3.1.1 Any new or existing Boiler, with a maximum heat input rating equal to or greater than 4.0 MMBtu/hr, on which CONSTRUCTION commenced after January 1, 1992.

49.3.1.2 Any existing Boiler, with a maximum heat input rating equal to or greater than 4.0 MMBtu/hr, installed prior to January 2, 1992, that is MODIFIED or RECONSTRUCTED after January 1, 2006.

49.3.2 Combined Heat and Power Units and supplementary duct-fired heat recovery steam generators are exempt from this Section.

##### 49.4 Performance Testing:

49.4.1 Initial Performance Test: The OWNER AND/OR OPERATOR of a new, MODIFIED, or RECONSTRUCTED Boiler with a maximum heat input rating equal to or greater than 10.0 MMBtu/hr shall conduct an initial performance test within 60 days after achieving the maximum production

rate at which the Boiler will be operated, but not later than 180 days after initial startup of such Boiler, and shall demonstrate compliance pursuant to Subsection 49.4.3.1.

49.4.2 Periodic Performance Tests: The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating equal to or greater than 10.0 MMBtu/hr shall conduct periodic performance testing, at least once during every 5-year period beginning from the date of the initial performance test and at least once at 5-year intervals thereafter, on each Boiler to demonstrate compliance pursuant to Subsection 49.4.3.1.

49.4.2.1 The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating equal to or greater than 10.0 MMBtu/hr who has not conducted a performance test on that Boiler within 5 years prior to January 1, 2006 shall conduct a performance test on that Boiler to demonstrate compliance pursuant to Subsection 49.4.3.1 no later than July 1, 2006 and at a minimum of 5-year intervals thereafter.

49.4.3 The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating equal to or greater than 10.0 MMBtu/hr who conducts a performance test on that Boiler in accordance with Subsections 49.4.1 and 49.4.2 shall comply with the following requirements:

49.4.3.1 Conduct a performance test: (1) in accordance with the EPA Test Methods listed in Table 49.4.3.1 or (2) upon prior approval by the CONTROL OFFICER and in accordance with 40 C.F.R. § 60.8(b) - to demonstrate compliance with the emission limitations established in the operating permit for the Boiler;

49.4.3.2 Submit a performance test protocol in accordance with Subsections 14.10 and 14.11; and

49.4.3.3 Furnish the CONTROL OFFICER with a written report containing the results of the performance test within 60 days after conducting such test in accordance with Subsection 14.12.

Table 49.4.3.1 EPA Test Methods

Test Method <sup>a, b</sup>	Pollutant Or Parameter
1	Sample and Velocity Traverses for Stationary Sources
2	Determination of Stack Gas Velocity and Volumetric Flow Rate
3A	Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)
4	Determination of Moisture Content in Stack Gases
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources (Instrumental Analyzer Procedure)
10	Determination of Carbon Monoxide Emissions from Stationary Sources

<sup>a</sup> does not preclude the use of methods for small diameter stacks

<sup>b</sup> As outlined in 40 C.F.R. Part 60

## **49.5 Burner Efficiency Tests:**

- 49.5.1 Initial Burner Efficiency Test: The OWNER AND/OR OPERATOR of a new, MODIFIED, or RECONSTRUCTED Boiler with a maximum heat input rating equal to or greater than 4.0 MMBtu/hr shall conduct an initial burner efficiency test within 180 days after initial startup of such Boiler.
- 49.5.2 The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating equal to or greater than 4.0 MMBtu/hr shall conduct burner efficiency tests (boiler tune-ups) on that Boiler. Burner efficiency tests shall be conducted in accordance with the manufacturer's recommendations and specifications for good combustion practices. If the manufacturer's recommendations and specifications are unavailable, the OWNER AND/OR OPERATOR may use an alternative method to perform the boiler efficiency test upon prior approval from the CONTROL OFFICER.
- 49.5.3 For a Boiler with a maximum heat input rating of 10.0 MMBtu/hr or greater, the OWNER AND/OR OPERATOR shall perform a burner efficiency test two times each year in accordance with Subsection 49.5.1. The OWNER AND/OR OPERATOR shall conduct the tests at least 5 months but no more than 7 months apart during each calendar year. If the Boiler has a permitted hourly limit of less than 2,000 hours per year, then the OWNER AND/OR OPERATOR may perform a burner efficiency test one time each calendar year beginning with the year 2006.
- 49.5.4 For a Boiler with a maximum heat input rating of 4.0 MMBtu/hr but less than 10.0 MMBtu/hr, the OWNER AND/OR OPERATOR shall perform a burner efficiency test in accordance with Subsection 49.5.1 one time each calendar year beginning with the year 2006.
- 49.5.5 If the documented actual hours of operation of a Boiler with a maximum heat input rating equal to or greater than 4.0 MMBtu/hr are zero during a calendar year, the OWNER AND/OR OPERATOR may choose not to perform a burner efficiency test on that Boiler during that calendar year. To document that the actual hours of operation for that Boiler are zero during a calendar year, the OWNER AND/OR OPERATOR shall install an hour meter prior to the beginning of that calendar year and maintain written records to verify the actual hours of operation during that calendar year.
- 49.5.6 If the documented actual hours of operation of a Boiler with a maximum heat input rating of equal to or greater than 10.0 MMBtu/hr are less than 50 hours during a calendar year, the OWNER AND/OR OPERATOR may perform a burner efficiency test on that Boiler only once during that calendar year. To document that the actual hours of operation for that Boiler are less than 50 hours, the OWNER AND/OR OPERATOR shall install an hour meter prior to the beginning of that calendar year and maintain

written records to verify the actual hours of operation during that calendar year.

49.5.7 A performance test conducted in accordance with Subsection 49.4 may replace a required burner efficiency test.

**49.6 Record Keeping:**

49.6.1 The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating equal to or greater than 4.0 MMBtu/hr shall:

49.6.1.1 Maintain a written log of the type of fuel consumed and, on a quarterly basis, either the amount of fuel consumed or the hours of operation;

49.6.1.2 Maintain a copy of the burner efficiency test on-site and make such documentation available for inspection upon request of the CONTROL OFFICER; and

49.6.1.3 Maintain all written records on-site for a minimum of 5 years.

**49.7 Reporting and Notifications:**

49.7.1 The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating equal to or greater than 10.0 MMBtu/hr shall provide notice of any performance test to the CONTROL OFFICER at least 45 days prior to the anticipated test date, but no more than 90 days prior to the anticipated test date.

49.7.2 The OWNER AND/OR OPERATOR of a Boiler with a maximum heat input rating of equal to or greater than 4.0 MMBtu/hr shall submit an annual report of the type of fuel consumed and, for each quarter of the year, either the amount of fuel consumed or the hours of operation. The OWNER AND/OR OPERATOR shall submit the annual report to the CONTROL OFFICER no later than March 31 of each calendar year.

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History: Initial adoption:  
Amended: April 23, 1992; May 17, 2001; December 16, 2003; July 1, 2004; December 20, 2005.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 50 - STORAGE OF PETROLEUM PRODUCTS**

- 50.1 A PERSON shall not place, store, nor hold in any stationary tank, reservoir or other container of more than 151,412 liters (40,000 gallons) capacity of any petroleum liquid having a VAPOR pressure of 78 mm Hg (1.5 pounds per square inch absolute) or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon VAPOR or gas loss into the atmosphere, or unless it is designed and equipped with one of the following VAPOR LOSS CONTROL DEVICES, properly installed, and in good working order and operation:**
- 50.1.1 A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, to close the space between the roof edge and the tank wall. The control equipment provided for herein shall not be used if the petroleum product has a VAPOR pressure of 572 mm Hg (11.0 pounds per square inch absolute) or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;
- 50.1.2 A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases so as to prevent their EMISSION to the atmosphere, and with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place;
- 50.1.3 Other equipment of equal efficiency, provided such equipment has first been submitted to and approved by the CONTROL OFFICER.
- 50.2.1 There shall be no visible holes, tears or other openings in the seal or seal fabric of the tank reservoir or other container for the storage of petroleum liquids.
- 50.2.2 All openings, except stub drains, are to be equipped with a cover, seal or lid. The cover, seal or lid is to be in a closed position at all times except when the device is in actual use. Automatic bleeder vents are to be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, are to be set to open when the roof is floated off the roof leg supports or at the manufacturer's recommended setting.



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History: Amended: December 28, 1978; June 11, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 51 - PETROLEUM PRODUCT LOADING INTO TANK TRUCKS AND TRAILERS**

- 51.1 A PERSON shall not load any petroleum product having a VAPOR pressure of 78 mm Hg (1.5 psia) or greater into any tank truck, trailer, or tank car from any loading facility dispensing 18925 kiloliters (5,000,000 gallons) annually unless such loading facility is equipped with a VAPOR collection and disposal system or its equivalent, properly installed, in good working order and in operation.**
- 51.1.1** No person shall load any petroleum product having a vapor pressure of 78 mm Hg (1.5 psia) or greater into any tank truck, trailer or tank car from any loading facility dispensing less than 18925 kilo liters (5,000,000 gallons) annually unless such loading equipment is designed for bottom loading only or uses a submerged fill tube extending to within 76.2 mm (3 inches) of the bottom of the tank being filled.
- 51.2 When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a VAPOR collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal.**
- 51.3 When loading is effected through means other than hatches, all loading and VAPOR lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.**
- 51.4 The VAPOR disposal portion of the system shall consist of one of the following:**
- 51.4.1** A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system;

51.4.2 A variable VAPOR space tank, compressor, and FUEL gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded;

51.4.3 Other equipment of at least 90 percent efficiency provided such equipment is submitted to and approved by the Air Quality CONTROL OFFICER.

**51.5 The loading shall be accomplished in such a manner that the mixture of vapor and air displaced from the delivery vessel will be vented only to the vapor recovery system.**

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History: Amended: December 28, 1978; June 11, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

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## 52.11 Applicability

### (a) Non-major Sources

(1) Except as provided in paragraph (c) of this subsection, the provisions of this section are applicable to the following affected facilities in the area of applicability within Clark County: each GASOLINE DISPENSING FACILITY, and each GASOLINE Storage Tank.

(i) any GASOLINE DISPENSING FACILITY that has one (1) or more calendar years in which the through-put is 96,000 gallons or more, shall be subject to the provisions of this section even if subsequent year's through-puts are less than 96,000 gallons.

### (b) Major Sources [Reserved]

### (c) Exceptions:

(1) Each GASOLINE DISPENSING FACILITY, Airplane Refueling Area, and GASOLINE Storage Tank located outside the AREA OF APPLICABILITY (see Table 52-1) is exempt from the provisions of this section.

(2) Any affected facility that has an annual through-put of 96,000 gallons per year or less; and commenced construction prior to January 1, 1991, is exempt from the provisions of this section.

(3) Any GASOLINE storage tank whose capacity is less than 500 gallons, is exempt from the provisions of this section.

**Table 52-1: - AREA OF APPLICABILITY**

<b>Area</b>	<b>Hydrographic Basin Number</b>
Las Vegas Valley	212
Boulder City Limits	Portions of 167, 213, and 215
Eldorado Valley	167
Ivanpah Valley	164A, 164B and 165

## 52.2 Definitions:

All terms not defined herein shall have the meaning given them in Section 0.

**Actual Initial Start-up Date** means the date on which any affected facility receives a "Certificate of Occupancy".

**Affected facility** means any device to which a standard is applicable.

**Airplane Refueling Area** means a facility capable of receiving, storing, and dispensing one or more types of aviation GASOLINE for use by airplanes.

**Bound log book** is a bound, hard cover book, in which the individual pages may not be replaced, inserted or removed.

CARB	means the California Air Resources Board
Certified Stage II Vapor Recovery Tester	A Natural Person who is certified by the District to test the VAPOR tightness and performance standards of underground storage tanks and associated Stage I and Stage II VAPOR recovery systems.
Combined Tank Capacity	means all GASOLINE storage tanks at an affected facility.
Gasoline	means any petroleum distillate having a Reid VAPOR pressure of 4 pounds per square inch or greater.
Gasoline Dispensing Facility	means a facility, except bulk distribution terminal, capable of receiving, storing, and dispensing one or more grades of GASOLINE.
gasoline storage tank	means (1) underground tank used to store GASOLINE products and has a storage capacity equal to or greater than 500 gallons; (2) any above ground storage tank used to store GASOLINE products, and has an annual through-put of 60,000 gallons per year or more. GASOLINE storage tanks subject to 40 CFR 60, Subparts K, Ka, Kb, and XX, and 40 CFR 63, Subpart R, are not affected GASOLINE storage tanks under this Section.
GDF	means GASOLINE DISPENSING FACILITY.
Leak Free	means a liquid leak rate of less than four drops per minute.
Natural Person	An individual person excluding the following: United States of America, the State of Nevada, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.
Operator	A person having responsibility for, the day-to-day operation of a GASOLINE dispensing site.
Person	means United States of America, the State of Nevada, any individual, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.
Stage I	means GASOLINE VAPOR recovery during transfer of GASOLINE from GASOLINE delivery vehicles to stationary tanks used for re fueling MOTOR VEHICLES.

Stage II	means GASOLINE VAPOR recovery during motor vehicle re-fueling operations from stationary tanks
Top Off	means to attempt to dispense GASOLINE into a FUEL tank after the VAPOR recovery dispensing nozzle has shut off automatically. Topping Off shall not apply to: a premature shutoff due to an incomplete seal between the nozzle and fill pipe
VAPOR Control System	means a device or combination of devices into which VAPORS are passed before being vented into the atmosphere.
VAPOR Tight	means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source using a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds as - measured at - three meters - from any emission unit.
spill bucket	means a container of approximately 5 gallons capacity used to collect petroleum product spillage from normal GASOLINE storage tank loading operations.
Year	means calendar year unless explicitly stated otherwise.

### **52.3 Registration and Permitting**

#### **(a) Prohibition**

- (1) No PERSON shall construct, build, or modify any affected facility unless an application for a GASOLINE DISPENSING AUTHORITY TO CONSTRUCT has been submitted to the CONTROL OFFICER.
- (2) A GASOLINE DISPENSING AUTHORITY TO CONSTRUCT shall contain a non-extendible 30-day operation provision to allow for pre-performance test operation of the system.
- (3) No PERSON shall commence commercial operation of an affected facility unless the CONTROL OFFICER has issued a GASOLINE DISPENSING OPERATING PERMIT or as provided in Subsection 52.3(a)(2) above.
- (4) Equipment Installation and Modification: A PERSON shall not install or modify Stage I or Stage II GASOLINE VAPOR recovery equipment, exclusive of repair or replacement of like parts, unless a GASOLINE DISPENSING AUTHORITY TO CONSTRUCT VAPOR recovery controls has been obtained from the CONTROL OFFICER.

#### **(b) Pre-Construction Application**

- (1) The OWNER OR OPERATOR of a new or modified affected facility shall submit the following pre-construction information:
  - (i) Landowner's name, address and phone number;



- (ii) AFFECTED FACILITY owner's name, address and phone number;
  - (iii) AFFECTED FACILITY operator's name, address and phone number, if different from (b) above;
  - (iv) A street site map identifying all buildings or structures on the facility including property boundaries;
  - (v) A block diagram of each process at the AFFECTED FACILITY listing all EMISSIONS UNITS associated with the process;
  - (vi) Brief general description of the new AFFECTED FACILITY or MODIFICATION;
  - (vii) Number of underground storage tanks and the capacity of each;
  - (viii) Number and location of all dispensing nozzles;
  - (ix) Stack data: location, height above grade, diameter (I.D. or effective), exhaust gases, flow rate (ACFM), and temperature, if applicable;
  - (x) Design through-put (gallons per month, maximum);
  - (xi) Expected through-put (gallons per month, maximum);
  - (xii) Schedule of operation (hrs/day)(days/wk)(wks/yr);
  - (xiii) Description of Stage I and Stage II equipment;
  - (xiv) Anticipated construction schedule including the estimated initial start-up date;
  - (xv) A list of existing affected facilities, in Clark County, owned or operated by the applicant
  - (xvi) Payment of all applicable fees pursuant to Subsection 52.11(a) of the Air Quality Regulations.
- (2) The potential to EMIT (PTE, tons per year) shall be estimated based on expected annual throughput (Q) in gallons and the following correlations:
- (i) PTEvoc = 0.000001650 Q =  $1.65 \times 10^{-6}$  Q
  - (ii) PTEbenzene = 0.000000011 Q =  $1.10 \times 10^{-8}$  Q
  - (iii) PTEtoluene = 0.000000006 Q =  $6.00 \times 10^{-9}$  Q
  - (iv) PTEethylbenzene = 0.000000001 Q =  $1.00 \times 10^{-9}$  Q
  - (v) PTExylene = 0.000000002 Q =  $2.00 \times 10^{-9}$  Q
- (3) The OWNER OR OPERATOR of each new or modified affected facility shall apply for an Authority to Construct certificate, and pay an Application fee in accordance with Subsection 52.11(a) prior to commencing construction.
- (c) Permitting
- (1) "GASOLINE Dispensing Authority to Construct" and "GASOLINE DISPENSING OPERATING PERMIT" are issued pursuant to Subsection 52.3(a)
  - (2) Failure to obtain a "GASOLINE DISPENSING AUTHORITY TO CONSTRUCT" prior to commencing operation is a violation of this section.
  - (3) Except as provided in Subsection 52.3(a)(2), failure to obtain a "GASOLINE DISPENSING OPERATING PERMIT" prior to commencing commercial operations is a violation of this section.

- (4) Failure to comply with the conditions of the "GASOLINE DISPENSING AUTHORITY TO CONSTRUCT" or "GASOLINE DISPENSING OPERATING PERMIT", is a violation of this section.
- (d) Timeliness
  - (1) Within 30 days from the receipt of an application for a new or modified GDF, the CONTROL OFFICER shall issue a determination of completeness
    - (i) if the application is declared incomplete, then, upon receipt of an amended application, the 30-day period for determination of completeness shall recommence
    - (ii) if the application is declared complete, then, within 30 days from the date of determination of completeness, the CONTROL OFFICER shall issue an Authority to Construct

#### **52.4 Specifications of VAPOR Control Systems**

- (a) General
  - (1) An affected facility shall not dispense GASOLINE unless:
    - (i) the Stage I and Stage II VAPOR Recovery equipment is CARB certified and has a rated VAPOR collection efficiency of 95% or more; and
    - (ii) the Stage I and Stage II VAPOR Recovery equipment shall be maintained and operated in a VAPOR tight and leak free manner, pursuant to the manufacturer's specifications.
  - (2) If a fire protection agency requires a VAPOR shear valve on the VAPOR return line at the base of the dispenser, then the shear valve shall be CARB approved and Underwriters Laboratories (UL) listed.
    - (i) If a shear valve is installed, then the valve shall be attached to a fixed structure.
  - (3) The CONTROL OFFICER shall tag, as "Out of Order", any Stage I or Stage II VAPOR Recovery system, or any component thereof, that is defective. No PERSON shall use, or permit the use of, any component or system until such defect has been repaired, replaced, or adjusted; and the CONTROL OFFICER has been notified of the completed repairs. The "Out Of Order" tag number shall be recorded in the "Daily Log" by the PERSON making the repairs, who shall sign and return the repair tag to DAQEM within 10 days of the completion of said repairs.
  - (4) Operating Instructions. Each affected facility using a balance VAPOR recovery system, shall conspicuously display operating instructions. Such operating instructions shall:
    - (i) clearly describe how to dispense fuel correctly with a bellows, VAPOR recovery nozzle; -
    - (ii) include a warning that "Topping Off" may result in spillage or recirculation of GASOLINE, and that such practices are prohibited; and
    - (iii) include a prominent display of the DAQEM's telephone number.
- (b) GASOLINE Storage Tanks

- (1) No PERSON shall load, or permit the loading of GASOLINE into any GASOLINE storage tank unless such tank is equipped with a CARB certified Stage I VAPOR recovery system.
  - (2) Fugitive EMISSIONS generated during GASOLINE storage tank loading operations shall be prevented by using the best available equipment and by good operating practices.
  - (3) GASOLINE storage tank loading includes, but is not limited to, connecting and disconnecting VAPOR and fill hoses, and transfer of GASOLINE products.
    - (i) For the filling of the underground storage tanks from a tanker truck, VAPOR recovery hoses shall be connected first on and last off.
    - (ii) All underground tank loading operations shall require the use of a spill bucket to capture product spillage during normal delivery operations.
  - (4) Each GASOLINE delivery note from a supplier or common carrier shall include an inspection statement of the condition of the Stage I equipment for each product delivered. This statement must be signed by the delivery truck driver at the time of the inspection.
- (c) Stage I Requirements
- (1) All Stage I GASOLINE VAPOR recovery equipment shall be:
    - (i) installed as required
    - (ii) operated as recommended by the manufacturer; and
    - (iii) maintained Leak Free, VAPOR Tight and in good working order.
    - (iv) The GASOLINE fill connector shall be VAPOR-tight; and
    - (v) The VAPOR return line to the tank truck shall be VAPOR tight and must have a nominal diameter of at least 76 mm (3 inches).
- (d) Stage II Requirements
- (1) Each affected facility shall be operated and maintained in such a manner as to prevent any on-going conditions that include, but are not limited to the following:
    - (i) VAPOR hoses that
      - (A) are crimped;
      - (B) are flattened;
      - (C) are slit more than one (1) inch; or
      - (D) contain multiple slits whose total length is more than one (1) inch.
    - (ii) Nozzle boots which are torn in one or more of the following manners:
      - (A) A triangular shaped tear of 1/2 inch or more on a side.
      - (B) A hole 1/2 or more in diameter.
      - (C) A slit 1 inch or more in length.
    - (iii) nozzle shut-off mechanism malfunctions.
    - (iv) malfunctioning interlock mechanism.
    - (v) VAPOR return line malfunctions, blockages, or restrictions (including components such as swivels, anti-recirculation valves, shear valves, underground piping, etc)
    - (vi) inoperative VAPOR processing unit(s).
    - (vii) inoperative or defective vacuum producing devices;

- (viii) Any equipment defect that is identified in a CARB certification of an approved system as substantially impairing the effectiveness of the system in reducing refueling VAPOR EMISSIONS.
  - (ix) Each Stage I VAPOR adapter or fill adapter that is defective in any way or an adapter which is loose on the connecting threads.
  - (x) The absence, disabling or disconnection of any component that is part of the approved system.
  - (xi) damaged nozzle face plates and/or flexible cones that do not make a good seal and have more than ¼ of the circumference of the face plate or flexible cone damaged or missing.
- (e) Stage II Retrofit Impacts on Stage I Systems
- (1) Retrofit of a balanced Stage II system to a VAPOR assist Stage II system requires the following Stage I system modifications:
    - (i) A poppeted CARB certified system capable of demonstrated compliance with the static pressure decay test must be installed.
    - (ii) A two-point fill pipe system must be installed if there are modifications to the UST, UST system (excluding product lines), or the Stage I system.
  - (2) A poppeted coaxial fill pipe system is permitted if:
    - (i) the UST throughput is less than 3,640,000 gallons per year;
    - (ii) no UST modifications are made; and
    - (iii) the existing fill pipe is coaxial.
  - (3) A single-point system may remain in place until:
    - (i) modifications are made to the UST, UST system(excluding product lines), or the Stage I system; or
  - (4) In addition to the above, if the UST throughput is greater than 3,640,000 gallons per year, a two-point fill pipe system must be installed.

## **52.5 Performance Testing**

- (a) General
- (1) For each initial and annual performance test, the OWNER OR OPERATOR shall give seven-day written prior notice of the date of the test to the Compliance Supervisor, DAQEM.
  - (2) Within seven (7) days from the end of an initial or annual performance test, the OWNER OR OPERATOR shall submit a report containing the results of such test to DAQEM.
  - (3) The report shall have, as the first page of text, a signed Certification (Exhibit 1).
  - (4) Except as provided in this subsection, each performance test shall be conducted by a Certified Tester.
  - (5) If, after the seven (7) days notice for an initially scheduled performance test, there is a delay (due to operational problems) in conducting any rescheduled performance test required in this section, the OWNER OR OPERATOR of an affected facility shall submit a notice to the CONTROL OFFICER at least 48 hours prior to any rescheduled performance test.
- (b) Initial Performance Testing

- (1) Each new or modified affected facility shall pass an initial performance test within 30-days from the date of issuance of a "Certificate of Occupancy". Upon successful completion of the performance test, a "GASOLINE Dispensing OPERATING PERMIT" will be issued.
    - (i) The OWNER OR OPERATOR shall notify the Compliance Supervisor, DAQEM, of the date of issuance of a "Certificate of Occupancy". Such written notification shall consist of a copy of the "Certificate of Occupancy".
  - (2) If an affected facility fails to pass the first initial performance test, then subsequent initial performance test shall be conducted, and a non-refundable \$150 inspection fee shall be paid for each test, until the affected facility passes the initial performance test.
  - (3) If repairs to the UST or Stage I controls were effected to pass the performance test, the report must contain the appropriate jurate and signature of a Nevada Certified Tank Handler, Tester of Underground Storage Tanks, or Environmental Manager.
  - (4) Commencing July 1, 1996, initial performance testing shall be conducted by a certified Stage II VAPOR Recovery tester in the presence of a representative of the District.
- (c) Annual Performance Testing of a Balance VAPOR Recovery System
- (1) Each OWNER OR OPERATOR of any affected facility shall conduct a Balance System Inspection and submit a report of the results of that inspection to the Compliance Supervisor, DAQEM. The Balance System Inspection shall be conducted by a Certified Tester and shall include all above ground components including those items in Subsection 52.6(a). Such inspections shall be conducted annually.
  - (2) If the results of the Balance System Inspection shows a loss of system integrity, which is not part of the daily inspection requirement (Subsection 52.6(a)), then the CONTROL OFFICER may require the OWNER OR OPERATOR to conduct the following:
    - (i) Static Pressure Decay Test; and
    - (ii) Dynamic Back-pressure Test.
  - (3) Nothing in this subsection shall be construed as preventing the CONTROL OFFICER from conducting such inspections, or from conducting the test listed in Subsection 52.5(b)(2).
  - (4) Each annual performance test may be conducted without a representative of the - DAQEM being present
  - (5) If repairs to the UST or Stage I controls were effected to pass the performance test, the report must contain the appropriate jurate and signature of a Nevada Certified Tank Handler or Environmental Manager.
- (d) Annual Performance Testing of an Assist VAPOR Recovery System
- (1) Each OWNER OR OPERATOR of an affected facility shall perform, or cause to be performed, the appropriate test as listed in Subsection 52.5(e)(1)(i), (iv), and (vi), and Subsection 52.5(e)(2), once each year.

- (2) In addition to the test listed above, any affected facility equipped with Healy 400 or 600 Stage II VAPOR Recovery systems shall conduct a test on the VAPOR return line using test method CC-TP 95-3.
  - (3) Each annual performance test may be conducted without a representative of the District being present.
- (e) Test Methodologies and Standards
- (1) The following test methods are approved for use in Clark County, Nevada:
    - (i) Static Pressure Decay Test (CC-TP-95-1);
    - (ii) Dynamic Back-pressure Test (CC-TP-95-4);
    - (iii) Blockage Test;
    - (iv) Air to Liquid Ratio Test (CC-TP-95-2);
    - (v) Flow Test; and
    - (vi) any CARB test method(s).
  - (2) Any affected facility equipped with Healy 400 or 600 Stage II VAPOR Recovery systems shall conduct a test on the VAPOR return line using test method CC-TP 95-3.
  - (3) The OWNER OR OPERATOR shall give 7-day written prior notice to the Compliance Supervisor, DAQEM, of the date of the annual performance test.
- (f) Failed Test
- (1) Initial Performance Test. Any affected facility failing to pass all aspects of the initial Performance test shall not be issued a "GASOLINE Dispensing OPERATING PERMIT" and shall not commence commercial operation(s) except as provided in the "GASOLINE Dispensing Authority to Construct".
  - (2) Annual Performance Test. Any affected facility failing to pass all aspects of the annual Performance test shall:
    - (i) effect all necessary repairs; and
    - (ii) re-test the affected facility; and
    - (iii) immediately notify the Compliance Supervisor, DAQEM.
  - (3) The process of Subsection 52.5(f)(2) shall continue until the affected facility successfully passes all aspects of the performance test. The CONTROL OFFICER may require the OWNER OR OPERATOR to conduct a re-test in the presence of a representative of the District.
  - (4) Any control equipment and associated GASOLINE dispensing equipment that fails to meet the standards of the applicable performance test shall be tagged as "Out of Order". No PERSON shall use or permit the use of tagged equipment until it has been repaired, replaced, or adjusted, the performance test of Subsection 52.5(d)(2) has been re-conducted, and the CONTROL OFFICER has been notified.

