PROPOSED REVISION TO CLARK COUNTY PART OF NEVADA STATE IMPLEMENTATION PLAN:

REPEAL OF CLARK COUNTY AIR QUALITY REGULATIONS SECTION 10

COMPLIANCE SCHEDULE

Clark County Department of Air Quality

Approved by BCC - December 18, 2018
Adopted - January 1, 2019

ACKNOWLEDGMENTS

CLARK COUNTY BOARD OF COMMISSIONERS
Marilyn Kirkpatrick, Chair
Lawrence Weekly, Vice-Chair
Michael Naft
Larry Brown
Tick Segerblom
Justin Jones
James B. Gibson

OFFICE OF THE COUNTY MANAGER
Yolanda King, County Manager
Randy Tarr, Assistant County Manager

DE ARTMENT OF AIR QUALITY
Marci Henson, Director

Executive Summary

The Clark County Board of County Commissioners recently approved the repeal of Section 10 from the Clark County Air Quality Regulations (AQRs). DAQ requests the removal of this regulation from the Nevada State Implementation Plan (SIP). This action constitutes a SIP revision. The Board's action was conducted consistent with the requirements of 40 CFR § 51.102 and Appendix V of 40 CFR 51.

The Board's rulemaking action relative to the Nevada SIP consisted of the following:

- Repeal of Section 10, "Compliance Schedules."

EPA approved the inclusion of Section 10, "Compliance Schedules" into the Nevada SIP on December 28, 1978. Over time, this rule has become obsolete, being replaced by compliance plans that are proposed by the source for review by the DAQ Compliance Manager. Upon all parties reaching agreement, the compliance plan can be approved by the Hearing Officer and made enforceable in the terms and conditions of the operating permit. The process outlined by Section 10 has not been used since before the Air Program was moved to Clark County.

This regulation was repealed by the Clark County Board of County Commissioners on December 18, 2018 with as one of several other revised regulations. Evidence of repeal, appropriate public notice and the participation process is included as Appendix A.

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CHAPTER 1:
RULE CHANGES

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SUMMARY OF RULE CHANGES

- **Section 10 – Compliance Schedules** has been repealed by the Clark County Board of County Commissioners (BCC). It has been identified as an old, outdated rule that requires a long, drawn-out process to establish a timeline for a source to come back into compliance with air quality requirements. Compliance schedules have not been relied upon in any Department of Air Quality (DAQ) compliance action, including those for stationary sources, since the program was moved from the Health District to the BCC. As part of the overhaul of Section 12.1, "Minor Source Permitting" of the Clark County Air Quality Regulations, a team of reviewers concluded that compliance plans would suffice. In a compliance plan, the source in violation proposes an approvable plan to DAQ and upon agreement by both parties, the plan is made enforceable through the terms and conditions of the issued Minor Source Permit. Along with the repeal of Section 10, the BCC approved implementing this approach via two steps:

    - Section 12.1.3.6(c)(4) requires, as part of the application contents: "A significant revision, or a renewal for a source that is not in compliance at the time the application is submitted, shall include a compliance plan to address the noncompliant issue(s). The plan shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any requirements that the source is not in compliance with at the time of permit issuance. Any such plan shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based."

    - Section 12.1.4.1(m) requires, as part of the permit content: "A minor source permit issued by the Control Officer shall include terms and conditions that contain any compliance plan required to be included in the application under Section 12.1.3.6(c)(4)."

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CHAPTER 2:

PUBLIC HEARING DOCUMENTATION

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Affidavits of Publication

In

Las Vegas Review-Journal

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Notice of
Public Comment Period
and
Workshops

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED CC DAQ
2018 OCT 24 AM11:45

DEPT OF AIR QUALITY
STE 200
4701 W RUSSELL RD
LAS VEGAS NV 89118

Account # **22354**
Ad Number **0001013125**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/21/2018 to 10/21/2018, on the following days:

10 / 21 / 18

/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of October, 2018

Notary _____

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020

NOTICE OF A PUBLIC WORKSHOP ON PROPOSED REVISIONS TO THE CLARK COUNTY AIR QUALITY REGULATIONS

This public notice the Clark County Air Quality Regulations initiates a **30 day public comment period for 10/21/2018 to close of business on 11/19/2018**, and sets a date for public workshops on proposed revisions to Sections 0, 12.0, and 12.1; the adoption of 12.11; and the repeal of 10. Clark County Air Quality Regulations. Comments will be incorporated into documents submitted to the Board of County Commissioners at a future public hearing. DAQ will hold **workshops to address these proposals on 11/2/2018 from 1 to 4 PM and 11/15/2018 from 9-11 AM** in the Presentation Room at 4701 W. Russell Road, Las Vegas, Nevada.

Section 0: "Definitions." Revise this rule by adding new terms as needed and by removing terms that are no longer applicable.

Section 10: "Compliance Schedules." Repeal this rule in its entirety.

Section 12.0: "Applicability and General Requirements." Revise this rule by removing language used to transition permitted stationary sources in Clark County to new rule.

Section 12.1: "Permits for Minor Sources." Revise this rule by removing unnecessary transition language, correcting the exempt and insignificant activities, and removing redundant language.

Section 12.11: "General Permits for Minor Stationary Sources." Propose this rule to define the process to develop and issue general permits, based on requirements in Section 12.1, and the authorization for their use by stationary sources located in Clark County, Nevada.

The draft rules are posted at:
http://www.clarkcountynv.gov/airquality/regulations/Pages/Rules_ProposedRevisions.aspx

Copies may be reviewed and obtained at the Department of Air Quality, 4701 W. Russell Road, Suite 200, Las Vegas, Nevada 89118-2231, or by contacting Richard D. Beckstead at (702-455-1611) or beckstead@clarkcountynv.gov .

Written comments may be emailed to AQRegulations@clarkcountynv.gov or mailed to Clark County Department of Air Quality, Attention: Rule Project, 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118-2231.

Published on the 21th day of October, 2018.

Marci D. Henson, Director
Department of Air Quality
PUB: October 21, 2018 LV Review-Journal

NOTICE OF A PUBLIC WORKSHOP ON PROPOSED REVISIONS TO THE CLARK COUNTY AIR QUALITY REGULATIONS

This public notice the Clark County Air Quality Regulations initiates a **30 day public comment period for 10/21/2018 to close of business on 11/19/2018**, and sets a date for public workshops on proposed revisions to Sections 0, 12.0, and 12.1; the adoption of 12.11; and the repeal of 10. Clark County Air Quality Regulations. Comments will be incorporated into documents submitted to the Board of County Commissioners at a future public hearing. DAQ will hold **workshops to address these proposals on 11/2/2018 from 1 to 4 PM and 11/15/2018 from 9-11 AM** in the Presentation Room at 4701 W. Russell Road, Las Vegas, Nevada.

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Published on the 21th day of October, 2018.

Marci D. Henson, Director

Notice of
Public Comment Period
and
Public Hearing

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

DEPT OF AIR QUALITY
STE 200
4701 W RUSSELL RD
LAS VEGAS NV 89118

Account # **22354**
Ad Number **0001018333**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 3 edition(s) of said newspaper issued from 11/18/2018 to 12/02/2018, on the following days:

11 / 18 / 18
11 / 25 / 18
12 / 02 / 18

/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of December, 2018

Notary _____

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020

PUBLIC NOTICE:
30 DAY NOTICE OF PUBLIC HEARING FOR
PROPOSED AMENDMENTS TO EXISTING CLARK COUNTY AIR QUALITY REGULATIONS SECTIONS 0, 12.0, AND 12.1; REPEAL OF SECTION 10; ADOPTION OF SECTION 12.11

NOTICE IS HERBY GIVEN that Clark County proposes to amend Sections 0, 12.0, 12.1 and 12.11; and repeal Section 10 of the Clark County Air Quality Regulations (AQR). **Section 0, "Definitions"**, defines the meaning of terms used throughout the AQR. **Section 12.0, "Applicability, General Requirements and Transition Procedures"**, addresses how the stationary source rules work together. **Section 12.1 "Permit Requirements for Minor Sources"**, addresses permitting requirements for minor stationary sources. **Section 10 "Compliance Schedules"**, addresses how compliance schedules can be issued to stationary source in noncompliance. **Section 12.11, "General Permits for Minor Stationary Sources"**, addresses the issuance and authorization procedures for general permits. Sections 0, 12.0, 12.1 and 12.11 are proposed for amendment to update and add clarity to the rules. Section 10 is proposed for repeal to accommodate the use of compliance plans associated with Section 12.1.

The Board of County Commissioners will consider the proposed ordinance at a public hearing at 10:00 AM December 18, 2018, in the Commission Chambers, Clark County Government Center, 500 S. Grand Central Parkway, Las Vegas, NV.

Copies of the draft ordinance may be reviewed at the Department of Air Quality, 4701 W. Russell Road, second floor, Las Vegas, Nevada 89118. Alternatively, the draft ordinance is available for review on the DAQ Web site at **http://www.clarkcountynv.gov/depts/airquality/Pages/Rules_ProposedRevisions.aspx**. Copies may also be obtained by contacting Richard Beckstead at (702) 455-1611 or beckstead@clarkcountynv.gov.

Marci D. Henson

Marci D. Henson, Director
Department of Air Quality
PUB: Nov. 18, 25, Dec. 2, 2018 LV Review-Journal

PUBLIC NOTICE:
30 DAY NOTICE OF PUBLIC HEARING FOR
PROPOSED AMENDMENTS TO EXISTING CLARK COUNTY AIR QUALITY REGULATIONS
SECTIONS 0, 12.0, AND 12.1; REPEAL OF SECTION 10; ADOPTION OF SECTION 12.11

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Publish: 11/18, 11/25, 12/2/2018

Marci D Henson, Director

Notice of Adoption and Effective Date

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CC CLERK
RM 6037
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155-0001

Account # **22477**
Ad Number **0001024238**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 2 edition(s) of said newspaper issued from 12/25/2018 to 01/01/2019, on the following days:

12 / 25 / 18
01 / 01 / 19

ORDINANCE NO. 4653

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 0 TO REMOVE, REVISE, AND ADD DEFINITIONS: REPEAL SECTION 10 AMEND SECTION 12.0 AND REPEAL, AND ADOPT A NEW SECTION 12.1 TO REMOVE OBSOLETE STATIONARY SOURCE PERMITTING TRANSITION LANGUAGE. UPDATE AND ADD DEFINITIONS, STREAMLINE THE MINOR SOURCE APPLICATION PROCESS, REVISE THE LIST OF EXEMPT AND INSIGNIFICANT EMISSION UNITS, AND ADDRESS MINOR PORTABLE SOURCE PERMITTING: REPEAL AND ADOPT A NEW SECTION 12.11 TO ADD REQUIREMENTS TO FACILITATE THE MINOR SOURCE GENERAL PERMIT PROGRAM: AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO,

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the sixth floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Steve Sisolak on the 4th day of December, 2018, and passed on the 18th day of December, 2018, by the following vote of the Board of County Commissioners:
Aye: Susan Brager Lawrence L. Brown Ul James B. Gibson Chris Giunchigliani Marilyn Kirkpatrick Steve Sisolak Lawrence Weekly Nay: None
Abstaining: None Absent: None
This Ordinance shall be in full force and effect from and after the 1st day of January, 2019.
(SEAL)

Dated this 18th day of December, 2018.

LYNN MARIE GOYA,
COUNTY CLERK and Ex-Officio
Clerk of the Board of County Commissioners

PUB: Dec. 25, 2018, Jan. 1, 2019
LV Review-Journal

/S/
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 2nd day of January, 2019

Notary

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020

Notification to Regional Administrator

From:	Richard Beckstead
To:	BECKHAM, LISA (BECKHAM.LISA@EPA.GOV)
Subject:	Clark County Air Quality Regulations proposed for revision and adoption
Date:	Thursday, October 25, 2018 9:01:00 AM
Attachments:	20181021_Workshop Notice.pdf Section_12.1_REDLINE.PDF Section_12.11_CLEAN.PDF Section_0_REDLINE.PDF Section_12.0_REDLINE.PDF Section_10_REDLINE.PDF

Hi Lisa,

I don't know who will eventually review these proposed changes and I felt you should be aware of them. DAQ intends to bring these five (5) regulations before the Clark County Board of County Commissioners for approval on December 18th. The changes include:

- Remove 18 definitions from its Section 0 because the defined terms are no longer used in any of its AQRs.
- Repeal Section 10 – Compliance Schedules because it is not required by the CAA or the Nevada Revised Statutes and it results in long delays addressing stationary source non-compliance issues due to the scheduling of the Hearing Board Meetings.
- Revision of Section 12.0 to remove language addressing the procedures to transition from the old 2004 Section 12 into the new 2010 Sections 12.1, 12.2, 12.3, and 12.4.
- Revision of Section 12.1 to address holes that were identified during the implementation of the rule, and to add clarity by defining new terms and removing redundant and confusing language.
- Adoption of Section 12.11 – General Permits for Minor Stationary Sources.

Laura Yannayon asked for a curtesy cop when Section 12.1 is available for public review. I don't have her email so if you would please forward her a copy I would appreciate it.

Thanks,

Richard Beckstead
Principal Air Quality Specialist
4701 W Russell Rd Ste 200
Las Vegas, NV 89118
beckstead@ClarkCountyNV.gov
(702) 455-1611

Public Hearing Records

Public Comments on Proposed Revisions to Sections 0, 10, 12.0, 12.1 and 12.11 of the Clark County Air Quality Regulations

None of the Comments received addressed issues or concerns about the repeal of Section 10 “Compliance Schedules.”

CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM

Petitioner: Marci Henson, Department of Air Quality

Recommendation:

That the Board of County Commissioners introduce an ordinance to amend Clark County Air Quality Regulations Section 0 to remove, revise, and add definitions; repeal Section 10; amend Section 12.0 and repeal and adopt a new Section 12.1 to remove obsolete stationary source permitting transition language, update and add definitions, streamline the minor source application process, revise the list of exempt and insignificant emission units, and address minor portable source permitting; repeal and adopt a new Section 12.11 to add requirements to facilitate the minor source general permit program; provide for other matters related thereto, and set a public hearing. (For possible action)

FISCAL IMPACT:

Fund #: N/A
Fund Name: N/A
Fund Center: N/A
Funded Program/Grant: N/A
Description: N/A
Amount: N/A
Added Comments: N/A

BACKGROUND:

The proposed ordinance will amend Clark County Air Quality Regulations (AQR) as follows: (1) amend **Section 0 – "Definitions"** to reflect the changes in air quality attainment status, to add the term "trenching", to remove terms that no longer apply, and to make other changes to terms used throughout the AQRs; (2) repeal **Section 10 – "Compliance Schedules"** as obsolete because Section 12.1 contains the procedures to address compliance issues; (3) amend **Section 12.0 – "Applicability, General Requirements and Transition Procedures"** to remove the transition procedures in subsection 12.0.3 and remove "and Transition Procedures" from the title; (4) repeal and adopt a new **Section 12.1 – "Permit Requirements for Minor Sources"** to update and add new definitions, reformat for clarity, streamline the application process and revise the timelines to improve efficiency, restructure the list of exempt and insignificant emission units and add new activities; and revise the language as necessary to clarify intent; and (5) repeal and adopt a new **Section 12.11 – "General Permits for Minor Stationary Sources"** to facilitate the minor source general permit program to streamline the permitting process for selected source categories.

Staff recommends that a public hearing be set for December 18, 2018 at 10:00 AM.

Respectfully submitted,

Marci Henson

Marci Henson, Director
Air Quality

Cleared for Agenda

Agenda Item #

5/01/2019

CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM

Petitioner: Marci Henson, Department of Air Quality

Recommendation:

That the Board of County Commissioners introduce an ordinance to amend Clark County Air Quality Regulations Section 0 to remove, revise, and add definitions; repeal Section 10; amend Section 12.0 and repeal and adopt a new Section 12.1 to remove obsolete stationary source permitting transition language, update and add definitions, streamline the minor source application process, revise the list of exempt and insignificant emission units, and address minor portable source permitting; repeal and adopt a new Section 12.11 to add requirements to facilitate the minor source general permit program; provide for other matters related thereto, and set a public hearing. (For possible action)

FISCAL IMPACT:

Fund #: N/A Fund Name: N/A
Fund Center: N/A Funded Program/Grant: N/A
Description: N/A Amount: N/A Added Comments: N/A

BACKGROUND:

The proposed ordinance will amend Clark County Air Quality Regulations (AQR) as follows: (1) amend Section 0 – "Definitions" to reflect the changes in air quality attainment status, to add the term "trenching", to remove terms that no longer apply, and to make other changes to terms used throughout the AQRs; (2) repeal Section 10 – "Compliance Schedules" as obsolete because Section 12.1 contains the procedures to address compliance issues; (3) amend Section 12.0 – "Applicability, General Requirements and Transition Procedures" to remove the transition procedures in subsection 12.0.3 and remove "and Transition Procedures" from the title; (4) repeal and adopt a new Section 12.1 – "Permit Requirements for Minor Sources" to update and add new definitions, reformat for clarity, streamline the application process and revise the timelines to improve efficiency, restructure the list of exempt and insignificant emission units and add new activities; and revise the language as necessary to clarify intent; and (5) repeal and adopt a new Section 12.11 – "General Permits for Minor Stationary Sources" to facilitate the minor source general permit program to streamline the permitting process for selected source categories.