## **52.6 Inspection Requirements**

- (a) Daily Inspections
- (1) Each affected facility shall conduct daily inspections of the Stage II VAPOR recovery systems for defects in the following component(s) of said VAPOR recovery system(s):
    - (i) VAPOR hoses that

- (A) are crimped;
- (B) are flattened;
- (C) are slit more than one(1) inch; or
- (D) contain multiple slits whose total length is more than one (1) inch.
- (ii) Nozzle boots which are torn in one or more of the following manners:
  - (A) A triangular shaped tear of 1/2 inch or more on a side.
  - (B) A hole 1/2 or more in diameter.
  - (C) A slit 1 inch or more in length.
- (iii) Damaged face plate or flexible cone. The extent of the damage shall be less than one fourth (1/4) of the circumference of the face plate or flexible cone.
- (iv) VAPOR processing unit(s) as applicable;
- (v) interlock mechanism(s), as applicable;
- (vi) any component that is part of the approved system;
- (vii) fill hose retractors.
- (2) Each affected facility that uses a flare device as an integral segment of the control system shall inspect daily each:
  - (i) flame detection sensor; and
  - (ii) visual and/or audible display or alarm

## **52.7 Recordkeeping, Reporting, and Notifications**

- (a) Recordkeeping
  - (1) All records shall be maintained for three (3) years from the date of log or record entry.
  - (2) Such logs or records shall be stored on-site at all times, and shall be made available to the CONTROL OFFICER upon request.
    - (i) Exception: The current calendar month, and the previous two (2) calendar months, logs or records shall be kept on site; and
    - (ii) the balance of the three (3) calendar years' logs and records may be kept at a central location provided:
      - (A) such records shall be made available no later than 12:00 p.m. on the next regularly scheduled District workday.
  - (3) If the affected facility is routinely unmanned during regular business hours, then such records shall be made available no later than 12:00 p.m. on the next regularly scheduled District workday.
- (b) Log Or Record Contents
  - (1) Each affected facility shall maintain a log or record containing, but not limited to, the following information:
    - (i) maintenance on any part of the Stage I or Stage II equipment;
    - (ii) including a general description of the maintenance;
    - (iii) the date the equipment was taken out-of-service;
    - (iv) the date of repair or replacement;
    - (v) a general description of the part location (e.g., pump, tank, nozzle number, etc.);

- (vi) a description of the problem; and
  - (vii) the results of the daily inspections, Subsection 52.6.
- (c) Exemptions. The following affected facilities are exempt from the requirements of Subsection 52.6 (Inspection Requirements):
  - (1) Each affected facility used exclusively for the refueling of watercraft, or implements of agriculture; and
  - (2) Each affected facility for dispensing GASOLINE into MOTOR VEHICLES that commenced construction before January 1, 1991 and has an annual throughput of less than 96,000 gallons of GASOLINE.
- (d) Reporting
  - (1) Annual Through-put
    - (i) The OWNER OR OPERATOR of an affected facility shall submit an annual report of the total GASOLINE through-put. The report is due on or before January 30 of each year, and shall contain information relating to the through-put for the past calendar year.
    - (ii) The report shall be addressed to the Compliance Supervisor, DAQEM.
    - (iii) The report shall be submitted as presented in Exhibit 2.
  - (2) Performance Test Results
    - (i) Within seven (7) days from the end of an initial or annual performance test, the Responsible Official of the affected facility shall submit a report of the results of such testing.
    - (ii) The report shall be addressed to the Compliance Supervisor, DAQEM.
    - (iii) The first page of text shall be the signed Certification form, i.e., Exhibit 1.
- (e) Notifications [Reserved]

**52.8 Section 52 Offset Program; all provisions and requirements of this subsection expire on December 31, 2004.**

- (a) Section 52 Offset Requirements
  - (1) Any new or modified affected facility whose annual through-put is more than 3,640,000 gallons of gasoline per year, shall offset all EMISSIONS at a rate of 2 tons of offset for each 1 ton of EMISSIONS.
  - (2) Offsetting shall be accomplished by obtaining Section 52 EMISSION REDUCTION CREDITS (ERCs) by the following methods:
    - (i) from Subsection 52.8(b) (Section 52 ERCs from Retrofitting); or
    - (ii) from Subsection 52.8(d) (Assignment of Section 52 ERCs); or
    - (iii) from Subsection 52.8(e) (Section 52 ERCs from Affected Facility Closure);or
    - (iv) from any PERSON holding valid and transferable Section 52 EMISSION REDUCTION CREDITS pursuant to (i) through (iv), above.
  - (3) Section 52 ERCs shall be obtained and submitted to the CONTROL OFFICER within thirty (30) days from notification (Assessment) that:
    - (i) an Offset obligation exist; and
    - (ii) the extent of that obligation.



- (4) Section 52 ERCs may only be used to offset VOC emissions from gasoline dispensing facilities (GDFs).
- (b) Section 52 EMISSION REDUCTION CREDITS (ERC) from Retrofitting
- (1) An OWNER OR OPERATOR of an affected facility who installs Stage II VAPOR Recovery controls to an existing affected facility (i.e., commenced construction prior to January 1, 1991), may apply to the CONTROL OFFICER for a Section 52 ERC; provided such credit is enforceable, permanent, and quantifiable. The units of the credit are tons per year of Volatile Organic Compound (VOC).
  - (2) The CONTROL OFFICER will award a Certificate of Section 52 EMISSION REDUCTION CREDIT upon final approval of the installation of Stage II VAPOR Recovery controls.
  - (3) The credit will be calculated as follows:

$$E_c = 0.8 \left[ \frac{a - b}{2000} Q_a \right]$$

where

- $E_c$  = creditable EMISSIONS (tons per year)
- $A$  = uncontrolled Stage II EMISSIONS (=0.0110 pounds per gallon, AP-42 Table 5.2-7, 5<sup>th</sup> edition)
- $B$  = controlled Stage II EMISSIONS (= 0.0011 pounds per gallon, AP-42 Table 5.2-7, 5<sup>th</sup> edition)
- $Q_a$  = average of 3-calendar year's actual annual through-put (gallons per year)
- 2000 = conversion factor (pounds per ton)

- (c) Section 52 EMISSION REDUCTION CREDIT Application Process
- (1) Upon final approval of the Installation of Stage II VAPOR Recovery controls, the OWNER OR OPERATOR of an affected – facility may submit an application for Section 52 EMISSION REDUCTION CREDITS.
  - (2) After verification of the installation of Stage II VAPOR Recovery equipment and the payment of all applicable fees, the CONTROL OFFICER shall issue a Certificate of Section 52 EMISSION REDUCTION CREDIT within (30) thirty days from the date of payment of all applicable fees. This certificate officially registers the affected facility, and documents the amount of Section 52 ERCs on deposit in the Section 52 EMISSION REDUCTION CREDIT Bank that are eligible for sale or transfer.
  - (3) Section 52 ERC Filing Fee. Each OWNER OR OPERATOR of an affected facility shall pay an initial registration fee of \$50.00 for listing in the Section 52 ERC Registry.
  - (4) Section 52 ERC banking certificates are not in effect and cannot be traded or used in any manner unless the appropriate fees have been fully paid.
- (d) Assignment of Section 52 ERCs
- (1) The PERSON that installs the underground Stage II equipment shall be entitled to 50% of the Section 52 ERCs granted, and the PERSON that maintains the above ground Stage II equipment shall – be entitled to 50% of the Section 52 ERCs granted.

- (2) On and after September 25, 1997, any affected facility, not located in the area of applicability and choosing to install Stage II VAPOR recovery equipment, may petition the CONTROL OFFICER for Section 52 ERCs.
  - (i) The PERSON that pays for the installation of the Stage II VAPOR Recovery system shall receive the Section 52 ERC(s).
  - (ii) these Section 52 ERCs shall be considered as lifetime credits.
- (e) Section 52 ERCs from Affected Facility Closure
  - (1) The OWNER OR OPERATOR of any affected facility who permanently closes that facility may petition the CONTROL OFFICER for Section 52 ERCs provided that Stage II VAPOR Recovery is installed, fully operable, and has passed the annual performance test.
  - (2) The amount of bankable Section 52 ERCs shall be determined in accordance with Subsection 52.8(b)(3).
  - (1) Dual credit for Subsection 52.8(b) and Subsection 52.8(e) Section 52 ERCs will not be allowed.
- (f) All ERCs associated with Section 52 will become null and void on December 31, 2004.

## **52.9 Certification Program**

- (a) Requirements for Certification as a Tester of Stage II VAPOR Recovery
  - (1) An applicant for certification as a Stage II VAPOR Recovery tester shall be:
    - (i) of good character and reputation as determined by the District upon review of the applicants references. Certification shall be denied if such review indicates that the applicant fails to meet all applicable standards; and
    - (i) an independent contractor whose principle business is the construction, repair or testing of GDF; or
    - (iii) employed by a company whose principle business is the construction, repair or testing of GDF;
  - (2) If the tester participates in the installation, repair or upgrade of an UST, Stage I, or Stage II system, then the tester shall either:
    - (i) be directly supervised by a Tester Of Underground Storage Tank or Certified Tank Handler; or
    - (ii) be in possession of a Tester Of Underground Storage Tank or Certified Tank Handler certificate.
  - (3) The applicant shall submit to the District:
    - (i) A completed application form provided by the District;
    - (ii) A nonrefundable application review fee of \$50;
    - (iii) A specific record of direct participation in at least 30 Stage II VAPOR Recovery tests for each test category in the last five (5) years. Test categories include Leak and Decay, Nozzle Performance, Static Pressure Decay, Dynamic Back-pressure, Blockage, Air to Liquid Ratio, Flow Test. For the purposes of this subsection, a Healy VAPOR Return line test shall

- not be included as a test category, but can be used to complete not more than 5 tests in any one category;
- (iv) Evidence of at least two (2) years experience in the field of VAPOR recovery;
  - (v) Three letters of reference from other unrelated natural PERSONS with experience in Stage II VAPOR Recovery Testing that can attest to the applicants moral character and competence in that classification; and
  - (vi) Pass a written examination.
- (4) Within thirty (30) days of receipt of all the required information, the District shall send each applicant written notice of application approval or disapproval.
- (b) Examination for Certification as a Stage II VAPOR Recovery Tester
- (1) The District shall provide a written examination consisting of general knowledge and task specific questions.
  - (2) A Passing score of 80% is required for certification.
  - (3) The examinations are the property of the District and shall remain confidential.
  - (4) An applicant who fails the initial written examination is eligible for a re-examination - after six (6) weeks. A new application and new application fee is required after - failing two (2) consecutive written examinations.
  - (5) Each application for certification will remain on file with the District for one (1) year from the date of submittal.
- (c) Contents and Duration of Certificate
- (1) Each certificate shall contain, at minimum:
    - (i) the name of the applicant;
    - (ii) the number of the certificate;
    - (iii) the date of expiration of the certificate;
    - (iv) the specific classification of certification; and
    - (v) the name and address of employer.
  - (2) The certificate shall expire two (2) years after the date the District issues the certificate.
- (d) Renewal of Certificate
- (1) A holder of a certificate wishing to renew the certificate shall:
    - (i) meet the requirements of Section 52.9(a)(1);
    - (ii) submit a completed application for renewal of the certificate to the District on a form provided by the District;
    - (iii) submit a nonrefundable fee of \$50;
    - (iv) certify as to the accuracy and completeness of the application and supporting documentation; and
    - (v) successfully complete an examination for renewal; or
    - (vi) submit a record of at least fifteen (15) Stage II tests conducted in the past two (2) years.
- (e) Standards of Practice
- (1) Each certificate holder shall:
    - (i) provide services which are:
      - (A) ethical;
      - (B) meet the current standard of the profession; and

- (C) comply with federal, state and local regulations concerning the storage and handling of hazardous substances.
- (ii) be responsible for the work of other people he employs or supervises;
- (iii) have a copy of his/her certificate at the location where he/she is supervising work. Upon the request of the District, client or potential client, a holder of a certificate shall present his certificate for inspection;
- (iv) make a written report to the facility OWNER OR OPERATOR, within twenty-four (24) hours, upon the failure of a GDF to meet the standards required by the applicable tests, and advise that OWNER OR OPERATOR of any applicable reporting requirements;
- (v) report to the District within seven (7) days of any failure of a GDF to meet the standards required by the applicable tests;
- (vi) secure the services of a qualified PERSON to perform any part of his/her work which requires a level of service or skill which he/she is not qualified to provide;
- (vii) provide complete prior disclosures to his/her clients or potential clients of potential conflicts of interest or other circumstances which could influence his/her judgment or the quality of the services he provides;
- (viii) maintain a written record of each project, requiring a certified Stage II VAPOR Recovery Tester, for three (3) years after the project is completed; and
- (ix) maintain a bound field log book of inspections for which the tester has supervised, participated, and/or performed. The bound log book shall list the following:
  - (A) test date;
  - (B) affected facility name;
  - (C) affected facility address;
  - (D) DAQEM identification number;
  - (E) date, time, and name of contact when notifying DAQEM of the test;
  - (F) name of each test performed; and
  - (G) status of each test: Pass/Fail.
  - (H) If a test or a portion of a test fails, then the log book entry shall describe:
    - (1) the suspected cause of the failure;
    - (2) the repairs made;
    - (3) the name of the PERSON effecting repairs; and
    - (4) the results of the subsequent performance test.
- (2) Certification may be suspended, revoked or denied for renewal if the District determines that the certificate holder has not performed in accordance with these standards.
- (f) Services for which Certification is Required
  - (1) A PERSON shall not provide Certified Stage II VAPOR Recovery testing services, unless those services are performed under the direction and responsible control of a natural PERSON who has obtained certification from the District and is present for the full duration of the tests.

- (2) The provisions of this subsection do not prohibit the engagement of an apprentice or assistant if a natural PERSON who is certified by the District supervises that apprentice or assistant and maintains responsibility for the work of that apprentice or assistant and is present for the full duration of the tests.
- (g) Certification Reciprocity -
- (1) A natural PERSON who is certified by another state or organization, and that state or organization is recognized by the District, then the District may issue a Stage II VAPOR Recovery tester certificate to such PERSON without requiring the provisions of Subsection 52.9(b) being met.
- (2) A natural PERSON who applies for certification pursuant to this subsection must submit the following to the District:
- (i) A completed application form provided by the District;
  - (ii) a non-refundable fee of \$50 for the application review; and
  - (iii) if certification by another state or organization recognized by the District in the classification for which he/she is applying for certification in this Section.

## 52.10 Miscellaneous

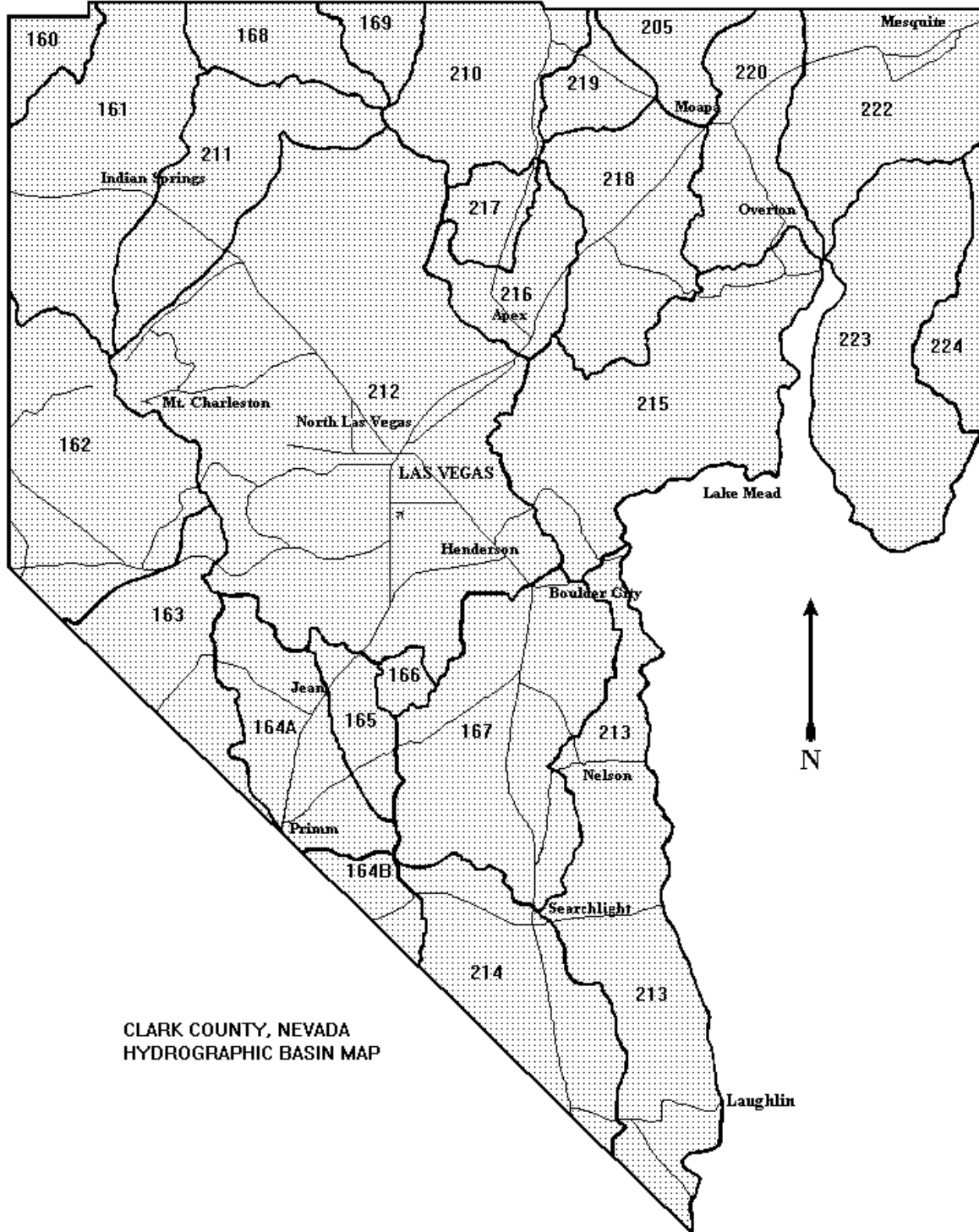
- (a) VAPOR laden tank trucks shall be refilled only at facilities equipped with a VAPOR control system in accordance with Subsection 51.4 of these Regulations.
- (b) No PERSON shall fill or top off, or permit the filling or topping off, of GASOLINE tanks of MOTOR VEHICLES to a level which allows spillage of such GASOLINE.
- (c) No PERSON shall operate an airplane refueling area unless the affected facility is equipped with a CARB certified Stage I VAPOR recovery system.

## 52.11 Fees

- (a) GASOLINE Dispensing Facilities are subject to the following:
- |  |          |
|--|----------|
| (1) Application Fee  | \$236.00 |
| (2) Application Review Fee   | none     |
| (3) Annual EMISSIONS Units Fee:  | \$56.00  |
| (i) Each GASOLINE storage tank at any GASOLINE DISPENSING FACILITY, excluding bulk terminals   |          |
| (4) Transfer of a GASOLINE DISPENSING FACILITY OPERATING PERMIT from one PERSON to another.  | \$100.00 |
| (5) Replacement of each lost or destroyed Authority to Construct or OPERATING PERMIT.  | \$ 25.00 |
| (6) Request for Hearing before the DAQEM HEARING BOARD, which is Applicable to each Variance, Appeal, or Compliance Schedule (non-refundable fee): | \$140.00 |

- (7) There will be no annual Urban consumer Price Index fee adjustment
  - (8) GASOLINE Dispensing facilities will pay \$33 per ton of EMISSIONS (except CO which shall be paid at \$11 per ton) when non-major sources become subject to the provisions of Section 19 (Part 70 OPERATING PERMITS) of these regulations.
- (b) The fees of Subsection 52.11(a)(3)(i) shall be prorated on a quarterly basis.
  - (c) The fees of Subsection 52.11(a) shall be reviewed every two (2) years commencing in January 1999.

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History: Amended: September 3, 1981; April 23, 1997; January 24, 1991; October 27, 1994; April 27, 1995; March 28, 1996; September 25, 1997; April 22, 1999; June 25, 2001; June 3, 2003; BCC-October 7, 2003, effective October 21, 2003 (only Subsection 52.8); July 1, 2004.



CLARK COUNTY, NEVADA  
HYDROGRAPHIC BASIN MAP

Figure 52-1 Stage I Area of Applicability

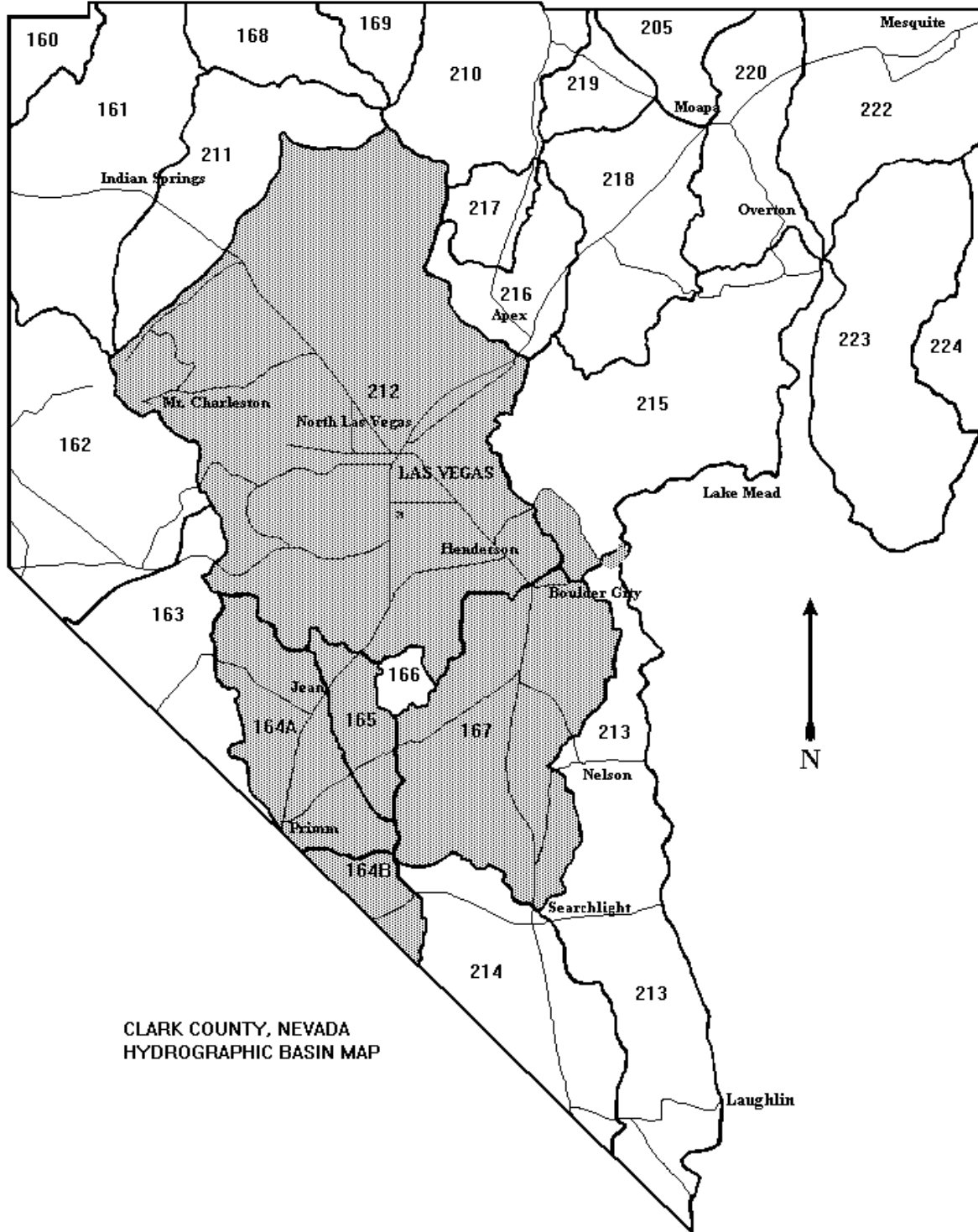


Figure 52-2 Stage II Area of Applicability



Exhibit 1

**GASOLINE DISPENSING FACILITY  
CERTIFICATION of PERFORMANCE TEST RESULTS**

Date of Test \_\_\_\_\_ Permit Number \_\_\_\_\_

Test	Pass	Fail
Static Pressure Decay Test (CC-TP-95-1)		
Dynamic Back-pressure Test (CC-TP-95-4)		
Blockage Test		
Air to Liquid Ratio Test (CC-TP-95-2)		
Flow Test		
Healy 400 or 600 Stage II VAPOR Recovery systems: VAPOR return line CC-TP 95-3.		

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of the law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information including the possibility of fine and/or imprisonment.

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Printed or Typed Name, and Title

\_\_\_\_\_  
Date

Exhibit 2

**GASOLINE DISPENSING FACILITY  
ANNUAL THROUGH-PUT REPORT AND CERTIFICATION**

**Permit Number:**

---

Owner's Name \_\_\_\_\_

Operator's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Calendar year being reported \_\_\_\_\_

Annual through-put for all grades of GASOLINE (gallons) \_\_\_\_\_

---

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of the law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information including the possibility of fine and/or imprisonment.

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Printed or Typed Name, and Title

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# CLARK COUNTY

## AIR QUALITY REGULATIONS

### SECTION 53 - OXYGENATED GASOLINE PROGRAM

#### 53.1 Area of Applicability

53.1.1 The Area of Applicability is the hydrographic basins containing the LAS VEGAS VALLEY, the Eldorado Valley, the Ivanpah Valley, the Boulder City limits, and any area within three (3) miles of any such hydrographic basins and which is within Clark County, Nevada.

#### 53.2 Oxygenated Fuel Program Period and Oxygen Content:

53.2.1. Within the area of applicability, from October 1 to March 31 no GASOLINE shall be supplied, or sold by any person intended as a final product for fueling MOTOR VEHICLES, or sold at retail, or sold to a private or a municipal fleet, for consumption or introduced into MOTOR VEHICLE by any person, unless the GASOLINE has at least 3.5 percent oxygen content by weight.

53.2.2 The requirements of Subsection 53.2.1 shall apply solely to GASOLINE that is introduced into commerce within the program area, and shall not be construed in any manner to prevent or discourage the introduction into commerce, and/or combustion within a vehicle, natural gas and any other energy source which has the demonstrated ability to reduce vehicular emissions of carbon monoxide in amounts equal to or greater than the average reduction expected from the oxygen content standards set in Subsection 53.2.1 of this section.

53.2.3 Tolerance Specifications of Oxygen Content:

53.2.3.1 The specified oxygen content by weight shall not drop below the following minimum levels:

	<u>Specified Oxygen Content</u>	<u>Acceptable Minimum</u>
(a)	2.7% [when (R+M)/2 $\ge$ 98]	2.43%
(b)	3.5%	3.15%

53.2.3.2 If any underground storage tank containing fuel is determined to exceed the specified tolerances listed above, the CONTROL OFFICER shall immediately lock and tag any associated dispensing nozzles as "out of order" until such

time the CONTROL OFFICER determines compliance with the specified tolerances listed in 53.2.3.1.

53.2.3.3 Prohibition of Use: No person shall dispense or permit the dispensing of any fuel from a nozzle tagged as “out of order” until such time that the CONTROL OFFICER has determined compliance.

53.2.4 From October 1 to March 31: GASOLINES with an octane rating of 98 or greater (R+M)/2 shall contain a minimum of 2.7% oxygen by weight via the addition of MTBE, ethanol or other oxygenate approved by EPA. The requirements of Section 53.2.1 will not apply for these GASOLINES.

**53.3 All OXYGENATED GASOLINE shall be labeled at the dispensing pump and contain the following statement: The GASOLINE dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.**

53.3.1 The label shall be placed on the vertical surface of the pump on each side with gallonage and price meters and shall be on the upper two-thirds of the pump, clearly readable to the public.

53.3.2 The label lettering shall consist of block letters of no less than 20 point **bold** type; in a color contrasting with the intended background.

53.3.3 The label may include the length of the mandate season and percent oxygenate content and other information.

**53.4 OXYGENATED GASOLINE Invoice Documentation:**

53.4.1 All fuel delivery invoices, notes or orders for GASOLINE containing oxygenate shall clearly state the type of oxygenate used and the intended or estimated percent of oxygen content by weight or the intended or estimated percent of oxygenate content by volume.

**53.5 Transition and Potential Closure:**

53.5.1 Transition after October 1:

53.5.1.1 If a GASOLINE storage tank received its last delivery before September 15, GASOLINE dispensed from that tank will be exempt from enforcement of Subsection 53.2.1.1, 53.2.2.1(a) and 53.2.2.2(a) until the date that the first delivery is made after October 1.

**53.6 The Department of Air Quality and Environmental Management shall prepare a report to be filed with the Clark County Board of County Commissioners on May 15 of each year regarding the results of the OXYGENATED GASOLINE program.**

53.6.1 This will include an analysis of costs and benefits, investigations of complaints, enforcement activity, and best estimates of air quality improvements resulting from the program.

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History: Initial Adoption: November 17, 1988.  
Amended: June 28, 1990; July 25, 1991; July 22, 1993; October 27, 1994; July 27, 1995; August 22, 1996;  
September 25, 1997; June 11, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 54 - CLEANER BURNING GASOLINE (CBG): WINTERTIME PROGRAM**

**DEFINITIONS**

"**ASTM**" means the American Society for Testing and Materials.

"**BARREL**" means 42 U.S. gallons.

"**BULK PURCHASER-CONSUMER**" means a PERSON that purchases or otherwise obtains GASOLINE in bulk and then dispenses it into the fuel tanks or **MOTOR VEHICLES** owned or operated by the PERSON.

"**BULK PLANT**" means an intermediate GASOLINE distribution facility where delivery of GASOLINE to and from the facility is solely by truck.

"**CAP**" or absolute limit means a standard that applies to all GASOLINE whenever it is sold or supplied throughout the distribution system.

"**CBG OR CLEANER BURNING GASOLINE**" means:

- (A) GASOLINE sold, intended for sale, or made available for sale as a MOTOR VEHICLE fuel in Clark County Nevada; and
- (B) GASOLINE that the PRODUCER knows or reasonably should know will be offered for sale or supply at an out-of-state terminal or BULK PLANT at which it will be identified as GASOLINE suitable for sale as a MOTOR VEHICLE fuel in Clark County, Nevada.

"**CBGBOB OR CLEANER BURNING GASOLINE BLENDSTOCK FOR OXYGENATE BLENDING**, means a petroleum-derived liquid which is intended to be, or is represented as, a product that will constitute CBG upon the addition of a specified type and percentage (or range of percentages) of OXYGENATE to the product after the product has been supplied from the PRODUCTION or IMPORT FACILITY at which it was produced or imported.

**“DESIGNATED ALTERNATIVE LIMIT OR DAL”** means an alternative GASOLINE specification limit, expressed in the nearest part per million by weight for sulfur content, nearest tenth percent by volume for aromatic hydrocarbon content, which is assigned by a PRODUCER or IMPORTER to a FINAL BLEND of CBG pursuant to Section 54.4.

**"FINAL BLEND"** means a distinct quantity of GASOLINE or a batch of CBG or CBGBOB at a PRODUCTION FACILITY from which some or all of the quantity or batch is delivered via pipeline to Clark County and/or a distinct quantity of CBG or CBGBOB that is imported into Clark County via either railway tankcars or trucks.

**"FURTHER PROCESS"** means to perform any activity on GASOLINE, including distillation, treating with hydrogen, or blending, for the purpose of bringing the GASOLINE into compliance with the standards in this Section.

**"GASOLINE"** means any fuel that is commonly or commercially known, sold or represented as GASOLINE.

**"IMPORTED CBG"** means CBG which is transported into Clark County, Nevada via rail car or tank truck or trailer.

**"IMPORT FACILITY"** means the facility at which IMPORTED CBG or CBGBOB is first received in Clark County, Nevada, including, in the case of GASOLINE or CBGBOB imported by cargo tank and delivered directly to a facility for dispensing GASOLINE into MOTOR VEHICLES, the cargo tank in which the CBG or CBGBOB is imported.

**"IMPORTER OF CBG"** means any PERSON who first accepts delivery in Clark County, Nevada of IMPORTED CBG.

**"MOTOR VEHICLE"** has the same meaning as defined in Section 0.

**"OXYGENATE"** is any oxygen-containing, ashless, organic compound, such as an alcohol or ether, which, when added to GASOLINE increases the amount of oxygen in GASOLINE.

**"OXYGENATE BLENDING FACILITY"** means any facility (including a truck) at which OXYGENATE is added to GASOLINE or blendstock, and at which the quality or quantity of GASOLINE is not altered in any other manner except for the addition of deposit control additives or other similar additives.

**"OXYGENATE BLENDER"** means any PERSON who owns, leases, operates, controls, or supervises an OXYGENATE BLENDING FACILITY, or who owns or controls the blendstock or GASOLINE **used** or the GASOLINE produced at an OXYGENATE BLENDING FACILITY.

**“PRODUCE”** means, except as otherwise provided in section (a) or (b) below, to convert liquid compounds which are not GASOLINE into GASOLINE. When a PERSON blends volumes of blendstocks which are not GASOLINE with volumes of GASOLINE acquired from another PERSON, and the resulting blend is GASOLINE, the PERSON conducting such blending has produced only the portion of the blend which was not previously GASOLINE. When a PERSON blends GASOLINE with other volumes of GASOLINE, without the addition of blendstocks which are not GASOLINE, the PERSON does not produce GASOLINE.

(a) Where a PERSON supplies GASOLINE to a REFINER who agrees in writing to FURTHER PROCESS the GASOLINE at the REFINER’s REFINERY and to be treated as a PRODUCER of the GASOLINE, the REFINER shall be deemed for all purposes under this article to be the PRODUCER of the GASOLINE.

(b) Where a PERSON blends OXYGENATES into GASOLINE which has already been supplied from a GASOLINE PRODUCTION FACILITY or IMPORT FACILITY, and does not alter the quality or quantity of the GASOLINE in any other way, the PERSON does not produce GASOLINE.

**“PRODUCER”** means any PERSON who owns, leases, operates, controls or supervises a PRODUCTION FACILITY.

**“PRODUCTION FACILITY”** means a facility at which CBG or CBGBOB is produced. Upon request of a PRODUCER, the Department of Air Quality and Environmental Management may designate, as part of the PRODUCER's PRODUCTION FACILITY, a physically separate bulk storage facility which (A) is owned or leased by the PRODUCER, and (B) is operated by or at the direction of the PRODUCER and (C) is not used to store or distribute CBG or CBGBOB that is not supplied from the PRODUCTION FACILITY.

**“REFINER”** means any PERSON who owns, leases, operates, controls or supervises a REFINERY.

**“REFINERY”** means a facility that produces liquid fuels by distilling petroleum.

**“SUPPLY”** means to provide or transfer a product to a physically separate facility, vehicle, or transportation system.

#### **54.1 Applicability of Standards; Additional Standards; Registration**

54.1.1 All sales, supplies, offer or movements of CBG for use in Clark County, Nevada, including transactions directly involving the fueling



of MOTOR VEHICLES at a retail outlet or BULK PURCHASER CONSUMER facility.

54.1.2 Unless otherwise specifically provided, this section shall apply from November 1, 1999 to March 31, 2000, and each such winter season thereafter.

54.1.3 The standards in Subsections 54.2.1 and 54.2.2 shall not apply to:

(a) transactions directly involving the fueling of MOTOR VEHICLES at a retail outlet or BULK PURCHASER-CONSUMER facility, where the PERSON selling, offering, or supplying the GASOLINE demonstrates as an affirmative defense that the exceedance of the pertinent standard was caused by GASOLINE delivered to the retail outlet or BULK PURCHASER-CONSUMER facility prior to October 15<sup>th</sup>. If a GASOLINE storage tank received its last delivery before October 15<sup>th</sup>, GASOLINE dispensed from that tank will be exempt from enforcement of Subsections 54.2.1, 54.2.2 and 54.5 until the date that the first delivery is made after November 1<sup>st</sup>.

(b) a sale, offer for sale, or supply of CBG to a REFINER if:

(1) the REFINER FURTHER PROCESSES the GASOLINE at the REFINER'S REFINERY prior to any subsequent sale, offer for sale, or supply of the GASOLINE, and

(2) in the case of standards applicable only to PRODUCERS or IMPORTERS, the REFINER to whom the GASOLINE is sold or supplied is the PRODUCER of the GASOLINE pursuant to Section 54.

(c) GASOLINE with an octane rating of 98 or greater  $(R+m)/2$ , also known as "Racing Fuel":

(1) fuel within this category shall contain the following maximum sulfur and aromatic hydrocarbon content:

Sulfur - 10 ppm by weight

Aromatic Hydrocarbons - 30% by volume

(2) The requirements of the following sections shall not apply to *Racing Fuel*:

Section 54.3: Election of the Averaging Compliance Option for a GASOLINE Supplied from a Production or IMPORT FACILITY;

Section 54.4: DESIGNATED ALTERNATIVE LIMITS;

Section 54.5: Election of the Flat Limit Option for a  
GASOLINE Supplied from a Production  
or IMPORT FACILITY.

54.1.4 Registration: Each PRODUCER and IMPORTER OF CBG shall register with the Department of Air Quality and Environmental Management by August 1, 1999 or in advance of the 1<sup>st</sup> date that such PERSON will produce or import CBG or CBGBOB. Registration shall be on forms prescribed by the Department of Air Quality and Environmental Management and shall include a statement of acceptance of the standards and enforcement provisions of this regulation; and shall include a statement of consent by the registrant that the Department of Air Quality and Environmental Management shall be permitted to collect samples and access documentation and records. The Department of Air Quality and Environmental Management shall maintain a listing of all registered suppliers.

## 54.2 Standards

54.2.1 Standards for Sulfur Content

54.2.1.1 **Maximum** sulfur standard for all CBG. No PERSON shall sell, offer for sale, supply, offer for supply, or transport CBG which has a sulfur content exceeding 80 parts per million by weight.

54.2.1.2 Additional **flat** sulfur standard for PRODUCERS and IMPORTERS. No PRODUCER or IMPORTER shall sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG which has a sulfur content exceeding 40 parts per million by weight, unless the transaction occurs during a period for which the PRODUCER or IMPORTER has elected to be subject to Subsection 54.2.1.3.

54.2.1.3 Sulfur **averaging** compliance option for PRODUCERS and IMPORTERS. A PRODUCER or IMPORTER may designate an "averaging compliance" period of any number of days up to the period of November 1 through the following March 31. No PRODUCER or IMPORTER shall, during such period for which the PRODUCER or IMPORTER has elected to be subject to this Subsection (54.2.1.3), sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG that on average for the period has a sulfur content exceeding 30 parts per million by weight, unless elected:

- (1) A DESIGNATED ALTERNATIVE LIMIT for sulfur content has been established for the GASOLINE in accordance with the requirements of Subsection 54.4,
- (2) The sulfur content of the GASOLINE does not exceed the DESIGNATED ALTERNATIVE LIMIT, and
- (3) Where the DESIGNATED ALTERNATIVE Limit exceeds 30 parts per million, the excess sulfur content is fully offset in accordance with Subsection 54.4.2.(1).

#### 54.2.2 Standards for Aromatic Hydrocarbon Content

54.2.2.1 **Maximum** aromatic hydrocarbon standard for all CBG. No PERSON shall sell, offer for sale, supply, offer for supply, or transport CBG which has a aromatic hydrocarbon content exceeding 30.0 percent by volume.

54.2.2.2 Additional **flat** aromatic hydrocarbon standard for PRODUCERS and IMPORTERS. No PRODUCER or IMPORTER shall sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG which has a aromatic hydrocarbon content exceeding 25.0 percent by volume, unless the transaction occurs during a period for which the PRODUCER or IMPORTER has elected to be subject to 54.2.2.3.

54.2.2.3 Aromatic hydrocarbon **averaging** compliance option for PRODUCERS and IMPORTERS. A PRODUCER or IMPORTER may designate an “averaging compliance” period of any number of days up to the period of November 1 through the following March 31. No PRODUCER or IMPORTER shall, during such period for which the PRODUCER or IMPORTER has elected to be subject to this Subsection (54.2.2.3), sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG that on average for the period has an aromatic hydrocarbon content exceeding 22.0 percent by volume, unless elected:

- (1) A DESIGNATED ALTERNATIVE LIMIT for aromatic hydrocarbon content has been established for the GASOLINE in accordance with the requirements of Subsection 54.4,
- (2) The aromatic hydrocarbon content of the GASOLINE does not exceed the DESIGNATED ALTERNATIVE LIMIT, and
- (3) Where the DESIGNATED ALTERNATIVE LIMIT exceeds 22.0 percent by volume, the excess aromatic hydrocarbon

content is fully offset in accordance with Subsection 54.4.2(2).

### **54.3 Election of the Averaging Compliance Option for a Gasoline Supplied from a Production or Import Facility**

- 54.3.1 A PRODUCER or IMPORTER selling or supplying a FINAL BLEND of GASOLINE from its PRODUCTION or IMPORT FACILITY may elect pursuant to this Subsection 54.3.1 to have the FINAL BLEND subject to the **averaging** compliance option for one or more of the following properties: sulfur, aromatic hydrocarbons.
- 54.3.2 In order to elect to have a FINAL BLEND subject to the averaging option for a GASOLINE property, the PRODUCER or IMPORTER shall notify the Department of Air Quality and Environmental Management of such election and of the estimated volume (in (BARRELS), the blend identity, the blend batch number, and location (including tank numbers) of the FINAL BLEND.
- 54.3.3 Once a PRODUCER or IMPORTER has made such an election under this Subsection 54.3.3 with respect to a GASOLINE property, all FINAL BLENDS subsequently sold or supplied from the PRODUCTION or IMPORT FACILITY shall be subject to the averaging compliance option for that property until the PRODUCER or IMPORTER elects in accordance with Subsection 54.5 to have a FINAL BLEND at the facility subject to the flat limit compliance option for that property.

### **54.4 Designated Alternative Limits**

#### **54.4.1 Assignment of a DESIGNATED ALTERNATIVE LIMIT (DAL).**

- (1) A PRODUCER or IMPORTER that has elected to be subject to Subsections 54.2.1.3 and/or 54.2.2.3 may assign a DESIGNATED ALTERNATIVE LIMIT (DAL) to a FINAL BLEND of CBG produced or imported by the PRODUCER or IMPORTER by satisfying the notification requirements in this Subsection 54.4.1. In no case shall a DAL be less than the sulfur or aromatic hydrocarbon content, of the FINAL BLEND shown by the sample and test conducted pursuant to Section 54.10, as applicable. If a PRODUCER or IMPORTER intends to assign DALs for more than one GASOLINE specification to a given quantity of GASOLINE, the party shall identify the same FINAL BLEND for all DALs for the GASOLINE.
- (2) The PRODUCER or IMPORTER shall notify the Department of Air Quality and Environmental Management of the estimated

volume (in BARRELS), the DESIGNATED ALTERNATIVE LIMIT (DAL), the blend identity, the location and the averaging compliance period (if known) of each FINAL BLEND receiving a DAL. This notification shall be received by the Department of Air Quality and Environmental Management when starting physical transfer of the GASOLINE from the PRODUCTION or IMPORT FACILITY, and in no case less than 12 hours before the PRODUCER or IMPORTER either completes physical transfer to the common carrier pipeline or commingles the FINAL BLEND.

- (3) For each FINAL BLEND receiving a DESIGNATED ALTERNATIVE LIMIT, the PRODUCER or IMPORTER shall notify the Department of Air Quality and Environmental Management with the following information for the FINAL BLEND; final volume, fuel properties as determined under Subsection 54.10.6 and date and time of the completion of physical transfer from the PRODUCTION or IMPORT FACILITY. This notification will be provided on the monthly summation report, Subsection 54.10.11. A FINAL BLEND receiving a DAL can have a date of physical transfer prior to November 1 if it can be demonstrated that the CBG in that FINAL BLEND is intended for sale in Clark County during the period of November 1 through March 31.
- (4) If, through no intentional or negligent conduct, a PRODUCER or IMPORTER cannot report within the time period specified in 54.4.1(2) above, the PRODUCER or IMPORTER may notify the Department of Air Quality and Environmental Management of the required data as soon as reasonably possible and may provide a written explanation of the cause of the delay in reporting. If, based on the written explanation and the surrounding circumstances, the Department of Air Quality and Environmental Management determines that the conditions of this Subsection 54.4.1(4) have been met, timely notification shall be deemed to have occurred.
- (5) The Department of Air Quality and Environmental Management shall maintain an electronic data base for tracking and monitoring blend averages, DESIGNATED ALTERNATIVE LIMITS, shipment volumes, and other such parameters as deemed necessary. The sole purpose of this data base will be to ensure that the Sulfur and Aromatic Hydrocarbons content of final delivered blends is in compliance with the specifications of this regulation.

54.4.2 Additional prohibitions regarding CBG to which a DESIGNATED ALTERNATIVE LIMIT has been assigned.

- (1) Offsetting excess sulfur. Before or after the start of physical transfer from a PRODUCTION or IMPORT FACILITY of any FINAL BLEND of CBG to which a PRODUCER has assigned a DESIGNATED ALTERNATIVE LIMIT for sulfur content exceeding 30 parts per million, the PRODUCER or IMPORTER shall complete physical transfer from the same PRODUCTION or IMPORT FACILITY of CBG in sufficient quantity and with a DESIGNATED ALTERNATIVE LIMIT sufficiently below 30 parts per million to offset the mass of sulfur in excess of a limit of 30 parts per million. Offsetting shipments can have a date of physical transfer prior to November 1 if it can be demonstrated that the CBG in that FINAL BLEND is intended for sale during the period of November 1 through March 31. Offsetting shipments must be completed by March 31.
- (2) Offsetting excess aromatic hydrocarbons. Before or after the start of physical transfer from a PRODUCTION or IMPORT FACILITY of any FINAL BLEND of CBG to which a PRODUCER has assigned a DESIGNATED ALTERNATIVE LIMIT for aromatic hydrocarbon content exceeding 22.0 percent by volume, the PRODUCER or IMPORTER shall complete physical transfer from the same PRODUCTION or IMPORT FACILITY of CBG in sufficient quantity and with a DESIGNATED ALTERNATIVE LIMIT sufficiently below 22.0 percent by volume to offset the volume of aromatic hydrocarbons in excess of a limit of 22.0 percent. Offsetting shipments can have a date of physical transfer prior to November 1 if it can be demonstrated that the CBG in that FINAL BLEND is intended for sale during the period of November 1 through March 31. Offsetting shipments must be completed by March 31.

**54.5 Election of the Flat Limit Option for a GASOLINE Supplied from a PRODUCTION or IMPORT FACILITY**

54.5.1 A PRODUCER or IMPORTER selling or supplying a FINAL BLEND of GASOLINE from its PRODUCTION or IMPORT FACILITY may elect to have the FINAL BLEND subject to the flat limit compliance option in accordance with this Subsection 54.5.1. No such election may be made if there are outstanding requirements to provide offsets for the GASOLINE property at the facility.

54.5.2 A PRODUCER or IMPORTER shall notify the Department of Air Quality and Environmental Management when switching from the

averaging compliance option to the flat compliance option. This notification shall be received by the Department of Air Quality and Environmental Management when starting physical transfer of the GASOLINE from the PRODUCTION or IMPORT FACILITY, and in no case less than 12 hours before the PRODUCER or IMPORTER either completes physical transfer to the common carrier pipeline or commingles the FINAL BLEND. The PRODUCER or IMPORTER will not be required to make further notifications unless and until they switch to using the averaging option as described in 54.4.1(2).

54.5.3 Once a PRODUCER or IMPORTER has made an election under this Subsection 54.5.3 with respect to a GASOLINE property, all FINAL BLENDS subsequently sold or supplied from the production or IMPORT FACILITY shall be subject to the flat limit compliance option for that property until the PRODUCER or IMPORTER elects in accordance with Subsection 54.3 to have a FINAL BLEND at the facility subject to the averaging compliance option for that property.

54.5.4 Once a PRODUCER or IMPORTER has made an election under this Subsection 54.5.4 with respect to a GASOLINE property of a FINAL BLEND at a PRODUCTION or IMPORT FACILITY, the PRODUCER or IMPORTER may not use any previously assigned DESIGNATED ALTERNATIVE LIMIT for that property to provide offsets pursuant to the applicable provision in Subsection 54.3 for any FINAL BLEND sold or supplied from the PRODUCTION or IMPORT FACILITY subsequently to the election.

**54.6 GASOLINE Subject to PM Alternative Specifications Based on the Predictive Model [Reserve]**

**54.7 Certified GASOLINE Formulations Resulting in Equivalent Emission Reductions Based on MOTOR VEHICLE Emission Testing [Reserve]**

**54.8 Exemptions for GASOLINE Used in Test Programs [Reserve]**

**54.9 Liability of PERSONS Who Commit Violations Involving GASOLINE that Has Not Yet Been Sold or Supplied to a MOTOR VEHICLE**

54.9.1 For the purposes of this Subsection, each sale of CBG at retail, and each dispensing of CBG into a MOTOR VEHICLE fuel tank, shall also be deemed a sale or supply by any PERSON who previously sold or supplied such GASOLINE in violation of this Subsection.

## 54.10 Sampling, Testing and Recordkeeping

- 54.10.1 The requirements of this Subsection shall apply to each PRODUCER, IMPORTER, or TRANSPORTER that has elected to sell, offer for sale, supply, or offer for supply CBG. These requirements apply to CBG which has been produced, imported, or transported conforming with Subsection 54.2.1.2 (Sulfur Flat Standard); Subsection 54.2.1.3 (Sulfur Averaging Compliance Option); Subsection 54.2.2.2 (Aromatic Hydrocarbon Flat Standard); or Subsection 54.2.2.3 (Aromatic Hydrocarbon Averaging Compliance Standard). All records must contain a statement declaring whether the sample conforms to the *Flat Standard* or *Averaging Compliance Option*.
- 54.10.2 Sampling Procedures - In determining compliance with the standards set forth in Subsection 54.2, a sampling methodology acceptable per ASTM standards shall be used.
- 54.10.3 Test Methods - In determining compliance with the standards set forth in Subsection 54.2, the test methods presented in Table 1 shall be used. All identified test methods are incorporated herein by reference.

**TABLE 1**

<b>Subsection</b>	<b>Gasoline Specification</b>	<b>Test Method</b>
54.2.1	Sulfur Content	AS TM D 2622-94 AS TM D 5453-93
54.2.2	Aromatic Hydrocarbon Content	AS TM D 5580-95 or AS TM D 1319

- 54.10.4 Equivalent Test Methods - Whenever this Subsection provides for the use of a specified test method, another test method may be used following a determination by the Department of Air Quality and Environmental Management that the other method produces results equivalent to the results with the specified method.
- 54.10.5 The Department of Air Quality and Environmental Management or its designee will consider and allow the appropriate test reproducibility as allowed by ASTM when enforcing these standards. Enforcement of the standards at locations where GASOLINE is sold, intended for sale, or made available for sale as a MOTOR VEHICLE fuel in Clark County, Nevada will be at the standard defined in Subsection 54.2.1.1 for sulfur content and 54.2.2.1 for aromatic hydrocarbon content.
- 54.10.6 Each PRODUCER shall sample and test for the sulfur and aromatic hydrocarbon content in each FINAL BLEND of CBG which the PRODUCER has produced, by collecting and analyzing a



representative sample of GASOLINE taken from the FINAL BLEND, using the methodologies specified in Subsections 54.10.2 and 54.10.3. The PRODUCER shall maintain, for two years from the date of each sampling, records showing the sample date, identity of blend sampled, FINAL BLEND volume, sulfur, aromatic hydrocarbon content.

- 54.10.7 Determining whether CBGBOB complies with the standards for CBG: If a PRODUCER or IMPORTER has designated a FINAL BLEND as CBGBOB the sulfur and aromatic hydrocarbon content properties for compliance with Subsections 54.2 and 54.10 for that blend shall be determined by adding the specified type and amount of OXYGENATE to a representative sample of the FINAL BLEND of CBGBOB.
- 54.10.8 Each IMPORTER shall sample and test for the sulfur and aromatic hydrocarbon content in each shipment of CBG which the IMPORTER has imported by railway tankcars, trucks and trailers, by collecting and analyzing a representative sample of the GASOLINE, using the methodologies specified in Subsections 54.10.2 and 54.10.3. The IMPORTER shall maintain, for two years from the date of each sampling, records showing the sample date, product sampled, container or other vessel sampled, the volume of the shipment, sulfur and aromatic hydrocarbon content.
- 54.10.9 A PRODUCER or IMPORTER shall provide to the Department of Air Quality and Environmental Management any records required to be maintained by the PRODUCER or IMPORTER pursuant to this Subsection within 20 days of a written request from the Department of Air Quality and Environmental Management if the request is received before expiration of the period during which the records are required to be maintained.
- 54.10.10 All parties in the distribution chain (PRODUCER, IMPORTER, Terminals, Pipelines, Truckers, Rail Carriers, Retailers) must maintain transfer documents for a minimum of Two (2) years. The records as a minimum must contain the type and date of transfer, blend identity, blend batch numbers, volume of transfer, container or transport type, test results, and certification that the fuel meets CAP standards.
- 54.10.11 Each PRODUCER or IMPORTER electing to sale, offer for sale, supply, or offer to supply CBG pursuant to this regulation shall provide a Monthly Summation Report to the Department of Air Quality and Environmental Management no later than the 15<sup>th</sup> of the following month. This report shall provide as a minimum,

reconciliation of the month's transactions relative to the requirements of Subsection 54.10.6. Updates or revisions to estimated transaction volumes for Subsection 54.4.1 (2) shall be included in this report.

#### **54.11 Requirements Pertaining to Cleaner Burning Gasoline Blendstock for Oxygenate Blending (CBGBOB) and Downstream Blending**

- 54.11.1 Requirements for OXYGENATE BLENDERS: Whenever an OXYGENATE BLENDER receives CBGBOB from a transferor to whom the OXYGENATE BLENDER has represented that he/she will add OXYGENATE to the CBGBOB, the OXYGENATE BLENDER must add to the CBGBOB OXYGENATE of the type(s) and amount (or within the range of amounts) identified in the documentation accompanying the CBGBOB.
- 54.11.2 No PERSON may combine CBG which has been supplied from a production or IMPORT FACILITY with any non-OXYGENATE blendstock, other than vapor recovery condensate. A PERSON may combine CBG with other blendstocks if it can be clearly demonstrated that the resulting GASOLINE will not be sold in Clark County.
- 54.11.3. Notwithstanding 54.11.2, the Department of Air Quality and Environmental Management may enter into a written protocol with any PERSON to identify conditions under which the PERSON may lawfully blend transmix or reprocessed transmix into CBG which has been supplied from its production or IMPORT FACILITY only if it is determined that the blending will not significantly affect the properties of the CBG.
- 54.11.4. Notwithstanding 54.11.2, a PERSON may add non-OXYGENATE blendstock to CBG that does not comply with one or more of the CAP limits contained in sections 54.2.1.1 and 54.2.2.1 where the PERSON obtains the prior approval of the Department of Air Quality and Environmental Management based on a demonstration that adding the blendstock is a reasonable means of bringing the GASOLINE into compliance with the CAP limits.

#### **54.12 Enforcement**

Failure to comply with any Section of the Department of Air Quality and Environmental Management, Air Quality Regulations is subject to enforcement action, pursuant to Subsection 4.7. Penalties of up to \$10,000 per day per Section violated may be imposed, pursuant to Section 9. Variances can be requested, pursuant to Subsection 7.5.

54.12.1 All Parties in the distribution chain through the retail level must maintain transfer documents as specified in subsection 54.10.10. Any PRODUCER, IMPORTER, Terminal, Pipeline Operator, Trucker, Rail Carrier, or Retailer that fails to test and/or maintain records per Section 54.10; sells GASOLINE in Clark County not meeting the specifications of this regulation; or allows conventional GASOLINE to be commingled with Clark County CBG, is liable for violations and may be subject to the maximum penalties of this Section.

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History: Initial Adoption: April 22, 1999.  
Amended: June 25, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 55: PRECONSTRUCTION REVIEW FOR NEW OR MODIFIED  
STATIONARY SOURCES IN THE 8-HOUR OZONE  
NONATTAINMENT AREA**

55.1 8-Hour Ozone Designation:

The United States Environmental Protection Agency (EPA) established a nationwide 8-Hour Ozone standard on April 15, 2004. By rule effective on September 13, 2004, EPA designated each AIR QUALITY PLANNING REGION in Clark County, Nevada, as either a NONATTAINMENT AREA for Ozone or an *Unclassifiable/Attainment Area for Ozone*. This Section sets the interim preconstruction review for new or modified STATIONARY SOURCES that the Clark County Department of Air Quality and Environmental Management (DAQEM) will employ in the 8-Hour Ozone NONATTAINMENT AREA as designated in the 2004 Federal Register, Volume 69, page 55,959.

55.2 Definitions:

(a) Except as otherwise provided in Section 55.2(b), the definitions denoted in Section 0 of the Clark County Air Quality Regulations (AQR) are applicable to Section 55 of the AQR.

(b) The following definition shall apply exclusively to Section 55 of the AQR:

*Owner and/or Operator* is defined as any PERSON who owns, leases, maintains, operates, controls, or supervises a STATIONARY SOURCE.

55.3 The 8-Hour Ozone NONATTAINMENT AREA, by AIR QUALITY PLANNING REGION and HYDROGRAPHIC AREA, includes all or part of: North Ivanpah Valley (164A); South Ivanpah Valley (164B); Jean Lake Valley (165); South Hidden Valley (166); ELDORADO VALLEY (167); LAS VEGAS VALLEY (212); Colorado River Valley (213); Paiute Valley (214); Garnet Valley (216); North Hidden Valley (217); and California Wash (218). For a HYDROGRAPHIC AREA map detailing the NONATTAINMENT AREA for 8-Hour Ozone and the *Unclassifiable/Attainment Area for 8-Hour Ozone* in Clark County, Nevada, see Map 55.1 on page 55-8. Map 55.1 does not denote the location of the Moapa and Fort Mojave Indian Reservations.

55.4 An *Owner and/or Operator* that proposes either to install and/or construct any new major STATIONARY SOURCE in an AIR QUALITY PLANNING REGION that is designated as an 8-Hour Ozone NONATTAINMENT AREA or that proposes a MAJOR MODIFICATION to an existing major STATIONARY SOURCE in an AIR QUALITY PLANNING REGION that is designated as an 8-Hour Ozone NONATTAINMENT AREA shall adhere to the following requirements:

(a) The *Owner and/or Operator* shall comply with all relevant local, state, and federal regulations, including Sections 0, 12, 16, and 19 of the Clark County AQR. Sections 12 and 16 of the Clark County AQR are the primary regulations governing STATIONARY SOURCES. Subsection 55.4(a)-(c) addresses limitations for VOLATILE ORGANIC COMPOUNDS (VOC) and/or Oxides of Nitrogen (NO<sub>x</sub>) for a new MAJOR STATIONARY SOURCE or a MAJOR MODIFICATION to an existing major STATIONARY SOURCE that is located in an AIR QUALITY PLANNING REGION that is designated as an 8-Hour Ozone NONATTAINMENT AREA.

(1) Subsection 55.4(a)-(c) applies to any new major STATIONARY SOURCE which is deemed major for VOC and/or NO<sub>x</sub>. A new major STATIONARY SOURCE is considered major for VOC and/or NO<sub>x</sub> if it EMITS or has a total POTENTIAL TO EMIT equal to or exceeding the EMISSION rate denoted in Table 55.4(a)(1). A new major STATIONARY SOURCE is defined to include: a Non-Major MODIFICATION or a MODIFICATION, greater than or equal to 40 tons of emissions per years, to an existing NON-MAJOR STATIONARY SOURCE which results in that NON-MAJOR STATIONARY SOURCE being classified as a major STATIONARY SOURCE.

Table 55.4(a)(1)			
EMISSION Rate (Controlled), Listed per AIRSHED REGION, for a new major STATIONARY SOURCE in the 8-Hour Ozone NONATTAINMENT AREA			
AIR QUALITY PLANNING REGION	AIRSHED REGION	EMISSION Rate (Controlled) (tons per year)	
		VOC	NO <sub>x</sub>
North Ivanpah Valley	164A	50	50
South Ivanpah Valley	164B	100	100
Jean Lake Valley	165	100	100
South Hidden Valley	166	100	100
Eldorado Valley	167	50	50
Las Vegas Valley	212	50	50
Colorado River Valley	213	100	100
Paiute Valley	214	100	100

AIR QUALITY PLANNING REGION	AIRSHED REGION	EMISSION Rate (Controlled) (tons per year)	
		VOC	NO <sub>x</sub>
Garnet Valley	216	100	100
North Hidden Valley	217	100	100
California Wash	218	100	100

(2) For the purposes of Subsection 55.4(a)-(c), a MAJOR MODIFICATION to an existing major STATIONARY SOURCE is defined as a NET EMISSIONS INCREASE for NO<sub>x</sub> at the major STATIONARY SOURCE equal to or greater than 40 tons per year and the major STATIONARY SOURCE is already major for NO<sub>x</sub>, and/or a NET EMISSIONS INCREASE for VOC at the major STATIONARY SOURCE equal to or greater than 40 tons per year and the major STATIONARY SOURCE is already major for VOC. Subsection 55.4(a)-(c) does not apply to a Non-Major MODIFICATION to an existing major STATIONARY SOURCE. Subsection 55.5 (a)-(b) does apply to a Non-Major MODIFICATION to an existing major STATIONARY SOURCE.

(b) The *Owner and/or Operator* of a new major STATIONARY SOURCE or a MAJOR MODIFICATION to an existing major STATIONARY SOURCE shall adopt, as an EMISSION Control, either the BEST AVAILABLE CONTROL TECHNOLOGY (BACT) or the LOWEST ACHIEVABLE EMISSION RATE (LAER), for VOC and/or NO<sub>x</sub>, as applicable. The required EMISSION Control is denoted in Table 55.4(b) per AIR QUALITY PLANNING REGION within the 8-Hour Ozone NONATTAINMENT AREA. If the EPA or the State of Nevada promulgates more stringent EMISSION Control requirements for the 8-Hour Ozone NONATTAINMENT AREA in Clark County, Nevada, then the source must comply with the more stringent EMISSION Control requirements. This subsection applies to any new major STATIONARY SOURCE which is deemed major for VOC and/or NO<sub>x</sub>. This subsection also applies to a MAJOR MODIFICATION at an existing major STATIONARY SOURCE which is deemed a MAJOR MODIFICATION for VOC and/or NO<sub>x</sub>.