Staff recommends that a public hearing be set for December 18, 2018 at 10:00 AM.

Respectfully submitted,

Marci Henson, Director

Cleared for Agenda

12/4/2018

Agenda Item #

[Bracketed] and/or ~~strikethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. _____

SUMMARY - An Ordinance to amend Clark County Air Quality Regulation Sections 0, 12.0, 12.1, and 12.11 to update and make changes to the stationary source permitting rules and repeal Section 10.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 0 TO REMOVE, REVISE, AND ADD DEFINITIONS; REPEAL SECTION 10; AMEND SECTION 12.0 AND REPEAL AND ADOPT A NEW SECTION 12.1 TO REMOVE OBSOLETE STATIONARY SOURCE PERMITTING TRANSITION LANGUAGE, UPDATE AND ADD DEFINITIONS, STREAMLINE THE MINOR SOURCE APPLICATION PROCESS, REVISE THE LIST OF EXEMPT AND INSIGNIFICANT EMISSION UNITS, AND ADDRESS MINOR PORTABLE SOURCE PERMITTING; REPEAL AND ADOPT A NEW SECTION 12.11 TO ADD REQUIREMENTS TO FACILITATE THE MINOR SOURCE GENERAL PERMIT PROGRAM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Clark County Air Quality Regulation Section 0 – Definitions, is hereby amended as reflected in Exhibit 1, attached hereto.

SECTION 2. Clark County Air Quality Regulation Section 10 – Compliance Schedules is hereby repealed in its entirety.

SECTION 3. Clark County Air Quality Regulation Section 12.0 – Applicability, General Requirements, and Transition Procedures, is hereby amended as reflected in Exhibit 2, attached hereto.

SECTION 4. Clark County Air Quality Regulation Section 12.1 – Permit Requirements for Minor Sources is hereby amended by repealing the section in its entirety and adopting a new Section 12.1 as reflected in Exhibit 3, attached hereto.

SECTION 5. Clark County Air Quality Regulation Section 12.11 – General Permits for Minor Stationary Sources is hereby amended by repealing the section in its entirety and adopting a new Section 12.11 as reflected in Exhibit 4, attached hereto.

SECTION 6. If any section of this ordinance, or portion thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 7. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and the publication thereof 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 Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2018.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____ 2018.

AYES: _____

_____

_____

_____

_____

_____

_____

NAYS: _____

_____

/ / /

/ / /

/ / /

ABSTAINING:_____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By:_____
Steve Sisolak, Chairman

ATTEST:

_____
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2018.

EXHIBIT 1

SECTION 0: DEFINITIONS

In these Air Quality Regulations (AQRs), incorporated into the Clark County Code at Section 9.08.130, unless the context otherwise requires:

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

"Actual Emissions" means the actual rate of emissions of a regulated air pollutant from an emissions unit, as determined in accordance with this definition:

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the regulated air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) If there is inadequate information to determine actual historical emissions, the Control Officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(c) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the Administrator of the United States 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 or subject to a standard or other requirement under Sections 112(d), (f) or (h) of the Act.

"Affected State(s)" means all States whose air quality may be affected that are located contiguous to or within fifty (50) miles of Clark County, Nevada, including Arizona, California, and Utah. Any Indian tribe located in Clark County or within fifty (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.

"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.

"Air Contaminants" means any solid, liquid, or gaseous matter, any odor, or any form of energy that is capable of being released into the atmosphere from an emission source.

~~"Airplane Refueling Area" means a place capable of receiving, storing and dispensing one or more types of gasoline or petroleum distillate 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:

(a) Injure human health or welfare, animal or plant life, or property;

(b) Limit visibility or interfere with scenic, aesthetic and historic values of the State; or

(c) 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, or 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_{10}~~	~~CO~~	~~VOC~~	~~NO_x~~	~~SO_2 and Pb~~
~~Serious Nonattainment Area~~	~~LV~~	~~LV~~			
~~Moderate Nonattainment Area~~					
~~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[1]~~	~~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~~

~~[1]See "Airshed Regions within Clark County, Nevada" table on p. 3 for region abbreviations.~~

"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.

“Air Quality Standard” or “Ambient Air Quality Standard” has the same meaning as the term “National Ambient Air Quality Standard” as defined in Section 0.

"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.

"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 practically

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

(a) Any applicable standards as set forth in these AQRs or 40 CFR Parts 60, 61 or 63;

(b) Any applicable Nevada State Implementation Plan (SIP) emission limitation, including those with a future compliance date; or

(c) The emissions rate specified as a practically enforceable permit condition, including those with a future compliance date.

"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 any of the following requirements as they apply to an emissions unit covered by a permit issued pursuant to Section 12 of the AQRs:

(a) Any standard or requirement included in the Nevada SIP approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(b) Any term or condition of any permit issued pursuant to Section 12 of the AQRs;

(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 other requirement of the Acid Rain Program under Title IV of the Act or the regulations promulgated thereunder;

(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 I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) ("Temporary Sources") of the Act;

(l) Any requirement necessary to comply with the prohibition in Sections 126(a)(1) and 126(c) ("Interstate Pollution Abatement") of the Act; and

(m) Any requirement under the AQRs, e.g., "Emission of Visible Air Contaminants," "Odors in the Ambient Air," and "Prohibitions of Nuisance Conditions."

~~"Application Area" means the area where surface coating is applied by spraying, dipping or flow-coating techniques.~~

"Authority to Construct Permit" ~~or "Part 70 Authority to Construct Permit"~~ means a permit issued to a Part 70 source by the Control Officer pursuant to Section 12.4.3 of the AQRs that:

(a) Authorizes the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source; and

(b) Includes the conditions which apply to the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source.

"Best Management Practices" means dust control measures that are based on each project soil type, project activity, and phasing as required by the applicable standards of Sections 91 through 94 of these AQRs. 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" or "BTU" 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 belong to the same industrial grouping, 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. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same ''Major

Group'' (which have the same first two digit code) as described in the *Standard Industrial Classification Manual*, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101–0066 and 003–005–00176–0, respectively) or the North American Industry Classification System, as published in 2002.

~~"Building Vent" means an opening of a building through which there is mechanically induced air flow for the purpose of exhausting 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" or "Commencement" as applied to construction of a stationary source or modification means that the owner or operator has all necessary preconstruction approvals or permits and 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.

"Commence Operation" or "Commencing Operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber that changes the location, form, physical properties, or chemical character of a material.

"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, and 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.

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an

application complete for purposes of permit processing does not preclude the reviewing authority from requesting or accepting any additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit), that would result in a change in 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, the Control Officer's designee or individual staff members who have been delegated the authority by the Control Officer or his /her designee to perform specific Control Officer functions.

"Date of Submittal" means the date a document is postmarked, if the document is delivered by the U.S. Postal Service. If the document is hand delivered by the document owner, his/her representative or a commercial carrier, the date of submittal is the date the document is date stamped by the department.

~~"Designated Trail" means any trail designated by a public agency for use by equestrians, hikers, bicycles, or other nonmotorized forms of travel.~~

~~"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 is being moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust.

"Dust Palliative" means hygroscopic material, non-toxic chemical stabilizer or other dust palliative material that is not prohibited for ground surface application by the EPA or the Nevada Division of Environmental Protection (NDEP) or by 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, solution of water and chemical surfactants, foam, or any other dust palliative which is not prohibited for ground surface application by the EPA

or NDEP or by any applicable law or regulation, as a treatment material for reducing fugitive dust emissions.

"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 of 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.

"Emission(s)" or "Emit(s)" means the release or the passing into the ambient air of a regulated air pollutant.

“Emission Limit” or “Emission Limitation” means a requirement established by the Control Officer or the Administrator that limits the quantity, rate, or concentration of emission of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice or operational standard promulgated under these regulations or the Act.

“Emissions Unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant.

“Enforceable As a Practical Matter” (or “Practicably Enforceable” or “Practically Enforceable”) means that a permit meets the following criteria:

The permit conditions are permanent and quantifiable;
The permit includes a legally enforceable obligation to comply;
The limits impose an objective and quantifiable operational or production limit, or require the use of in-place air pollution control equipment;
The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;
The permit conditions are enforceable and independent of any other applicable limitations; and
The permit contains conditions for monitoring, recordkeeping, reporting, and testing to determine compliance as specified in Section 12.1,12.2,12.3,12.4 and 12.5, as applicable.

"EPA" means the United States Environmental Protection Agency.

"Ethanol" means an alcohol with the chemical formula CH_3CH_2OH.

"Excess Emissions" means emissions in excess of an emission limitation.

"Existing Emissions Unit" means, unless otherwise specified in these regulations, an emissions unit that has either been authorized to commence construction or modification or has commenced construction or modification prior to the effective date of rule.

"Existing Stationary Source" means, unless otherwise specified in these regulations, any stationary source that has either been authorized to commence construction or modification or has commenced construction or modification prior to the effective date of rule.

“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 Administrator.

"Flood Control Construction" means construction of flood detention basins, flood diversion channels, box culverts, and excavations intended to capture or retain water.

"Fuel" means material which is capable of releasing energy or power by combustion or other chemical or physical reaction.

"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 fuel derived from crude oil or petroleum, including distillate oil, residual oil, and used oil.

"Fugitive Dust" means particulate matter, that is not collected by a capture system, is entrained in the ambient air and 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.

"Gasoline" means any petroleum distillate having a Reid Vapor Pressure (RVP) of four 4 pounds per square inch or greater.

~~"Gasoline Dispensing Operation" 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.~~

"Good Engineering Practice (GEP) Stack Height" means a stack height meeting the requirements described in Subsection 12.2.7.3 of the AQRs.

"Hazardous Air Pollutant" or "HAP" means any air pollutant listed in or pursuant to Section 112(b) of the Act.

"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 Area(s)" means the ~~areas~~ air quality planning regions within Clark County, Nevada as defined in the *State of Nevada Hydrographic Areas Map*, prepared by the Division of Water Resources, Rev. 9/71. An area may be designated as a Maintenance Area, Marginal Nonattainment Area, or Prevention of Significant Deterioration (PSD) Area. The following table shows the status of each air quality planning region by criteria air pollutant:

Status of each Air Quality Planning Region by Criteria Air Pollutant

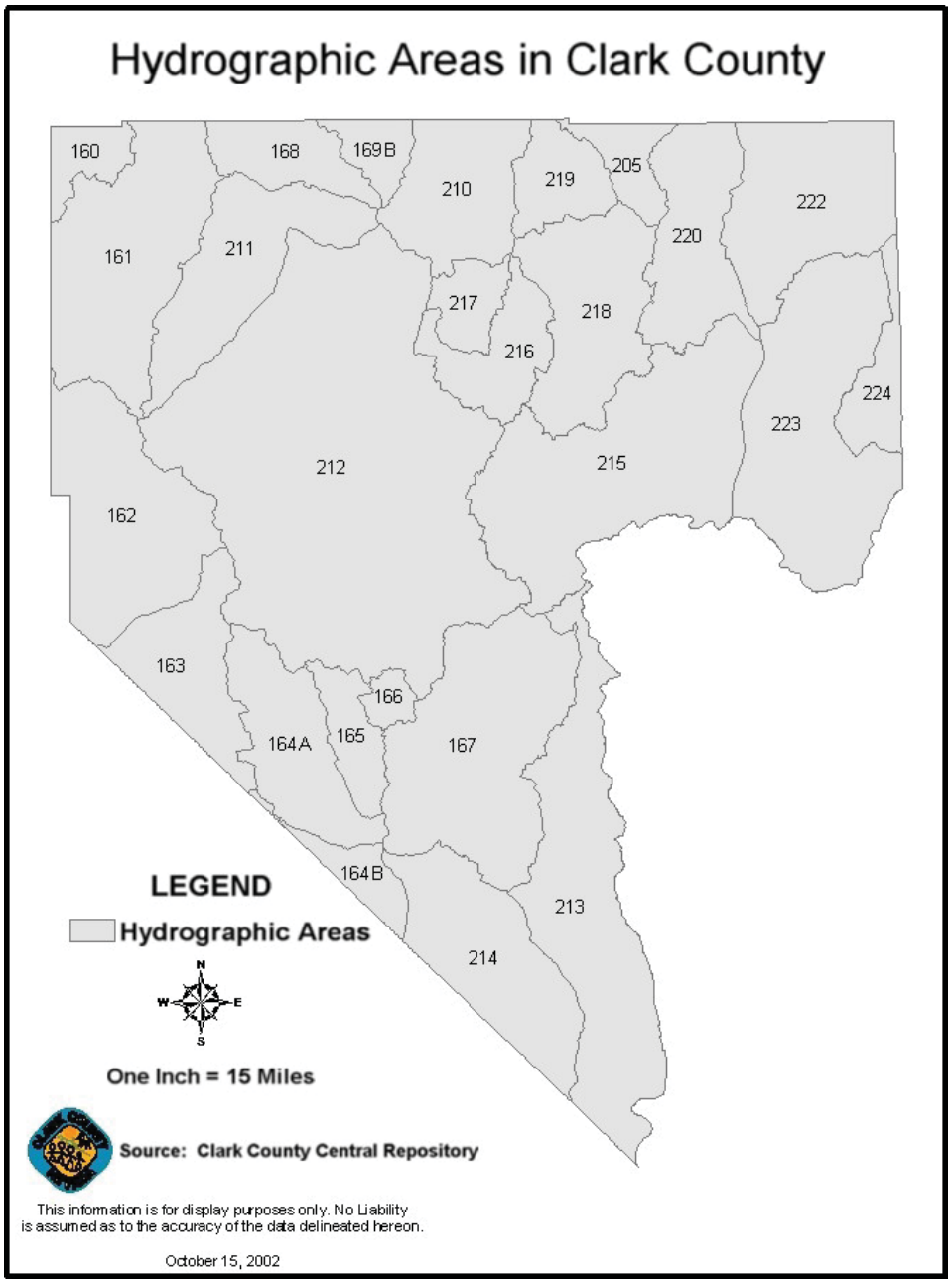
	PM_{10}	CO	VOC[2]	NO_x[2]	SO_2 & Pb	Ozone
Marginal Nonattainment Area						**LV**
Maintenance Area	**LV**	**LV**				
Prevention of Significant Deterioration (PSD) Area	**IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA**[1]	**IV, SI, JL, SH, GV, NH, PV, CV, 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**	**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**

[1]See Table "Airshed Regions within Clark County, Nevada" in the definition of "Airshed Region" in this Section for Air Quality Planning Region names and abbreviations.

[2]VOC and NO_x are precursors for Ozone.

A hydrographic area may extend into adjacent county(s), but the hydrographic area will terminate at the state boundary. The following map, provided for quick reference, represents the hydrographic areas and air quality planning regions within the Clark County boundary and excludes only the portion of the hydrographic area that is outside of the Nevada boundary:

EXHIBIT 1


Hydrographic Areas in Clark County
160
168
169B
210
219
205
222
220
161
211
217
218
216
224
223
212
215
162
163
166
164A
165
167
164B
213
214
LEGEND
Hydrographic Areas
N
W
E
S
One Inch = 15 Miles
Source: Clark County Central Repository
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 any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

"Insignificant Activities and Emissions" means those activities that meet the criteria set forth in subsection 12.5.2.5.

"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.

"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 three (3) drops per minute.~~

~~"Methyl Tertiary Butyl Ether (MTBE)" means an ether with the chemical formula~~ ~~$(CH_3)_3C(-OCH_3)$.~~

"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 fifty (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.

“National Ambient Air Quality Standard” means all of the National Ambient Air Quality Standards contained in Part 50 of Title 40 of the Code of Federal Regulations, including the definitions, scope, reference conditions, and appendices thereto, which are incorporated herein by this reference as of July 1, 2013.

~~"Natural Cover" means any vegetation that exists on the property.~~

“Nonattainment Area" means any geographic region of the United States that has been designated as “nonattainment” under Section 107 of the Act for any pollutant for which a National Ambient Air Quality Standard exists.

"Non-metallic Mineral" means any of the following minerals or any mixture that contains more than fifty percent (50%) by weight any of the following minerals:

(a) Crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell;

(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) Fluorspar;

(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 crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals, except as provided in 40 CFR § 60.670(b) and (c).~~

"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 twelve (12) times within any twelve (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.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open Areas ~~A~~and Vacant Lots" means any of the following described in paragraphs (a) through (e) below. For the purpose of these regulations, 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.

“Operation and Maintenance Plan” means a plan for an emission control system that specifies the key system operating parameters, such as temperatures, pressures, and/or flow rates, necessary to monitor the emission control system to ensure its proper operation and maintenance. The plan should include recordkeeping requirements sufficient to verify that necessary maintenance activities have been performed and key system operating parameters were monitored.