Table 55.4(b)			
EMISSION Controls Required in the 8-Hour Ozone NONATTAINMENT AREA, Listed per AIRSHED REGION, for a new major STATIONARY SOURCE or A MAJOR MODIFICATION to an existing major STATIONARY SOURCE			
AIR QUALITY PLANNING REGION	AIRSHED REGION	EMISSION Control Requirements	
		VOC	NO <sub>x</sub>
North Ivanpah Valley	164A	LAER	BACT
South Ivanpah Valley	164B	BACT	BACT
Jean Lake Valley	165	BACT	BACT
South Hidden Valley	166	BACT	BACT

AIR QUALITY PLANNING REGION	AIRSHED REGION	EMISSION Control Requirements	
		VOC	NO <sub>x</sub>
Eldorado Valley	167	LAER	BACT
Las Vegas Valley	212	LAER	BACT
Colorado River Valley	213	BACT	BACT
Paiute Valley	214	BACT	BACT
Garnet Valley	216	BACT	BACT
North Hidden Valley	217	BACT	BACT
California Wash	218	BACT	BACT

(c) The CONTROL OFFICER may impose additional conditions on a new major STATIONARY SOURCE or a MAJOR MODIFICATION to an existing major STATIONARY SOURCE located in an AIR QUALITY PLANNING REGION designated as a NONATTAINMENT AREA for 8-Hour Ozone, including provisions that require the *Owner and/or Operator*, to:

- (1) Conduct monitoring of the quality of the AMBIENT AIR at the STATIONARY SOURCE site for a period determined by the CONTROL OFFICER prior to COMMENCING CONSTRUCTION at any new major STATIONARY SOURCE or prior to making a MAJOR MODIFICATION to an existing major STATIONARY SOURCE.
- (2) Conduct monitoring of the quality of the AMBIENT AIR at the STATIONARY SOURCE site for a period determined by the CONTROL OFFICER after operation has begun.

55.5 An *Owner and/or Operator* that proposes to install and/or construct a new NON-MAJOR STATIONARY SOURCE, or that proposes a Non-Major MODIFICATION to an existing major STATIONARY SOURCE, a Non-Major MODIFICATION to an existing NON-MAJOR STATIONARY SOURCE where that source remains classified as a NON-MAJOR STATIONARY SOURCE, a MODIFICATION, greater than or equal to 40 tons of emissions per year, to an existing NON-MAJOR STATIONARY SOURCE where that source remains classified as a NON-MAJOR STATIONARY SOURCE, in an AIR QUALITY PLANNING REGION that is designated as an 8-Hour Ozone NONATTAINMENT AREA, shall adhere to the following requirements:

- (a) The *Owner and/or Operator* must comply with all relevant local, state, and federal regulations, including Sections 12 and 16 of the Clark County AQR which are the primary regulations governing STATIONARY SOURCES. Subsection 55.5 addresses the applicable limitations for VOC and NO<sub>x</sub> for the STATIONARY SOURCE types listed in subsection 55.5 which are located in an AIR QUALITY PLANNING REGION that is designated as an 8-Hour Ozone NONATTAINMENT AREA.

(b) The *Owner and/or Operator* shall adopt, as EMISSION Controls, either BACT or LAER for VOC and/or NO<sub>x</sub>, as applicable. These requirements, as denoted in Tables 55.5(b)(1) and 55.5(b)(2), are listed per AIR QUALITY PLANNING REGION within the 8-Hour Ozone NONATTAINMENT AREA. As denoted in Table 55.5(b)(1), BACT is the EMISSION Control required for a new NON-MAJOR STATIONARY SOURCE, a Non-Major MODIFICATION to an existing NON-MAJOR STATIONARY SOURCE where that source remains classified as a NON-MAJOR STATIONARY SOURCE, or a MODIFICATION, greater than or equal to 40 tons of emissions per year, to an existing NON-MAJOR STATIONARY SOURCE where that source remains classified as a NON-MAJOR STATIONARY SOURCE. As denoted in Table 55.5(b)(2), BACT or LAER is the required EMISSION Control for a Non-Major MODIFICATION to an existing major STATIONARY SOURCE. The requirements of this subsection and the corresponding tables are applicable to VOCs only if a STATIONARY SOURCE makes a VOC MODIFICATION (whether it is a MAJOR VOC MODIFICATION or a Non-Major VOC MODIFICATION). The requirements of this subsection and the corresponding tables are applicable to NO<sub>x</sub> only if a STATIONARY SOURCE makes a NO<sub>x</sub> MODIFICATION (whether it is a MAJOR NO<sub>x</sub> MODIFICATION or a Non-Major NO<sub>x</sub> MODIFICATION).

<b>Table 55.5(b)(1)</b>			
<b>EMISSION Control Required in the 8-Hour Ozone NONATTAINMENT AREA, Listed per AIRSHED REGION, for a new NON-MAJOR STATIONARY SOURCE, a Non-Major MODIFICATION to an Existing NON-MAJOR STATIONARY SOURCE Where That Source Remains a NON-MAJOR STATIONARY SOURCE, or a MODIFICATION, greater than or equal to 40 tons of emissions per year, to an Existing NON-MAJOR STATIONARY SOURCE Where That Source Remains a NON-MAJOR STATIONARY SOURCE</b>			
<b>AIR QUALITY PLANNING REGION</b>	<b>AIRSHED REGION</b>	<b>EMISSION Control Requirements</b>	
		<b>VOC</b>	<b>NO<sub>x</sub></b>
North Ivanpah Valley	164A	BACT	BACT
South Ivanpah Valley	164B	BACT	BACT
Jean Lake Valley	165	BACT	BACT
South Hidden Valley	166	BACT	BACT
Eldorado Valley	167	BACT	BACT
Las Vegas Valley	212	BACT	BACT
Colorado River Valley	213	BACT	BACT
Paiute Valley	214	BACT	BACT
Garnet Valley	216	BACT	BACT
North Hidden Valley	217	BACT	BACT
California Wash	218	BACT	BACT



Table 55.5(b)(2)			
EMISSION Controls Required in the 8-Hour Ozone NONATTAINMENT AREA, listed per AIRSHED REGION, for a Non-Major MODIFICATION to an Existing major STATIONARY SOURCE.			
AIR QUALITY PLANNING REGION	AIRSHED REGION	EMISSION Control Requirements	
		VOC	NO <sub>x</sub>
North Ivanpah Valley	164A	LAER	BACT
South Ivanpah Valley	164B	BACT	BACT
Jean Lake Valley	165	BACT	BACT
South Hidden Valley	166	BACT	BACT
Eldorado Valley	167	LAER	BACT
Las Vegas Valley	212	LAER	BACT
Colorado River Valley	213	BACT	BACT
Paiute Valley	214	BACT	BACT
Garnet Valley	216	BACT	BACT
North Hidden Valley	217	BACT	BACT
California Wash	218	BACT	BACT

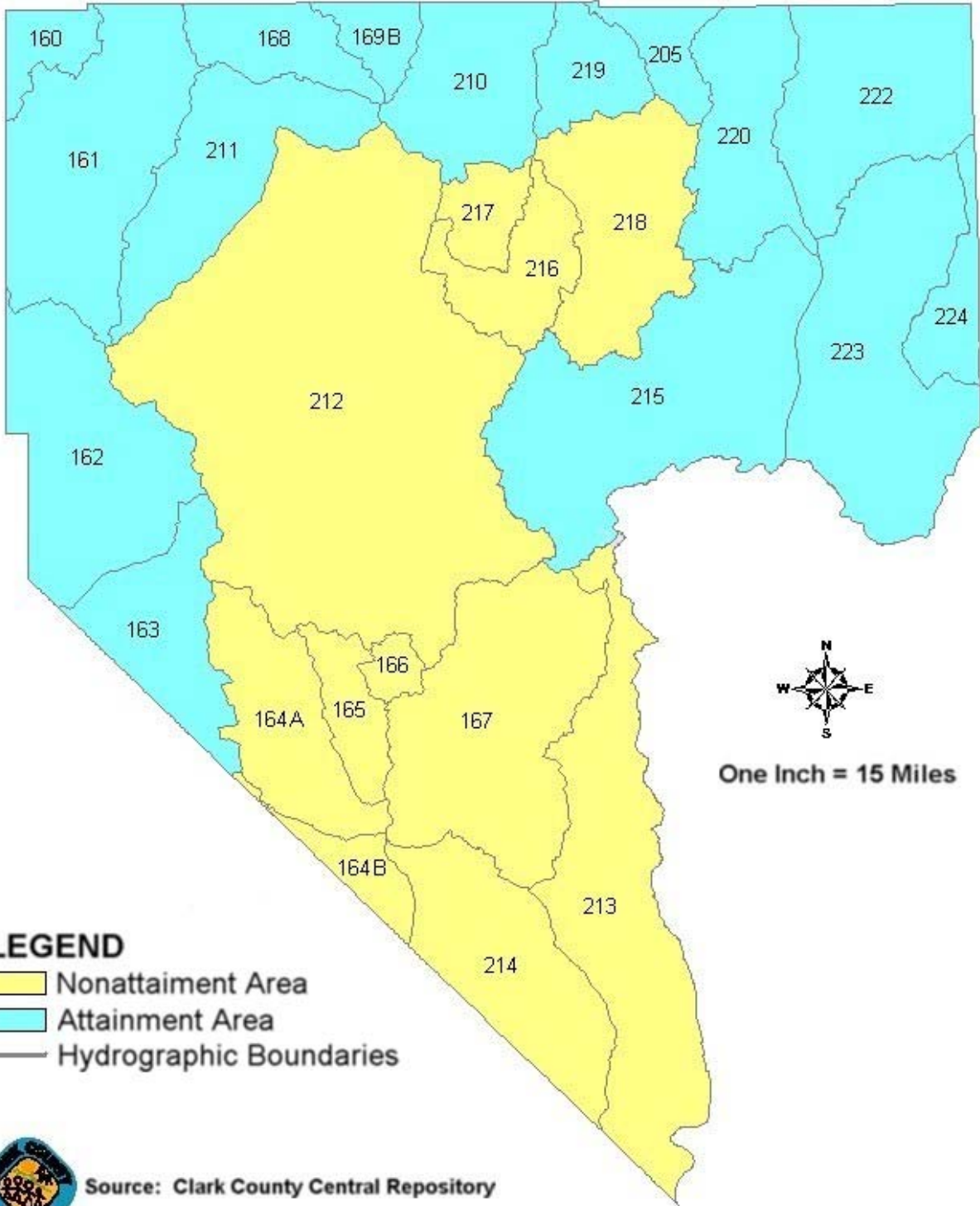
55.6 A new major STATIONARY SOURCE or an existing MAJOR STATIONARY SOURCE undergoing a MAJOR MODIFICATION must comply with the OFFSET requirements contained in Section 59 or Appendix S of 40 CFR Part 51. If there is a difference in stringency between the two rules, then the source shall comply with the more stringent OFFSET requirements.

55.7 A Notice of Proposed Action (as described in Section 12.3) is required for:

- (a) any new major VOC and/or NO<sub>x</sub> STATIONARY SOURCE;
- (b) any existing NON-MAJOR VOC STATIONARY SOURCE proposing MODIFICATION with a VOC NET EMISSIONS INCREASE equal to or exceeding twenty (20) tons per year that results in a total VOC POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a major VOC STATIONARY SOURCE;
- (c) any existing major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE equal to or exceeding twenty (20) tons per year;
- (d) any new NON-MAJOR STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding twenty (20) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE that is equal to or exceeding twenty (20) tons per year; and/or
- (e) any new STATIONARY SOURCE with a NO<sub>x</sub> POTENTIAL TO EMIT equal to or exceeding twenty (20) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a NO<sub>x</sub> NET EMISSIONS INCREASE that is equal to or exceeding twenty (20) tons per year.

55.8 An *Owner and/or Operator* that proposes either to install and/or construct any STATIONARY SOURCE in an AIR QUALITY PLANNING REGION that is designated as an *Unclassifiable/Attainment Area for Ozone* or that proposes a MODIFICATION to a STATIONARY SOURCE in an AIR QUALITY PLANNING REGION that is designated as an *Unclassifiable/Attainment Area for Ozone* shall comply with all relevant local, state, and federal regulations, including Sections 12 and 19 of the Clark County AQR. The *Unclassifiable/Attainment Area for Ozone*, by AIR QUALITY PLANNING REGION and HYDROGRAPHIC AREA, includes: Frenchman Flat (160); Indian Springs Valley (161); Pahrump Valley (162); Mesquite Valley (163); North Three Lakes Valley (168); Tikapoo Valley (169B); Lower Meadow Valley Wash (205); Coyote Springs Valley (210); South Three Lakes Valley (211); Black Mountains Area (215); Muddy River Springs Area (219); Lower Moapa Valley (220); Virgin River Valley (222); Gold Butte Area (223); and Greasewood Area (224).

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History: Initial adoption: December 21, 2004.



This information is for display purposes only. No Liability is assumed as to the accuracy of the data delineated hereon.

October 15, 2002

**MAP 55.1**

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 58 - EMISSION REDUCTION CREDITS**

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## SECTION 58 - EMISSION REDUCTION CREDITS

### 58.1 Introduction

**58.1.1 Purpose:** The purpose of this Regulation is to establish procedures for the creation, banking, and use of Federal EMISSION REDUCTION CREDITS (ERCs).

### 58.1.2 General ERC Provisions:

58.1.2.1 The CONTROL OFFICER may allow the issuance, trading, use, redemption, and/or BANKING of eligible EMISSION REDUCTION CREDITS for Carbon Monoxide (CO), PM<sub>10</sub>, Volatile Organic Compounds (VOC), and Oxides of Nitrogen (NO<sub>x</sub>) in accordance with the limitations set forth in this Section.

58.1.2.2 Only EMISSION REDUCTION CREDITS that are SURPLUS, FEDERALLY ENFORCEABLE, PERMANENT, and QUANTIFIABLE as defined in Section 0 are eligible for BANKING, trading, or use pursuant to Air Quality Regulations.

### 58.2 Creating Section 58 ERCs

#### 58.2.1 General Eligibility and Approval Criteria for Section 58 ERCs:

58.2.1.1 Eligibility Criteria for Section 58 ERCs:

58.2.1.1.1 Emission reductions eligible for Section 58 ERCs shall be limited to the following pollutants: CO, PM<sub>10</sub>, NO<sub>x</sub>, and VOC.

58.2.1.1.2 EMISSION reductions from a STATIONARY SOURCE are eligible for Section 58 ERCs, with exception to fugitive emissions. Only fugitive VOC EMISSION reductions from liquids are eligible for Section 58 ERCs.

58.2.1.1.3 STATIONARY SOURCES with **Existing Actual Emissions** exceeding the allowable EMISSIONS specified in the FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT are not eligible to apply for Section 58 ERCs.

58.2.1.1.4 EMISSION reductions eligible for Section 58 ERCs shall be based on a full or partial shutdown of EMISSION UNITS and/or innovative control technology or process improvements.

58.2.1.2 Approval Criteria for Section 58 ERCs:

58.2.1.2.1 EMISSION reductions shall be consistent with the definition of an ERC in Section 0 and shall be in accordance with the revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/ OPERATING PERMIT. Such revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT shall contain conditions related to the EMISSION reductions which include, but are not limited to, the following:

- (a) hours of operation,
- (b) production rate or input rate,
- (c) recordkeeping or reporting,
- (d) enforceable monitoring methods, and
- (e) minimum time period over which the above will be averaged.

58.2.1.2.3 EMISSIONS reductions shall be SURPLUS, PERMANENT, QUANTIFIABLE, and FEDERALLY ENFORCEABLE. Such reductions in EMISSIONS shall be below the affected source's BASELINE EMISSIONS.

58.2.1.2.4 EMISSION reductions shall be in excess of what is required by Air Quality Regulations or what is required by applicable BACT or LAER for the source when the ERC Application is deemed complete.

58.2.1.2.5 EMISSION reductions shall not be accounted for in any Clark County STATE Implementation Plan and have not been relied upon in the Clark County air quality planning process.

58.2.1.2.6 The total ACTUAL EMISSION reductions associated with the Section 58 ERC Application shall have a net positive improvement on air quality, based on the total ACTUAL EMISSIONS prior to the shutdown and/or implementation of the innovative control technology or process improvements.

**58.2.2 Calculation of Section 58 ERCs:**

58.2.2.1 A Section 58 ERC for each REGULATED AIR POLLUTANT shall equal the net EMISSIONS reduction calculated by determining the difference between the amount of **EXISTING ACTUAL EMISSIONS** less the amount of **Emissions After the STATIONARY SOURCE Change** or **Emissions After the Shutdown**.

58.2.2.1.1 "**Existing Actual Emissions**" shall mean the ACTUAL EMISSIONS based on actual operating conditions for the STATIONARY SOURCE prior to the EMISSION reductions associated with the Section 58 ERC Application.

58.2.2.1.1.1 Such EMISSIONS shall be determined by using source tests, continuous emission monitoring systems (CEMS), or other methods approved by the CONTROL OFFICER.

58.2.2.1.1.2 Any source test or any other method utilized to determine EMISSIONS shall be the responsibility of the ERC applicant. For source tests relied upon for the ERC application process, the applicant shall comply with the following:

- (a) The source test protocol must be approved pursuant to Section 14 by the CONTROL OFFICER before the source test can be conducted. The CONTROL OFFICER shall accomplish the approval determination within 40 calendar days of submission of the test protocol;

- (b) The source owner or RESPONSIBLE OFFICIAL shall notify the CONTROL OFFICER, via written correspondence, at least ten (10) calendar days prior to conducting any source test; and
- (c) The source test results must be approved pursuant to Section 14 by the CONTROL OFFICER.

58.2.2.1.2 **"Emissions After the STATIONARY SOURCE Change"** shall mean the ACTUAL EMISSIONS, as defined in subsection (c) of the definition of ACTUAL EMISSIONS, for the STATIONARY SOURCE after the emission reductions associated with the Section 58 ERC Application have been achieved and upon commencement of operations at full permitted capacity.

58.2.2.1.2.1 Such EMISSIONS shall be determined by using source tests approved by the CONTROL OFFICER, CONTINUOUS EMISSIONS MONITORING SYSTEMS, or other methods approved by the CONTROL OFFICER.

58.2.2.1.2.2 Any source test or any other method utilized to determine EMISSIONS shall be the responsibility of the ERC applicant. For source tests relied upon for the ERC application process, the applicant shall comply with the following:

- (a) The source test protocol must be approved pursuant to Section 14 by the CONTROL OFFICER before the source test can be conducted. The CONTROL OFFICER shall accomplish the approval determination within 40 calendar days of submission of the test protocol;
- (b) The source owner or RESPONSIBLE OFFICIAL shall notify the CONTROL OFFICER, via written correspondence, at least ten (10) calendar days prior to conducting any source test; and
- (c) The source test results must be approved pursuant to Section 14 by the CONTROL OFFICER.

58.2.2.1.2.3 After the STATIONARY SOURCE change, the EMISSIONS level established from a source test or other methods shall become a FEDERALLY ENFORCEABLE EMISSIONS limit in the FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT.

58.2.2.2 The determination of **"Existing Actual Emissions"** and **"Emissions After the STATIONARY SOURCE Change"** shall be based on equivalent EMISSION factors for each process that are approved by the CONTROL OFFICER. Due to the STATIONARY SOURCE change, it may not be feasible to apply the same EMISSION factor. If this situation arises, the pre-change EMISSIONS shall be the EMISSION factor contained in the previous (pre-change) FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT / OPERATING PERMIT and the post-change EMISSIONS shall be the EMISSION factor contained in the revised (post-change) FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT / OPERATING PERMIT.

58.2.2.3 **"Emissions After the Shutdown"** shall mean the ACTUAL EMISSIONS from a STATIONARY SOURCE applying for Section 58 ERC after permanent cessation of operations of the associated EMISSION UNITS being permanently shutdown.

**58.2.3 Candidate methods available for EMISSIONS reductions:**

58.2.3.1 STATIONARY SOURCE Shutdowns:

58.2.3.1.1 EMISSION reductions from a permanent shutdown of an EMISSION UNIT(S) at a STATIONARY SOURCE are eligible for BANKING/issuance of Section 58 ERCs.

58.2.3.1.2 A Section 58 ERC application for EMISSION reductions associated with a permanent shutdown (partial or full) of a STATIONARY SOURCE, shall be submitted within one hundred and eighty (180) calendar days after permanent cessation of operations or within one hundred and eighty (180) calendar days prior to permanent cessation of operations.

58.2.3.2 Innovative Control Technology or Process Improvements:

58.2.3.2.1 Proposed EMISSION reductions resulting from innovative control techniques or process improvements below the EXISTING ACTUAL EMISSIONS may be considered for BANKING/issuance provided the following requirements are satisfied:

- (a) A revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT has been issued that contains the STATIONARY SOURCE change and EMISSION inventory adjustments listed in the Section 58 application;
- (b) The revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/ OPERATING PERMIT EMISSIONS limits shall not exceed the "***Emissions After the STATIONARY SOURCE Change***", based on Subsection 58.2.2;
- (c) All conditions and allowances specified or implied in the original FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT shall terminate immediately upon issuance of the revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT;

58.2.3.2.2 A Section 58 ERC application for EMISSION reductions associated with the STATIONARY SOURCE change shall be submitted within one hundred and eighty (180) calendar days of issuance of the revised AUTHORITY TO CONSTRUCT/OPERATING PERMIT containing the conditions associated with the STATIONARY SOURCE change.

**58.3 Section 58 ERC BANKING**



**58.3.1 Section 58 ERC Registry (BANKING) and Tracking System:**

- 58.3.1.1 EMISSION reductions shall be quantified according to a common unit of measure known as an "EMISSION REDUCTION CREDIT," which is equivalent to one ton. Such an ERC unit shall be used in transactions established pursuant to this Section including all BANKING, issuance, trading, selling, purchasing, tracking, and redemption activities. ERCs may be issued and/or transferred in tenths of credits or greater, e.g., 200  $\frac{3}{4}$  tons of emission reductions equates to 200.8 ERCs. The standard rounding rule applies, i.e., 5 or greater round up and 4 and below round down.
- 58.3.1.2 The CONTROL OFFICER shall develop a register to BANK and track Section 58 ERC transactions.
- 58.3.1.2.1 The ERC Registry (BANK) and its use shall not interfere with the attainment or maintenance of any local or National Ambient Air Quality Standard (NAAQS) for any criteria air pollutant.
- 58.3.1.2.2 The ERC Registry (BANK) and its use shall assure that the use of Section 58 ERCs do not contravene relevant requirements of the ACT and the Nevada Revised Statutes (NRS).
- 58.3.1.3 The ERC Registry (BANK) established by the CONTROL OFFICER in accordance with this Section shall be accessible to the public and shall contain the following information:
- (a) a record of all transactions,
  - (b) a separate record for each Section 58 ERC owner and/or party involved in an ERC transaction.
- 58.3.1.4 The ERC Registry (BANK) will not contain information designated as confidential pursuant to NRS 445B.570. Release of information related to ERCs will comply with the ACT, including 40 CFR 2.108 and 2.201, and with the NRS, including Chapters 239 and 445B.

**58.3.2 Procedures for Processing a Section 58 ERC Application:**

- 58.3.2.1 Section 58 ERC Application. The STATIONARY SOURCE owner, RESPONSIBLE OFFICIAL, or operator shall submit a Section 58 ERC Application for EMISSION reductions pursuant to this Section to the CONTROL OFFICER. The applicant shall utilize the most current Section 58 Application form, which must be obtained from the Department of Air Quality and Environmental Management. Such application must be signed by the STATIONARY SOURCE owner or RESPONSIBLE OFFICIAL and the applicant must pay a non-refundable fee application fee of \$300.00 at time of submittal.
- 58.3.2.2 Preliminary Eligibility Determination Process for a Section 58 Application. The CONTROL OFFICER shall make a preliminary eligibility determination pursuant to Subsection 58.2.

58.3.2.3 Completeness Determination Process for a Section 58 ERC Application. The CONTROL OFFICER shall determine the completeness of an application submittal within sixty (60) calendar days of receipt of such an application. An application shall be deemed complete only when the CONTROL OFFICER has all necessary information to process the application. At a minimum, the applicant shall provide all required information as indicated in the current Section 58 ERC Application form. The CONTROL OFFICER shall determine what necessary information is required to process an application, beyond what is stated in the current application. Based on the results of the completeness determination the following shall occur:

- (a) If such application is deemed incomplete, then the CONTROL OFFICER may request additional information as necessary to determine eligibility of such EMISSION reductions.
- (b) If such application is deemed complete, then the CONTROL OFFICER shall make a final eligibility determination pursuant to Subsection 58.2.

58.3.2.4 Section 58 ERC Application Approval Process. An application shall be deemed approved only when the CONTROL OFFICER has determined that the application satisfies all federal and local requirements. Based on the results of the approval determination the following shall occur:

- (a) If the CONTROL OFFICER issues preliminary approval on the Section 58 ERC application, a Notice of Proposed Action shall be published pursuant to Subsection 58.4.
- (b) After the close of the Notice of Proposed Action period, the CONTROL OFFICER shall consider the public comments and issue a final decision on approval or disapproval of the Section 58 ERC application. Such decision shall be issued no later than one hundred eighty (180) calendar days after receipt of a complete Section 58 ERC application unless an extension is requested by the applicant or if there is an unforeseen circumstance with the application that prohibits compliance. In the latter case the Control Officer will provide written notification to the applicant with rationale and a projected resolution date.

58.3.2.5 Section 58 ERC Issuance Process:

58.3.2.5.1 Within thirty (30) calendar days after final approval of the Section 58 Application, the CONTROL OFFICER shall issue a final approval determination to the applicant. The final approval determination shall contain, at a minimum:

- (a) the applicant's information,
- (b) the STATIONARY SOURCE information,
- (c) the quantity of ERCs issued per specific pollutant,
- (d) any conditions that must be satisfied prior to issuance, and

- (e) the decision to approve or disapprove the Section 58 Application, in full or in part.

58.3.2.5.2 The CONTROL OFFICER shall record the issuance transaction into the ERC registry (BANK).

58.3.2.5.3 Section 58 ERCs for a specific pollutant within the applicable defined AIRSHED REGION shall be available when the associated pollutant specific STATE Implementation Plan (complete) for Clark County has been submitted to EPA within the time specified under the ACT or subsequently approved by EPA.

## **58.4 Notice of Proposed Action and Public Hearing Procedures**

### **58.4.1 Notice of Proposed Action:**

58.4.1.1 After receipt of a complete Section 58 ERC application and issuance of preliminary approval, the CONTROL OFFICER shall publish in one or more newspapers of general circulation within Clark County, Nevada, a notice listing the following items regarding the applicant:

- (a) receipt of Section 58 ERC application;
- (b) availability of information;
- (c) availability of review and analysis of the application based on its compliance with each applicable regulation;
- (d) a summary of the required Air Pollution Controls (if applicable);
- (e) preliminary determination why the Section 58 ERC application should be granted;
- (f) availability of proposed revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT conditions (if applicable);
- (g) opportunity for any person to submit written comments on the EMISSION reductions for the source, including but not limited to the following:
  - (1) the performance test protocol used,
  - (2) other alternatives available to the STATIONARY SOURCE,
  - (3) the control technology requirements (if applicable),
  - (4) revised FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT or FEDERALLY ENFORCEABLE AUTHORITY TO CONSTRUCT/OPERATING PERMIT conditions (if applicable), and
  - (5) other appropriate considerations;

- (h) all written and oral comments must be submitted to the CONTROL OFFICER within thirty (30) calendar days from the publication date of the Notice of Proposed Action; and
- (i) opportunity for any person to request a Public Hearing pursuant to Subsection 58.4.2.

#### **58.4.2 Public Hearing Procedures:**

- 58.4.2.1 Any PERSON may petition the CONTROL OFFICER, in writing, for a Public Hearing. All such petitions shall contain: the petitioner's name, address, daytime telephone number; and comments related to the items listed in Subsection 58.4.1.1(g).
- 58.4.2.2 Upon request, the CONTROL OFFICER shall hold a Public Hearing no sooner than thirty (30) calendar days after the date of the Notice of Proposed Action but no later than seventy (70) calendar days after the date of the Notice of Proposed Action.
- 58.4.2.3 The petitioner shall receive no less than seven (7) calendar days prior written notice of the date and location of the Public Hearing.

#### **58.5 Appeals to the Hearing Board**

- 58.5.1 Any person, as specified in Subsection 58.5.2, dissatisfied with the eligibility or approval determination made by the CONTROL OFFICER pursuant to this section, may, within twenty (20) calendar days of the CONTROL OFFICER'S decision, petition the Clark County Air Pollution Control Hearing Board for a hearing to review the CONTROL OFFICER'S decision.
- 58.5.2 Only those persons submitting written comments during the Notice of Proposed Action period or in the event oral testimony is given during the Public Hearing, those persons providing such testimony shall have the right pursuant to the provisions to appeal the decision of the CONTROL OFFICER.
- 58.5.3 It is incumbent on the appellant to disclose, in writing, the issues to be considered by the HEARING BOARD at the time the appeal is filed. Only appeals within the scope of air quality rules shall be heard by the HEARING BOARD.
- 58.5.4 The appellant must demonstrate the relevance of the issues to the rules and credit issuance and how the CONTROL OFFICER'S decision is in contradiction to the rules.
- 58.5.5 Only issues related to eligibility and approval determinations are subject to appeal. Issues related to completeness determination are not subject to appeal.

#### **58.6 Section 58 ERC Restrictions and Limitations**

**58.6.1 ERC Banking Restrictions and Limitations.** The creation and BANKING of Section 58 ERCs shall not:

- (a) provide authority for or the recognition of any pre-existing vested right to emit any Regulated Air Pollutant;
- (b) provide Section 58 ERCs to any STATIONARY SOURCE for exemption from the BACT or LAER requirements pursuant to Air Quality Regulations;
- (c) provide dual accounting of ERCs for EMISSION reductions that have already been included as part of the Clark County's baseline EMISSION in the STATE Implementation Plan;
- (d) provide Section 58 ERCs for EMISSION reductions already required by law;
- (e) provide Section 58 ERCs for EMISSION reductions at non-permitted STATIONARY SOURCE;
- (f) provide Section 58 ERCs for EMISSION reductions achieved during a moratorium period in accordance with Subsection 58.6.4 herein;
- (g) provide Section 58 ERCs for EMISSION reductions from a permanent shutdown or MODIFICATION of a STATIONARY SOURCE where the demand for the services or product would merely shift to other sources within Clark County that would result in an emissions increase of criteria air pollutants;
- (h) provide authority for or the recognition of any rights that would be contrary to federal, statutory or regulatory law; or
- (i) provide an exemption to a STATIONARY SOURCE from any other air pollution control requirements whatsoever of federal, STATE or local laws, rules and regulations.

**58.6.2 ERC Use Restrictions and Limitations.** The use of Section 58 ERCs shall not:

- (a) provide authority for or the recognition of any pre-existing vested right to emit any Regulated Air Pollutant;
- (b) provide Section 58 ERCs for EMISSION reductions at non-permitted STATIONARY SOURCES;
- (c) provide Section 58 ERCs for EMISSION reductions achieved during a moratorium period in accordance with Subsection 58.6.4 herein;
- (d) provide an exemption to a STATIONARY SOURCE for emission limitations established in accordance with New Source Performance Standards (NSPS) pursuant to Section 14;
- (e) provide authority for or the recognition of any rights that would be contrary to federal, statutory or regulatory law; or

- (f) provide an exemption to a STATIONARY SOURCE from any other air pollution control requirements whatsoever of federal, STATE or local laws, rules and regulations.

**58.6.3 Procedure for Use of Section 58 ERCs:**

58.6.3.1 Valid Section 58 ERCs may be used to OFFSET EMISSION increases for a new or modified STATIONARY SOURCE pursuant to the requirements of Section 59.

58.6.3.2 The source owner or RESPONSIBLE OFFICIAL utilizing BANKED Section 58 ERCs to satisfy OFFSETS must demonstrate to the satisfaction of the CONTROL OFFICER that such utilization will not interfere with the attainment or maintenance of any ambient air increments identified in Section 12.

**58.6.4 Moratorium on Use of Banked Section 58 ERCs.** If the CONTROL OFFICER determines that additional mandatory EMISSION reductions will be necessary to attain federal, STATE, or local air quality standards, then the CONTROL OFFICER may declare a full or partial moratorium on the use of Section 58 ERCs or the BANKING of Section 58 ERCs for the applicable Regulated Air Pollutant. Such a moratorium shall be lifted after the CONTROL OFFICER determines the applicable portion of the STATE Implementation Plan demonstrates attainment of such standard.

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History: Amended: November 15, 1990; May 28, 1992; August 27, 1992; December 21, 1995; December 4, 2001; June 3, 2003; July 1, 2004; October 7, 2004; May 3, 2005.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 59 - EMISSION OFFSETS**

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59.1 **Federal OFFSET Requirements.**

59.1.1 **Scope of Applicability.** Subsection 59.1 applies to a new MAJOR STATIONARY SOURCE, an EXISTING STATIONARY SOURCE that, as a result of a MODIFICATION, becomes a MAJOR STATIONARY SOURCE, and a MODIFICATION of a MAJOR STATIONARY SOURCE with a NET EMISSIONS INCREASE that exceeds the thresholds in Table 59.1.1.

59.1.2 **Unit of Measure.** The unit of measure for OFFSET ratios and thresholds shall be based on tons per year (tpy) of the specified pollutant.

59.1.3 **Federal OFFSET Thresholds:**

59.1.3.1 When a pollutant specific OFFSET threshold is triggered for a new or modifying MAJOR STATIONARY SOURCE, that MAJOR STATIONARY SOURCE shall satisfy the OFFSET requirement in subsection 59.1.4 for that specific pollutant, which includes all such pollutant specific fugitive EMISSIONS, for all EMISSION UNITS for the source that emits such pollutant specific EMISSIONS.

59.1.3.2 The following table contains OFFSET thresholds by MAJOR STATIONARY SOURCE type, area designation, and pollutant. The thresholds shall be applied based on the classifications contained in the table. When a MAJOR STATIONARY SOURCE triggers a pollutant specific threshold listed in the table, Federal OFFSETS shall be imposed based on the pollutant specific ratio contained in Table 59.1.2 for the specific pollutant threshold being triggered. Thresholds contained in Table 59.1.1 that are associated with VOC and NO<sub>x</sub> in a Basic NONATTAINMENT AREA are based on the term "major STATIONARY SOURCE" as used in Section 55. Because VOC and NO<sub>x</sub> are ozone precursor pollutants, the Basic NONATTAINMENT AREA is related to the ozone designation. These thresholds are interim and are subject to change based on the findings and requirements of the Ozone SIP or Federal requirements.



Table 59.1.1 MAJOR STATIONARY SOURCE Federal OFFSET Thresholds by Source Type, Area Designation, and Pollutant.

<b>NEW MAJOR STATIONARY SOURCE OFFSET THRESHOLDS</b>			
<b>Item</b>	<b>Area Designation</b>	<b>Pollutant</b>	<b>Threshold</b>
<b>Serious NONATTAINMENT AREA</b>			
1		CO	PTE => 70
2		PM <sub>10</sub>	PTE => 70
<b>Basic NONATTAINMENT AREA</b>			
3		NO <sub>x</sub>	PTE => 100
4		VOC	PTE => 100
<b>MODIFYING MAJOR STATIONARY SOURCE OFFSET THRESHOLDS (AFTER MODIFICATION)</b>			
<b>Item</b>	<b>Area Designation</b>	<b>Pollutant</b>	<b>Threshold</b>
<b>Serious NONATTAINMENT AREA</b>			
5		CO	PTE => 70 and NEI => 1
6		PM <sub>10</sub>	PTE => 70 and NEI => 15
<b>Basic NONATTAINMENT AREA</b>			
7		NO <sub>x</sub>	PTE => 100 and NEI => 40
8		VOC	PTE => 100 and NEI => 40

PTE = POTENTIAL TO EMIT, NEI = NET EMISSIONS INCREASE

#### 59.1.4 Federal OFFSET Ratio Requirements:

59.1.4.1 OFFSET requirements shall be based on a ratio of an EMISSIONS decrease to an EMISSIONS increase for a specific pollutant.

59.1.4.2 The following table contains OFFSET ratios by designated area and pollutant. When a MAJOR STATIONARY SOURCE triggers any of the thresholds contained in Table 59.1.1, the ratios listed in Table 59.1.2 shall be applied based on the classifications contained in the table for a specific pollutant.

Table 59.1.2 Federal OFFSET Ratio Requirements by Area Designation and Pollutant.

<b>Item</b>	<b>Area Designation</b>	<b>Pollutant</b>	<b>OFFSET Ratio</b>
<b>Serious NONATTAINMENT AREA</b>			
1		CO	2:1
2		PM <sub>10</sub>	2:1
<b>Basic NONATTAINMENT AREA</b>			
3		NO <sub>x</sub>	1:1
4		VOC	1:1

59.1.4.3 For any new STATIONARY SOURCE, the amount to be OFFSET shall be based on the PTE for a specific pollutant.

59.1.4.4 For any modifying MAJOR STATIONARY SOURCE, the amount to be OFFSET shall be equal to the NEI times the OFFSET ratio for the specific pollutant. The MAJOR STATIONARY SOURCE shall be given credit for any portion of the NEI that was previously OFFSET. A pre-MODIFICATION PTE may only include fugitive EMISSIONS if

the fugitive EMISSIONS where included in the EMISSIONS inventory prior to the modification. PTEs and ACTUAL EMISSIONS used for NEI calculation shall be based on identical EMISSION factors for purposes of OFFSET determination, which shall be accomplished using the following method:

- 59.1.4.4.1 For an unmodified EMISSION UNIT, the EMISSION factor shall be the EMISSION factor contained in the previous (pre-MODIFICATION) AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT and associated documents used for the EMISSIONS inventory calculations.
- 59.1.4.4.2 For a modified EMISSION UNIT, the EMISSION factor shall be the EMISSION factor contained in the revised (post-MODIFICATION) AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT and associated documents used for the EMISSIONS inventory calculations. Due to the modification, it may not be feasible to apply the same EMISSION factor. If this situation arises, the pre-MODIFICATION EMISSIONS shall be the EMISSION factor contained in the previous (pre-MODIFICATION) AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT and the post-MODIFICATION EMISSIONS shall be the EMISSION factor contained in the revised (post-MODIFICATION) AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT.
- 59.1.4.4.3 For a new EMISSION UNIT, the EMISSION factor shall be the EMISSION factor contained in the revised (post-MODIFICATION) AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT and associated documents used for the EMISSIONS inventory calculations.
- 59.1.4.4.4 For an EMISSION UNIT that has been removed from the current (post-MODIFICATION) EMISSIONS inventory, the EMISSION factor shall be the EMISSION factor contained in the previous (pre-MODIFICATION) EMISSIONS inventory.
- 59.1.5 **Use of ERCs or EMISSION Reductions to Satisfy Federal OFFSET Requirements.** Pollutant specific EMISSIONS shall be OFFSET with existing federal ERCs issued by Clark County or the State of Nevada for that specific pollutant or mitigated with FEDERALLY ENFORCEABLE EMISSION reductions of the same pollutant. Interpollutant trading is prohibited.
- 59.2 **Local OFFSET Requirements.**
- 59.2.1 **Scope of Applicability.** Subsection 59.2 applies to local OFFSET requirements, existing Section 12 ERCs and existing Section 12 Road Paving Credits. This subsection does not apply to Section 52 or Federal OFFSET Requirements under Subsection 59.1.
- 59.2.2 **Sunset Clause.** On December 31, 2006, existing Section 12 ERCs and existing Section 12 Road Paving Credits will be devalued to 0 (zero).
- 59.2.3 **OFFSET Thresholds and Ratios.** There are no local OFFSET requirements for STATIONARY SOURCES.

- 59.3           **OFFSET and Credits Restrictions.**
- 59.3.1        **Scope of Applicability.** Subsection 59.3 applies to credits governed by Section 58 and OFFSETS governed by this Section.
- 59.3.2        **Restrictions on Interpollutant Trading.** Interpollutant trading is prohibited. Pursuant to the Nevada Revised Statutes: “By not later than January 1, 2002, [the Board shall] prohibit any person or entity from purchasing or selling credits of one type of pollutant if such credits will be used subsequently to produce a different type of pollutant.” NRS § 445.B.508.2(c).
- 59.3.3        **Restrictions on OFFSETTING EMISSIONS between AIRSHED REGIONS.** OFFSETTING EMISSIONS from a source located within an AIRSHED REGION with EMISSION reductions from a source located in a different AIRSHED REGION shall not be allowed, with an exception that applies to Ozone precursor pollutants. The CONTROL OFFICER may approve the use of NO<sub>x</sub> and VOC EMISSION reductions between AIRSHED REGIONS for the same NONATTAINMENT AREA within the Clark County boundary to satisfy NO<sub>x</sub> and VOC OFFSET requirements for that NONATTAINMENT AREA.
- 59.4           **OFFSET and Credit General Requirements.**
- 59.4.1        **Scope of Applicability.** Subsection 59.4 applies to OFFSETS and ERCs governed by Sections 58 and 59.
- 59.4.2        **General Requirements.**
- 59.4.2.1      EMISSION reductions used to satisfy a Federal OFFSET requirement must be SURPLUS, PERMANENT, QUANTIFIABLE, and FEDERALLY ENFORCEABLE as defined in Section 0 of the Air Quality Regulations.
- 59.4.2.2      Permitted sources whose EMISSION reductions are used to satisfy OFFSET requirements must appropriately modify or cancel their AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT to reflect their new PTE.
- 59.4.2.3      Additional Federal SURPLUS requirements to those found in the Section 0 of the Air Quality Regulations:
- 59.4.2.3.1    EMISSION reductions used to satisfy OFFSET requirements must be SURPLUS at the time of issuance of the AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT containing the OFFSET requirements.
- 59.4.2.3.2    EMISSION reductions used to satisfy OFFSET requirements must not be the result of a decreased throughput from an EMISSION UNIT when that decrease in throughput is shifted to another comparable EMISSION UNIT(S) within Clark County. Shifts in throughput occur when existing EMISSIONS at one source are transferred to another source without a reduction in EMISSIONS, which is a result of reallocation of production/service.

- 59.4.2.4 Additional **FEDERALLY ENFORCEABLE** requirements to those found in Section 0 of the Air Quality Regulations: Permitted sources whose **EMISSION** reductions are used to satisfy Federal **OFFSETS** must appropriately change or cancel their **AUTHORITY TO CONSTRUCT** and/or **OPERATING PERMIT** to reflect their new **POTENTIAL TO EMIT**.
- 59.4.2.5 **EMISSION** reductions used to satisfy a Federal **OFFSET** requirement must be **FEDERALLY ENFORCEABLE** prior to issuance of the **AUTHORITY TO CONSTRUCT** and/or **OPERATING PERMIT** and prior to issuance of an **AUTHORITY TO CONSTRUCT** and/or **OPERATING PERMIT** for a **MODIFICATION**. **EMISSION** reductions must be in effect upon commencement of operations. If the commencement of operations date related to the **AUTHORITY TO CONSTRUCT** and/or **OPERATING PERMIT** is within one hundred eighty (180) calendar days of the effective date of this amendment to Section 59, the **STATIONARY SOURCE** shall satisfy the **OFFSET** requirement within ninety (90) calendar days of the effective date of the amendment.
- 59.5 **Credit Transactions.**
- 59.5.1 **Scope of Applicability.** Subsection 59.5 applies to credits governed by Sections 12 and 58.
- 59.5.2 **Credit Transfer Requirements.**
- 59.5.2.1 Credits will be transferred in whole or in part.
- 59.5.2.2 A credit transfer request shall be limited to two parties, i.e., the owner of the credits (transferor) and the transferee.
- 59.5.2.3 Each credit transfer request shall be limited to a single regulatory type of credit, i.e. Section 12 (by specific subsection) or Section 58.
- 59.5.2.4 All fees associated with the credit transfer must be paid in full prior to or upon submission of the credit transfer request.
- 59.5.2.5 All outstanding fees due by the owner to the Department of Air Quality and Environmental Management must be paid in full before the owner is eligible to transfer any credits.
- 59.5.3 **Credit Ownership and Transaction Documentation.**
- 59.5.3.1 All previously issued **ERC BANK** Certificates are null and void. The **Credit Balance Summary Report** on or after the date of this regulation, signed by the **CONTROL OFFICER**, shall be the sole proof of ownership for credits. The **Credit Balance Summary Report** shall be dated; therefore, each **Credit Balance Summary Report** will supersede all previous versions of the report. The **Credit Summary Report** reflects the credit transactions contained in the **REGISTRY (BANK)**.
- 59.5.3.2 All credits shall be **BANKED** by the owner; thereby, making it possible for the owner to deposit, withdraw, and transfer credits. The owner may redeem credits against a **STATIONARY SOURCE** to satisfy applicable **OFFSET** requirements for that source.

**59.5.4 Procedures for Transferring Credits.**

59.5.4.1 The owner of credits must submit a request to the CONTROL OFFICER to transfer credits to another party. The credit transfer request must contain the following information, to be considered valid:

59.5.4.1.1 The request must be signed and dated by a RESPONSIBLE OFFICIAL.

59.5.4.1.2 The request must be on the owner's official letterhead.

59.5.4.1.3 The request must contain the owner's information: name, address, city, state, zip, and phone number.

59.5.4.1.4 The request must contain the transferee's information: name, address, city, state, zip, and phone number.

59.5.4.1.5 The request must identify the quantity of credits being transferred by pollutant type, i.e., PM<sub>10</sub>, CO, NO<sub>x</sub>, and VOC. Credits may be transferred in hundredths of credits or greater.

59.5.4.1.6 The request must identify the regulatory type of credits being transferred, i.e., Sections 12 (by specific subsection) or 58 of the Air Quality Regulations.

59.5.4.1.7 Transfer of the recorded credits shall not be effective until the Department of Air Quality and Environmental Management notifies both parties of the transfer. The department will acknowledge that the transfer is complete, approved, and recorded in the REGISTRY (BANK) by means of department letterhead that shall be signed by the CONTROL OFFICER or their designated representative. This notification shall contain a signed Credit Balance Summary Report reflecting the transaction.

**59.5.5 Procedures for Redeeming Credits.**

59.5.5.1 The owner of credits must submit a request to the CONTROL OFFICER to redeem BANKED credits for a specific STATIONARY SOURCE. The credit transfer request must contain the following information, to be considered valid:

59.5.5.2.1 The request must be signed and dated by a RESPONSIBLE OFFICIAL.

59.5.5.2.2 The request must be on the owner's official letterhead.

59.5.5.1.3 The request must contain the owner's information: name, address, city, state, zip, and phone number.

59.5.5.1.4 The request must contain the STATIONARY SOURCE'S information for which the credits are being redeemed against: name, AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT number (generically referred to as the facility number), physical address, city, state, zip, and phone number.

- 59.5.5.1.5 The request must identify the quantity of credits being redeemed. Credits may be redeemed in hundredths of credits or greater.
- 59.5.5.1.6 The request must identify the regulatory type of credits being redeemed, i.e., Sections 12 (by specific subsection) or 58 of the Air Quality Regulations. Additionally, the pollutant type of the credit must be identified, i.e., PM<sub>10</sub>, CO, NO<sub>x</sub>, and VOC.
- 59.5.5.1.7 Transaction of the recorded credits shall not be effective until the Department of Air Quality and Environmental Management notifies the owner of the credits. The department will acknowledge that the transaction is complete, approved, and recorded in the REGISTRY (BANK) by means of department letterhead that shall be signed by the CONTROL OFFICER or their designated representative. This notification shall contain a signed Credit Balance Summary Report reflecting the transaction.
- 59.6 **Credit Transaction Fees.**
- 59.6.1 **Scope of Applicability.** Subsection 59.6 applies to credits governed by Sections 12 and 58.
- 59.6.2 **Credits Transfer Request Fees.**
- 59.6.2.1 The owner of Section 12 (by specific subsection) credits shall pay a \$35.00 transaction fee, at the time of submission, for each Section 12 (by specific subsection) credit transfer request.
- 59.6.2.2 The owner of Section 58 ERCs shall pay a \$100.00 transaction fee, at the time of submission, for each Section 58 credit transfer request.

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History: Adopted: December 4, 2001; Amended: June 3, 2003; July 1, 2004; October 7, 2004; March 15, 2005.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 60 - EVAPORATION AND LEAKAGE**

**60.1 General:**

60.1.1 Materials such as, but not limited to, solvent, or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizer, and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to AIR POLLUTION; and where control methods are available to reduce effectively the contribution to AIR POLLUTION from evaporation, leakage, or discharge as determined by the CONTROL OFFICER, the installation and use of such control methods, devices or equipment shall be mandatory.

**60.2 Degreasing:**

60.2.1 Degreasing operations will only be permitted under the following conditions:

- 60.2.1.1 Disposal or transfer to another PERSON of WASTE solvent is not permitted where evaporation into the atmosphere is greater than ten percent (10%) by weight of the solvent;
- 60.2.1.2 WASTE solvent shall only be stored in covered containers;
- 60.2.1.3 Degreasing containers shall be equipped with a cover that can be operated by one hand and this cover is to be kept closed at all times except when actually adding material to be cleaned or removing material which has been cleaned;
- 60.2.1.4 Cleaned material shall be allowed to drain for at least fifteen (15) seconds or until dripping of solvent has ceased;
- 60.2.1.5 When solvent is applied by a hose or other type of pressure system the solvent must be in the solid fluid state. Spraying or atomization for purposes of application is not permitted. Application pressure shall be low enough to prevent excessive splashing of the solvent;

- 60.2.1.6 Degreasing containers shall be equipped with a permanent conspicuous label, summarizing operating requirements;
- 60.2.1.7 When a HIGHLY VOLATILE SOLVENT is being employed, the degreasing facility must be equipped with internal drainage, so that the parts are enclosed under the cover while draining. The drainage facility may be external if an internal type cannot fit into the system;
- 60.2.1.8 If the degreasing operation employs a HIGHLY VOLATILE SOLVENT, or if a solvent is heated above 50° C (120° F), then one of the following control devices must be used:
- 1) freeboard that gives a FREEBOARD RATIO > 0.7,
  - 2) water cover (solvent must be insoluble in and heavier than water), or
  - 3) other systems of equivalent control.

### **60.3 Surface Coating:**

60.3.1 Large Appliances:

- 60.3.1.1 This SECTION shall apply to APPLICATION AREA(s), flashoff area (s), and large appliance coating lines involved in prime, single, or top-coat coating operations.
- 60.3.1.2 No PERSON shall cause, allow, or permit the discharge into the atmosphere of any VOLATILE ORGANIC COMPOUNDS in excess of 0.34 kilograms per liter of coating (2.8 pounds per gallon), minus water, and as delivered to the coating applicator.
- 60.3.1.3 The EMISSION limit prescribed in Subsection 60.3.1.2 shall be achieved by:
- a) the use of low solvent coatings; or
  - b) other EMISSION controls such as incineration or carbon absorption capable of achieving EMISSION levels as low as those of low solvent coatings capable of meeting the EMISSION limits set in Subsection 60.3.1.2.
- 60.3.1.4 The design, operation, and efficiency of any capture system used in conjunction with Subsection 60.3.1.3 shall be certified in writing by the OWNER or OPERATOR and approved in advance of installation and use by the CONTROL OFFICER.



60.3.1.5 Exception:

60.3.1.5.1 Subsection 60.3.1 does not apply to the use of quick drying lacquers for repair of scratches and nicks which occur during assembly provided the volume does not exceed 1.0 liters in any one 8 hour period.

#### **60.4 Cutback Asphalts:**

60.4.1 Definitions:

60.4.1.1 Cutback Asphalt - Cutback asphalts are mixtures of VOLATILE ORGANIC COMPOUNDS and a base asphalt of selected viscosity. Solvent is of low, medium, or high volatility depending upon construction use;

60.4.1.2 Medium Curing (MC) - A cutback asphalt generally using kerosene as the solvent;

60.4.1.3 Rapid Curing (RC) - A cutback asphalt generally using highly volatile gasoline or naphtha as the solvent;

60.4.2 After July 1, 1980, use of SLOW CURING (SC), medium curing (MC), or rapid curing (RC) cutback asphalt for paving purposes is prohibited, within the Las Vegas Valley.

60.4.3 Exceptions to Subsection 60.4.2 are as follows:

60.4.3.1 The use of Slow or Medium Curing cutback asphalt may be allowed as a penetrating prime coat on lightly-traveled gravel surfaces or surfaces for temporary traffic;

60.4.3.2 The use of Slow or Medium Curing cutback asphalt may be placed in long period storage or for the stockpiling of patching mixes used for paving maintenance:

60.4.3.3 Cutback asphalt may be used when the forecast ambient temperature for the twenty-four (24) hour period following application of such asphalt is not expected to exceed 10° C (50° F).

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History: Amended: June 28, 1979; September 3, 1981; June 11, 2001; June 3, 2003; July 1, 2004.

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 70 - EMERGENCY PROCEDURES**

- 70.1** If the CONTROL OFFICER determines that either a generalized condition of AIR POLLUTION or the operation of one or more particular sources of air contaminant is causing or may cause imminent danger to human health or safety, he may declare that an episode condition such as an alert, warning or an emergency exists. The CONTROL OFFICER may order the prohibition, restriction, reduction or discontinuance of the EMISSIONS of any air contaminant which is causing or may cause aggravation of the condition. The CONTROL OFFICER shall utilize Section 6 of the Air Quality Implementation Plan for the State of Nevada which is entitled, EMERGENCY EPISODE PLAN, as a guide for the actions during an episode condition.
- 70.2** Any order issued pursuant to Subsection 70.1 above, shall expire by limitation 24 hours after it takes effect, unless affirmed and extended, modified or set aside by the Air Pollution Control HEARING BOARD within that period of time.
- 70.3** Enforcement of restrictions on MOTOR VEHICLE operations may be carried out by law enforcement agencies having jurisdiction within incorporated or unincorporated areas of the Department of Air Quality and Environmental Management.
- 70.4** The OWNER or OPERATOR of any STATIONARY SOURCE which EMITS 100 short tons (90.7 metric tons) or more per year of any air contaminant shall prepare and submit to the CONTROL OFFICER a standby plan for reducing or eliminating EMISSIONS of air pollutants during periods of an AIR POLLUTION Alert, AIR POLLUTION Warning, or AIR POLLUTION Emergency as defined in the EMERGENCY EPISODE PLAN.
- 70.4.1** Each such plan shall be submitted within 90 days of this regulation and shall be subject to review and approval of the CONTROL OFFICER. Any such plan will be approved unless the CONTROL OFFICER notifies the OWNER OR OPERATOR within 60 days that such plan has been disapproved. The CONTROL OFFICER will set forth reasons for any disapproval. (This subsection effective 1/28/73.)

- 70.4.2 The provision of Subsection 70.4.1 shall supersede that contained as part of the EMERGENCY EPISODE PLAN which relates to the time of submittal of standby plans.
- 70.4.3 Each such plan shall identify the air pollutants EMITTED by the source, the specific facility from which each air pollutant is EMITTED, the manner in which reduction of EMISSIONS will be achieved during an AIR POLLUTION Alert, Warning, or Emergency, and the approximate reduction in EMISSIONS to be achieved by each reduction measure.
- 70.4.4 During an AIR POLLUTION Alert, Warning, or Emergency a copy of such plan shall be made available on the source premises for inspection by the CONTROL OFFICER.
- 70.5 Upon notification by the CONTROL OFFICER that an AIR POLLUTION Alert, Warning, or Emergency has been declared, the OWNER OR OPERATOR of each source which has a standby plan approved by the CONTROL OFFICER shall implement the EMISSION reduction measures specified in such plan.**
- 70.6 Any OWNER OR OPERATOR of a STATIONARY SOURCE not subject to the requirements of Subsection 70.1 of this section shall, when requested by the CONTROL OFFICER in writing, prepare and submit a standby plan in accordance with this section.**

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History: Amended: July 24, 1979; June 11, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**

**AIR QUALITY REGULATIONS**

**SECTION 80 - CIRCUMVENTION**

**80.1 A PERSON shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an EMISSION which would otherwise constitute a violation of these Regulations. This section shall not apply to cases in which the only violation involved is of Subsection 40.140 of the Nevada Revised Statutes or of Section 40 of these Regulations.**

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History: Amended: December 28, 1978; June 11, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 81 - PROVISIONS OF REGULATIONS SEVERABLE**

**81.1 If any provision of these Regulations or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.**

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History: Amended: December 28, 1978; June 11, 2001; June 3, 2003; July 1, 2004.

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 90 - FUGITIVE DUST FROM OPEN AREAS AND VACANT LOTS**

90.1        **FUGITIVE DUST From OPEN AREAS AND VACANT LOTS**

90.1.1      **Purpose:** To limit the EMISSION of PARTICULATE MATTER into the AMBIENT AIR from OPEN AREAS AND VACANT LOTS.

90.1.2      **Applicability:** The provisions of this Regulation shall apply to OPEN AREAS AND VACANT LOTS which are located in the PM<sub>10</sub> NONATTAINMENT AREA (HYDROGRAPHIC BASIN 212) and the Apex Valley (HYDROGRAPHIC BASINS 216 and 217). Nothing in Section 90 of these Regulations shall be construed to prevent enforcement of Section 40 (Prohibition of NUISANCE Conditions) of these Regulations. The provisions of this Regulation shall not apply to Normal Farm Cultural Practices or the raising of fowl or animals. The provisions of this Regulation shall not apply to STATIONARY SOURCES as defined in Section 0, except that these control measures shall be considered as part of a BACT determination.

90.1.3      **Effective Date Of This Regulation:**

90.1.3.1    Section 90, adopted by the Clark County Board of County Commissioners on June 22, 2000, shall be effective in HYDROGRAPHIC BASIN 212 on January 1, 2001, except as otherwise provided herein.

90.1.3.2    Section 90 shall be effective in HYDROGRAPHIC BASINS 216 and 217 on April 1, 2002, except as otherwise provided herein.

90.2        **Requirements:**

90.2.1      **OPEN AREAS AND VACANT LOTS:** If OPEN AREAS AND VACANT LOTS are 5,000 square feet or larger and are disturbed by any means, including use by MOTOR VEHICLES and/or OFF-ROAD MOTOR VEHICLES or material dumping, then the OWNER AND/OR OPERATOR of such OPEN AREAS AND VACANT LOTS shall implement one or more of the CONTROL MEASURES described in Subsection 90.2.1.1 of this Regulation within 30 calendar days following the initial discovery of disturbance or vehicle use on OPEN AREAS AND VACANT LOTS. The OWNER AND/OR OPERATOR shall implement all control measures necessary to limit the disturbance of open areas and

vacant lots in accordance with the requirements of this regulation.  
**Advisory Notice:** In order to conserve water to the greatest extent practicable, the use of RECLAIMED WATER is highly encouraged.

90.2.1.1 **CONTROL MEASURES:**

- (a) Where there is evidence of soil disturbance by MOTOR VEHICLES and/or OFF-ROAD VEHICLE use, prevent MOTOR VEHICLE and/or OFF-ROAD VEHICLE trespassing, parking, and/or access, by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective traffic Control Measures. A stable surface area shall be established and maintained by using one of the CONTROL MEASURES set forth in Subsections 90.2.1.1(b) or (c) or by the effective application of water in compliance with the stabilization standards set forth in Subsection 90.2.1.2. Where measures to prevent vehicular trespassing and movement are not effective, the application of water will not be utilized for surface stabilization. For the purposes of this Subsection, use of or parking on OPEN AREAS AND VACANT LOTS for noncommercial and non-institutional purposes by the OWNER AND/OR OPERATOR of such OPEN AREAS AND VACANT LOTS shall not be considered vehicle use under this Subsection. In addition, vehicle use related to landscaping maintenance shall not be considered vehicle use under this Subsection. For the purpose of this Regulation, landscape maintenance does not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes; or
- (b) Where a DISTURBED SURFACE AREA exists (including disturbed surfaces caused by MOTOR VEHICLES), uniformly apply and maintain surface gravel or DUST PALLIATIVES to all areas disturbed by MOTOR VEHICLES in compliance with one of the stabilization standards described in Subsection 90.2.1.2 of this Regulation; or
- (c) Where a DISTURBED SURFACE AREA exists (including disturbed surfaces caused by MOTOR VEHICLES and/or OFF-ROAD MOTOR VEHICLES), apply and maintain an alternative CONTROL MEASURE approved in writing by the CONTROL OFFICER and the Region IX ADMINISTRATOR of the Environmental Protection Agency (EPA).