“Operating Permit” means a permit issued pursuant to Sections 12.1, 12.2,12.3, 12.5, or 94 of the Clark County Air Quality Regulations, signed and issued by the Control Officer or his/her designee.

"Owner” and/or “Operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation that directly or indirectly results or may result in emissions of any air pollutant for which a national, state of Nevada, or Clark County standard is in effect. For the purposes of Sections 90 through 94, "Owner” and/or “Operator" means 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 ether.

"Part 70 Operating Permit" means any permit or group of permits covering a Part 70 Source that are issued, renewed, amended, or revised pursuant to Section 12.5.

“Part 70 Source” means the following:

(a) Any source defined as a major stationary source under Sections 12.2.2(ff) or 12.3.2(y), or as a major source under 40 CFR § 70.2 as of July 20, 2011;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, but only if the Administrator has determined that the source is required to obtain a Part 70 Operating Permit;

(c) Any source, including an area source, subject to a standard or other requirement under Sections 112(d), (f), or (h) of the Act, but only if the Administrator has determined that the area source subject to such standards is required to obtain a Part 70 Operating Permit. A source is not a Part 70 Source solely because it is subject to regulations or requirements under Section 112(r) of the Act;

(d) Solid waste incineration units, including hospital/medical/infectious waste incinerators, municipal waste incinerators, and commercial and industrial waste incinerators, that are required by Section 129(e) of the Act to obtain a Part 70 Operating Permit;

(e) Any source with an affected unit, as defined in 40 CFR Part 72, that is subject to the requirements of the Title IV Acid Rain Program under the Act;

(f) Any source that is a non-major municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters; or

(g) Any source designated by the Administrator pursuant to 40 CFR § 70.3.

"Particulate Matter (PM)" 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" or “Paved” means the application and maintenance of asphalt, concrete, or other similar material on a roadway surface (e.g., asphaltic concrete, concrete pavement, or rubberized asphalt).

“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.

"Person" means the United States of America, the state of Nevada, or 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.

“$PM_{2.5}$” means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal two and one half (2.5) micrometers. $PM_{2.5}$ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"PM_{10}" means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers. PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"Potential to Emit" means the maximum capacity of a stationary source to emit any regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an 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 only if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Prime Coat" means the first of two or more coatings applied to a surface.

"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.

“Public Road” means a road owned and/or operated by a governmental entity, who has accepted ownership of the road through a formal action of its 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.

"Reasonably Available Control Technology (RACT)" means the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economical feasibility. In determining RACT, the following shall be considered:

(a) Energy and environmental impacts and costs;

(b) Cost effectiveness;

(c) Control technology in use by similar sources; and

(d) Technical feasibility.

For the purposes of this definition, a control technology shall be deemed RACT if it is or meets an EPA control technology guideline limitation for the applicable source category, is a New Source Performance Standard, Maximum Achievable Control Technology standard, or any other federally enforceable limitation or condition relied upon as RACT in a nonattainment or maintenance plan.

RACT may be determined on a case-by-case or source category-specific basis, at the option of the person performing the control technology review, and shall take into account relevant findings and determinations in EPA's RACT/BACT/LAER Clearinghouse. The determination of cost effectiveness may consider the analysis contained in the *EPA Office of Air Quality Planning and Standards Cost Control Manual*.

"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" or "Reconstruct" means: (1) for the purpose of meeting the requirements of 40 CFR Part 60 ("New Source Performance Standards"), the definition at 40 CFR § 60.15, or (2) for the purpose of meeting the requirements of 40 CFR Part 63 ("National Emission Standards for Hazardous Air Pollutants"), the definition at 40 CFR § 63.2.

"Regulated Air Pollutant(s)" means the following:

(a) Any air pollutant for which a standard has been adopted pursuant to Section 109 of the Act, or any precursor to such air pollutants;

(b) Any pollutant that is subject to any standard promulgated in Section 111 of the Act;

(c) Any pollutant that is otherwise subject to regulation under the Act, except that any or all hazardous air pollutants either listed in Section 112 of the Act or added to the list pursuant to Section 112(b)(2) of the Act, and which have not been delisted pursuant to Section 112(b)(3) of the Act, are not regulated New Source Review pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act;

(d) Any pollutant that is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(e) A regulated New Source Review pollutant, as defined in Section 12.2.2.

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

“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 operating 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 Control Officer.

(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 of this definition, 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; or

(d) For Title IV affected sources:

(1) The designated representative, as defined in 40 CFR 72.2, insofar as actions, standards, requirements, or prohibitions under Title IV of the Act, “Acid Deposition Control,” or the regulations promulgated there under are concerned; or

(2) The responsible official as defined above for any other purposes under Section 12.5.

“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 that occur as a result of the construction or operation of a stationary source or modification, but do not come from the stationary source or modification itself. Secondary emissions must be specific, well-defined, quantifiable, and impact the same general areas as the stationary source or modification that causes the secondary emissions. Secondary emissions include emissions from any offsite support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the stationary source or modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

“Shutdown” means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

~~"Single Coat" means a single film of coating applied directly to the material being coated omitting the prime coat application.~~

"Slow Curing (SC)" means a cutback asphalt generally using a low volatility fuel oil as a solvent.

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, but not including flares.

~~"Stage I" means gasoline vapor recovery during transfer of gasoline from gasoline delivery vehicles to stationary tanks used for refueling motor vehicles.~~

~~"Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.~~

"State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program.

"Stationary Source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.

“Surplus” means an emission reduction that has not been relied on in any air quality program related to any SIP; that is not a Nevada SIP requirement; that is not a requirement of a state air quality program that has been adopted but is not in the Nevada SIP; that is not credited in any federal reasonable further progress or other milestone demonstration; that is not a requirement of a consent decree; that is not a requirement of a federal rule that focuses on reducing criteria air pollutants or their precursors, including any applicable NSPS or an applicable NESHAP, unless the state has not taken credit for emission reductions due to the NESHAP in its attainment demonstration or maintenance plan; and that has not already been credited in any other air quality program. The purpose of requiring that emissions offsets be surplus is to prohibit double counting of emission reductions.

~~"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 in which the nature and configuration of the fill pipe causes premature shutoff 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 that, by its humus content, supports vegetation. It is usually the top six inches of soil but may extend deeper.~~

“Trench” or “Trenching” means any activity associated with digging a long, narrow excavation at least two feet deep to install or remove equipment or materials such as pipes, casing, conduits, cable, and footers.

"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.

"Vapor" means the gaseous phase~~s~~ 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 ambient air.

"Vapor Tight" means a reading of less than 10,000 parts per million 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 uninfluenced by any specific emissions unit.

"Volatile Organic Compound (VOCs)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) The following organic compounds shall not be defined as VOCs because of their 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);
(29) ethylfluoride (HFC-161);
(30) 1,1,1,3,3,3- hexafluoropropane (HFC-236fa);
(31) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
(32) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
(33) 1,1,1,2,3-pentafluoropropane (HFC- 245eb);
(34) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
(35) 1,1,1,2,3,3- hexafluoropropane (HFC-236ea);
(36) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
(37) chlorofluoromethane (HCFC-31);
(38) 1 chloro-1-fluoroethane (HCFC-151a);
(39) 1,2- dichloro-1,1,2-trifluoroethane (HCFC-123a);
(40) 1,1,1,2,2,3,3,4,4-nonafluoro-4- methoxy-butane ($C_4F_9OCH_3$ or HFE- 7100);

(41) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3- heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);

(42) 1-ethoxy-1,1,2,2,3,3,4,4,4- nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200);

(43) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3- heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);

(44) Methyl acetate;

(45) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$, HFE-7000);

(46) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethy l) hexane (HFE-7500);

(47) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(48) methyl formate (HCOOCH[3]);

(49) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(50) dimethyl carbonate;

(51) propylene carbonate;

(52) *trans*-1,3,3,3-tetrafluoropropene;

(53) HCF_2OCF_2H (HFE-134);

(54) $HCF_2OCF_2OCF_2H$ (HFE-236cal2);

(55) $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13);

(56) $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(57) *trans* 1-chloro-3,3,3-trifluoroprop-1-ene;

(58) 2,3,3,3-tetrafluoropropene;

(59) 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) A VOC that is also a hazardous air pollutant listed pursuant to Section 112 of the Act shall be subject to the more stringent requirements applicable under either category of pollutant.

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; November 3, 2009; May 18, 2010; November 16, 2010; March 6, 2012; March 18, 2014.

EXHIBIT 2

SECTION 12.0: APPLICABILITY AND~~,~~ GENERAL REQUIREMENTS ~~AND TRANSITION PROCEDURES~~

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EXHIBIT 2

12.0 Applicability, General Requirements and Transition Procedures

12.0.1 Applicability

The requirements of Section 12 apply as follows:

(a) Section 12 is applicable to any stationary source located in Clark County, Nevada, except for a plant which generates electricity by using steam produced by the burning of fossil fuel, or an electrical generating facility constructed on a site previously used for the production of electricity from a coal fired electric generating plant, which shall be permitted under the jurisdictional requirements of the Nevada Division of Environmental Protection (NDEP).

(b) Section 12.1 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.1.1(c) but has a potential to emit less than necessary for it to be a major stationary source under Sections 12.2.2.1(ff) or 12.3.2(y), or a major source under 40 CFR § 70.2. This includes any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and that has a PTE equal to or greater than the thresholds listed in 12.1.1(c).

(c) Section 12.2 is applicable to any stationary source located in Clark County that has the potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.2.2.1(ff) or makes any change that meets the definition of a major modification in Section 12.2.2.1(dd) and is located in an area designated attainment or unclassified for the specific pollutant emitted.

(d) Section 12.3 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.3.2(y) or makes any change that meets the definition of a major modification in Section 12.3.2(x) and is located in an area designated nonattainment for the specific pollutant emitted.

(e) Sections 12.4 and 12.5 are applicable to any stationary source that is required to obtain a Part 70 Operating Permit. Section 12.4 contains the application requirements for any major source subject to the requirements of Sections 12.2, 12.3 or 12.5.

(f) Section 12.11 is applicable to any stationary source that is not a major stationary source, with a potential to emit that equals or exceeds the thresholds listed in Section 12.1.1(c) and that meets the applicability requirements specified in Section 12.11.1.

12.0.2 General Requirements

(a) All stationary sources, including any stationary source not required to obtain a Permit to Operate under these regulations, shall be subject to other applicable requirements that regulate activities at stationary sources, even though a Permit to Operate is not required. Such applicable requirements include, but are not limited to, opacity standards, nuisance prohibitions, and fugitive dust control.

12.0.3 ~~Transition Procedures~~Reserved

~~(a) Unless otherwise provided in the permit, the conditions in an Authority to Construct Permit, Permit to Operate or Part 70 Operating Permit issued by the Control Officer before the effective date of these regulations continues in effect until one of the following occurs:~~

~~(1) The Authority to Construct Permit, Permit to Operate or Part 70 Operating Permit is terminated.~~

~~(2) The Control Officer issues or denies a permit to the source pursuant to Section 12.1, 12.4, 12.5, or 12.11 after the effective date of these regulations.~~

~~(b) After the effective date of these regulations, all minor sources shall be subject to Section 12.1 as follows:~~

~~(1) A minor source that has submitted an application for a permit authorizing its construction and has not been issued a permit before the effective date of these regulations shall have that application processed pursuant to Section 12.1 as amended on this date, unless its application was deemed complete before the effective date of these regulations. If the application was deemed complete before the effective date of these regulations, then the application shall be processed pursuant to the requirements of Section 12 as they existed at that time.~~

~~(2) An existing minor source operating under a permit issued by the Control Officer prior to the effective date of these regulations must submit an application within five years of this date or earlier if requested in writing by the Control Officer.~~

~~(3) An existing minor source that does not have an initial minor source permit may submit a permit application at any time after the effective date of these regulations, but shall submit a permit application within one hundred eighty (180) days of receipt of written notice from the Control Officer that an application is required.~~

~~(4) An existing minor source making a change that is subject to the notice, logging or permit revision provisions under Section 12.1.5, as amended on the effective date of these regulations, shall comply with the provisions of that section.~~

~~(c) After the effective date of these regulations, all Part 70 sources required to obtain a Part 70 Operating Permit shall be subject to Sections 12.2, 12.3, 12.4, and/or 12.5 in accordance with the provisions in those sections.~~

12.0.4 Permittee Responsibility To Comply With Control Strategy

(a) No approval of an authority to construct or authority to operate permit issued pursuant to Section 12 shall affect the responsibility of the permittee to comply with the applicable requirements of the Nevada State Implementation Plan.

12.0.5 Stack Height

(a) The degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique as determined by the procedures of 40 CFR § 51.118 and the EPA regulations cross-referenced therein as in effect on July 1, 2012 and as incorporated herein by this reference.

12.0.6 General Requirements for Records and Reports

(a) The owner or operator of any source operating under a permit issued pursuant to the provisions of Section 12, shall maintain records on the nature and amount of emissions from such source and any other information deemed necessary by the Control Officer to determine whether such source is in compliance with an applicable emission limitation or other applicable requirement. Records and any supporting information required under Section 12.0.6(a) shall be retained for 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 all copies of all reports required by the permit.

(b) The information required by Section 12.0.6(a) shall be reported as specified and required by the applicable condition(s) of the permit issued to the owner or operator of the source or facility. Upon a written request from the Control Officer, the owner or operator shall submit the information required by Section 12.0.6(a) within 30 days.

(c) Emission data obtained pursuant to Section 12.0.6(b) from owners or operators of any source permitted under the provisions of Section 12 shall be correlated with applicable emission limitations and/or other applicable control measures. The data and the results of the correlation shall be made available to the public for review during normal business hours at the Department of Air Quality Office, 4701 West Russell Road, Las Vegas, Nevada 89118.

History: Adopted November 3, 2009. Amended March 18, 2014.

EXHIBIT 3

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EXHIBIT 3

12.1 Permits for Minor Sources

12.1.0 Applicability

Section 12.1 is applicable to any stationary source located in Clark County that has the potential to emit (PTE) a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1(d), but less than the major source thresholds listed in 12.2.2.(ff) or 12.3.2(y). Section 12.1 is also applicable to any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1(d) or any source that takes a voluntarily accepted emission limit or standard pursuant to Section 12.1.7 to avoid obtaining a Part 70 operating permit.

12.1.1 Definitions

Unless the context requires otherwise, the following terms shall have the meanings set forth below for purposes of Sections 12.1 and 12.11. When a term is not defined, it shall have the meaning provided in Section 0, Nevada Revised Statutes (NRS) § 445B, the Federal Clean Air Act, or common usage, in that order of priority.

(a) "Exempt stationary source" means any stationary source with a potential to emit lower than the levels listed in Section 12.1.1(d) below or any stationary source who performs only those activities listed in Section 12.1.2(a) and/or (b).

(b) "Existing minor source" means any minor source that has been issued a minor source permit under this Section 12.1 and is not a new minor source.

(c) "Like-kind" means the entire replacement of an existing emissions unit with an identical one or one similar in design and function, and neither increases the potential to emit of the emissions unit nor triggers a new applicable requirement.

(d) "Minor source" means a stationary source that is not required to obtain an "Authority to Construct" pursuant to Section 12.4.3 or a Part 70 Operating Permit and that has a potential to emit equal to or greater than the following levels for any listed pollutant (excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act):

EXHIBIT 3

Type of Air Pollutant	Potential to Emit (tpy)
$PM_{2.5}$	5
PM_{10}	5
CO	25
VOC	5
NO_x	5
SO_2	25
Lead (Pb)	0.3
H_2S	1

(e) "Minor Source Permit" means a single permit that authorizes the construction and operation of a minor source.

(f) "Modification" or "Modify" means a physical change in, or a change in the method of operation, of a minor source that increases the source's potential to emit any regulated air pollutant.

(g) "New minor source" means any minor source for which no minor source permit has been issued or whose minor source permit has expired and six months have elapsed without an application for renewal having been submitted.

(h) "Portable source" means a minor stationary source that is specifically designed to be transferred to a new site as need warrants. Portable sources may be subject to other applicable federal requirements under the Act.

(i) "Responsible Official" means the person who is authorized by the owner of the source to sign all documents and to make decisions that:

(1) Govern the operation of the regulated facility;

(2) Initiate and direct measures to assure compliance with air quality laws and regulations; and

(3) Ensure actions are taken to gather complete and accurate information for permit application requirements.

(j) "Significant" means an increase at a minor source in the potential to emit of any of the following pollutants, including fugitive emissions, at a rate that would equal or exceed any of the following:

Type of Air Pollutant	Potential to Emit (tpy)
$PM_{2.5}$	7.5

PM_{10}	7.5
CO	35
VOC	20
NO_x	20
SO_2	40
Lead (Pb)	0.6
H_2S	5
Total Reduced Sulfur (including H_2S)	5

(k) "Temporary" means remains or will remain at a location for less than 12 consecutive months or a shorter period of time if located at a seasonal source; except as specifically defined elsewhere in this section.

(l) "Voluntarily accepted emission limitation" means those permit emission limitations or other standards proposed by a source to avoid being subject to New Source Review, having to obtain a Part 70 Operating Permit, becoming a major source of Hazardous Air Pollutants, RACT, or other applicable requirements.

12.1.2 Exempt and Insignificant Emission Units and Activities

(a) All exempt and insignificant units and activities shall remain subject to any other applicable requirements.

(b) The following emission units and activities are exempt from the permitting requirements of Section 12.1:

(1) A laboratory, which means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds, or other substances, or to similar activities, provided that these activities are conducted on a laboratory scale and not sold or distributed commercially. Support activities necessary to the operation of the laboratory are considered part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or that would otherwise require permitting, such as boilers providing power to a source or solid waste disposal units (such as incinerators).

(2) Emissions associated with paved and unpaved roads and parking lots that have public access, as well as activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and

roadways. Such activities and emissions are subject to the requirements of Sections 91 and 92 of the AQRs.

(3) Temporary activities at a project that is being performed under the conditions of a Dust Control Permit issued pursuant to Section 94 that meet the following criteria:

(A) "Padding" machines used on an underground utility project, including the engine that powers them, provided there is no crusher.

(B) On-site demolition debris "grinders," including the engine that powers them.

(C) Trenching machines, including the engine that powers them.

(D) Portable crushing and/or screening operation supporting an on-site single construction activity, including the engine(s) that power them.

(4) Temporary operations and experimental trials that involve construction, reconstruction, or modification of a source or emission unit and that meet all of the following criteria:

(A) The construction, reconstruction, or modification will not increase the affected stationary source's potential to emit in excess of the applicable major source threshold as defined in Section 12.2.2(ff) or 12.3.2(y).

(B) The cumulative potential to emit from the construction, reconstruction, or modification of an emission unit or a stationary source will not increase the cumulative potential to emit of the affected stationary source by more than fifteen (15) tons of all regulated pollutants for the duration of the operation.

(C) The duration of the temporary operation or experimental trial is less than thirty (30) consecutive days.

(D) If the construction, reconstruction, or modification activities are part of a soil or water remediation project, and their purpose is to identify parameters necessary to design the project, the activities are exempt from permitting if their duration is less than twenty-four (24) hours or, as determined necessary by the Control Officer, a greater period, not to exceed seventy-two (72) hours, based on the nature of the activities.

(E) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer written notice of the proposed construction, reconstruction, or modification at least seven (7) days before it begins. The notice shall contain all of the following information:

(i) A description of the purpose of the construction, reconstruction, or modification.

(ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or the source.

(iii) The dates the owner or operator anticipates the construction, reconstruction, or modification will begin, operations will begin, and operations will cease.

(iv) An estimate of the potential emissions increase resulting from the construction or reconstruction.

(v) The equipment involved in the construction, reconstruction, or modification.

(F) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer with written notice of the proposed construction, reconstruction, or modification no more than seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain all of the following information:

(i) The actual start date of the construction, reconstruction, or modification.

(ii) The duration of the temporary operation or experimental trial.

(iii) The actual emissions during the temporary operation or experimental trial.

(G) The exemption provided by Section 12.1.2(b)(6) shall not apply to facilities or sources whose normal course of business involves operations that are experimental in nature, part of pilot plants, or characterized by frequent product changes.

(5) Combustion emissions from propulsion of mobile sources;

(6) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.

(7) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

(8) Noncommercial food preparation.

(9) Ancillary commercial food preparation equipment such as oven, grill, vent hoods.

(10) Consumer use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction.

(11) Janitorial services and consumer use of janitorial products.

(12) Internal combustion engines used for landscaping purposes.

(13) Laundry activities, except for dry-cleaning and steam boilers.

(14) Bathroom/toilet vent emissions.

(15) Emergency (backup) electrical generators at residential locations.

(16) Tobacco smoking rooms and areas.

(17) Blacksmith forges.

(18) Plant maintenance and upkeep activities (e.g., groundskeeping, 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 would not otherwise trigger a permit revision. Cleaning and painting activities qualify as insignificant activities if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit if otherwise required.

(19) Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or degreasing (solvent metal cleaning) activities, and not otherwise triggering a permit revision.

(20) Handheld equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.

(21) Brazing, soldering, and welding equipment and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals.

(22) Air compressors and pneumatically operated equipment, including hand tools.

(23) Batteries and battery charging stations, except at battery manufacturing.

(24) Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs.

(25) 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.

(26) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(27) Drop hammers or hydraulic presses for forging or metalworking (excluding engines).

(28) 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.

(29) Vents from continuous emissions monitors and other analyzers.

(30) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

(31) Handheld applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation.

(32) Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs.

(33) CO2 lasers used only on metals and other materials that do not emit HAPs in the process.

(34) Consumer use of paper trimmers/binders.

(35) 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.

(36) Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

(37) Laser trimmers using dust collection to prevent fugitive emissions.

(38) Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.

(39) Routine calibration and maintenance of laboratory equipment or other analytical instruments.

(40) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

(41) Hydraulic and hydrostatic testing equipment.

(42) Environmental chambers not using HAP gases.

(43) Shock chambers.

(44) Humidity chambers.

(45) Solar simulators.

(46) 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.

(47) Process water filtration systems and demineralizers.

(48) Demineralized water tanks and demineralizer vents.

(49) Boiler water treatment operations, not including cooling towers.

(50) Oxygen scavenging (deaeration) of water.

(51) Ozone generators.

(52) Fire suppression systems.

(53) Emergency road flares.

(54) Steam vents and safety relief valves.

(55) Steam leaks.

(56) Steam cleaning operations.

(57) Steam sterilizers.

(c) The following emission units and activities are deemed to be insignificant and shall be listed in the application with the throughput, energy capacity, rating or similar description, but without other identifying information:

(1) Boilers and water heaters rated at less than 1 million Btu per hour actual heat input.

(2) Non-industrial cooling towers with recirculation capacity of less than 1,000 gallons per minute with drift eliminators rated at a minimum of 0.05 efficiency.

(3) All internal combustion engines rated less than 35 horsepower.

(4) Indirect heat exchangers or water heaters rated at less than 1 million Btu per hour actual heat input that use #2 fuel oil, wood, natural gas, LP gas or refinery fuel gas.

(5) Gas-fired space heaters or ovens rated at less than 1 million Btu per hour actual heat input.

(6) Ancillary woodworking operations for maintenance and repair, for educational purposes, or as part of minor construction or research-related activities.

(7) Ancillary parts washers that uses only certified clean air solvents. (List of certified clean air solvents and distributors available.)

(8) Degreasers that uses only certified clean air solvents. (List of certified clean air solvents and distributors available.)

(9) Each tank, reservoir, or other container with a capacity less than 40,000 gallons containing any petroleum liquid having a true vapor pressure of 1.5 psia or less.

(10) Any other emission unit or activity deemed by the Control on a case-by-case basis to be insignificant for purposes of this Section 12.1.2(c).

(d) The potential to emit of all insignificant units and activities shall be considered in determining if a stationary source is required to obtain a permit.

(e) If a new or existing minor source, based on information submitted in its application by its Responsible Official, is determined by the Control Officer to be an exempt stationary source, the Responsible Official may request a certificate of exemption confirming that status. The certificate shall list all insignificant emission units and activities considered in the determination.

12.1.3 Permit Application

12.1.3.1 Duty to Apply For a Minor Source Permit

(a) Except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.

(b) For the renewal of an existing minor source permit, a timely application shall be submitted to the Control Officer. An application for renewal shall be deemed to be timely if it is submitted at least one hundred twenty (120) days, but no more than two hundred seventy (270) days, before the date of permit expiration.

(c) If the submittal of an application for renewal of an existing minor source permit is not timely, there is no permit application shield as provided in Section 12.1.3.4, and the source loses its authority to operate upon permit expiration until the renewal permit is issued.

(d) If an application for renewal of an existing minor source permit is submitted within six months after permit expiration, the source loses its authority to operate upon permit expiration until the renewal permit is issued.

(e) If an application for the renewal of an existing minor source permit is submitted six months or more after permit expiration, the source loses its authority to operate upon permit expiration, and the

source will be treated as a new minor source and the application will be subject to all of the requirements of Section 12.1.3.6.

12.1.3.2 [Reserved]

12.1.3.3 Complete Application

(a) To be deemed complete, an application must contain all information required under Section 12.1.3.6 and must be accompanied by payment of the applicable fee(s) established in Section 18.

(b) Unless the Control Officer determines that an application is not complete within sixty (60) days of receipt, any application for a new, renewal, or significant revision permit shall be deemed complete. Unless the Control Officer determines that an application for a minor revision is not complete within seven (7) days of receipt, an application for a minor revision shall be deemed complete.

(c) If, while processing an application that has been deemed complete, the Control Officer determines that additional information is necessary to evaluate or take final action on the application, he or she may request such information in writing and set a reasonable deadline for its submission.

(d) Failure to provide the additional information required by the Control Officer by the deadline could result in denial of the application.

12.1.3.4 Permit Application Shield

If an existing minor source submits a timely and complete application for renewal of a minor source permit, the source's continued operation after permit expiration and before issuance of the renewed permit is not a violation of the AQRs. The application shield shall cease to apply if, after a completeness determination, the applicant fails to submit any additional information identified as needed to process the application by a deadline the Control Officer has specified in writing or the renewed permit is denied for any other reason.

12.1.3.5 Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or submits incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submission, submit such supplementary facts or corrected information promptly. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant files a complete application, but before issuance of the permit.

EXHIBIT 3

12.1.3.6 Application Contents

An application for a minor source permit shall contain all the information necessary to be a complete application. An application for 1) a new minor source permit must include the information required by Section 12.1.3.6(a), (b), and (c), as needed; 2) a renewal of an existing minor source permit must include all the information in Section 12.1.3.6(a); and 3) any revision to a minor source permit must include the information listed in Section 12.1.3.6(a), (b), and (c) for those emission units and activities being added or revised.

(a) Identifying information that includes, but is not limited to:

(1) The company name and address (and the source name and address, if different).

(2) The owner's and Responsible Official's name, email address, telephone number and the name(s) of plant site manager/contact with associated email addresses and telephone numbers.

(3) A declaration signed by the Responsible Official under penalty of perjury stating that, the statements and information in the application are true, accurate, and complete. Signature of the declaration statement shall subject the Responsible Official to liability for perjury under NRS 199.145.

(b) Identifying information that includes, but is not limited to:

(1) A description of the source's processes and products using the North American Industrial Classification System (NAICS).

(2) The following emissions-related information:

(A) The potential to emit of all regulated air pollutants emitted from each emission unit and activity, including fugitive emissions.

(B) Identification and description, including but not limited to manufacturer, model, rating and serial number of each emission unit in sufficient detail to establish the applicable requirements.

(C) The following information, to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules.

(D) Identification and description of air pollution control equipment and compliance monitoring devices or activities, including design specifications.

(E) Any limitations on source operation affecting emissions or on any work practice standards affecting emissions.

(F) Other information required by any applicable requirement.

(G) The calculations on which the information in Sections 12.1.3.6(b)(2)(A) through (F) is based.

(H) A justification for any exemption sought from any otherwise applicable requirement.

(3) For a new or modified source, a schedule of construction, if applicable.

(4) A list of emission limitations and other requirements applicable to the source.

(5) A list of emission units or activities claimed as exempt under 12.1.2(b).

(c) In addition to the information required by Section 12.1.3.6(a), the following information is required as applicable where the application proposes the following:

(1) A new minor source that will have a potential to emit that is significant for any regulated air pollutant shall include a demonstration of RACT for the affected pollutant shall be proposed and shall include the methodology by which RACT was determined and how compliance with RACT will be demonstrated.

(2) A modification to an existing minor source and requires a significant permit revision pursuant to Section 12.1.6(a)(7) shall contain the following:

(A) A description and quantification of the increase in the potential to emit resulting from the modification.

(B) A proposed RACT for each affected pollutant, the methodology by which RACT was determined and how compliance with RACT is to be demonstrated, including material usage limits, performance testing, or continuous emissions monitoring, if applicable.

(3) A revision proposing a voluntarily accepted emission limitation shall include enough detail to demonstrate that the voluntarily accepted emission limitation is enforceable as a practical matter, and such detail shall include, at minimum, how the limitation affects each emission unit and each air pollutant from that emission unit.

(4) A significant revision or a renewal for a source that is not in compliance at the time the application is submitted, it shall include a compliance plan to address the non-compliant issue. The plan shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any requirements that the source is not in compliance at the time of permit issuance. Any such plan shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(d) An application for a minor permit revision for a minor source shall contain the information necessary to demonstrate that the change qualifies as a minor permit revision pursuant to Section 12.1.6(b).

12.1.4 Permit Content

12.1.4.1 Terms and Conditions

A minor source permit issued by the Control Officer shall include terms and conditions that contain all of the following:

(a) Identification of all applicable requirements.

(b) A physical description of each emission unit(s) and operating information consistent with the application information.

(c) Emission limitations for any source of emissions or emission unit that ensure all of the following:

(1) The National Ambient Air Quality Standards will be attained or maintained.

(2) The public health will be protected.

(3) Compliance with the requirements of these AQRs and the Act.

(d) Monitoring, testing, reporting, and recordkeeping requirements that ensure adequate information is provided to evaluate compliance with the permit terms and conditions including, at a minimum, all of the following:

(1) Applicable and appropriate monitoring and testing requirements, such as:

(A) Emissions monitoring and analysis procedures or test methods.

(B) Where an applicable regulation does not require periodic testing or monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall ensure that terms, test methods, units, averaging periods, and other statistical conventions are consistent with the applicable regulation. Recordkeeping provisions may be sufficient to meet the requirements of Section 12.1.4.1(d)(2).

(C) As necessary, requirements concerning the use, maintenance and, where appropriate, installation of monitoring equipment or methods.

(D) The Control Officer may require monitoring, or testing to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with Section 12.10, an applicable requirement, or other methods approved by the Control Officer.

(2) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements, including the following:

(A) Records of required monitoring information that includes:

(i) The date, place, as listed in the permit, and time of sampling or measurements.

(ii) The date(s) analyses were performed.

(iii) The person and/or company, if a third party, that performed the monitoring, sampling, measurements or analyses.

(iv) The analytical techniques or methods used.

(v) The results of such analyses.

(vi) The operating conditions at the time of sampling or measurement.

(vii) Calibration and maintenance of instrumentation and equipment.

(viii) Raw data relating to calculation of emissions.

(B) Retention of all records required to be kept under the conditions of the permit for a period of at least five (5) years from the creation of the record.

(3) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(A) Submittal of reports of any required monitoring at a frequency determined by the Control Officer. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a Responsible Official consistent with section 12.1.4.1(d)(3)(C).

(B) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in the permit in relation to the degree and type of deviation likely to occur and the applicable requirements.

(C) Any report, compliance certification, or protocol submitted pursuant to the AQRs or the permit shall contain a declaration by a Responsible Official of truth, accuracy, and completeness. This certification, and any other certification required under this section, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) A requirement that any revision of an emission limitation, monitoring, testing, reporting, or recordkeeping requirement be made consistent with the permit revision requirements in Section 12.1.6.

(f) Emission and operational limitations and standards necessary to ensure:

(1) Compliance with any RACT determination, if one has been required.

(2) The source does not require a major source Authority to Construct or Part 70 Operating Permit.

(3) Compliance with all applicable requirements at the time of permit issuance.

(4) That any ambient air increment as prescribed by Section 12.2.3 is not exceeded.

(5) Compliance with a voluntarily accepted emission limitation.

(g) The following conditions shall also apply:

(1) The permit shall specify and reference the origin of and authority for each term or condition.

(2) If the AQRs allow a determination of an alternative emission limit for a source (equivalent to that contained in the AQRs) to be made in the permit issuance, renewal, or significant revision process, and the Control Officer elects to use this limit, any permit containing an alternative emission limit based on such an equivalency determination shall include provisions to ensure that the emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(3) If emission limitations are to be applicable to startup and shutdown, they shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed to minimize the frequency of such events and the excess emissions they cause to the extent feasible, taking into consideration available technologies, safety, cost, and other applicable requirements. The limitations shall specify the allowable duration of the startup or shutdown and the maximum total hours allowed for startup and shutdown in a 12 month period

(h) A permit term not to exceed five (5) years from the date of issuance.

(i) A severability clause to ensure the continued validity of permit requirements in the event of a challenge to any portion of the permit.

(j) A list of insignificant activities pursuant to Section 12.1.2(c).

(k) A provision to ensure the source pays fees to the Control Officer consistent with the approved fee schedule in Section 18.

(l) Terms and conditions that allow for changes by the source among reasonably anticipated operating scenarios identified in its application, as approved by the Control Officer. Such terms and conditions shall require the source:

(1) To record in a log at the permitted facility, while making a change from one operating scenario to another, the scenario under which the facility is operating.