90.2.1.2 **Stabilization Standards:**

- (a) A visible crust shall be established, as determined by Subsection 90.4.1.1 (The Drop Ball/Steel Ball Test) of these Regulations; or,

- (b) A percent cover that is equal to or greater than 20% for non-erodible elements shall be established, as determined by Subsection 90.4.1.2 (Rock Test Method) of these Regulations; or,
- (c) A threshold friction velocity, corrected for non-erodible elements of 100 cm/second or higher, shall be established, as determined by Subsection 90.4.1.3 (Determination Of Threshold Friction Velocity) of this Regulation; or,
- (d) An alternative test method approved in writing by the CONTROL OFFICER and the Region IX ADMINISTRATOR of the EPA.

90.2.2 **Dust Mitigation Plans Required:** Any OWNER AND/OR OPERATOR of OPEN AREAS AND VACANT LOTS having a cumulative area of 10,000 acres or greater must submit a dust mitigation plan to the Department of Air Quality and Environmental Management for approval by March 31, 2003, in a format prescribed by the CONTROL OFFICER.

90.2.3 **Mechanized Weed Abatement and/or Trash Removal:** If machinery is used to clear weeds and/or trash from OPEN AREAS AND VACANT LOTS of 5,000 square feet or larger, then the following Control Measures set forth in Subsection 90.2.3.1 shall be applied. **Advisory Notice:** In order to conserve water to the greatest extent practicable, the use of RECLAIMED WATER is highly encouraged.

90.2.3.1 **CONTROL MEASURES**

- (a) Pre-wet surface soils before mechanized weed abatement and/or trash removal occurs; and,
- (b) Maintain dust control measures while mechanized weed abatement and/or trash removal is occurring; and,
- (c) PAVE, apply gravel, apply water, or apply a suitable DUST PALLIATIVE, in compliance with the stabilization standards set forth in Subsection 90.2.1.2 of this Regulation, after mechanized weed abatement and/or trash removal occurs.

90.3 **Record Keeping Requirements**

90.3.1 **Record Keeping:** Any PERSON subject to the requirements of this Regulation shall compile and retain records that provide evidence of CONTROL MEASURE application, by indicating type of treatment or CONTROL MEASURE, extent of coverage, and date applied. The records and supporting documentation shall be made available to the CONTROL OFFICER within 24 hours of a written request.



90.3.2 **Record Retention:** Copies of the records required by Subsection 90.3.1 (Record Keeping Requirements) of this Regulation shall be retained for at least one year.

#### 90.4 **Test Methods**

90.4.1 **Stabilization Standards For OPEN AREAS AND VACANT LOTS:** The test methods described in Subsections 90.4.1.1 through Subsections 90.4.1.3 of this Regulation shall be used to determine whether an OPEN AREA or a VACANT LOT has a stabilized surface. Should a disturbed OPEN AREA or VACANT LOT contain more than one type of disturbance, soil, or other characteristics which are visibly distinguishable, each representative surface must be tested separately for stability in an area that represents a random portion of the overall disturbed conditions of the site, utilizing the appropriate test methods in Subsections 90.4.1.1 through Subsections 90.4.1.3 of this Regulation. Depending upon test method results, include or eliminate each representative surface from the total size assessment of the DISTURBED SURFACE AREA(S).

90.4.1.1 **Soil Crust Determination (The Drop Ball Test):** Drop a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16-17 grams from a distance of 30 centimeters (one foot) directly above the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the soil crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50% of an OPEN AREA or VACANT LOT which have not originated from the representative OPEN AREA or VACANT LOT surface being tested. If material covers a visible crust, which is not blowsand, apply the test method in Subsection 90.4.1.3 (Determination Of Threshold Friction Velocity) of this Regulation to the loose material to determine whether the surface is stabilized.

(a) A sufficient crust is defined under the following conditions: once a ball has been dropped according to Subsection 90.4.1.1 of this Regulation, the ball does not sink into the surface, so that it is partially or fully surrounded by loose grains and, upon removal of the ball, the surface upon which it fell has not been pulverized, so that loose grains are visible.

(b) Randomly select each representative DISTURBED SURFACE for the drop ball test by using a blind “over the shoulder” toss of a throwable object (for example, a metal weight with survey tape attached). Using the point of fall as the lower left hand corner, measure a 1-foot square area. Drop the ball three times within the 1-foot by 1-foot square survey area, using a consistent pattern

across the survey area. The survey area shall be considered to have passed the Soil Crust Determination Test if at least two of the three times the ball was dropped, the results met the criteria in Subsection 90.4.1.1(a) of this Regulation. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site, and repeat this procedure. If the results meet the criteria of Subsection 90.4.1.1(a) of this Regulation for all of the survey areas tested, then the site shall be considered to have passed the Soil Crust Determination Test and shall be considered sufficiently crusted.

- (c) At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the soil crust test as often as necessary on each portion of the overall conditions of the site using the random selection method set forth in Subsection 90.4.1.1(b) of this Regulation for an accurate assessment.

90.4.1.2 **Rock Test Method:** The Rock Test Method, which is similar to Subsection 90.4.1.3 (Determination Of Threshold Friction Velocity) of this Regulation, examines the wind-resistance effects of rocks and other non-erodible elements on disturbed surfaces. Non-erodible elements are objects larger than 1 centimeter (cm) in diameter that remain firmly in place even on windy days. Typically, non-erodible elements include rocks, stones, glass fragments, and hardpacked clumps of soil lying on or embedded in the surface. Vegetation does not count as a non-erodible element in this method. The purpose of this test method is to estimate the percent cover of non-erodible elements on a given surface to see whether such elements take up enough space to offer protection against windblown dust. For simplification, the following test method refers to all non-erodible elements as “rocks.”

- (a) Randomly select a 1 meter by 1 meter survey area within an area that represents the general rock distribution on the surface (a 1 meter by 1 meter area is slightly greater than a 3 foot by 3 foot area). Use a blind “over the shoulder” toss of a throwable object (for example, a metal weight with survey tape attached) to select the survey surface and using the point of fall as the lower left hand corner, measure a 1 meter by 1 meter survey area. Mark-off the survey area by tracing a straight, visible line in the dirt along the edge of a measuring tape or by placing short ropes, yard sticks, or other straight objects in a square around the survey area.
- (b) Without moving any of the rocks or other elements, examine the survey area. Since rocks greater than 3/8 inch (1 cm) in diameter

are of interest, measure the diameter of some of the smaller rocks to get a sense of which rocks need to be considered.

- (c) Mentally group the rocks greater than 3/8 inch (1cm) diameter lying in the survey area into small, medium, and large size categories. If the rocks are all approximately the same size, simply select a rock of average size and typical shape. Without removing any of the rocks from the ground, count the number of rocks in the survey area in each group and write down the resulting number.
- (d) Without removing rocks, select one or two average-size rocks in each group and measure the length and width. Use either metric units or standard units. Using a calculator, multiply the length times the width of the rocks to get the average dimensions of the rocks in each group. Write down the results for each rock group.
- (e) For each rock group, multiply the average dimensions (length times width) by the number of rocks counted in the group. Add the results from each rock group to get the total rock area within the survey area.
- (f) Divide the total rock area, calculated in Subsection 90.4.1.2(e) of this Regulation, by two (to get frontal area). Divide the resulting number by the size of the survey area (make sure the units of measurement match), and multiply by 100 for percent rock cover. For example, the total rock area is 1,400 square centimeters, divide 1,400 by 2 to get 700. Divide 700 by 10,000 (the survey area is 1 meter by 1 meter, which is 100 centimeters by 100 centimeters or 10,000 centimeters) and multiply by 100. The result is 7% rock cover. If rock measurements are made in inches, convert the survey area from meters to inches (1 inch = 2.54 centimeters).
- (g) Select and mark-off two additional survey areas and repeat the procedures described in Subsection 90.4.1.2(a) through Subsection 90.4.1.2(f) of this Regulation. Make sure the additional survey areas also represent the general rock distribution on the site. Average the percent cover results from all three survey areas to estimate the average percent of rock cover.
- (h) If the average rock cover is greater than or equal to 20%, the surface is stable. If the average rock cover is less than 20%, follow the procedures in Subsection 90.4.1.2(i) of this Regulation.
- (i) If the average rock cover is less than 20%, the surface may or may not be stable. Follow the procedures in Subsection 90.4.1.3 (Determination Of Threshold Friction Velocity) of this Regulation

and use the results from the rock test method as a correction (i.e., multiplication) factor. If the rock cover is at least 1%, such rock cover helps to limit windblown dust. However, depending on the soil's ability to release fine dust particles into the air, the percent rock cover may or may not be sufficient enough to stabilize the surface. It is also possible that the soil itself has a high enough Threshold Friction Velocity (TFV) to be stable without accounting for rock cover.

- (j) After completing the procedures described in Subsection 90.4.1.2(i) of this Regulation, use Table 2 of this Regulation to identify the appropriate correction factor to the TFV, depending on the percent rock cover. Multiply the correction factor by the TFV value for a final TFV estimate that is corrected for non-erodible elements.

90.4.1.3 **Determination Of Threshold Friction Velocity (TFV):** For DISTURBED SURFACE AREAS that are not crusted or vegetated, determine TFV according to the following sieving field procedure (based on a 1952 laboratory procedure published by W. S. Chepil).

- (a) Obtain and stack a set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm, and 0.25 mm, or obtain and stack a set of standard/commonly available sieves. Place the sieves in order according to size openings, beginning with the largest size opening at the top. Place a collector pan underneath the bottom (0.25 mm) sieve. Collect a sample of loose surface material from an area at least 30 cm by 30 cm in size, to a depth of approximately 1 cm using a brush and dustpan or other similar device. Only collect soil samples from dry surfaces (i.e., when the surface is not damp to the touch). Remove any rocks larger than 1 cm in diameter from the sample. Pour the sample into the top sieve (4 mm opening) and cover the sieve/collector pan unit with a lid. Minimize escape of particles into the air when transferring surface soil into the sieve/collector pan unit. Move the covered sieve/collector pan unit by hand using a broad, circular arm motion in the horizontal plane. Complete twenty circular arm movements, ten clockwise and ten counterclockwise, at a speed just necessary to achieve some relative horizontal motion between the sieves and the particles. Remove the lid from the sieve/collector pan unit and disassemble each sieve separately, beginning with the largest sieve. As each sieve is removed, examine it for loose particles. If loose particles have not been sifted to the finest sieve through which they can pass, reassemble and cover the sieve/collector pan unit and gently rotate it an additional ten times. After disassembling the sieve/collector pan unit, slightly tilt and gently tap each sieve, and the collector pan, so that material aligns along one side. In

doing so, minimize escape of particles into the air. Line up the sieves and collector pan in a row and visibly inspect the relative quantities of catch in order to determine which sieve (or whether the collector pan) contains the greatest volume of material. If a visual determination of relative volumes of catch among sieves is difficult, use a graduated cylinder to measure the volume. Estimate TFV for the sieve catch with the greatest volume using Table 1 of this Subsection, which provides a correlation between sieve opening size and TFV.

**Table 1. Determination Of Threshold Friction Velocity**

Tyler Sieve No.	ASTM 11 Sieve No.	Opening (mm)	TFV (cm/s)
5	5	4	135
9	10	2	100
16	18	1	76
32	35	0.5	58
60	60	0.25	43
Collector Pan	—	—	30

- (b) Collect at least three soil samples which represent random portions of the overall conditions of the site, repeat the above TFV test method for each sample and average the resulting TFVs together to determine the TFV uncorrected for non-erodible elements. Non-erodible elements are distinct elements, in the random portion of the overall conditions of the site, that are larger than 1 cm in diameter, remain firmly in place during a wind episode, and inhibit soil loss by consuming part of the shear stress of the wind. Non-erodible elements include stones and bulk surface material but do not include flat or standing vegetation. For surfaces with non-erodible elements, determine corrections to the TFV by identifying the fraction of the survey area, as viewed from directly overhead, that is occupied by non-erodible elements using the following procedure. For a more detailed description of this procedure, see Subsection 90.4.1.2 (Rock Test Method) of this Regulation. Select a survey area of 1 meter by 1 meter that represents a random portion of the overall conditions of the site. Where many non-erodible elements lie within the survey area, separate the non-erodible elements into groups according to size. For each group, calculate the overhead area for the non-erodible elements according to the following equations:

- Eq. 1: (Average length) x (Average width) = Average Dimensions.  
 Eq. 2: (Average Dimensions) x (Number of Elements) = Overhead Area.  
 Eq. 3: Overhead Area Of Group 1 + Overhead Area Of Group 2 (etc.) = Total Overhead Area.  
 Eq. 4: Total Overhead Area/2 = Total Frontal Area.  
 Eq. 5: (Total Frontal Area/Survey Area) x 100 = Percent Cover Of Non-Erodible Elements.

Note: Ensure consistent units of measurement (e.g. square meters or square inches when calculating percent cover).

Repeat this procedure on an additional two distinct survey areas that represent a random portion of the overall conditions of the site and average the results. Use Table 2 of this Subsection to identify the correction factor for the percent cover of non-erodible elements. Multiply the TFV by the corresponding correction factor to calculate the TFV corrected for non-erodible elements.

**Table 2. Correction Factors For Threshold Friction Velocity**

Percent Cover Of Non-Erodible Elements	Correction Factor
Greater than or equal to 10%	5
Greater than or equal to 5% and less than 10%	3
Less than 5% and greater than or equal to 1%	2
Less than 1%	None

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 History: Initial adoption: June 22, 2000

Amended: November 16, 2000; November 20, 2001; December 17, 2002; June 3, 2003; July 1, 2004.

# CLARK COUNTY

## AIR QUALITY REGULATIONS

### SECTION 91 - FUGITIVE DUST FROM UNPAVED ROADS, UNPAVED ALLEYS, AND UNPAVED EASEMENT ROADS

#### 91.1 FUGITIVE DUST From Unpaved Roads, Unpaved Alleys, and Unpaved EASEMENT Roads

91.1.1 **Purpose:** To limit the Emission of PARTICULATE MATTER into the AMBIENT AIR from unpaved roads, unpaved alleys, unpaved ROAD EASEMENTS and unpaved access roads for utilities and railroads.

91.1.2 **Applicability:** The provisions of this Regulation shall apply to unpaved roads, which includes unpaved alleys, unpaved ROAD EASEMENTS and unpaved access roads for utilities and railroads which are located in the PM<sub>10</sub> NON-ATTAINMENT AREA (HYDROGRAPHIC BASIN 212) and the Apex Valley (HYDROGRAPHIC BASINS 216 and 217). Nothing in Subsections 91.1 through 91.3 of these Regulations shall be construed to prevent enforcement of Section 40 (Prohibition of NUISANCE Conditions) of these Regulations. The provisions of this Regulation shall not apply to non-commercial and non-institutional private driveways and shall not apply to horse trails, hiking paths, bicycle paths, or other similar paths that have been officially designated by a governing body for exclusive use for purposes other than travel by motor vehicles. The provisions of this Regulation shall not apply to STATIONARY SOURCES as defined in Section 0, except that these control measures shall be considered as part of a BACT determination.

#### 91.1.3 **Effective Date Of This Regulation:**

91.1.3.1 Regulations 91.1 through 91.3 shall be effective in HYDROGRAPHIC BASIN 212 on their adoption by the District Board of Health of Clark County on June 22, 2000.

91.1.3.2 Regulations 91.1 through 91.3 shall be effective in HYDROGRAPHIC BASINS 216 and 217 on April 1, 2002.

#### 91.2 **Requirements:**

91.2.1 **Unpaved Roads:** An OWNER AND/OR OPERATOR of an unpaved road in the PM<sub>10</sub> NON-ATTAINMENT AREA, shall implement one of the CONTROL MEASURES

set forth in Subsection 91.2.1.3 of this Regulation, except as set forth in Subsection 91.2.1.1 of this Regulation. For the purpose of this Regulation, the CONTROL MEASURES shall be considered effectively implemented when the unpaved roadway complies with the stabilization standards set forth in Subsection 91.2.1.4 of this Regulation. **Advisory Notice:** In order to conserve water to the greatest extent practicable, the use of RECLAIMED WATER is highly encouraged.

**91.2.1.1 Implementation Of CONTROL MEASURES For Existing Unpaved Roads:**

91.2.1.1.1 OWNERS AND/OR OPERATORS of existing unpaved roads that were constructed prior to June 22, 2000 in HYDROGRAPHIC BASIN 212 shall implement one of the CONTROL MEASURES set forth Subsection 91.2.1.3 of this Regulation according to the following schedule:

- (a) CONTROL MEASURES shall be implemented for one third (1/3) of the total miles of unpaved roads having vehicular traffic of 150 vehicles or more per day in accordance with Subsection 91.2.1.3 (CONTROL MEASURES) of this Regulation by June 1, 2001.
- 91 CONTROL MEASURES shall be implemented for two thirds (2/3) of the total miles of unpaved roads having vehicular traffic of 150 vehicles or more per day in accordance with Subsection 91.2.1.3 (CONTROL MEASURES) of this Regulation by June 1, 2002.
- (c) CONTROL MEASURES shall be implemented for all unpaved roads having vehicular traffic of 150 vehicles or more per day in accordance with Subsection 91.2.1.3 (CONTROL MEASURES) of this Regulation by June 1, 2003.
- (d) CONTROL MEASURES set forth in Subsection 91.2.1.3 shall be implemented for existing unpaved roads on which vehicular traffic is equal to or greater than 150 vehicles per day that develops after June 1, 2003. CONTROL MEASURES shall be implemented within 365 calendar days following the initial discovery that vehicular traffic equals or exceeds 150 vehicles per day and that the road surface does not comply with the stabilization standards set forth in Subsection 91.2.1.4 of this Regulation. The CONTROL OFFICER may require short-term stabilization of any unpaved road subject to Subsection 91.2.1.1(d).
- (e) Non-federal Requirement: CONTROL MEASURES set forth in Subsection 91.2.1.3 shall be implemented for existing unpaved roads having vehicular traffic of less than 150 vehicles per day within 365 calendar days following the initial discovery that the road surface does not comply with the stabilization standards set forth in Section 91.2.1.4 of this Regulation. The requirements of this



Subsection (91.2.1.1 (e)) shall not constitute applicable State Implementation Plan requirements pursuant to Section 189 of the federal Clean Air Act. The CONTROL OFFICER may require short-term stabilization of any unpaved road subject to Subsection 91.2.1.1 (e)). For the purpose of this Subsection, the CONTROL MEASURES shall be considered effectively implemented when the unpaved road complies with the stabilization standards set forth in Subsection 91.2.1.4 of this Regulation.

91.2.1.1.2 OWNERS AND/OR OPERATORS of existing unpaved roads that were constructed prior to April 1, 2002 in HYDROGRAPHIC BASINS 216 and 217 shall implement one of the CONTROL MEASURES set forth Subsection 91.2.1.3 of this Regulation according to the following schedule:

- (a) CONTROL MEASURES shall be implemented for one third (1/3) of the total miles of unpaved roads having vehicular traffic of 150 vehicles or more per day in accordance with Subsection 91.2.1.3 (CONTROL MEASURES) of this Regulation by April 1, 2003.
- (b) CONTROL MEASURES shall be implemented for two thirds (2/3) of the total miles of unpaved roads having vehicular traffic of 150 vehicles or more per day in accordance with Subsection 91.2.1.3 (CONTROL MEASURES) of this Regulation by April 1, 2004.
- (c) CONTROL MEASURES shall be implemented for all unpaved roads having vehicular traffic of 150 vehicles or more per day in accordance with Subsection 91.2.1.3 (CONTROL MEASURES) of this Regulation by April 1, 2005.
- (d) CONTROL MEASURES set forth in Subsection 91.2.1.3 shall be implemented for existing unpaved roads on which vehicular traffic is equal to or greater than 150 vehicles per day that develops after April 1, 2005. CONTROL MEASURES shall be implemented within 365 calendar days following the initial discovery that vehicular traffic equals or exceeds 150 vehicles per day and that the road surface does not comply with the stabilization standards set forth in Subsection 91.2.1.4 of this Regulation. The CONTROL OFFICER may require short-term stabilization of any unpaved road subject to Subsection 91.2.1.1(d).
- (e) Non-federal Requirement: CONTROL MEASURES set forth in Subsection 91.2.1.3 shall be implemented for existing unpaved roads having vehicular traffic of less than 150 vehicles per day within 365 calendar days following the initial discovery that the road surface does not comply with the stabilization standards set forth in Section 91.2.1.4 of this Regulation. The requirements of this Subsection (91.2.1.1 (e)) shall not constitute applicable State

Implementation Plan requirements pursuant to Section 189 of the federal Clean Air Act. The CONTROL OFFICER may require short-term stabilization of any unpaved road subject to Subsection 91.2.1.1 (e)). For the purpose of this Subsection, the CONTROL MEASURES shall be considered effectively implemented when the unpaved road complies with the stabilization standards set forth in Subsection 91.2.1.4 of this Regulation.

91.2.1.2 No unpaved roads or alleys may be constructed in public thoroughfares in HYDROGRAPHIC BASIN 212 after June 22, 2000, or in HYDROGRAPHIC BASINS 216 and 217 after April 1, 2002, unless the unpaved road is an interim component of an active paving project.

91.2.1.3 **CONTROL MEASURES:**

- (a) PAVE, or
- (b) Apply DUST PALLIATIVES, in compliance with the stabilization standards set forth in Subsection 91.2.1.4 of this Regulation, or
- (c) Apply and maintain and alternative CONTROL MEASURE approved in writing by the CONTROL OFFICER and the Region IX Administrator of the EPA.

91.2.1.4 **Stabilization Standards:** For the purpose of this rule, CONTROL MEASURES shall be considered effectively implemented when stabilization observations for FUGITIVE Dust EMISSIONS from unpaved roads and unpaved alleys do not exceed 20% OPACITY and do not equal or exceed 0.33 oz/ft<sup>2</sup> silt loading, or do not exceed 6% silt content, as determined by Subsection 91.4.1 of these Regulations.

91.3 **Record Keeping Requirements**

91.3.1 **Record Keeping:** Any person subject to the requirements of this Regulation shall compile and retain records that provide evidence of CONTROL MEASURE application, by indicating type of treatment or CONTROL MEASURE, extent of coverage, and date applied. The records and supporting documentation shall be made available to the CONTROL OFFICER within 24 hours from written or verbal request.

91.3.2 **Records Retention:** Copies of the records required by Subsection 91.3.1 (Record Keeping Requirements) of this Regulation shall be retained for at least one year.

91.3.3 **Reports Required:** In addition to complying with the record keeping requirements specified in Subsection 91.3.1, OWNERS of unpaved roads shall be subject to the requirements set forth in Subsection 91.2.1.1, and

shall prepare and submit a written report to the CONTROL OFFICER documenting compliance with the provisions of Subsection 91.2.1.1. This report shall be prepared for the years 2001, 2002, and 2003 for OWNERS of unpaved roads in HYDROGRAPHIC BASIN 212, for the years 2003, 2004, and 2005 for OWNERS of unpaved roads in HYDROGRAPHIC BASINS 216 and 217, and shall be submitted to the CONTROL OFFICER no later than October first of each year and shall include:

91.3.3.1 The total miles of unpaved roads under the jurisdiction of the OWNER and the miles PAVED during the reporting period subject to the requirements of Subsection 91.2.1.1. Miles of PAVING for roads subject to Subsections 91.2.1.1.1(a), 91.2.1.1.1(b), and 91.2.1.1.1(c) must be listed separately from paving of roads found to be subject Subsection 91.2.1.1.1 (d). Miles of PAVING for roads subject to Subsections 91.2.1.1.2(a), 91.2.1.1.2(b), and 91.2.1.1.2(c) must be listed separately from paving of roads found to be subject Subsection 91.2.1.1.2(d).

#### 91.4 **Test Methods**

##### 91.4.1 **Stabilization Test Methods For Unpaved Roads And Unpaved Alleys:**

91.4.1.1 **OPACITY Test Method:** The purpose of this test method is to estimate the percent OPACITY of FUGITIVE DUST plumes caused by vehicle movement on unpaved roads, unpaved alleys, and unpaved EASEMENTS. This method can only be conducted by an individual who has received certification as a qualified Visible EMISSIONS Evaluator.

(a) Step 1: Stand at least 16.5 feet from the FUGITIVE DUST source in order to provide a clear view of the EMISSIONS with the sun oriented in the 140-degree sector to the back. Following the above requirements, make OPACITY observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.

(b) Step 2: Record the FUGITIVE DUST source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the FUGITIVE DUST source. Also, record the time, estimated distance to the FUGITIVE DUST source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the FUGITIVE DUST source, and color of the plume and type of background on the visible emission observation form both when OPACITY readings are initiated and completed.

- (c) Step 3: Make OPACITY observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make OPACITY observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.
- (d) Step 4: Record the OPACITY observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average OPACITY of EMISSIONS for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of vehicles which generate dust plumes for which readings are taken (e.g. mid-size passenger car or heavy-duty truck) and the approximate speeds the vehicles are traveling when readings are taken.
- (e) Step 5: Repeat Step 3 (Subsection 91.4.1.1(c) of this Regulation) and Step 4 (Subsection 91.4.1.1 (d) of this Regulation) until you have recorded a total of 12 consecutive OPACITY readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- (f) Step 6: Average the 12 OPACITY readings together. If the average OPACITY reading equals 20% or lower, the source is in compliance with the OPACITY standard described in Section 91 of these Regulations.

91.4.1.2 **Silt Content Test Method:** The purpose of this test method is to estimate the silt content of the trafficked parts of unpaved roads, unpaved alleys, and unpaved EASEMENTS. The higher the silt content, the greater the amount of fine dust particles that are entrained into the atmosphere when cars and trucks drive on unpaved roads, unpaved alleys, and unpaved EASEMENTS.

- (a) Equipment:

- (1) A set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm and 0.25 mm, a lid, and collector pan
  - (2) A small whiskbroom or paintbrush with stiff bristles and dustpan 1 foot in width (the broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length)
  - (3) A spatula without holes
  - (4) A small scale with half ounce increments (e.g., postal/package scale)
  - (5) A shallow, lightweight container (e.g., plastic storage container)
  - (6) A sturdy cardboard box or other rigid object with a level surface
  - (7) A calculator
  - (8) Cloth gloves (optional for handling metal sieves on hot, sunny days)
  - (9) Sealable plastic bags (if sending samples to a laboratory)
  - (10) A pencil/pen and paper
- (b) Step 1: Look for a routinely traveled surface, as evidenced by tire tracks (only collect samples from surfaces that are not damp due to precipitation or dew). This statement is not meant to be a standard in itself for dampness where watering is being used as a CONTROL MEASURE. It is only intended to ensure that surface testing is done in a representative manner. Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whiskbroom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is greater than 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1

cm in depth, a wooden dowel or other similar narrow object at least one foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel.

- At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.
- (c) Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
- (d) Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
- (e) Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush (on windy days, use the trunk or door of a car as a wind barricade). Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.
- (f) Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g. material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute (you only need to reassemble the sieve(s) that contain material, which requires further sifting).
- (g) Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves; only the collector pan. Weigh the container with the material from the collector pan and record its weight.

- (h) Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an UNPAVED PARKING LOT, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 (Subsection 91.4.1.2(c) of this Regulation) and multiply by 100 to estimate the percent silt content.
- (i) Step 8: Select another two routinely traveled portions of the unpaved road or UNPAVED PARKING LOT and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.
- (j) Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is stable. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an unpaved road, unpaved alley, or unpaved EASEMENT and the average percent silt content is 6% or less, the surface is stable. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road, alley, or EASEMENT), it is recommended that you collect 3 additional samples from the source according to Step 1 (Subsection 91.4.1.2(b) of this Regulation) and take them to an independent laboratory for silt content analysis.
- (k) Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1 (Subsection 91.4.1.2(b) of this Regulation), and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is:

"Procedures For Laboratory Analysis Of Surface/Bulk Loading Samples", (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina

**History: Initial Adoption: June 22, 2000.**

**Amended: November 16, 2000; December 21, 2000; June 3, 2003; July 1, 2004.**

# CLARK COUNTY

## AIR QUALITY REGULATIONS

### **SECTION 92 - FUGITIVE DUST FROM UNPAVED PARKING LOTS; MATERIAL HANDLING AND STORAGE YARDS; AND VEHICLE AND EQUIPMENT STORAGE YARDS**

#### 92.1 FUGITIVE DUST From UNPAVED PARKING LOTS

92.1.1 **Purpose:** To limit the EMISSION of PARTICULATE MATTER into the AMBIENT AIR from UNPAVED PARKING LOTS; material handling and storage yards; and vehicle and equipment storage yards.

92.1.2 **Applicability:** The provisions of this Regulation shall apply to UNPAVED PARKING LOTS; material handling and storage yards; and vehicle and equipment storage yards which are located in the PM10 NON-ATTAINMENT AREA (HYDROGRAPHIC BASIN 212), in the Apex Valley (HYDROGRAPHIC BASINS 216 and 217), and which are not regulated by Section 94 of these Regulations. For the purposes of this Regulation, UNPAVED PARKING LOT means any area of 5,000 square feet or larger that is not PAVED and that is used for parking, maneuvering, or storing MOTOR VEHICLES, equipment, or materials. UNPAVED PARKING LOT includes automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purposes of this regulation, maneuvering shall not include military maneuvers or exercises conducted on federal facilities. Nothing in Subsections 92.1 through 92.5 shall be construed to prevent enforcement of Section 40 (Prohibition of NUISANCE Conditions) of these Regulations. The provisions of this Regulation shall not apply to STATIONARY SOURCES as defined in Section 0, except that these control measures shall be considered as part of a BACT determination.

#### 92.2 Requirements:

92.2.1 **UNPAVED PARKING LOTS, Including Material Handling and Storage Yards and Equipment and Vehicle Storage Yards:** The OWNER AND/OR OPERATOR of an existing UNPAVED PARKING LOT in HYDROGRAPHIC BASIN 212 shall implement one or more of the CONTROL MEASURES described in Subsection 92.2.1.2 as necessary to comply with the stabilization standards of subsection 92.3.1. For UNPAVED PARKING LOTS that are



utilized intermittently, for a period of 35 days or less during the calendar year, the OWNER AND/OR OPERATOR shall implement one or more of the CONTROL MEASURES described in Subsection 92.2.1.2 during the period that the UNPAVED PARKING LOT is utilized for vehicle parking. For the purpose of this Regulation, the CONTROL MEASURES set forth in Subsection 92.2.1.2 shall be considered effectively implemented when the UNPAVED PARKING LOT meets the stabilization standards described in Subsection 92.3.1.