(2) For each such alternative operating scenario, to comply with all applicable requirements and the requirements of Section 12.1.

(m) Any compliance plan required to be included in the application under Section 12.1.3.6(b)(4).

(n) Where the permit is for a new minor source or a modification to an existing minor source that requires a significant permit revision, the permit shall require that the permittee provide a written notice to the Control Officer if the source as constructed or modified differs from the source or modification authorized by the permit or revision issued. The source shall include a complete list and description of the differences, and provide this notification to the Control Officer no later than thirty (30) days prior to the commencement of operation. A source may be subject to enforcement action as a result of differences between the permitted and constructed source.

(o) A condition stating that 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 in a permit issued pursuant to Section 12.1.

(p) A condition stating that the permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(q) Provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit may be reopened and revised under any of the following circumstances:

(1) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Control Officer, excess emissions offset plans shall be deemed to be incorporated into the permit.

(2) The Control Officer 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.

(3) The Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(4) Proceedings to reopen and issue a permit shall follow the same requirements as apply to any permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(r) A condition that specifies the permittee must comply with all conditions of the permit and that any permit noncompliance constitutes a violation of the AQRs and is grounds for enforcement action; for permit termination, or revocation; or for denial of a permit renewal application.

(s) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Control Officer or an authorized representative to enter the permittee's premises where a source is located or emissions related activity is conducted and to:

(1) Have access to and copy any records that must be kept under the conditions of the permit.

(2) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

(3) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(4) Document alleged violations using devices such as cameras or video equipment.

(t) A statement that issuance of the permit does not convey any property rights of any sort, or any exclusive privilege.

(u) A requirement that the permittee must 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 Control Officer along with a claim of confidentiality pursuant to Section 12.6 and NRS 445B.570.

(v) A requirement that any person who has been issued a permit pursuant to this section shall post such permit in compliance with the requirements of Section 12.13

(w) A requirement that the permit will not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the Nevada SIP, or that are otherwise federally enforceable.

(x) A requirement that the permit shall not affect the responsibilities of the permittee to comply with the applicable portions of a control strategy in the SIP.

(y) A requirement that the permittee shall provide notification of the date of commencement of operation of any new emission unit no later than fifteen (15) days after commencing its operation.

(z) At the Control Officer's discretion, conditions for a portable source permit can be required to include:

(1) Written prior notification of any change in location to be submitted in accordance with 12.1.6(d)(5).

(2) Written notification of any operation exceeding two years duration shall be provided to the Control Officer no less than seven (7) days prior to exceeding two years from the relocation date.

(3) Extension of the operational period at a location to greater than two years shall not proceed if the Control Officer objects within the seven (7) days.

(4) Operation of any emission unit or conducting any emissions related activity shall be authorized by the relocation notice or identified in the application.

(5) Operation of emission units in combination with emission units authorized by a separate Minor Source Permit is prohibited.

(aa) The Control Officer may impose additional conditions necessary to ensure compliance with any applicable requirement.

12.1.4.2 Acknowledgment of Responsibility for Compliance

The permit shall contain a statement that the permittee's commencement of operation constitutes an acknowledgment that the permittee assumes the responsibility of ensuring that the source's emission units and emission control equipment have been constructed and will be operated in compliance with all applicable requirements.

12.1.5 Permit Application Processing Procedures

12.1.5.1 Action on Application

(a) A new minor source permit, permit revision, or permit renewal may be issued only after the Control Officer has:

(1) Received the correct and complete application as prescribed by Section 12.1.3.3.

(2) Complied with the requirements for public participation under Section 12.1.5.3 as applicable.

(3) Determined that the conditions of the permit provide for compliance with all applicable requirements.

(4) Determined that the source or emission units will not interfere with attainment and maintenance of the NAAQS, and has imposed emission limitations in accordance with Sections 12.1.4.1(c) and 12.1.4.1(f).

(5) Determined that all required fees have been paid.

(b) Following the close of any public participation process prescribed by Section 12.1.5.3, the Control Officer shall issue or deny the permit or significant permit revision.

(c) The Control Officer shall deny a permit or permit revision if the applicant fails to submit the correct application or to demonstrate that the source will be designed, controlled, and operated in a manner that meets all applicable requirements.

(d) If the Control Officer denies the permit or permit revision, a notice of denial shall be served on the applicant by method providing evidence of receipt. The notice shall detail the grounds for denial and describe the applicant's right to appeal the denial under Section 7.

(e) If the Control Officer issues the permit or permit revision, the new or revised permit shall be provided to the applicant. The permit or revision becomes effective upon issuance unless stayed by the Air Pollution Control Hearing Board.

12.1.5.2 Permit Processing Deadlines

The Control Officer shall either issue or deny the permits listed in the table below within the following deadlines, commencing after the date on which the application is determined to be complete. These issuance time frames are exclusive of the days required for public participation, as specified in Section 12.1.5.3.

Permit	Deadline
(1) Permit for a new minor source	150 days
(2) Permit renewal	75 days
(3) Permit renewal with revision[1]	120 days
(4) Significant permit revision	120 days
(5) Minor permit revision	60 days

[1]Revision does not include an Administrative Revision

12.1.5.3 Public Participation

The Control Officer shall provide for public notice, comment, and an opportunity for a hearing in accordance with the following procedures:

(a) Notice of Proposed Action.

(1) After receipt of a complete application for any of the following proposed actions for minor source permits, a Notice of Proposed Action shall be posted on the Department's website.

(A) A new minor source with a potential to emit any pollutant that exceeds 50 tons per year (tpy) for CO; 40 tpy for VOCs, SO_2, or NO_X; 10 tpy for $PM_{2.5}$; 15 tpy for PM_{10}; 10 tpy for H_2S; or 0.6 tpy for lead.

(B) A new minor source that will be located within 1,000 feet of the outer boundary of a school, hospital, or residential area.

(C) A significant permit revision that is required because of a significant increase in an existing minor source's potential to emit.

(D) A new portable source.

(E) A voluntarily accepted emissions limitation as provided in Section 12.1.7(c).

(2) The Notice of Proposed Action on the application shall containing all of the following:

(A) The name and address of the permittee or permit applicant and, if different, of the facility regulated by the permit.

(B) The date the Control Officer received the completed application.

(C) The location where documents relevant to the application, including the application, the proposed permit conditions, and determinations of RACT, if applicable, will be available.

(D) The nature of the source involved in the permit action.

(E) The pollutants to be emitted by the source and the projected quantities of those pollutants.

(F) The name, address, and telephone number of the Department representative whom interested persons may contact for instructions on how to obtain additional information, such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the Control Officer that are relevant to the permitting decision.

(G) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except confidential information, in accordance with NRS 445B.570 and Section 12.6) are available as part of the administrative record.

(H) The Control Officer's preliminary determination whether the application for a permit should be approved or disapproved.

(I) An opportunity for any person to submit written comments on the application for a permit and any relevant documents.

(J) An opportunity for any person to request a public hearing, consistent with the requirements of Section

12.1.5.3(b) below, at which oral and written comments on the application will be received, or notice of such a hearing if one has been scheduled.

(3) The Notice of Proposed Action and the draft permit shall be posted on the Department's web site during the thirty (30) day public comment period, except in the case of relocating portable sources. For a relocating portable source, the portable source relocation notice shall be posted during a seven (7) day public comment period. All written comments must be received by the Control Officer before expiration of the public comment period.

(4) The Control Officer shall consider all written and oral comments, and all other documents on the administrative record, before taking final action on the permit.

(5) The Control Officer shall send a copy of the Notice of Proposed Action to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:

(A) The U.S. Environmental Protection Agency (EPA), if requested, except that the Notice of Proposed Action (NPA) shall be sent to EPA if the subject of the NPA is a voluntarily accepted emission limit pursuant to Section 12.1.7 that an applicant requests to avoid having to obtain a Part 70 Operating Permit.

(B) Any other person who requests such notice.

(b) During the public comment period specified in Section 12.1.5.3(a)(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, email address, and reason for requesting a hearing.

(1) If a proper petition is filed and the Control Officer determines that there is a significant degree of public interest, the Control Officer shall hold a public hearing no sooner than thirty (30) days, but no later than seventy (70) days, after the date of the Notice of Proposed Action. In determining if a significant degree of public interest exists, the Control Officer shall consider all relevant factors, including, but not limited to, the number of petitioners, the nature of their concerns as stated in their petitions, the type and quantity of emissions emitted by the source

and the proximity of the source to sensitive areas such as parks, schools, hospitals or residential areas.

(2) At least seven (7) days prior to the public hearing, notice of the public hearing shall be given to the petitioner, to the applicant and to those listed in Section 12.1.5.3(a)(5) in the same manner as required for the notice of proposed action.

(3) If the petition for hearing is denied, the Control Officer shall notify the petitioner within 30 days of receipt of the petition.

12.1.5.4 Permit Transfers

A minor source permit issued under Section 12.1 may be transferred from the existing permittee to a new permittee if the applicable permit transfer fee is paid pursuant to Section 18 and all the applicable requirements of Section 12.12 are met.

12.1.6 Revisions to an Existing Minor Source Permit

(a) **Significant Permit Revision.** The following changes at a minor source require a significant permit revision and are subject to the permit application requirements in Section 12.1.3 and the public participation requirements in Section 12.1.5.3, if applicable:

(1) Establishing or revising a voluntarily accepted emission limitation or standard, as described in Section 12.1.7.

(2) A change in fuel not authorized by the permit, except for a switch from fuel oil or coal to natural gas or propane.

(3) A change that relaxes monitoring, testing, recordkeeping, or reporting requirements, except when such change results from either:

(A) Equipment removal that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that meets the requirements of Section 12.1.6(e) below and if the relaxed requirements in the permit apply solely to the equipment that was removed.

(B) Newly applicable requirements specified in 40 CFR Part 60, Part 61, or Part 63.

(4) A change that will cause the source to violate an existing requirement if the permit was not revised.

(5) A change that will require any of the following:

(A) Except for a RACT determination required by Section 12.1.6.(a)(7), a case-by-case determination of an emission limitation or other standard.

(B) A source-specific determination of ambient impacts, or a visibility or increment analysis.

(C) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.

(6) Replacement of a piece of air pollution control equipment listed in the permit with one that the permittee cannot demonstrate will have the same or better pollutant removal efficiency. In determining the comparative removal efficiency of air pollution control equipment, the Control Officer shall rely upon relevant performance testing results, vendor performance guarantees, and emissions factors or data that meet the requirements of Section 12.9(c).

(7) A modification that increases the source's potential to emit a regulated air pollutant, by an amount equal to or exceeding a significant increase. The modification shall apply RACT to each emissions unit to which the increase applies, except the following emission increases are exempt:

(A) Emissions of a regulated air pollutant that are subject to an emissions standard promulgated by the Administrator under Section 112 of the Act after November 15, 1990.

(B) Emissions from an emissions unit subject to a general permit issued under Section 12.11 that establishes RACT.

(b) **Minor Permit Revision.** If the proposed change at a minor source is not listed in Section 12.1.6(a), but is listed below in Sections 12.1.6(b)(1)(A) through (E), such change requires a minor permit revision and is subject to the permit application requirements in Section 12.1.3.

(1) The following changes require a minor permit revision:

(A) The construction of a new emission unit that is not a like-kind replacement.

(B) Increasing operating hours or rates of production above the permitted level, any other physical change or change in method of operation that will result in an increase in the source's PTE that is less than the significant levels listed in Section 12.1.1(j).

(C) A change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit.

(D) A change that results in emissions subject to any new or revised monitoring, recordkeeping, or reporting requirement that is not already in the permit if the revision proposes monitoring, recordkeeping, and/or reporting that provides the required quantification.

(E) Replacement of an item of air pollution control equipment listed in the permit with one that has the same or better efficiency, but that employs a different technology or substantially different design. The application for the minor permit revision must demonstrate the efficiency of the replacement air pollution control equipment.

(2) The changes listed above in Sections 12.1.6(b)(1)(A) through (E) may be implemented seven (7) calendar days after filing a complete application on a form obtained from the Control Officer. The application shall specify how the change qualifies as a minor permit revision under this Section 12.1.6(b) and propose language for the permit revision sought. No change listed in this Section 12.1.6(b) shall proceed if the Control Officer objects or deems the application incomplete within the seven (7) day waiting period.

(3) The Control Officer may deny the minor revision because:

(A) The change does not qualify as a minor permit revision because it is a significant permit revision.

(B) The change does not otherwise qualify as a minor permit revision under the criteria in Section 12.1.6(b) above.

(C) There is insufficient information to determine if it qualifies as a minor permit revision.

(c) **Administrative Permit Revision.** The following changes require a permit revision, are considered administrative, and may be initiated by either the source or the Control Officer. These changes are not subject to the revision processes in Sections 12.1.6(a) and (b):

(1) Correcting typographical errors.

(2) Changing the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source (except transfers of ownership, which are subject to the requirements of Section 12.12).

(3) Correcting a permit condition, including but not limited to emission standards and compliance demonstration requirements, consistent with an existing requirement.

(4) Incorporating newly applicable requirements due to an amendment to an existing rule or adoption of a new rule.

(5) Incorporating alternative testing or compliance monitoring requirements that have received the Administrator's approval under 40 CFR Part 60, Part 61, or Part 63.

(6) Incorporating newly applicable monitoring or testing requirements specified in 40 CFR Part 60, Part 61, or Part 63 that apply because of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change.

(7) Incorporating test methods or monitoring requirements specified in an applicable requirement that the source may use as an alternative to the testing or monitoring requirements in the permit.

(8) Revising a permit condition adopted pursuant to Title IV of the Act which shall be governed by regulations promulgated by the Administrator under Title IV.

(d) **Changes That Can Be Made With Notice.** The following changes at a minor source may be made without a permit revision if the source provides prior written notice of the change, within the applicable timeframe for the change listed below, on a form specified by the Control Officer, unless the Control Officer objects within the applicable timeframe.

(1) Replacing an item of air pollution control equipment listed in the permit with one that is not identical, but is substantially similar and has the same or better pollutant removal efficiency: thirty (30) days after the date of receipt of the written notice by the Control Officer. The Control Officer may require a verification of the efficiency of the new equipment by performance tests.

(2) A physical change, or a change in the method of operation, that does not increase the source's potential to emit: seven (7) days after the date of receipt of the written notice by the Control Officer (includes a like-kind replacement of an emission unit).

(3) A change that would trigger an applicable requirement that already exists in the permit: thirty (30) days after the date of receipt of the written notice by the Control Officer, unless otherwise required by the applicable requirement.

(4) A change that amounts to reconstruction of the source or an individual emission unit, unless the reconstruction triggers a new applicable requirement: seven (7) days after the date of receipt of the written notice by the Control Officer. For purposes of this requirement, reconstruction of a source or an emission unit shall be presumed if the fixed capital cost of the new component(s) exceeds fifty (50) percent of the fixed capital cost of a comparable entirely new source or emission unit.

(5) A change of location of a portable source:

(A) To within 1,000 feet of the outer boundary of a school, hospital, or residential area, the permittee shall submit a portable source relocation notice at least 15 days prior to the change.

(B) For all other relocation, the permittee shall submit the portable source relocation notice at least seven (7) days prior to the change.

(6) Removal of one or more emission unit(s) or activity that is part of an existing minor source permit. This change will not affect the source's potential to emit until it is incorporated into the permit through a permit renewal, permit revision, or the Control Officer action identified in Section 12.1.6(f).

(7) Replacing an item of air pollution control equipment listed in the permit with an identical (i.e., same model, different serial number) item. The Control Officer may require verification of the efficiency of the new equipment by performance tests.

(e) The Control Officer may revise a permit annually for a minor source without notice or public input to incorporate changes in notices filed pursuant to Sections 12.1.6(c) and (d) above.

(f) Any modification at a minor source that results in an increase in PTE equal to or greater than the emissions of a major stationary source (as defined in Sections 12.2 and 12.3) is subject to the applicable

permit requirements in Section 12.4, as well as those in Sections 12.2 and/or 12.3.

12.1.7 Permits Containing Voluntarily Accepted Emission Limitations and Standards

(a) A source may voluntarily propose in its application, and accept in its permit, emission limitations or other standards that are enforceable as a practical matter to avoid being subject to any of the following:

(1) New Source Review under Sections 12.2 or 12.3.

(2) Having to obtain a Part 70 Operating Permit under Section 12.5.

(3) Becoming a major Hazardous Air Pollutants (HAPs) source.

(4) Becoming subject to RACT.

(5) Meeting other applicable requirements (excluding air quality fees).

(b) A source that proposes a voluntarily accepted emission limitation or other standard shall comply with the requirements of Section 12.1.3.6(b)(3).

(c) The public participation procedures set forth in Section 12.1.5.3 apply to sources proposing to establish an initial voluntarily accepted emission limitation or standard as described in Sections 12.1.7(a)(1), (2), and (3).

(d) A source that proposes a voluntarily accepted emission limitation or other standard to avoid becoming a major stationary source, including a major source of fugitive emissions of any such pollutant under Sections 12.2 or 12.3 as described in Section 12.1.7(a)((1), or becoming a new Part 70 source as described in Section 12.1.7(a)(2), must determine if the proposed stationary source is a major source as defined in Section 12.2.2(ff) and is listed as belonging to one of the source categories described in Section 12.2.2(J). If it is not listed, fugitive emissions must not to be included in the source-wide PTE to determine if it is a major source.

History: Adopted November 3, 2009. Amended March 18, 2014.

EXHIBIT 4

SECTION 12.11: GENERAL PERMITS FOR MINOR STATIONARY SOURCES

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12.11 General Permits for Minor Stationary Sources

12.11.1 Applicability

(a) A general permit may only be issued to a minor stationary source for specific source classes.

(b) This rule provides the authority and requirements the Control Officer must meet to issue general permits for specific source classes.

(c) A minor source otherwise subject to the permit requirements of Section 12.1, may instead satisfy that requirement by obtaining authority to operate under a general permit pursuant to Section 12.11.

(d) The Control Officer may issue a general permit for any source class that the Control Officer determines is appropriate for a general permit, in accordance with the requirements of this rule.

(e) This rule provides the requirements a stationary source must meet to obtain authority to operate under a general permit issued by the Control Officer.

(f) A minor source seeking authority to operate under a general permit shall apply for a Section 12.1 permit if the Control Officer determines the source or modification could interfere with attainment or maintenance of any national ambient air quality standard. In making this determination, the Control Officer:

(1) Shall ensure that any ambient air increment as prescribed by Section 12.2.3 is not exceeded.

(2) May consider whether the dispersion characteristics of the source are likely to result in higher ambient concentrations of a conventional pollutant than the modeling assumptions used to establish an emission standard.

(3) May apply a screening model to the source's emissions.

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

12.11.2 Definitions

(a) "Minor Stationary Source" or "Minor Source" means a stationary source that is not required to obtain an "Authority to Construct" pursuant to Section 12.4.3 or a Part 70 Operating Permit and that

has a potential to emit equal to or greater than the levels listed in Section 12.1.1(d) for any listed pollutant (excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act).

(b) "Similar in Nature" means similar source size, processes, operating conditions, and nature and quantity of emissions.

(c) "Source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.

(d) "Source Class" means sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.

12.11.3 General Permit Development

(a) The Control Officer may propose a general permit, or any person may submit a petition to the Control Officer requesting the issuance of a general permit for a defined source class.

(b) A petition for a general permit shall propose a particular source class, list the approximate number of sources in the proposed class, provide the proposed size, processes, and operating limitations, and provide a list of the applicable requirements.

(c) The Control Officer shall provide a written response to the petition within one hundred twenty (120) days of receipt.

(d) General permits shall include all of the following:

(1) The applicability criteria to qualify as a member of the source class.

(2) The relevant elements contained in Section 12.1.4.1.

(3) Emission limitations and control requirements as required by Sections 12.11.11 and 12.11.12.

(4) A process for qualifying individual sources to apply for authority to operate under the general permit by submitting the application prescribed by Section 12.11.4.

(5) A permit term not to exceed 5 years from the date of issuance.

(e) General permits shall include any conditions imposed under Section 12.11.13.

(f) The Control Officer shall provide public notice for any proposed new general permit, for any revision of an existing general permit (excluding administrative revisions described in Section 12.1.6(c)), and for renewal of an existing general permit.

(g) The public participation requirements in Section 12.1.5.3 shall apply to any public notice required by Section 12.11.3(f).

12.11.4 Application for Authority to Operate Under a General Permit

(a) After the general permit has been issued, a new or existing minor source that is a member of the general permit source class may apply to the Control Officer for authority to operate under the general permit.

(b) Applicants shall complete the application form(s) provided by the Control Officer for the general permit source class. The application shall, at a minimum, require the applicant to submit information identifying and describing the source, its processes, and its operating conditions pursuant to Section 12.1.3, in sufficient detail to allow the Control Officer to verify qualification for the source class, and assure compliance with all general permit requirements.

(c) The Control Officer shall act on an application for authority to operate under a general permit as expeditiously as possible, but a final decision shall be reached within sixty (60) days of receipt of the application.

(1) The Control Officer shall approve or deny the request based on applicability criteria specified in the general permit for that type of source.

(2) If the application is approved, the Control Officer shall issue an authority to operate under the general permit to the source and post the issuance decision on the Department's web site.

(3) If the application for authority to operate under the general permit is denied, the Control Officer shall notify the source that it may apply for a Section 12.1 minor source permit if it intends to proceed with construction or continue to operate

(d) A minor source that has applied for authority to operate shall not initiate construction, modification, or operation until the Control Officer has issued the authority to operate under the general permit to the minor source.

(e) The Control Officer shall maintain a record of all stationary sources that are covered by a specific general permit and this record shall be available for public review.

12.11.5 General Permit Renewal

(a) The Control Officer shall review and may renew general permits every five years or sooner, if warranted. A source's authorization to operate under a general permit shall coincide with the term of the general permit regardless of when the authorization began during the five-year period, except as provided in Section 12.11.8(b). In addition to the public notice required to issue a proposed permit under Section 12.11.3(f), the Control Officer shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the general permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed renewal permit.

(b) At the time a general permit is renewed, the Control Officer shall notify in writing all sources who were granted authorization to operate under the previous permit and shall require them to submit a timely application to renew their authorization. For purposes of general permits, a timely application is one that is submitted within the time-frame specified by AQR 12.1.3.1(b) or within a time-frame specified by the Control Officer in a written notification. If a timely application is submitted the source may continue to comply with the previously issued general permit authority to operate until an authorization to operate under the renewed general permit is granted. Failure to submit a timely application terminates the source's right to operate.

12.11.6 Relationship to Individual Permits

(a) Any source covered under a general permit may request to be excluded from authority to operate by applying for an individual source permit. Authority to operate under the general permit shall terminate on the date the individual permit is issued.

(b) Authority to operate under an individual permit shall terminate on the date the general permit is issued.

12.11.7 General Permit Appeals

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

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

(a) The Control Officer may terminate a general permit at any time if either:

(1) The Control Officer has determined that the emissions from the sources in the source class cause or contribute to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit.

(2) The Control Officer has determined that the terms and conditions of the general permit no longer meet the requirements of Section 12.1.4.1.

(b) The Control Officer shall provide written notice to all sources operating under a general permit prior to termination of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within 180 days of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Control Officer for an individual permit.

(c) The Control Officer may revoke a minor source's authority to operate under a general permit if the source is not in compliance with any term or condition of the general permit.

(d) If the Control Officer revokes a source's authority to operate under a general permit pursuant to paragraph (c), the Control Officer shall notify the Responsible Official by certified mail, return receipt requested.

(e) The notice shall include a statement detailing the grounds for the revocation of authority to operate and a statement that the permitted source is entitled to a hearing. A source may continue operating under the revoked general permit for a maximum of 15 days after receipt of the notice of revocation. To continue operation after 15 days, the source must submit a complete application for an individual permit pursuant to Section 12.1.3.3(a), at which time it may operate under that application.

12.11.9 Fees Related to General Permits

(a) Permit Processing Fees. An application fee is assessed for the initial application submitted by the source, for any source who intends to continue operating under the authority of a general permit that has been proposed for renewal, and to requests for authorizations to operate new emissions related equipment. A permit issuance fee is assessed prior to the issuance of authorizations to operate under a

general permit. These fees are assessed in accordance with Section 18.4.1 and 18.1.1.

(b) Annual Emission Unit & Permit Renewal Fees. The relevant emission unit and permit renewal fees are assessed on emission units and each operating permit each calendar year, in accordance with Section 18.2.

(c) Notice of Proposed Action Fee. A publication fee for notices of proposed actions (public notice) will be assessed, if required, in accordance with Section 18.4.2.

(d) Annual Emission Fees. Annual emission fees shall be determined in accordance with Section 18.6.4.

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

(a) A minor source may make revisions only as authorized by the general permit. Any revision outside the scope authorized by the general permit shall require a new application for either an individual minor source permit under Section 12.1 or a different general permit issued under Section 12.11, if one is available.

12.11.11 Minor NSR in General Permits

(a) A general permit shall include emission standards designed to assure that a stationary source covered by the general permit will comply with minor new source review under Section 12.1.4. The emission standards may consist of any combination of the following:

(1) Limits designed to assure that emissions from a stationary source that is a member of the class of sources covered by the permit will not interfere with attainment or maintenance of a NAAQS and will comply with the SIP.

(2) Limits imposing operating constraints and reasonably available control technology, where applicable.

12.11.12 Emission Standards in General Permits

(a) All general permits shall include emission standards, including emission limitations and/or operational constraints to assure that emissions from a stationary source that is a member of the class of sources covered by the permit will comply with the SIP and will not interfere with attainment or maintenance of a NAAQS.

(b) A general permit for a source category that will have a potential to emit that is significant, as defined in Section 12.1.1, for a regulated air

pollutant shall include limits imposing reasonably available control technology for the affected pollutant.

12.11.13 General Permit Annual Emissions Inventory Report

(a) Every minor source shall complete and submit to the Control Officer an annual emissions inventory report. The report is due by March 31 of each year and shall include the emission factors and calculations used to determine the reported emissions from each permitted emissions unit for the previous calendar year. The report shall include all information specified in Section 12.9(c) through (f), inclusive, as applicable.

ATTACHMENT 2:
COMMENT RESPONSE DOCUMENT

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Public Comments on Proposed Revisions to Sections 0, 10, 12.0, 12.1 and 12.11 of the Clark County Air Quality Regulations

Ralph Wagner – Nevada Department of Corrections 11/14/2018

1. Section 0: Definitions - Edit "Air Quality Planning Region" to clarify that a "hydrographic area" is synonymous with an "airshed region" (Currently, this definition could be interpreted that only one "one hydrographic area" is regulated in Clark County.

> ***DAQ Response:*** ***The assessment of Section 0 involved only the determination that the defined terms are used in the Air Quality Regulations. No assessment was made regarding the wording of the definition with this action. DAQ agrees to look into this during the next revision of Section 0. No change is proposed.***

2. Section 0: Definitions - Edit "Airshed Region or Airshed" to "Airshed Area" only. The reader is unnecessarily confused with multiple terms with the same meaning (e.g. area = region, Note: "Area", not region, is used throughout Table on page 0-10)

> ***DAQ Response:*** ***Same as comment #1.***

3. Section 0: Definitions - Edit Table with title "Airshed..." by: (a) changing regions to areas throughout – see Comment No. 2, (b) switching 3rd column with 2nd column, and (c) simplifying new 3rd column by editing the title to "Airshed/Hydrographic Areas" and deleting the redundant term - Hydrographic Area.

> ***DAQ Response:*** ***Same as comment #1.***

4. PPT: Slide 15 - Edit Sec 12.1.5.3 to include Responsible Officials along with Department Website when circulating public notices (most regulated entities/ROs do not routinely review DAQ's website)

> ***DAQ Response:*** ***DAQ's policy requires copies of the proposed permit and the support document be sent to the Responsible Official at least a week before the public notice period begins. Therefore, the public notice doesn't notify the source about the proposed action. Section 12.1.5.3 requires the public be notified when DAQ proposes to issue any permit that meets the public notice criteria so the public may comment on the proposed action. No change is proposed.***

5. PPT: Slides 15 and 17 - Be consistent with the acronym VAEL (variations include VAEL, VAELs, and VAELSs - not sure when it is plural and when "Standards" is included)

> ***DAQ Response: Thank you. The spelling error on slide 17 for the workshop presentation has been corrected.***

6. General - Include a list of acronyms (e.g. SIP, EUs, CAA, DAQ, and NRS are well understood by DAQ personnel, but not so much by the regulated entities)

> ***DAQ Response:*** ***DAQ appreciates comments 5 and 6 to improve the workshop presentations, and will consider this in future workshops.***

7. General - Include a "waiver" provision of AQ regulations if the regulated entity can demonstrate "De-Minimis" impact to the public's health and safety (which is an overall intent of the Clean Air Act).

> ***DAQ Response:*** ***It appears the suggested "waiver provision" may already exist in Section 12.1.2. The ability to consider the impact to the public health and safety is granted to the Control Officer in Section 12.1.2(e). No change is proposed.***

Scott McNulty - Broadbent & Associates, Inc. 11/16/2018

RE: Comments on Proposed Revisions to Section 12 of Clark County Air Quality Regulations (AQRs) Section 12.1.2. Emission Units and Activities Exempt from Permit Requirements

1. Request that the exemption for "production of hot water for use by on-site personnel not related to any industrial or production process" not be removed. Air Quality indicated that these units may now qualify as insignificant activities if less than 1 MMBtu/hr, but did not offer rationale for removing this categorical exemption.

> ***DAQ Response:*** ***The previous exemption was not based on the potential of a hot water heater to emit emissions or based on its burner combustion capacity. It was based on who would benefit from the water heating process, which is not an air quality issue. DAQ believes adding the "less than one MMBtu/hr insignificant activity to Section 12.1.2(c)(1) provides a metric to measure emissions and will codify in the rule the current practice of treating these water heaters as insignificant activities. No change is proposed.***

2. Request that an exemption for "portable electrical generators that can be moved by hand from one location to another" be included. Air Quality indicated that these units may now qualify as insignificant activities if the engine is less than 35 hp, but did not offer rationale for not including this categorical exemption.

> ***DAQ Response:*** ***Current Section 12.1 has 'portable electric generators that can be moved by hand', included as an insignificant activity. DAQ proposes to replace it with the "small portable electric generators that are less than 35 hp." By making the engine size the defining factor rather than the size and strength of a person attempting to move the portable electric generator, seems to be more reasonable. 35 hp engines, and larger, are subject to emission unit fees, where those that are smaller are not. DAQ considered this in establishing the engine size limit. No change is proposed.***

3. With respect to evaluating insignificant activities on a case-by-case basis, request that the following language not be removed: "No activity with the potential to emit greater than two (2) tpy of any criteria pollutant or five (5) tpy of any combination of criteria pollutants shall be eligible to be determined an insignificant activity under this Section." It is requested that this language remain to serve as a guideline for what may qualify as an insignificant activity.

> ***DAQ Response:*** ***The first part of Section 12.1.2(d) established the Control Officer's authority to review insignificant activities, on a case-by-case basis, that are not on the list included as Appendix A. The second part, referred to in this comment, was written as a prohibition restricting the Control Officer from making activities above these thresholds eligible to be insignificant activities. It was not intended to imply that activities just below the threshold "are" insignificant activities. Referring to the proposed Section 12.1.2(c) for activities DAQ considers categorically insignificant shows the type of activities with small emission potentials DAQ accepts as insignificant activities. Due to***

the confusion this section has caused, DAQ considers the removal of the language will add clarity to the rule. No change is proposed.

4. Request that Section 12.1.6.(d)(2) be changed as follows to include equipment replacements where there may be slight increases in potential to emit: "A physical change, or a change in the method of operation, with a no more than 1 tpy increase in potential to emit." Often a replacement unit will be virtually the same, but one of the five pollutant categories will have a slightly increased emission rate guarantee. Often this is just a function of updated emission factors. The 1 tpy increase is just a suggestion, perhaps a limit of within 5% of the short term emission rate guarantee of the original unit would be acceptable.

DAQ Response: ***The proposed revision to Section 12.1.6(d) was to remove incorrect language, "increases actual emissions less than ten (10) percent of the applicable major source threshold for the air pollutant(s) emitted, but", that does not apply to a minor source permitting rule. The increase in actual emissions is a New Source Review component of the major source rules. Any increase in the potential to emit is a modification by definition under the New Source Performance Standards (NSPS). DAQ cannot propose a rule change that will violate federal law. No change is proposed.***

5. Section 12.1.6.(e) Changes That Can Be Made With On-Site Logging

Request that this Section not be removed. It provides clarity on how to track changes that can be made without a permit revision or without prior notice. A good example of this is the ability to add an insignificant activity, which will be incorporated into a permit at the next permit revision or renewal application.

DAQ Response: ***The changes listed in Section 12.1.6(e) are those assessed and put into the minor source permit for the source. Items (1) and (2) both refer to changes authorized by the permit. Items (3) and (4) was are included in Section 12.1.6(d)(1), (2), or (3) where notice must be provided prior to installing or replacing equipment. DAQ has determined that this section is redundant since it requires logging and tracking of activities that is already addressed by other parts of Section 12.1. No change is proposed.***

6. Request Section 12.11.4.(b) be revised to reduce the maximum processing time on general permit applications from 120 days to 30 days. If a source applies to operate under the predetermined structure of a General Permit, then issuance should be straight forward and not time consuming for the agency.