92.2.1.1 **New Unpaved Parking Lots:** No UNPAVED PARKING LOTS may be constructed in HYDROGRAPHIC BASIN 212, 216 or 217 except as provided in this Subsection

(A) The requirements of this Subsection shall not be applicable to parking lots for rural public facilities such as trailheads, campgrounds, and similar facilities where paved parking lots would conflict with the rural nature of these facilities provided such UNPAVED PARKING LOT is stabilized in accordance with Subsection 92.2.1.2(b) through (d) prior to being used. For the purposes of this Subsection, a rural public facility shall not include any facility located within the BLM Disposal Boundary.

(B) **Material Storage and Handling Areas:** If an area is used for storing and handling of landscaping, aggregate, other similar bulk materials, the OWNER/OPERATOR shall implement one or more of the CONTROL MEASURES described in Subsection 92.2.1.2 subject to the approval of the CONTROL OFFICER, provided however, all access, parking and loading areas shall be paved.

(C) **Tracked, Non Rubber Tired Vehicle, or Heavy Equipment Storage Areas:** If AN AREA is used primarily for storage of tracked and/or non-rubber tired vehicles or equipment that the CONTROL OFFICER has determined to be of such weight as to damage or destroy pavement,(e.g., Heavy Equipment), the OWNER/OPERATOR shall implement one or more of the CONTROL MEASURES described in Subsection 92.2.1.2 subject to the approval of the CONTROL OFFICER, provided however, all access, parking and loading areas shall be paved.

92.2.1.2 CONTROL MEASURES:

(a) PAVE, or

(b) Apply DUST PALLIATIVES, in compliance with the stabilization standards set forth in Subsection 92.3.1, or

- (c) Apply DUST PALLIATIVES to vehicle travel lanes within the parking lot in compliance with the stabilization standards set forth in Subsection 92.3.1 and uniformly apply and maintain surface gravel to a depth of two (2) inches on the vehicle parking areas, or
- (d) Apply and maintain an alternative CONTROL MEASURE approved in writing by the CONTROL OFFICER and the Region IX Administrator of the Environmental Protection Agency (EPA).

### 92.3 Performance Standards

92.3.1. Stabilization Standards: For the purpose of this Regulation, CONTROL MEASURES shall be considered effectively implemented when stabilization observations for FUGITIVE DUST EMISSIONS from UNPAVED PARKING LOTS do not exceed 20% OPACITY and do not equal or exceed 0.33 oz/ft<sup>2</sup> silt loading, or do not exceed 8% silt content, as determined by Subsection 92.5 (Test Methods) except for areas on which gravel has been applied under the provisions of Subsection 92.2.1.2(c).

92.3.2 Prohibition of Dust Over Property Line: Where Best Available Control Measures provided for in this Regulation have not been applied, no OWNER AND/OR OPERATOR of an UNPAVED PARKING LOT shall permit a dust plume from that UNPAVED PARKING LOT to cross a property line.

### 92.4 Record Keeping Requirements

92.4.1 **Record Keeping:** Any PERSON subject to the requirements of this Regulation shall compile and retain records that provide evidence of CONTROL MEASURE application, by indicating type of treatment or CONTROL MEASURE, extent of coverage, and date applied. The records and supporting documentation shall be made available to the CONTROL OFFICER within 24 hours of a written request.

92.4.2 **Records Retention:** Copies of the records required by Subsection 92.4.1 (Record Keeping Requirements) shall be retained for at least one year. Facilities subject to Section 19 (PART 70 OPERATING PERMITS) shall maintain records in accordance with Part 70 record keeping requirements.

### 92.5 Test Methods

#### 92.5.1 Stabilization Test Methods For UNPAVED PARKING LOTS:

92.5.1.1 OPACITY Test Method: The purpose of this test method is to estimate the percent OPACITY of FUGITIVE DUST plumes caused by vehicle movement on UNPAVED PARKING LOTS. This method can only be conducted by an

individual who has received certification as a qualified Visible EMISSIONS Evaluator.

- (a) Step 1: Stand at least 16.5 feet from the FUGITIVE DUST source in order to provide a clear view of the EMISSIONS with the sun oriented in the 140-degree sector to the back. Following the above requirements, make OPACITY observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.
- (b) Step 2: Record the FUGITIVE DUST source location, source type, method of control used, if any, evaluator's name, certification data and affiliation, and a sketch of the observer's position relative to the FUGITIVE DUST source. Also, record the time, estimated distance to the FUGITIVE DUST source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and color of the plume and type of background on the visible EMISSION observation form both when OPACITY readings are initiated and completed.
- (c) Step 3: Make OPACITY observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make OPACITY observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.
- (d) Step 4: Record the OPACITY observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average opacity of EMISSIONS for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of vehicles which generate dust plumes for which readings are taken (e.g., mid-size passenger car or heavy-duty truck) and the approximate speeds the vehicles are traveling when readings are taken.
- (e) Step 5: Repeat Step 3 (Subsection 92.5.1.1(c) of this Regulation) and Step 4 (Subsection 92.5.1.1 (d) of this Regulation) until you

have recorded a total of 12 consecutive OPACITY readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.

- (f) Step 6: Average the 12 OPACITY readings together. If the average OPACITY reading equals 20% or lower, the source is in compliance with the OPACITY standard described in Section 92 of these Regulations.

92.5.1.2 Silt Content Test Method: The purpose of this test method is to estimate the silt content of the trafficked parts of UNPAVED PARKING LOTS. The higher the silt content, the greater the amount of fine dust particles that are entrained into the atmosphere when cars and trucks drive on UNPAVED PARKING LOTS.

- (a) Equipment:
  - (1) A set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm and 0.25 mm, a lid, and collector pan
  - (2) A small whiskbroom or paintbrush with stiff bristles and dustpan 1 foot in width (the broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length).
  - (3) A spatula without holes
  - (4) A small scale with half ounce increments (e.g. postal/package scale)
  - (5) A shallow, lightweight container (e.g. plastic storage container)
  - (6) A sturdy cardboard box or other rigid object with a level surface
  - (7) A basic calculator
  - (8) Cloth gloves (optional for handling metal sieves on hot, sunny days)

- (9) Sealable plastic bags (if sending samples to a laboratory)
- (10) A pencil/pen and paper
- (b) Step 1: Look for a routinely traveled surface, as evidenced by tire tracks (only collect samples from surfaces that are not damp due to precipitation or dew). This statement is not meant to be a standard in itself for dampness where watering is being used as a Control Measure. It is only intended to ensure that surface testing is done in a representative manner. Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whiskbroom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is greater than 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm in depth, a wooden dowel or other similar narrow object at least one foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel.
- At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.
- (c) Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
- (d) Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
- (e) Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush (on windy days, use the trunk or door

of a car as a wind barricade). Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.

- (f) Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g., material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, restack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute (you only need to reassemble the sieve(s) that contain material, which requires further sifting).
- (g) Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves; only the collector pan. Weigh the container with the material from the collector pan and record its weight.
- (h) Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an UNPAVED PARKING LOT, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 and multiply by 100 to estimate the percent silt content.
- (i) Step 8: Select another two routinely traveled portions of the unpaved road or UNPAVED PARKING LOT and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.
- (j) Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is stable. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an UNPAVED PARKING LOT and the average percent silt content is 8% or less, the surface is stable. If your field test results are within 2% of the standard (for example, 6%-10% silt content on an UNPAVED PARKING LOT), it is recommended that you collect 3 additional samples from the source according to Step 1 and take them to an independent laboratory for silt content analysis.

- (k) Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1 and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is:

"Procedures For Laboratory Analysis Of Surface/Bulk Loading Samples", (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina

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## CLARK COUNTY

### AIR QUALITY REGULATIONS

#### **SECTION 93 - FUGITIVE DUST FROM PAVED ROADS AND STREET SWEEPING EQUIPMENT**

##### 93.1 FUGITIVE DUST From PAVED Roads and Street Sweeping Equipment

93.1.1 **Purpose:** To limit the EMISSION of PARTICULATE MATTER into the AMBIENT AIR from PAVED roads and PAVED alleys.

93.1.2 **Applicability:** The provisions of this Regulation shall apply to PAVED roads and PAVED alleys which are located in the PM<sub>10</sub> NONATTAINMENT AREA (HYDROGRAPHIC BASIN 212) and the Apex Valley (HYDROGRAPHIC BASINS 216 and 217). Nothing in Subsections 93.1 through 93.4 of these Regulations shall be construed to prevent enforcement of Section 40 (Prohibition of NUISANCE Conditions) of these Regulations. The provisions of this Regulation shall not apply to non-commercial and non-institutional private driveways. The provisions of this Regulation shall not apply to STATIONARY SOURCES as defined in Section 0, except that these control measures shall be considered as part of a BACT determination.

##### 93.2 Requirements:

93.2.1 **PAVED Road Development Standards:** OWNERS AND/OR OPERATORS having jurisdiction over, or ownership of, public or private PAVED roads shall construct, or require to be constructed, all new or modified PAVED roads in conformance with the road shoulder width and drivable median stabilization requirements as specified below:

93.2.1.1 New CONSTRUCTION, MODIFICATION, or approvals of PAVED roads shall be constructed with a PAVED travel section, and four (4) feet of PAVED or stabilized shoulder on each side of the PAVED travel section. The four (4) feet of shoulder shall be PAVED or stabilized with a dust palliative or gravel to prevent the trackout of mud and dirt to the PAVED section. Where shoulder stabilization is used in place of PAVING, the stabilized shoulders must be maintained in compliance with the stabilization standards set forth in Subsection 93.2.1.5 of this Regulation.



- 93.2.1.2 New CONSTRUCTION, MODIFICATION, or approvals of PAVED roads on which vehicular traffic is greater than or equal to 3,000 vehicles per day after March 1, 2003 shall be constructed with a PAVED travel section, and eight (8) feet of stabilized shoulder adjacent to the PAVED travel section where right-of-way is available for the stabilized shoulder. Where the right-of-way is not available for the full eight (8) feet of stabilized shoulder, curbing shall be installed adjacent to the shoulder. Stabilized shoulders must be maintained in compliance with the stabilization standards set forth in Subsection 93.2.1.5 of this regulation.
- 93.2.1.3 Where curbing is constructed adjacent to and contiguous with the travel lane or PAVED shoulder of a road, the shoulder width design standards specified in Subsection 93.2.1.1 shall not be applicable.
- 93.2.1.4 Where PAVED roads are constructed, or modified with shoulders and/or medians, the shoulders and/or medians shall be constructed as set forth below. If the shoulder, median, or extended right-of-way is located in a limited access freeway right-of-way, then the requirements of Section 90 apply.
- (a) With curbing, or
  - (b) With solid PAVING across the median, or
  - (c) Apply DUST PALLIATIVES, in compliance with the stabilization standards set forth in Subsection 93.2.1.5 of this Regulation, or
  - (d) Apply two (2) inches of gravel in compliance with the stabilization standards set forth in Subsection 93.2.1.5 of this Regulation, or
  - (e) With materials that prevent the trackout of mud and dirt to the PAVED section such as landscaping or decorative rock.
- 93.2.1.5 Stabilization Standards: For the purpose of this regulation, the unpaved shoulders and medians of PAVED roads shall be considered to have CONTROL MEASURES effectively implemented when FUGITIVE DUST EMISSIONS do not exceed 20% OPACITY and silt loading does not equal or exceed 0.33 oz/ft<sup>2</sup> silt loading, as determined by Subsection 93.4.1 (Test Methods-Stabilized PAVED Road Shoulders and Medians) of these regulations, except for unpaved shoulders on which gravel has been applied under the provisions of Subsection 93.2.1.1. Failure to comply with either the 20% OPACITY limit or silt loading limit indicates that the shoulder is not stable. Where gravel is utilized to prevent trackout from unpaved shoulders and medians of PAVED roads, surface gravel shall be

uniformly applied and maintained to a depth of two (2) inches to comply with the 20% OPACITY standards set forth in Subsection 93.4.1.1 of these Regulations and the Gravel Depth And Silt Content Test Method set forth in Subsection 93.4.1.3 of these Regulations. For the purposes of this section, the term Gravel shall include “aggregate” and shall mean unconsolidated material greater than 0.25 (1/4) inch but less than three (3) inches, and contain no more than six (6) percent silt, by dry weight, that will pass through a No. 200 sieve. Failure to comply with either the 20% OPACITY limit or the Gravel Depth And Silt Content Test Method indicates that the shoulder is not stable.

93.2.1.6 Requirements For Existing Nonconforming PAVED Roads: OWNERS AND/OR OPERATORS having jurisdiction over, or ownership of, existing public or private PAVED roads which do not conform with the requirements of Subsections 93.2.1.1 through 93.2.1.5 of this Regulation, shall reconstruct, or require to be reconstructed, the existing nonconforming PAVED road within 365 calendar days following the initial discovery that the road fails to meet the requirements set forth in Subsections 93.2.1.1 through 93.2.1.5 of these Regulations. The CONTROL OFFICER may require short-term stabilization of any PAVED road subject to the requirements set forth in Subsections 93.2.1.1 through 93.2.1. of these Regulations. Other stabilization methods of equal or greater effectiveness may be implemented with the written approval of the CONTROL OFFICER, providing emissions do not exceed 20% opacity, unless the US EPA Region 9 objects to such approval within ninety (90) days from the date notification of the proposed alternative stabilization method is sent to the US EPA Region 9 by the CONTROL OFFICER. If the US EPA Region 9 does not object within the ninety (90) days from the date notification, the proposed alternative stabilization method may be implemented. If the US EPA Region 9 objects to the proposed alternative stabilization method, the proposed alternative stabilization method shall require written approval from both the CONTROL OFFICER and the US EPA Region 9 prior to the implementation of the proposed alternative stabilization method.

93.2.2 **Street Sweeper Requirements:** After January 1, 2001, any OWNER AND/OR OPERATOR which utilizes street sweeping equipment or street sweeping services for street sweeping on PAVED roads or PAVED parking lots, shall acquire or contract to acquire only certified PM<sub>10</sub>-efficient street sweeping equipment.

93.2.2.1 PM<sub>10</sub>-Efficient Street Sweepers: For the purposes of Subsection 93.2.2 of this Regulation, a PM<sub>10</sub>-efficient street sweeper is a street sweeper which has been certified by the South Coast Air Quality Management District (California) (SCAQMD) to comply with the District’s performance

standards set forth in SCAQMD Rule 1186 utilizing the test methods set forth in SCAQMD Rule 1186, Appendix A.

- 93.2.3 **Equipment Restriction:** The use of dry rotary brushes and blower devices for the removal of dirt, rock, or other debris from a PAVED road or PAVED parking lot is prohibited without the use of sufficient wetting to limit the visible emissions to not greater than 20% opacity when measured as set forth in Subsection 93.4.1.1. The use of dry rotary brushes or blower devices without the use of water is expressly prohibited.
- 93.2.4 **Crack Seal Equipment Requirements:** After December 31, 2005 any OWNER AND/OR OPERATOR which utilizes crack seal cleaning equipment shall acquire, or contract to acquire, only vacuum type crack cleaning seal equipment.
- 93.3 **Record Keeping And Reporting Requirements**
- 93.3.1 **Record Keeping:** Any PERSON subject to the requirements of this Regulation shall compile and retain records that provide evidence of CONTROL MEASURE application, by indicating type of treatment or CONTROL MEASURE, extent of coverage, and date applied. The records and supporting documentation shall be made available to the CONTROL OFFICER within 24 hours of a written request.
- 93.3.2 **Reporting Requirements:** OWNERS AND/OR OPERATORS having jurisdiction over PAVED roads shall prepare and submit a written report to the Clark County Department of Air Quality and Environmental Management documenting compliance with the provisions of this Regulation. This report shall be prepared annually on a calendar year basis. The reports shall be transmitted no later than 90 days after the end of the calendar year and shall include:
- 93.3.2.1 The total miles of PAVED roads under the jurisdiction of the OWNER AND/OR OPERATOR and the miles of PAVED roads constructed or modified during the reporting period.
- 93.3.2.2 For newly constructed or modified roads, documentation on how the requirements of Subsections 93.2.1.1 through 93.2.1.5 have been met.
- 93.3.2.3 Other information which may be needed by the CONTROL OFFICER for compliance with EPA requirements for enforcement of this regulation.
- 93.3.3 **Records Retention:** Copies of the records required by Subsection 93.3.1 (Record Keeping Requirements) of this Regulation shall be retained for at least one year.

93.4 **Test Methods**

93.4.1 **Stabilization Test Methods For UNPAVED Shoulders And Medians of PAVED Roads:**

93.4.1.1 **OPACITY Test Method:** The purpose of this test method is to estimate the percent OPACITY of FUGITIVE DUST plumes caused by vehicle movement on unpaved road shoulders and medians of PAVED roads. This method can only be conducted by an individual who has received certification as a qualified observer.

- (a) Step 1: Stand at least 20 feet from the FUGITIVE DUST source in order to provide a clear view of the EMISSIONS with the sun oriented in the 140-degree sector to the back. Following the above requirements, make OPACITY observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.
- (b) Step 2: Record the FUGITIVE DUST source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the FUGITIVE DUST source. Also, record the time, estimated distance to the FUGITIVE DUST source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the FUGITIVE DUST source, and color of the plume and type of background on the visible EMISSION observation form both when OPACITY readings are initiated and completed.
- (c) Step 3: Make OPACITY observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make OPACITY observations approximately 3 feet above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.

- (d) Step 4: Record the OPACITY observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average OPACITY of EMISSIONS for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of vehicles which generate dust plumes for which readings are taken (e.g. mid-size passenger car or heavy-duty truck) and the approximate speeds the vehicles are traveling when readings are taken.
- (e) Step 5: Repeat Step 3 (Subsection 93.4.1.1 (c) of this Regulation) and Step 4 (Subsection 93.4.1.1 (d) of this Regulation) until you have recorded a total of 12 consecutive OPACITY readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- (f) Step 6: Average the 12 OPACITY readings together. If the average OPACITY reading equals 20% or lower, the source is in compliance with the OPACITY standard described in Section 93 of these Regulations.

93.4.1.2 Silt Loading Test Method: The purpose of this test method is to estimate the silt loading of the representative surfaces of dust palliative and untreated shoulders and medians of PAVED roads. The higher the silt loading, the greater the amount of fine dust particles that are entrained into the atmosphere when vehicles drive on unpaved shoulders and medians of PAVED roads.

- (a) Equipment:
  - (1) A set of sieves with the following openings: 4 millimeters (ASTM No. 5), 2 millimeters, (ASTM No. 10), 1 millimeter (ASTM No. 18), 0.5 millimeter (ASTM No. 35) and 0.25 millimeter (ASTM No. 60), (or a set of standard/commonly available sieves), a lid, and collector pan.
  - (2) Equipment necessary to collect a sample of material from the surface of the subject area. (e.g., a small whisk broom or paintbrush with bristles no longer than 1.5 inches, dustpan, spatula, shallow container, sealable plastic bags.)

- (3) Equipment necessary to complete field analysis of material. (e.g., weighting scale with half ounce increments, calculator, writing material.)
- (b) Step 1: Look for a representative surface within four (4) feet of the edge of the pavement. [Only collect samples from surfaces that are not damp due to precipitation or dew. This statement is not meant to be a standard in itself for dampness where watering is being used as a CONTROL MEASURE. It is only intended to ensure that surface testing is done in a representative manner.] Gently press the edge of a dustpan into the surface to mark an area that is 1 square foot. Collect a sample of loose surface material using a whiskbroom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula or similar device to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch in the 1 square foot area. If you reach a hard, underlying subsurface that is less than 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 3/8 inch. In order to confirm that samples are collected to 3/8 inch in depth, a wooden dowel or other similar narrow object at least one foot in length can be laid horizontally across the survey area while a ruler is held perpendicular to the dowel.
- At this point, you can choose to place the sample collected into a plastic bag or container and return to the DAQM facilities to complete the remaining steps or take it to an independent laboratory for silt loading analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.
- (c) Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it.
- (d) Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.

- (e) Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush, (on windy days, use the trunk or door of a car as a wind barricade). Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways or place on a powered shaker for at least 1 minute.
- (f) Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g., material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute (you only need to reassemble the sieve(s) that contain material, which requires further sifting).
- (g) Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container calibrated on the scale in Step 2 (Subsection 93.4.1.2(c)). Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves; only the collector pan. Weigh the container with the material from the collector pan and record its weight.
- (h) Step 7: Multiply the resulting weight by 0.38. The resulting number is the estimated silt loading.
- (i) Step 8: Select another two representative surfaces of the unpaved road shoulder or median and repeat this test method. Once you have calculated the silt loading of the 3 samples collected, average your results together.
- (j) Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is stable.

- (k) Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1 (Subsection 93.4.1.2 (b) of this Regulation), and send them to an independent laboratory for silt loading analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is:

"Procedures For Laboratory Analysis Of Surface/Bulk Loading Samples", (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina

93.4.1.3 **GRAVEL DEPTH AND SILT CONTENT TEST METHOD:** The purpose of this two (2) part test method is to estimate the gravel depth and silt content of graveled road shoulders and medians of PAVED roads. Two (2) inches of gravel are required to prevent vehicle tires from digging through the gravel. The higher the silt content in the top inch of the gravel, the greater the amount of fine dust particles that are entrained into the atmosphere when vehicles drive on gravel-stabilized shoulders.

- (a) Equipment necessary to collect a sample of material from the surface of the subject area, including a sampling device one (1) foot by one (1) foot by one (1) inch deep, and other equipment such as, a small whisk broom or paintbrush with bristles no longer than 1.5 inches, dustpan, spatula, shallow container, sealable plastic bags, ruler, and wood dowel or similar straight edge device.
- (b) Step 1: Look for a section within four (4) feet of the edge of pavement that has an existing gravel surface that appears representative of the gravel shoulder. Using the spatula, remove the gravel from a three (3) to five (5) inch diameter area to the depth of the applied gravel surface. Make sure that the removed gravel is placed well away from the cleared area. Place a wooden dowel or other similar narrow object across the cleared survey area, and measure, perpendicular to the narrow object, to depth of the cleared area to determine the depth of the gravel material. If the depth of the gravel material is less than two (2) inches, the area fails and is not considered stable. If the depth of the gravel material is two (2) inches or greater, go to Step 2 (Subsection 93.4.1.3 (c) of this Regulation).



- (c) Step 2. Using the one (1) foot by one (1) foot by one (1) inch deep sampling frame, gently press the edges of the frame into the road shoulder surface to a depth of one (1) inch. Collect the sample of loose surface material using the whiskbroom, brush, spatula, and dustpan to collect the material into the sample bag, minimizing escape of dust particles. Collect all material to a one (1) inch depth in the one (1) square foot sampling frame.
- (d) Step 3. Repeat Steps 1 and 2 to obtain two (2) additional samples for a total of three (3) samples. In the event any sampled location is found to have less than (2) inches of gravel under Step 1, the shoulder is considered to be unstable. Do not proceed with additional sampling.
- (e) Step 4. Laboratory Analysis: Samples collected from this source, according to Step 3 (Subsection 93.4.1.3 (d) of this Regulation), are sent to a laboratory for silt content analysis. The test method the laboratory is required to use is:
  - i. Wet screen the entire sample through a one (1) inch sieve.
  - ii. For all material passing through the one (1) inch sieve, use ASTM No. 200 wet Sieve Method to determine the percentage content of silt.
- (f) Step 5: Examine Results. Average the silt content for the (3) samples. If the average silt content of the three samples is equal to or less than or six (6) percent, the surface is stable.

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**History: Initial adoption: June 22, 2000**  
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**June 3, 2003; July 1, 2004.**

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 94 – PERMITTING AND DUST CONTROL FOR CONSTRUCTION ACTIVITIES**

**94.1 Purpose.**

94.1.1 The purpose of this section of the Air Quality Regulations is:

- (a) To limit the EMISSION of PARTICULATE MATTER into the AMBIENT AIR by preventing, controlling, and mitigating FUGITIVE DUST from CONSTRUCTION ACTIVITIES; and
- (b) To establish FUGITIVE DUST control standards for Clark County, define reasonable precautions for the prevention and control of FUGITIVE DUST from all CONSTRUCTION ACTIVITIES and to establish thresholds for enforcement of these standards.

**94.2 Applicability.**

94.2.1 This section of the Air Quality Regulations applies to all CONSTRUCTION ACTIVITIES that disturb or have the potential to disturb soils and that emit or have the potential to emit particulate matter into the atmosphere. This section covers the requirements for a Dust Control Permit and a Dust Mitigation Plan as well as the application procedures.

94.2.2 For the purpose of this Regulation, CONSTRUCTION ACTIVITIES include, but are not limited to, the following practices:

- (a) Land clearing, maintenance, and land cleanup using machinery;
- (b) soil and rock excavation or removal;
- (c) soil or rock hauling;
- (d) soil or rock crushing or screening;
- (e) filling, compacting, stockpiling and grading;
- (f) explosive blasting;
- (g) demolition;
- (h) implosion;

- (i) handling of building materials capable of entrainment in air (e.g., sand, cement powder);
- (j) abrasive blasting;
- (k) concrete, stone, and tile cutting;
- (l) mechanized trenching;
- (m) initial landscaping;
- (n) operation of motorized machinery;
- (o) driving vehicles on a CONSTRUCTION site; and
- (p) establishing and/or using staging areas, parking areas, material storage areas, or access routes to or from a CONSTRUCTION site.

94.2.3 This regulation shall not apply to operation of emission units or activities permitted under any other section of the Air Quality Regulations, with the specific exception that any CONSTRUCTION ACTIVITIES that occur at such facilities and the land area that Various Location Operating Permits are located on shall be subject to this regulation. In all permits issued under the Air Quality Regulations the provisions of this section shall be considered as part of a BACT determination.

94.2.4 This regulation shall not apply to NORMAL FARM CULTURAL PRACTICES and existing equestrian facilities that are in compliance with zoning requirements.

94.2.5 This regulation shall not apply to emergency activities that may disturb the soil, conducted by any utility or government agency in order to prevent public injury or restore critical utilities to functional status.

### 94.3 **Definitions.**

94.3.1 For the purpose of this section of the Air Quality Regulations, terms listed in this subsection have the meanings ascribed.

94.3.2 **Best Available Control Measures (BACM):** means those control measures that are the best available with current technology for reducing or eliminating the release of particulate matter into the atmosphere from construction activities. These include but are not limited to all measures listed in the Construction Activities Dust Control Handbook as Best Management Practices, any control measure required by a Corrective Action Order, and any other control measures required by the Control Officer.

94.3.3 **Construction Activities Dust Control Handbook:** means the reference manual used to complete a Dust Control Permit and a Dust Mitigation Plan, and contains a listing of the Best Management Practices, copies of

which are on file in the office of the Clark County Department of Air Quality and Environmental Management.

94.3.4 Department or DAQEM: means the Clark County Nevada, Department of Air Quality and Environmental Management.

94.3.5 Dust Mitigation Plan: means an attachment to a Dust Control Permit that lists all the Construction Activities that shall occur and the Best Management Practices that shall be used, to mitigate dust at a permitted site. Upon approval of the application the Dust Mitigation Plan becomes an enforceable part of the Dust Control Permit.

94.3.6 Gravel: means a mineral or rock aggregate ranging in size from 0.25 inch to 3 inch on its longest dimension that is either natural or the product of a mineral processing operation and contains no more than 6% silt, by weight.

94.4 **Permits Required, Exemptions from Required Permit and Responsibility when Exempt.**

94.4.1 Prior to engaging in any CONSTRUCTION ACTIVITIES, the property OWNER AND/OR OPERATOR, who is the owners designee shall apply for and obtain a DUST CONTROL PERMIT from the Clark County Department of Air Quality and Environmental Management.

94.4.2 A DUST CONTROL PERMIT shall not be required for soil disturbing or CONSTRUCTION ACTIVITIES less than 0.25 acre in overall area, mechanized trenching less than one hundred (100) feet in length, or for mechanical demolition of any structure smaller than one thousand (1,000) square feet.

94.4.3 The following activities shall not require a DUST CONTROL PERMIT:

- (a) Landscaping by an individual at his/her place of residence;
- (b) EMERGENCY maintenance activities conducted by government agencies on publicly maintained roads, road shoulders, right-of-ways and on public flood control facilities; or,
- (c) Weed removal or dust palliative application projects conducted solely for the purpose of compliance with weed abatement or vacant land dust control regulations, wherein no grade elevation changes, no soil or rock is imported or exported, or no cut and fill operations occur. Importing of gravel or rock for use as a dust palliative is allowed under this subsection.

94.5 **Permit Applications.**

- 94.5.1 Application for issuance or renewal of a DUST CONTROL PERMIT shall be made on a form and in a manner prescribed by the CONTROL OFFICER.
- 94.5.2 Each application shall be accompanied by payment of a fee in accordance with Section 18.
- 94.5.3 Public agency maintenance projects, performed by that agency's employees, may be eligible for a waiver of permit fees upon approval of the CONTROL OFFICER.
- 94.5.4 All applications for a DUST CONTROL PERMIT shall include a Dust Mitigation Plan with appropriate CONTROL MEASURES from the Construction Activities Dust Control Handbook for every CONSTRUCTION ACTIVITY to be conducted. Other CONTROL MEASURES that are at least as effective as CONTROL MEASURES contained in the Construction Activities Dust Control Handbook may be implemented provided they meet the criteria outlined in Section 2 of the introduction to the Best Management Practices section of the handbook and with the approval of the CONTROL OFFICER.
- 94.5.5 An application for a DUST CONTROL PERMIT for a CONSTRUCTION project ten (10) acres or more in area, for trenching activities one (1) mile or greater in length, or for structure demolition using implosive or explosive blasting techniques, shall be required to submit a detailed supplement to the Dust Mitigation Plan. This supplement shall be in the form of a written report and shall, at minimum, detail the project description, the area and schedule of the phases of land disturbance, the Control Measures and the Contingency Measures to be used for all CONSTRUCTION ACTIVITIES. This supplement shall become part of the DUST CONTROL PERMIT as an enforceable permit condition.
- 94.5.6 An application for a DUST CONTROL PERMIT that includes demolition of a structure One thousand (1,000) square feet or greater in area or explosive blasting of rock or soil, shall include the appropriate supplemental form that is provided in Attachment 1 of the Construction Activities Dust Control Handbook for each activity. These forms shall become part of the DUST CONTROL PERMIT as an enforceable permit condition.
- 94.5.7 An application for a Dust Control Permit for a Construction project of fifty (50) acres or more in area shall contain an actual soils analysis of the entire project. The soils analysis shall use the appropriate ASTM test method to determine soil types. If the soils analysis identifies two or more soil types, the area of each soil type shall be shown on a map of the project. A copy of the map shall be included in the application for the Dust Control Permit. The soils analysis shall utilize at least one (1) sample taken from the top one (1) foot of soil for each soil type identified. The

soils analysis shall use the appropriate ASTM test to determine the silt content and optimum moisture of the sample(s). The application for the Dust Control Permit shall contain the particulate emission potential (PEP) for each soil type identified calculated from the results of the soils analysis and the Silt Content vs. Optimum Moisture Content Chart (figure 2) in the Construction Activities Dust Control Handbook. The choice of Best Management Practices for the Dust Mitigation Plan may be different for each soil type area, if not, the highest PEP identified on the project shall be used.