DAQ Response: ***DAQ agrees that 120 days is excessive. Section 12.11.4(c) has been changed to allow up to 60 days from receipt to make a final decision on the application. Section 12.1 allows 60 days to deem an application complete so an individual permit can be prepared. DAQ believe 60 days to assess that all information to authorize a source to operate under the general permit is appropriate. No change is proposed.***

Starla Lacy – NV Energy (Kimberly Williams) 11/19/2018

1. New Section 12.1.2.(c)(l): The 1 mmbtu/hr threshold for boilers and water heaters seems arbitrarily low. As a comparison, NVE notes that the Bay Area Air Quality Management District regulations use the 1 mmbtu/hr as an insignificant activity threshold for non-gas-fired boilers and heaters, and uses a higher threshold (10 mmbtu/hr) for gas-fired units. The Bay Area is (and has

been) marginal nonattainment for 8-hour ozone, as is the Las Vegas Valley now. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations exempt gas-fired water boilers and heaters with a maximum rating of 5 mmBtu/hr. The San Joaquin Valley is extreme nonattainment for 8-hour ozone. Incidentally, NVE also suggests removal of the word "actual" to describe the heat input, as the insignificant activity is being defined by the unit's rated heat input, not actual heat input. NVE requests the following change:

"Oil-fired Boilers and water heaters rated at:

less than 1 million Btu per hour ~~**actual**~~ heat input; ~~and,~~

less than 10 million Btu per hour heat input if natural gas or liquid petroleum gas-fired."

Another option would be to provide a PTE threshold such that slightly larger units with low emission burners could still be deemed insignificant.

> ***DAQ Response:*** ***In the 2004 Section 12, 1 MMBtu/hr boilers were categorically exempt up to an aggregate of 10 MMBtu/hr. DAQ declined to categorize 1 MMBtu/hr boilers insignificant in 2009 because of the number of sources that used these small units. Since then, DAQ has determined these units could be treated as insignificant emission units and requires that they be included in the applications. With this action, DAQ designates these small boilers and water heaters insignificant by rule. Both SJVAPCD and BAAQMD require all new and modifying emission units with emission potentials exceeding 2.0 pounds for SJVAPCD, or 10.0 pounds for BAAQMD, of any pollutant in any one day to meet BACT, which by their definitions is equivalent to federal LAER. Clark County's control technology requirements aren't triggered until the emissions exceed the significance threshold for each pollutant, as defined in Section 12.1.1(g). This means a 1 MMBtu/hr boiler allowed to operate in Clark County may have the potential to emit more pollutants than a 10 MMBtu/hr boiler in one of these California air districts. For this reason, DAQ chooses to keep the 1 MMBtu/hr threshold. No change is proposed.***

2. New Section 12.1.2(c)(2): NVE requests that this insignificant activity description be adjusted to also include non-industrial cooling towers with equivalent PTE to those already described, such as those with slightly higher recirculating rates but better drift efficiency, as shown here:

> *"Non-industrial cooling towers with recirculation capacity of less than 1,000 gallons per minute with drift eliminators rated at a minimum of 0.05 efficiency****, and others for which the product of recirculation capacity times drift efficiency is also less than 50."***

Note that 1,000 x 0.05 = 50. This product is a subset of the PTE calculation for all cooling towers, thus any non-industrial tower for which this product is less than 50 will have no higher PTE than those described by Air Quality's current proposed insignificant activity.

> ***DAQ Response:*** ***DAQ chose to identify insignificant non-industrial cooling towers by throughput capacity and drift eliminators with a drift loss of 0.05% or less, because this is how they are identified in applications. By clearly identifying this insignificant activity, small sources can quickly determine if their emission unit qualifies for this classification. NVE makes a good case for equivalent units with even lower drift loss, and Section 12.1.2(d) provides the means to demonstrate each "other" unit that is equivalent by submitting the argument, with calculations, in the minor source permit application. No change is proposed.***

3. New Section 12.1.2(c)(3): NVE notes that 50 hp is a more standard threshold for deeming internal combustion engines exempt or insignificant. For comparison, the Bay Area Air Quality Management District regulations exempt internal combustion engines with a maximum output rating less than or equal to 50 bhp and the Nevada Division of Environmental Protection exempts internal combustion engines rated at less than 250 hp. NVE requests that this item be revised as follows:

> *12.l.2(c)(3): "All internal combustion engines rated* ***~~at less than 35~~*** ***no greater than*** *50 horsepower."*
>
> ***DAQ Response:*** ***The 35 hp engines are proposed as insignificant emission units, consistent with Section 18.2.6, where stationary internal combustion engines, 35 hp or greater, are subject to annual emission unit fees, but those less than 35 hp are not. No change is proposed.***

4. Rather than deem ancillary parts washers as insignificant based upon use of products on an approved list as in new Section 12.1.2(c)(7), NVE suggests adopting a solvent cleaning insignificant activity similar to that in the SJVAPCD regulations. Recognizing that SJVAPCD is extreme nonattainment for 8-hr ozone while the Las Vegas Valley is only moderate nonattainment, NVE proposes to modify the boiling point threshold used by SJVAPCD to one that matches many of the products on Air Quality's current list of certified clean air solvents. The resulting suggested rule follows:

> ***"Unheated, non-conveyorized solvent cleaning equipment with an open surface area of 10 square feet or less, and internal volume of 92.5 gallons or less, using only organic solvents with an initial boiling point of 212°F or greater, and from which less than 25 gallons of solvent per year are lost to the atmosphere. Solvent lost shall not include solvent that is recycled or disposed of properly."***

Alternatively, an insignificant activity could be more simply stated as unheated ancillary solvent cleaning equipment for which the product of VOC content in pounds/gallon and gallons of solvent lost to evaporation per year is no greater than 0.10 tons/year.

> ***DAQ Response:*** ***While constructing the list of categorically insignificant activities listed in Section 12.1.2(c), DAQ attempts to keep the descriptions non-technical so smaller sources that make up the majority of minor sources would easily recognize the activities that are part of their source. DAQ chose to adopt a solvent cleaning insignificant activity that is similar to that in the SCAQMD regulations. The SCAQMD laboratory has identified products from numerous manufacturers it has determined result in minimal impact on the environment. DAQ recognizes there are several approaches to addressing this issue. This method identifies more than 100 different products that have been evaluated and certified by South Coast Air Quality Management District as being "clean" by its standards. This method provides for ease of selection by the regulated source and ease to determine compliance by DAQ. DAQ appreciates NVE assessment of SJVAPCD's solvent cleaning methodology and may assess which method will provide the most benefit to the user in the future. No change is proposed.***

5. NVE wishes to express support for the proposed changes to Section 12.1.3.6, which simplify applications for renewals and revisions.

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AGENDA

JOINT MEETING OF THE
CLARK COUNTY BOARD OF COMMISSIONERS
CLARK COUNTY WATER RECLAMATION DISTRICT BOARD OF TRUSTEES AND
UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES

9:05 AM TUESDAY, DECEMBER 4, 2018

CLARK COUNTY COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA

This meeting has been properly noticed and posted in the following locations:

CC Government Center
500 S. Grand Central Pkwy.
Las Vegas, NV
(Principal Office)

Regional Justice Center
200 Lewis Ave, 1st Fl.
Las Vegas, NV

Third Street Building
309 S. Third St.
Las Vegas, NV

Paradise Park
Pool & Center
4775 McLeod Dr.
Las Vegas, NV

Winchester Park & Center
3130 S. McLeod Dr
Las Vegas, NV

Desert Breeze
Park & Community Ctr
8275 Spring Mtn. Rd
Las Vegas, NV

Agenda Also Available At:

Clark County
Reg. Govt. Center
101 Civic Way
Laughlin, NV

City of North Las Vegas
2250 N. Las Vegas Blvd
North Las Vegas, NV

City of Henderson
240 Water St.
Henderson, NV

City of Boulder City
400 California Ave.
Boulder City, NV

City of Mesquite
10 E. Mesquite Blvd.
Mesquite, NV

City of Las Vegas
495 S. Main St.
Las Vegas, NV

If you wish to speak on an item appearing on this agenda, please fill out a Public Comment Interest Card which is located in front of the Commission Chambers and submit the comment card to staff sitting in the front lobby of the Commission Chambers. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chair, or the Board by majority vote.

- Items on the agenda may be taken out of order.
- The Board of County Commissioners, Board of Trustees, and Licensing Board may combine two or more agenda items for consideration.
- The Board of County Commissioners, Board of Trustees, and Licensing Board may remove an item from the agenda or delay discussion relating to an item at any time.

Contracts, zoning matters, or ordinances that do not comply with the County's disclosure requirement as outlined in Section 10(2) of the County Ethics Policy are subject to being voided.

The main agenda is available on Clark County's website, http://www.ClarkCountyNV.gov. For copies of agenda items and supporting backup materials, please contact Cyndi Baroni, Agenda Coordinator, at (702) 455-3530. This meeting will be broadcast live in the Las Vegas area on Clark County Television (CCTV) Channel 4 on Cox cable (Channel 89.13 for those without converter boxes), on Channel 4 on CenturyLink, in Laughlin on Channel 14 via CMA Access, and on the County's website at www.ClarkCountyNV.gov. It will be replayed over CCTV on Tuesday, December 04, 2018, at 9:00 P.M. For more information about the program schedule, please refer to http://www.clarkcountynv.gov/Depts/public_communications/Pages/CCTV4.aspx or contact CCTV Channel 4 at (702) 455-6890.

SEC. 1. OPENING CEREMONIES

CALL TO ORDER

1. Public Comment

2. Approval of Minutes of the Regular Meeting on October 16, 2018 and the Special BCC meeting on November 14, 2018. (For possible action) ***(Available in the County Clerk's Office, Commission Division)***

3. Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items. (For possible action)

SEC. 2. CONSENT AGENDA: Items No. 4 through No. 45

NOTE:
- The Board of County Commissioners, Board of Trustees, and Licensing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- Consent Agenda - All matters in this sub-category are considered by the Board of County Commissioners, Board of Trustees, and Licensing Board to be routine and may be acted upon in one motion. Most agenda items are phrased for a positive action. However, the Board/Trustees may take other actions such as hold, table, amend, etc.
- Consent Agenda items are routine and can be taken in one motion unless a Commissioner/Trustee/Licensing member requests that an item be taken separately. The Chair will call for public comment on these items before a vote. For all items left on the Consent Agenda, the action taken will be staff's recommendation as indicated on the item.
- Items taken separately from the Consent Agenda by Commission/Trustees/Licensing members at the meeting will be heard following the Commissioners'/County Manager's Recognition Section.

Purchasing & Contracts

4. Approve the contract with West Publishing Corporation dba. West, A Thomson Reuters Business, for CBE No. 605067-18, to provide West Proflex Services; and authorize the Chief Financial Officer or her designee to sign the contract; or take other action as appropriate. (For possible action)

5. Approve the contract with West Publishing Corporation dba. West, A Thomson Reuters Business, for CBE No. 605076-18, to provide Clear Proflex Services; and authorize the Chief Financial Officer or her designee to sign the contract; or take other action as appropriate. (For possible action)

6. Ratify an amendment and funding increase to the contract with Bitfocus, Inc., for CBE No. 603354-14, for Homeless Management Information System Administration; and authorize the Chief Financial Officer or her designee to sign the amendment; or take other action as appropriate. (Previous amendments and original contract are available for public viewing at the County Clerk's Office, Commission Division) (For possible action)

7. Approve an amendment to the contract with Harris Local Government Solutions, Inc., for RFP No. 601172-08, for Recordation Software and Services Agreement; and authorize the Chief Financial Officer or her designee to sign the amendment; or take other action as appropriate. (For possible action)

8. Approve an amendment to the contract with Okta Inc., for RFP No. 604062-16, for Enterprise-Wide Virtual Directory; and authorize the Chief Financial Officer or her designee to sign the amendment; or take other action as appropriate. (For possible action)

9. Authorize the utilization of the Las Vegas Valley Water District Contract #31335-CA, for Sirius Software Maintenance, Hardware & Software, under CBE No. 605071-18, and authorize staff to issue purchase orders, subject to approved budget appropriations; or take other action as appropriate. (For possible action)

Town Services

10. Note for the record the following Town Advisory Board (TAB) and/or Citizens Advisory Council (CAC) Minutes:

Enterprise TAB - November 1, 2018;
Laughlin TAB - September 11, 2018 and September 25, 2018;
Moapa TAB - August 28, 2018 and October 30, 2018;
Moapa Valley TAB - October 10, 2018;
Sandy Valley CAC - September 11, 2018 and October 9, 2018;
Searchlight TAB - October 10, 2018;
Spring Valley TAB - October 30, 2018;
Sunrise Manor TAB - November 1, 2018; and
Winchester TAB - September 25, 2018 and October 9, 2018.

Parks & Recreation

11. Approve the proposed revisions to the Department of Parks and Recreation's Fees and Charges Schedule and authorize the Department Director to implement the changes effective January 1, 2019. (For possible action)

12. Approve changes to the Clark County Shooting Complex's Schedule of Fees and Charges for 2019. (For possible action)

13. Approve an Inter-local Agreement between Clark County Regional Flood District (District) and Clark County to establish an equitable funding mechanism for routine maintenance of channels through the Club at Sunrise Golf Course. (For possible action)

Aviation

14. Approve and authorize the Director of Aviation to sign the Concession Agreement between Clark County and First Class Vending, Inc. (Matthew Marsh, CEO/Secretary) for automated snack and beverage services throughout the Clark County Airport System; or take other action as appropriate. (For possible action)

15. Approve and authorize the Director of Aviation to sign the Concession Agreement between Clark County and Prepango, LLC. (Marcos Modiano, Manager) for Automated Specialty Retail services for the Clark County Airport System; or take other action as appropriate. (For possible action)

16. Authorize the Director of Aviation to sign the Second Amendment to the Amended and Restated Lease Agreement between Clark County and Signature Flight Support of Nevada, Inc. (Tony Lefebvre, Chief Operating Officer) to extend the term and to authorize reimbursement for permanent leasehold improvements made at McCarran International Airport; or take other action as appropriate. (For possible action)

17. Set a public hearing on Tuesday, December 18, 2018, at 10:00 a.m. to determine whether Project 2465 Airport Security Cameras (Project) is part of a critical infrastructure to improve airport security; and authorize the Director of Aviation to add the Project to the existing Project Labor Agreement between Clark County and signatory Unions (Local and Southern Nevada Building and Construction Trades Council); or take other action as appropriate. (For possible action)

18. Authorize the Director of Aviation to negotiate a Professional Services Contract between Clark County and Doug Walton/Architect PLLC dba DWA PLLC (Douglas R. Walton, Principal) for design services associated with Project 2479 Terminal 1 and D Concourse Improvements (Project) at McCarran International Airport; or take other action as appropriate. (For possible action)

19. Approve and authorize the Director of Aviation to sign a Professional Services Contract between

Clark County and Swanson Rink, Inc. (Gary Orazio, President) for design services associated with Project 2485 Terminal 1 Baggage Handling System Modernization (Project) at McCarran International Airport; or take other action as appropriate. (For possible action)

Public Works

20. Accept right-of-way dedications from Clark County Department of Aviation for traffic signal systems and access purposes located upon Assessor's Parcel No. 177-06-301-001 generally situated at the northeast and southeast corners of Badura Avenue and Decatur Boulevard; and approve and authorize the Director of Real Property Management or her designee to sign a dedication in fee to complete the transaction. (For possible action)

21. Approve and authorize the County Manager or her designee to sign a dedication in fee for a portion of County-owned property pertaining to Assessor's Parcel No. 176-02-601-006 as right-of-way for the Southern Clark County 215 Bruce Woodbury Beltway generally located west of Jones Boulevard. (For possible action)

22. Designate a portion of County-owned (Aviation) property pertaining to Assessor's Parcel No. 176-03-101-002 as right-of-way for roadway and drainage purposes generally situated along Tioga Way lying east of Buffalo Drive and south of Sunset Road; and authorize the Director of Real Property Management or her designee to sign a dedication to complete the transaction. (For possible action)

23. Approve the conveyance of County-owned right-of-way designated as portions of Clayton Street upon Assessor's Parcel Number 124-16-499-001 and portions of Assessor's Parcel Number 124-16 499-006 to the City of North Las Vegas for public use; and authorize the County Manager or her designee to sign the quitclaim deed to complete the transaction. (For possible action)

24. Approve and authorize the County Manager or her designee to sign a professional surveying services contract between Clark County and GCW, Inc. (Paul Burn, Senior Vice President) for construction land surveying services for the Harmon Avenue/Valley View Boulevard/Union Pacific Railroad Grade Separation project. (For possible action)

25. Approve and authorize the County Manager or her designee to sign a professional engineering services contract between Clark County and Louis Berger U.S., Inc. (Roger Patton, P.E., Vice President) to provide staff augmentation services to Clark County Public Works Traffic Management Division for traffic design, traffic design review, field investigations, warrant studies, and traffic data collections at various locations throughout Clark County. (For possible action)