94.5.8 The application shall be signed by the property owner or the owner's designee as listed on the "Owner's Designee for Dust Control Permit for Construction Activities" form.

94.5.9 Upon approval, the completed DUST CONTROL PERMIT application, Dust Mitigation Plan and related maps and forms shall become a part of the DUST CONTROL PERMIT.

94.6 **DUST CONTROL PERMIT Requirements.**

94.6.1 Issuance or renewal of each DUST CONTROL PERMIT requires payment of a DUST CONTROL PERMIT fee in accordance with Section 18.

94.6.2 A DUST CONTROL PERMIT is to be granted subject to the right of inspection of such affected land without prior notice by the CONTROL OFFICER.

94.6.3 The permit shall be granted subject to, but not limited to, the following conditions:

- (a) The permittee is responsible for ensuring that all PERSONS abide by the conditions of the permit and these regulations;
- (b) The permittee is responsible for supplying complete copies of the DUST CONTROL PERMIT including the Dust Mitigation Plan, to all project contractors and subcontractors; and,
- (c) The permittee is responsible for all permit conditions, until a Certificate of Project Completion (form DCP 08 see Attachment 1) has been submitted by the permittee and approved by the Control Officer.

94.6.4 The signature of the OWNER AND/OR OPERATOR who is the OWNER's designee on the DUST CONTROL PERMIT shall constitute agreement to accept responsibility for meeting the conditions of the permit and for ensuring that Best Available Control Measures are implemented throughout the project site.

- 94.6.5 Requirements and conditions of the DUST CONTROL PERMIT shall be made a part of the specifications of the CONSTRUCTION contract between the owner and prime contractor and contracts between the prime contractor and applicable subcontractors. Said contracts must provide a monetary allowance for any dust control options specified in the Dust Mitigation Plan. The amount of the allowance may be specified either by the OWNER, competitively bid, or negotiated by and amongst the parties.
- 94.6.6 Projects less than 0.25 acres in area under common control that are either contiguous or separated only by a public or private roadway and that cumulatively equal or exceed 0.25 acre in area are also required to obtain a DUST CONTROL PERMIT. These projects are required to meet all DUST CONTROL PERMIT requirements based on cumulative area. All contiguous projects under common control may be required to obtain and operate under a single permit, at the discretion of the CONTROL OFFICER.
- 94.6.7 A DUST CONTROL PERMIT shall be required for routine, public agency road maintenance, road shoulder maintenance, flood control facility maintenance, and maintenance activities that disturb soil and are capable of causing FUGITIVE DUST. Such Dust Control Permits may be issued based upon written monthly, quarterly, semi-annual, or annual schedules of work for routine maintenance activities. Such permits shall include a Dust Mitigation Plan listing all activities to be performed that may disturb the soil, and shall include BEST MANAGEMENT PRACTICES for all these activities. Public agencies shall quantify miles and acres of maintenance activities to be performed under the conditions of the Dust Control Permit.
- 94.6.8 The permit holder shall notify the DEPARTMENT OF AIR QUALITY AND ENVIRONMENTAL MANAGEMENT in writing within ten (10) days following the cessation of active operations on all or part of a CONSTRUCTION site when cessation will extend thirty (30) days or longer.
- 94.6.9 A Dust Control Permit is valid for one calendar year from the date of issuance.
- 94.6.10 A complete copy of the Dust Control Permit shall be kept on the project site at all times that Construction Activities occur and made available upon request of the Control Officer.
- 94.7 **General and Administrative Standards.**
- 94.7.1 Anyone engaging in CONSTRUCTION ACTIVITIES on a site having a Dust Control Permit shall be subject to all conditions set forth in that permit. Failure to comply with any condition set forth in the permit shall be in violation of this section of the Air Quality Regulations.

- 94.7.2 The Construction Activities Dust Control Handbook, excluding all attachments, is adopted and made a part of this section of the Air Quality Regulation, as if it were fully set forth herein, except as amended by this Regulation.
- 94.7.3 **DUST CONTROL PERMIT: Restrictions on issuance; Suspension; Revocation; Requirement for Bond; Right to Appeal:**
- 94.7.3.1 Permits shall not be issued to an applicant having outstanding unpaid DAQEM fees and/or penalties, not under appeal.
- 94.7.3.2 If an OWNER AND/OR OPERATOR has three (3) Notices of Violation that have been adjudicated by the HEARING OFFICER at the same project for which the Dust Control Permit was issued, the CONTROL OFFICER or his/her representative may suspend or revoke the permit. Upon suspension or revocation of a permit, all activities that are authorized by that permit shall cease. The CONTROL OFFICER shall post notices of suspension or revocation conspicuously on the property involved. The notice shall state the reasons and indicate the date and time of suspension and/or revocation. The suspension or revocation shall remain in effect until such time as rescinded by the CONTROL OFFICER. If the permit has been suspended, the permit may be reinstated. If revoked, a new permit will not be issued until an application is made and fees paid in accordance with Section 18 of these regulations. The permittee shall have a right to hearing before the HEARING OFFICER within five (5) working days from date of issuance of the suspension or revocation. Alternatively, in such instances, the CONTROL OFFICER may require compliance with Subsection 94.7.6 for all operators of earth moving or soil disturbing equipment.
- 94.7.3.3 If during any 180 day period an OWNER AND/OR OPERATOR has three (3) NOTICES OF VIOLATION that have been adjudicated by the HEARING OFFICER for the same construction site, the CONTROL OFFICER shall require the posting of a surety bond to ensure implementation of the mitigation measures set forth in the approved Dust Control Permit for the subject site. If an OWNER AND/OR OPERATOR has two (2) or more NOTICES OF VIOLATION that have been adjudicated by the HEARING OFFICER from the DAQEM for: failure to obtain a Dust Control Permit; failure to implement BEST MANAGEMENT PRACTICES; or failure to comply with a Corrective Action Order, the CONTROL OFFICER may, as a condition of obtaining or maintaining a Dust Control Permit, issue a Corrective Action Order requiring the OWNER AND/OR OPERATOR to post a surety bond to ensure the implementation of the mitigation measures set forth in said Dust Control Permits.



The OWNER AND/OR OPERATOR shall provide the CONTROL OFFICER the surety bond executed in a form acceptable to the CONTROL OFFICER for the approved Dust Control Permit as the principal with a corporation authorized to transact surety business in the State of Nevada. The OWNER AND/OR OPERATOR shall condition the surety bond upon the faithful performance of all other conditions of the permit and faithful compliance with the provisions of these regulations. The surety bond shall remain in effect until the construction activity specified in the said Dust Control Permit is complete and the department closes the said Dust Control Permit. The amount of each bond required by this section shall equal the estimated cost of implementing the dust CONTROL MEASURES set forth in the approved Dust Control Permit plus an additional 10% of the estimated cost to cover contingencies, as determined by the DAQEM.

94.7.3.4 Any PERSON aggrieved by a decision of the CONTROL OFFICER pursuant to this section may appeal in accordance with Section 7 of these Regulations.

94.7.4 **Corrective Action Orders (CAO) and Notices of Violation (NOV).**

94.7.4.1 If it is found that any provision of Section 94, a DUST CONTROL PERMIT, or a Dust Mitigation Plan has not been complied with, the CONTROL OFFICER may issue a Corrective Action Order to any OWNER AND/OR OPERATOR or other PERSON that they may be in violation of these regulations and said finding shall be corrected within a specified period of time, dependent upon the scope and extent of the problem.

94.7.4.2 The failure to comply with the corrective measures of a Corrective Action Order within the specified period of time shall be a violation of this section of the Air Quality Regulations.

94.7.4.3 Regardless of whether a Corrective Action Order has been issued, the CONTROL OFFICER may issue a Notice of Violation upon determination that the OWNER AND/OR OPERATOR is out of compliance with any provisions of this section of the Air Quality Regulations, a DUST CONTROL PERMIT, a Dust Mitigation Plan, or upon the failure to comply with a previously issued Corrective Action Order.

94.7.4.4 The CONTROL OFFICER, or his/her designee shall be further empowered to enter upon any said land where any loose soil or dust problem exists, and to take such remedial and corrective action as may be deemed appropriate to cope with and relieve, reduce, or remedy the loose soil, dust situation or condition, when the OWNER AND/OR OPERATOR fails to do so.

- 94.7.4.4.1 Any cost incurred in connection with any such remedial or corrective action by the Department of Air Quality and Environmental Management or any PERSON acting for the Department of Air Quality and Environmental Management shall be reimbursed by the land OWNER AND/OR OPERATOR. If these costs are not reimbursed the CONTROL OFFICER may request a lien be placed on the subject lands that shall remain in full force and effect until any and all such costs have been collected.
- 94.7.4.5 Any additional CONTROL MEASURES prescribed by the CONTROL OFFICER in a Corrective Action Order, issued to the holder of a Dust Control Permit, shall become a part of that permit's Dust Mitigation Plan.
- 94.7.5 **Dust Control Monitor.**
- 94.7.5.1 Any CONSTRUCTION project having 50 acres or more of actively disturbed soil at any given time shall be required by the CONTROL OFFICER to have in place an individual designated as the Dust Control Monitor with full authority to ensure that dust CONTROL MEASURES are implemented, including inspections, record keeping, deployment of resources, and shut-down or modification of CONSTRUCTION ACTIVITIES as needed. This individual shall be listed on the Construction Site Dust Control Monitor form provided in Attachment 1 of the Construction Activities Dust Control Handbook.
- 94.7.5.2 A Dust Control Monitor shall also be required for individually permitted projects that have less than fifty (50) acres of actively disturbed soil if they are:
- (a) under common control and are either contiguous or separated by a public or private roadway and cumulatively have fifty (50) acres or more of actively disturbed soil; or
  - (b) under common control and not contiguous, but are contained within a common master-planned community and cumulatively have fifty (50) acres or more of disturbed soil.
- 94.7.5.3 The Dust Control Monitor shall be present at all times CONSTRUCTION ACTIVITIES occur on the project site and shall devote the majority of his/her time specifically to managing dust prevention and control on the site.
- 94.7.5.4 The requirement for a Dust Control Monitor shall lapse when:
- (a) the area of actively disturbed soil becomes less than fifty (50) acres;
  - (b) the previously disturbed areas have been stabilized in accordance with the requirements of these Regulations; and,
  - (c) the stabilization has been approved and the acreage verified by the CONTROL OFFICER.

- 94.7.5.5 A Dust Control Monitor shall be considered qualified when he/she has met the following minimum qualifications:
- (a) successfully completed the Basic Dust Control Class;
  - (b) successfully completed the Dust Control Monitor Class;
  - (c) two years of experience in the CONSTRUCTION industry; and,
  - (d) successfully completed a course that certifies him/her in Visual Emissions Evaluation (VEE) that has been approved or is conducted by the CONTROL OFFICER.
- 94.7.5.6 For a Dust Control Monitor to maintain his/her certification he/she must successfully complete the Dust Control Monitor class at least once every three years.
- 94.7.6 **Dust Control Class.**
- 94.7.6.1 The CONSTRUCTION site superintendent or other designated on-site representative of the project developer and all construction site supervisors and foremen shall be required to have successfully completed a Clark County Department of Air Quality and Environmental Management Dust Control Class.
- 94.7.6.2 Water truck and water pull driver(s) for each CONSTRUCTION project shall be required to have successfully completed a Clark County Department of Air Quality and Environmental Management Dust Control Class.
- 94.7.6.3 All individuals required to attend and successfully complete the Dust Control Class shall do so at least once every three years.
- 94.7.6.4 CONSTRUCTION site workers and equipment operators, may be required to attend a Dust Control Class as a remedial or corrective measure.
- 94.7.7 Signage Requirements.
- 94.7.7.1 For each Dust Control Permit issued where the project site is less than or equal to ten (10) acres, or for trenching projects between one hundred (100) feet and one (1) mile in length, or for demolition of a structure totaling one thousand (1,000) square feet or more, the permittee shall install a sign on the project site prior to commencing CONSTRUCTION ACTIVITY that is visible to the public and measures, at minimum, four (4) feet wide by four (4) feet high, conforming to Department policy on Dust Control Permit Design and Posting of Signage listed in Attachment 4 of the Construction Activities Dust Control Handbook.

94.7.7.2 For each Dust Control Permit issued where the project site is over ten (10) acres, or for trenching projects aggregating one (1) mile or greater in length, the permittee shall install a sign on the project site prior to commencing CONSTRUCTION ACTIVITY and visible to the public and measures, at minimum, eight (8) feet wide by four (4) feet high, conforming to Department policy on Dust Control Permit Design and Posting of Signage listed in Attachment 4 of the Construction Activities Dust Control Handbook.

94.7.7.3 Projects shorter than two (2) weeks in duration may request a waiver of the requirement of posting a DUST CONTROL PERMIT Sign.

#### 94.7.8 **Record Keeping.**

94.7.8.1 On a site having a Dust Control Permit a written record of self inspection shall be made each day soil disturbing work is conducted. The "Record of Daily Dust Control" form provided in Appendix A of the Construction Activities Dust Control Handbook, or other written record that provides at a minimum the same information, shall be completed.

94.7.8.2 Records of CONSTRUCTION site self inspections shall be kept for a minimum of one (1) year or for six (6) months beyond the project duration, whichever is longer. Self inspection records include daily inspections for crusted or damp soil, trackout conditions and cleanup measures, daily water usage, DUST SUPPRESSANT application records, etc.

94.7.8.3 For CONTROL MEASURES involving chemical or organic soil stabilization, records shall indicate the type of product applied, vendor name, label instructions for approved usage, and the method, frequency, concentration, and quantity of application.

#### 94.8 **Soil Stabilization Standards.**

94.8.1 All permittees, contractors, OWNERS, operators, or other PERSONS involved in CONSTRUCTION ACTIVITIES shall employ CONTROL MEASURES as set forth in the Construction Activities Dust Control Handbook.

94.8.2 One or a combination of the following methods shall be used to maintain dust control on all disturbed soils on Construction Sites and staging areas:

- (a) The soil shall be maintained in a sufficiently damp condition to prevent loose grains of soil from becoming dislodged when the disturbed soil is tested using the Drop Ball Test outlined in Subsection 94.12.5; or
- (b) The soil shall be crusted over by application of water, as demonstrated by the Drop Ball Test outlined in Subsection 94.12.5; or

(c) The soil shall be completely covered with clean gravel or treated with a DUST SUPPRESSANT approved by the CONTROL OFFICER, to the extent necessary to pass a Drop Ball Test outlined in Subsection 94.12.5.

94.8.3 When a CONSTRUCTION site or part thereof becomes inactive for a period of thirty (30) days or longer, long-term stabilization shall be implemented within ten (10) days following the cessation of active operations.

94.8.4 Stockpiles located within one hundred (100) yards of occupied buildings shall not be constructed over eight (8) feet in height.

94.8.5 Stockpiles over eight (8) feet high shall have a road bladed to the top to allow water truck access or shall have a sprinkler irrigation system installed, used and maintained.

94.9 **Best Available Control Measures (BACM)**

94.9.1 Any PERSON who engages in a Construction Activity as defined in this regulation shall employ BACM for the purpose of dust control.

94.9.2 All CONTROL MEASURES that are necessary to maintain soil stability as well as those listed in an approved Dust Mitigation Plan, shall be implemented twenty four (24) hours a day, seven (7) days a week, until the permit is closed in accordance with Subsection 94.6.3(c).

94.9.3 In the event there are wind conditions that cause FUGITIVE DUST EMISSIONS; in excess of 20% OPACITY using the Time Averaged Method or Intermittent Emissions Method, in excess of 50% OPACITY using the Instantaneous Method, or one hundred (100) yards in length from the point of origin, in spite of the use of Best Available CONTROL MEASURES, all CONSTRUCTION ACTIVITIES that may contribute to these emissions shall immediately cease. Water trucks and water pulls shall continue to operate under these circumstances, unless wind conditions are such that the continued operation of watering equipment cannot reduce FUGITIVE DUST EMISSIONS or that continued equipment operation poses a safety hazard.

94.9.4 If a Dust Control Permit is not required, the OWNERS, operators, or any other PERSON involved in CONSTRUCTION ACTIVITIES shall employ BEST MANAGEMENT PRACTICES, as set forth in the Construction Activities Dust Control Handbook and comply with the soil stabilization standards listed in Subsections 94.8 and emissions standards listed in Subsection 94.11.

94.10 **CONSTRUCTION ACTIVITIES Violations.**

- 94.10.1 Any of the following circumstances constitute a violation of the Clark County Air Quality Regulations:
- (a) Failure to obtain an approved DUST CONTROL PERMIT before engaging in activities that disturb or have the potential to disturb soils and/or cause or have the potential to cause FUGITIVE DUST to enter the air.
  - (b) Failure to obtain an approved DUST CONTROL PERMIT for all areas subject to CONSTRUCTION ACTIVITIES.
  - (c) Conducting a CONSTRUCTION ACTIVITY as defined by Subsection 94.2 for which no specified control option is indicated in the approved DUST CONTROL PERMIT or the Dust Mitigation Plan.
  - (d) Failure to perform any duty to allow or carry out an inspection, entry, or monitoring activity required by the Department of Air Quality and Environmental Management.
  - (e) Failure to renew or obtain a new permit, prior to a DUST CONTROL PERMIT expiring, provided the site does not meet the exemption requirements for a DUST CONTROL PERMIT as defined in Subsection 94.4.2.
  - (f) Failure to implement any item that is listed as a "Requirement" in the Best Management Practices section of the Construction Activities Dust Control Handbook for an applicable Construction Activity.
  - (g) Failure to implement any BEST MANAGEMENT PRACTICE listed in an approved DUST CONTROL PERMIT / Dust Mitigation Plan.
  - (h) Failure to maintain static (not actively worked) project soils with adequate surface crusting to prevent wind erosion as measured by test method "Soil Crust Determination (The Drop Ball Test)" in Subsection 94.12.5, or alternative control measures approved in the Dust Mitigation Plan.
  - (i) Failure to comply with any record keeping requirements of this section.
  - (j) Failure to maintain project haul routes or haul roads in a stable condition as measured by the Intermittent Emissions test method outlined in Section 94.12.3.
  - (k) Failure to have a Dust Control Monitor in place, per Subsection 94.7.5, for a Construction project.
  - (l) Allowing FUGITIVE DUST emissions to exceed the standards set forth in Subsection 94.11.1 through 94.11.4.
  - (m) Using a dry rotary brush or blower device without sufficient water to limit emissions per Subsection 94.11.5.
  - (n) Allowing mud or dirt to be tracked out onto a paved road that exceed the standards set forth in Subsection 94.11.6.

- (o) Failure to comply with any other provision of this section.

**94.11 Emission Standards.**

- 94.11.1 No PERSON shall cause or permit the handling, transporting, or storage of any material in a manner that allows visible emissions of particulate matter to exceed: 20% OPACITY using the Time Averaged Method or the Intermittent Emissions Method; 50% OPACITY using the Instantaneous Method. These Test Methods are set forth in Subsection 94.12.
- 94.11.2 No PERSON shall cause or permit the handling, transporting, or storage of any material in a manner that allows a dust plume that extends one hundred (100) yards or more, horizontally or vertically, from the point of origin.
- 94.11.3 Where a DUST CONTROL PERMIT is required and has not been issued or in the event Best Available CONTROL MEASURES have not been fully implemented, no PERSON shall cause or permit the handling, transportation, or storage of any material in a manner that exceeds the limits listed in any one of the following:
  - (a) The limits set forth in Subsection 94.11.1; or
  - (b) Allow a dust plume to extend more than one hundred (100) feet, horizontally or vertically, from the point of origin; or
  - (c) Allow a dust plume to cross a property line.
- 94.11.4 Visible emissions from abrasive blasting shall be limited to no more than an average of 40% OPACITY for any period aggregating three (3) minutes in any sixty (60) minute period, utilizing the test method set forth in Subsection 94.12.
- 94.11.5 The use of dry rotary brushes and blower devices for removal of deposited mud/dirt trackout from a paved road is prohibited, unless sufficient water is applied to limit the visible emissions to an OPACITY of not greater than: 20% OPACITY using the Time Averaged Method or Intermittent Emissions Method; 50% OPACITY using the Instantaneous Method. These test methods are set forth in Subsection 94.12. The use of rotary brushes without water is prohibited.
- 94.11.6 Mud or dirt shall not be allowed to be tracked out onto a paved road where such mud or dirt extends fifty (50) feet or more in cumulative length from the point of origin or allow any trackout to accumulate to a depth greater than 0.25 inch. Notwithstanding the preceding, all accumulations of mud or dirt on curbs, gutters, sidewalks, or paved roads including trackout less than fifty (50) feet in length and 0.25 inch in depth, shall be cleaned and

maintained to eliminate emissions of Fugitive Dust. At a minimum all trackout must be cleaned up by the end of the workday or evening shift, as applicable.

## 94.12 **Test Methods**

### 94.12.1 Visual Determination of OPACITY of EMISSIONS from Sources of Visible EMISSIONS.

**Applicability:** This method is applicable for the determination of the OPACITY of EMISSIONS from sources of visible EMISSIONS. The Time Averaged Method requires averaging of visible EMISSION readings over a specific time period to determine the OPACITY of visible EMISSIONS. The Time Averaged Method is applicable to continuous EMISSIONS sources. The Intermittent Emissions Method requires averaging a set number of visible EMISSIONS readings to determine the OPACITY of visible EMISSIONS. The Intermittent Emissions Method is applicable to Intermittent EMISSIONS sources. The Instantaneous Method sets an OPACITY limit that shall not be exceeded at any time. The Instantaneous Method is applicable to any emissions source and is a non-federal requirement.

**Principle:** The OPACITY of EMISSIONS of a source of visible EMISSIONS is determined visually by an observer who has current certification approved by the Control Officer, as a qualified Visible EMISSIONS Evaluator, using US EPA Method 9.

**Procedures:** A qualified Visible EMISSIONS Evaluator shall use the procedures set forth in Subsections 94.12.2, 94.12.3, and 94.12.4 for visually determining the OPACITY of EMISSIONS.

### 94.12.2 Time Averaged Method: These procedures is for evaluating continuous FUGITIVE DUST EMISSIONS and are for the determination of the OPACITY of continuous FUGITIVE DUST EMISSIONS by a qualified observer. Continuous FUGITIVE DUST EMISSIONS sources include activities that produce emissions continuously during operations such as earthmoving, grading, and trenching. Emissions from these types of continuous activities are considered continuous even though speed of the activity may vary and Emissions may be controlled to 100%, producing no visible emissions, during parts of the operation. The qualified observer should do the following:

- (a) **Position:** Stand at a position at least twenty (20) feet from the FUGITIVE DUST source in order to provide a clear view of the EMISSIONS with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make OPACITY observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the FUGITIVE DUST plume generated by mobile earth moving equipment, as long as the sun



remains oriented in the 140° sector to the back. As much as possible, do not include more than one plume in the line of sight at one time.

- (b) **Field Records:** Record the name of the site, FUGITIVE DUST source type (e.g., earthmoving, grading, trenching), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the FUGITIVE DUST source. Also, record the time, estimated distance to the FUGITIVE DUST source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the FUGITIVE DUST source, and color of the plume and type of background on the visible EMISSION observation when OPACITY readings are initiated and completed.
- (c) **Observations:** Make OPACITY observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Make OPACITY observations at a point just beyond where material is no longer being deposited out of the plume (normally three (3) feet above the surface from which the plume is generated). The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For FUGITIVE DUST from earthmoving equipment, make OPACITY observations at a point just beyond where material is not being deposited out of the plume (normally three (3) feet above the mechanical equipment generating the plume).
- (d) **Recording Observations:** Record the OPACITY observations to the nearest 5% every fifteen (15) seconds on an observational record sheet. Each momentary observation recorded represents the average OPACITY of EMISSIONS for a fifteen (15) second period. If a multiple plume exists at the time of an observation, do not record an OPACITY reading. Mark an "x" for that reading. If the equipment generating the plume travels outside of the field of observation, resulting in the inability to maintain the orientation of the sun within the 140° sector or if the equipment ceases operating, mark an "x" for the fifteen (15) second interval reading. Readings identified as "x" shall be considered interrupted readings.
- (e) **Data Reduction For Time-Averaged Method:** For each set of twelve (12) or twenty four (24) consecutive readings, calculate the appropriate average OPACITY. Sets shall consist of consecutive observations, however, readings immediately preceding and following interrupted readings shall be deemed consecutive and in no case shall two sets overlap, resulting in multiple violations.

94.12.3 **Intermittent EMISSIONS Method:** This procedure is for evaluating Intermittent FUGITIVE DUST EMISSIONS: This procedure is for the determination of the OPACITY of intermittent FUGITIVE DUST EMISSIONS by a qualified observer. Intermittent FUGITIVE DUST EMISSIONS sources include activities that produce

emissions intermittently such as screening, dumping, and stockpiling where predominant emissions are produced intermittently. The qualified observer should do the following:

- (a) **Position:** Stand at a position at least twenty (20) feet from the FUGITIVE DUST source in order to provide a clear view of the EMISSIONS with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make OPACITY observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. As much as possible, do not include more than one plume in the line of sight at one time.
- (b) **Field Records:** Record the name of the site, FUGITIVE DUST source type (e.g., pile, material handling, transfer, loading, sorting), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the FUGITIVE DUST source. Also, record the time, estimated distance to the FUGITIVE DUST source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the FUGITIVE DUST source, and color of the plume and type of background on the visible EMISSION observation when OPACITY readings are initiated and completed.
- (c) **Observations:** Make OPACITY observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Make OPACITY observations at a point just beyond where material is no longer being deposited out of the plume (normally three (3) feet above the surface from which the plume is generated). Make two observations per plume at the same point, beginning with the first reading at zero (0) seconds and the second reading at five (5) seconds. The zero (0) second observation should begin immediately after a plume has been created above the surface involved.
- (d) **Recording Observations:** Record the OPACITY observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average OPACITY of EMISSIONS for a five (5) second period.
- (e) Repeat Subsection 94.12.3(c) of this Regulation and Subsection 94.12.3(d) of this Regulation until you have recorded a total of 12 consecutive OPACITY readings. This will occur once six intermit plumes on which you are able to take proper readings have been observed. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- (f) Average the 12 OPACITY readings together. If the average OPACITY reading equals 20% or lower, the source is in compliance with the averaged method OPACITY standard described in this Section.

- 94.12.4 Instantaneous Method: This is a non-federal procedure for evaluation of FUGITIVE DUST EMISSIONS: This procedure is for the instantaneous determination of the OPACITY of FUGITIVE DUST EMISSIONS by a qualified observer. This method is a Clark County local requirement and is not submitted as part of the applicable State Implementation Plan. The qualified observer should do the following:
- (a) Position: Stand at a position at least twenty (20) feet from the FUGITIVE DUST source in order to provide a clear view of the EMISSIONS with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make OPACITY observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the FUGITIVE DUST plume generated by mobile earth moving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, do not include more than one plume in the line of sight at one time.
  - (b) Field Records: Record the name of the site, FUGITIVE DUST source type (e.g., earthmoving, grading, storage pile, material handling, transfer, loading, sorting), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the FUGITIVE DUST source. Also, record the time, estimated distance to the FUGITIVE DUST source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the FUGITIVE DUST source, and color of the plume and type of background on the visible EMISSION observation when OPACITY readings are initiated and completed.
  - (c) Observations: Make OPACITY observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Make OPACITY observations at a point just beyond where material is no longer being deposited out of the plume (normally three (3) feet above the surface from which the plume is generated).
  - (d) Recording Observations: Record the OPACITY observations to the nearest 5%.
  - (e) Data Reduction For Instantaneous Regulations: Evaluate all observations for conformance with the instantaneous regulation.

94.12.5 Soil Crust Determination (The Drop Ball Test):

- (a) Drop a steel ball with a diameter of 0.625 (5/8<sup>th</sup>) inch and a mass ranging from 0.56-0.60 ounce from a distance of one (1) foot directly above the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the soil crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50% of a project site that have not originated from the representative surface being tested. If material covers a visible crust, which is not blowsand, apply the test method in Subsection 90.4.1.3 (Determination Of Threshold Friction Velocity) of this Regulation to the loose material to determine whether the surface is stabilized.

A sufficient crust is defined under the following conditions: once a ball has been dropped according to Subsection 90.4.1.1 of this Regulation, the ball does not sink into the surface, so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface upon which it fell has not been pulverized, so that loose grains are visible.

- (b) Randomly select each representative disturbed surface for the drop ball test by using a blind “over the shoulder” toss of a throwable object (e.g., a metal weight with survey tape attached). Using the point of fall as the lower left hand corner, measure a one (1) foot square area. Drop the ball three times within the 1-foot by 1-foot square survey area, using a consistent pattern across the survey area. The survey area shall be considered to have passed the Soil Crust Determination Test if at least two out of the three times that the ball was dropped, the results met the criteria in Subsection 90.4.1.1(a) of this Regulation. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site, and repeat this procedure. If the results meet the criteria of Subsection 90.4.1.1(a) of this Regulation for all of the survey areas tested, then the site shall be considered to have passed the Soil Crust Determination Test and shall be considered sufficiently crusted.
- (c) At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the soil crust test as often as necessary on each portion of the overall conditions of the site using the random selection method set forth in Subsection 90.4.1.1(b) of this Regulation for an accurate assessment.

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Amended: November 16, 2000; March 18, 2003; July 1, 2004.