26. Approve and authorize the Chair to sign the assignment to agreement - reservation on vacated property among Clark County, SAMM Boulevard LLC (Donald G. Andress, Manager), and DBJM Las Vegas Blvd 5.46, LLC (John Morotti, Vice President), permitting DBJM Las Vegas Blvd 5.46, LLC to assume and accept all rights and obligations under the agreement between Clark County and SAMM Boulevard LLC, dated October 15, 2013. (For possible action)

27. Approve and authorize the Chair to sign the assignment of revocable license and maintenance agreement among Clark County, SAMM Boulevard LLC (Donald G. Andress, Manager), and DBJM Las Vegas Blvd 5.46, LLC (John Morotti, Vice President), permitting DBJM Las Vegas Blvd 5.46, LLC to assume and accept all rights and obligations under the revocable license and maintenance agreement between Clark County and SAMM Boulevard LLC, dated September 26, 2014. (For possible action)

28. Ratify the appointment of Dustin Crowther to the position of County Surveyor for the County of Clark, State of Nevada, effective December 3, 2018. (For possible action)

Real Property Management

29. Approve a Site Lease Agreement For Wireless Communication Facility (Lease Agreement) between Clark County (County) and CCATT LLC, a Delaware limited liability company (Crown Castle ATT),

to continue leasing ±840 square feet of County-owned real property for a wireless communication facility, located ±200 feet east of Eastern Avenue and ±775 north of Warm Springs Road (portion of Assessor's Parcel Number 177-01-401-001) and utility and access easements as defined in Exhibits A and B; and authorize the Director of Real Property Management or her designee to sign the Lease Agreement and any other documents necessary to complete the lease. (For possible action)

30. Approve the purchase of four (4) contiguous parcels of developed and vacant land comprising ±11.36 acres with three (3) existing buildings totaling ±50,552 square feet of office, classroom and gym space, located on the Southeast corner of North Torrey Pines and West Brooks Avenue, known as the former Calvary School, 2900 North Torrey Pines Drive, Las Vegas, NV 89108 (Assessor Parcel Numbers 138-14-601-005, -006, -013, and -014) for $7,750,000; ratify the appraisal dated September 7, 2018 by Scott Krueger, Timothy Morse and John Kiehlbauch; fund the tenant improvements of $2,371,000; and authorize the Director of Real Property Management or her designee to sign escrow instructions and any related documents to complete the transaction. (For possible action)

Budget & Finance

31. In accordance with NRS 244.210 and 354.220 through 354.250, approve, adopt, and authorize the Chairman to sign a resolution to authorize refunds as shown on Exhibit "A." (For possible action)

32. In accordance with NRS 354.598005, authorize the September 2018 transfer of appropriations between functions within various funds as shown on Exhibit B. (For possible action)

33. Approve, adopt and authorize the Chairman to sign a resolution to dissolve the petty cash fund in the amount of $2,500.00 established for the Department of Family Services. (For possible action)

34. Approve, adopt, and authorize the Chairman to sign an Interlocal Agreement between Clark County and the Nevada Department of Wildlife for the purpose of funding boat safety programs. (For possible action)

35. That the Board of County Commissioners, the Clark County Water Reclamation District Board of Trustees, and the Board of Hospital Trustees of University Medical Center of Southern Nevada ratify the submission of the quarterly economic condition reports to the State of Nevada Department of Taxation pursuant to NRS 354.6015 and NAC 354.559 for Clark County. (For possible action)

36. Approve and authorize the Chair to sign an agreement between the State of Nevada and Clark County to support the Upper Payment Limit and Managed Care Organization capitated payment programs. (For possible action)

37. Approve and authorize the Chair to sign an agreement between the State of Nevada and Clark County to support the Disproportionate Share Hospital Program. (For possible action)

Clark County Water Reclamation District *(Board of County Commissioners sitting as the CCWRD Board of Trustees)*

38. Approve the award of District ITB No. 180051, Pump and Gearbox Repair and Maintenance Services, to the lowest responsive and responsible bidder, contingent upon submission of the required insurance; or take other action as appropriate. Staff recommends award to Laron Inc. (Chas Barker, General Manager) (For possible action)

39. Approve the award of Project No. 740, FWRC Reuse Water Pump Station, to the lowest responsive and responsible bidder and authorize the General Manager to sign a contract contingent upon submission of the required bonds and insurance; or take other action as appropriate. Staff recommends award to MMC, Inc. (Greg J. Paulk, President). (For possible action)

40. Receive and accept the Comprehensive Annual Financial Report prepared by the accounting firm of Piercy, Bowler, Taylor and Kern for the audit of the financial statements of the Clark County Water Reclamation District for fiscal year 2018; or take other action as appropriate. (For possible action)

41. Approve, adopt, and authorize the Chairman to sign Resolution 18-008, "A Resolution in Support of Removing the Sunset Provision of the Quarter-Cent Sales Tax for Water and Wastewater In&astructure Projects; or take other action as appropriate. (For possible actio.)

General Administration

42. Approve and authorize the Chair to sign the correction of the 2015-2016 thru 2018-2019 Secured Assessment Roll AR-1204-18-23 and order the corrections to be made. (For possible action.)

43. Accept a project donation of landscaping services, valued at $2,500, from Par 3 Landscape Management to the Clark County Fire Department. (For possible action)

44. Direct the County Treasurer to apportion, combine, or combine and reapportion the unpaid balances of special assessments for Special Improvement District Number 121 (Southern Highlands Area) on original Assessor's Parcel Numbers and approve the apportionment, combination, or reapportionment to current Assessor's Parcel Numbers as follows: 191-05-201-002, 191-05-218-003 thru -006, 191-05-201-0q4 to 191-05-219-001 thru -071, 191-05-295-007 thru -008 as applicable, and that the Board find that the combining or reapportioning of assessments will not materially or adversely impair the obligation of the County with respect to any outstanding bond secured by assessments or increase the principal balance of any assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the assessment. (For possible action)

45. Sign a Memorandum of Understanding with the City of Mesquite to allow the elected Justice of the Peace to serve as the appointed Municipal Court Judge of Mesquite, and to provide for shared funding for the combined courts; or take other action as appropriate. (For possible action)

END CONSENT AGENDA

SEC. 3. COMMISSIONERS' / COUNTY MANAGER'S RECOGNITION

46. Receive a plaque from Mr. Alan Stock and Mr. Jerry Adams in appreciation for continued support of Las Vegas Veterans.

47. Present a proclamation recognizing the Director of Aviation, Rosemary Vassiliadis, and the McCarran International Airport Team for being named #1 in Customer Satisfaction by J. D. Power & Associates.

SEC. 4. ITEMS TAKEN SEPARATELY FROM CONSENT AGENDA

SEC. 5. PUBLIC HEARINGS - 10 AM

48. Conduct a public hearing; and approve and authorize the Chairman of the Board to sign the Resolution Accepting Lease Between Clark County (County) and State of Nevada, Department of Health and Human Services, Division of Welfare and Supportive Services (State) for ±5,565 square feet of office space, located at the County-owned real property at the Cambridge Community Resource Center, 3900 Cambridge Street, Suites 206-210, Las Vegas, Nevada (Assessor's Parcel Number 162-15-702-011); and authorize the Director of Real Property Management or her designee to sign the Lease Agreement (Lease) between County and State and any other documents related to the management of the Lease. (For possible action)

END PUBLIC HEARINGS

SEC. 6. INTRODUCTION OF ORDINANCES

This item is for introduction only. A date and time will be set for a public hearing. No public comments will be heard at this time.

49. Introduce an ordinance to amend Clark County Air Quality Regulations Section 0 to remove, revise, and add definitions; repeal Section 10; amend Section 12.0 and repeal and adopt a new Section 12.1 to remove obsolete stationary source permitting transition language, update and add definitions, streamline the minor source application process, revise the list of exempt and insignificant emission units, and address minor portable source permitting; repeal and adopt a new Section 12.11 to add requirements to facilitate the minor source general permit program; provide for other matters related thereto, and set a public hearing. (For possible action)

50. Introduce an ordinance to amend Title 22, Chapter 22.02 of the Clark County Code to amend Section 22.02.345(E) to modify the express processing plan review fee schedule; providing for other matters properly relating thereto; or take other action as appropriate. (For possible action)

51. Introduce an ordinance to amend Clark County Code Title 5, Chapter 5.02 concerning rights-of-way management for wireless communications facilities, providing for application and issuance of master wireless use and site license agreements, setting standards for design, installation, operation, maintenance and removal of wireless communications facilities in the public rights-of-way; establishing fees for wireless communications facilities in the public rights-of-way; provide for other matters properly relating thereto; and set a public hearing. Commission District: All (For possible action)

52. Introduce an ordinance to amend various provisions of Title 4, Chapter 4.18 of the Clark County Code relating to the Southern Nevada Water Authority water and wastewater tax; providing for other matters properly relating thereto; and set a public hearing. (For possible action)

SEC. 7. BUSINESS ITEMS

53. Identify emerging issues to be addressed by staff or by the Board at future meetings; receive updates on the activities of the various regional boards and commissions; and direct staff accordingly.

54. Discuss the processes and procedures necessary for changing the name of McCarran International Airport to Harry Reid Las Vegas International Airport; or take other action as appropriate. (For possible action)

55. Approve and authorize the Chairman or his designee, to sign the Purchase and Sale Agreement between Clark County and PH Metro, LLC, a Nevada limited liability company, for the purchase of ±15.3 acres of land with a ±230,834 square foot Correctional Facility, Administrative building and related land and facilities located at 4900 North Sloan Lane, Las Vegas, Nevada (Assessor's Parcel Number 123-34-401-005) for $215,000,000; and authorize the Director of Real Property Management or her designee, to sign all related documents necessary to complete the transaction. (For possible action)

56. Approve, adopt and authorize the Chairman to sign the Note Ordinance concerning the issuance and payment of Clark County, Nevada, Subordinate Revenue Notes, Series 2018B, in the maximum principal amount of $215,250,000, as if an emergency exists. (For possible action)

57. Approve, adopt and authorize the Chairman to sign a Resolution making a finding that no increase in ad valorem is anticipated for the payment of general obligations, additionally secured with pledged revenues, in an amount not to exceed $219,275,000 for the financing of the Detention Leased Property and requesting the Debt Management Commission to convene to approve the bonds and the finding. (For possible action)

58. Approve, adopt and authorize the Chairman to sign the Note Ordinance concerning the issuance and payment of Clark County, Nevada, Subordinate Revenue Notes, Series 2018C, in the maximum principal amount of $60,000,000, as if an emergency exists. (For possible action)

59. Receive a report from the Southern Nevada Water Authority on the existing quarter-cent sales tax for water and wastewater infrastructure projects and review the necessity for the continued imposition of the quarter-cent sales tax for water and wastewater infrastructure projects; and take any action deemed appropriate. (For possible action)

60. That the Clark County Water Reclamation District Board of Trustees hear a customer classification appeal for the property at 5070 Blue Diamond Road; or take other action as appropriate. (For possible action)

61. That the Clark County Water Reclamation District Board of Trustees accept the Business Impact Statement pursuant to NRS 237.090 for the proposed District Resolution 18-007, which adopts amendments to the District Service Rules and provides for other matters properly related thereto; and determine that the proposed amendments to the Service Rules do not impose a significant economic burden on affected customers; or take other action as appropriate. (For possible action)

62. Approve and authorize the Chairman to sign the Eighth Amendment to Clark County Monorail Franchise Agreement between Clark County and the Las Vegas Monorail Company to revise the route to add a station to the existing Monorail on Sands Avenue east of Koval Lane to connect to the MSG Sphere and the Sands Expo Center; and providing for other matters properly related thereto. (For possible action)

63. Consider and approve the Business Impact Statement, pursuant to NRS Chapter 237, for the proposed amendments to Title 5, Chapter 5.02 concerning rights-of-way management for wireless communications facilities, providing for application and issuance of master wireless use and site license agreements, setting standards for design, installation, operation, maintenance and removal of wireless communications facilities in the public rights-of-way; establishing fees for wireless communications facilities in the public rights-of-way; and provide for other matters properly relating thereto. (For possible action)

64. Ratify the appointment of Darin Imlay as the Public Defender. (For possible action)

65. Receive a report from the Clark County School District regarding their reorganization. (For possible action)

66. Appoint a qualified individual to fill a vacancy in the Nevada State Senate District 3, vacated by Senator Tick Segerblom for the remainder of a term to expire upon the next regular election from the list of following individuals: Nancy Ramirez Ayala, Alison Brasier, Christopher Brooks, Larissa Drohobyczer, Dean Richard Lauer, Jr., Karen S. Layne, Jennifer Muñoz, Zenda Marie Shepherd, and Lindsey Warner. (For possible action)

67. Appoint a qualified individual to fill a vacancy in the Nevada State Senate District 11, vacated by Senator Aaron Ford for the remainder of a term to expire upon the next regular election from the list of following individuals: Lizbeth Arias, Julie Elaine Bernell-Ostrovsky, Kevin L. Child, Rose G. Donahue, Reuben D'Silva, Christopher John Hardin, Dallas Harris, Arlene Heshmati, Cameron Homer Miller, and Ngoc Duy V. Nguyen. (For possible action)

68. Nominate a qualified individual to be considered to fill a vacancy in Nevada Assembly District 36, vacated by Dennis Hof for the remainder of a term to expire upon the next regular election from the list of following individuals: Tina L. Bond-Kuglin, Joseph J. Bradley, Joseph M. Burdzinski, Brigitte Dubin, Thomas "Tom" Duryea, Jared Fisher, William S. Gray Sr., Walter S. Grudzinski, Gregory T. Hafen II, Jonathan Hernandez, Adam Westley Huckeby, Bailey Kesl, Brent Leavitt, Denise Mraz, Patrick J. Nary, Charles R. Navarro IV, Nathan Taylor, Sandra Faye Tulley, and Wayne Villines. (For possible action)

69. Review and consider amendments to the Board of County Commissioners Rules of Procedure Handbook; and take any action deemed necessary. (For possible action)

70. Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter, and pursuant to NRS Chapter 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly. (For possible action)

PUBLIC COMMENTS

Comments by the General Public

A period devoted to comments by the general public about matters relevant to the Board's/Trustees' jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Trustees wishes to extend the length of a presentation, this will be done by the Chairman, or the Board/Trustees by majority vote.

All comments by speakers should be relevant to Board/Trustees action and jurisdiction.

ZONING AND SUBDIVISIONS **Wednesday, December 5, 2018, 9:00 a.m.** **Separate Agenda**

THE REGULAR JOINT MEETINGS OF THE CLARK COUNTY BOARD OF COMMISSIONERS, THE CLARK COUNTY WATER RECLAMATION BOARD OF TRUSTEES, THE UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES, AND THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD HELD ON THE FIRST AND THIRD TUESDAYS OF EACH MONTH, ARE VIDEO-TAPED BY CLARK COUNTY TELEVISION (CCTV). THIS MEETING WILL BE BROADCAST LIVE IN THE LAS VEGAS AREA ON CLARK COUNTY TELEVISION (CCTV) CHANNEL 4 ON COX CABLE (CHANNEL 89.13 FOR THOSE WITHOUT CONVERTER BOXES), ON CHANNEL 4 ON CENTURYLINK, IN LAUGHLIN ON CHANNEL 14 VIA CMA ACCESS, AND ON THE COUNTY'S WEBSITE AT WWW.CLARKCOUNTYNV.GOV. IT WILL BE REPLAYED OVER CCTV ON TUESDAY, DECEMBER 04, 2018, AT 9:00 P.M. FOR MORE INFORMATION ABOUT THE PROGRAM SCHEDULE, PLEASE REFER TO HTTP://WWW.CLARKCOUNTYNV.GOV/DEPTS/PUBLIC_COMMUNICATIONS/PAGES/CCTV4.ASPX OR CONTACT CCTV CHANNEL 4 AT (702) 455-6890.

THE COUNTY CLERK KEEPS THE OFFICIAL RECORD OF ALL PROCEEDINGS OF THE COUNTY COMMISSION, THE CCWRD BOARD OF TRUSTEES, THE UMC HOSPITAL BOARD OF TRUSTEES, AND THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD. IN ORDER TO MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL PROCEEDINGS, ANY PHOTOGRAPH, MAP, CHART, OR ANY OTHER DOCUMENT USED IN ANY PRESENTATION TO THE BOARD/TRUSTEES SHOULD BE SUBMITTED TO THE COUNTY CLERK . IF MATERIALS ARE TO BE DISTRIBUTED TO COMMISSIONERS/TRUSTEES, PLEASE PROVIDE SUFFICIENT COPIES FOR DISTRIBUTION TO THE COUNTY MANAGER, COUNTY COUNSEL, AND COUNTY CLERK.

THE CLARK COUNTY COMMISSION CHAMBERS ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. WITH TWENTY-FOUR (24) HOUR ADVANCE REQUEST, A SIGN LANGUAGE INTERPRETER MAY BE MADE AVAILABLE (PHONE: (702) 455-3530 OR TDD (702) 385-7486) OR RELAY NEVADA TOLL FREE (800) 326-6868, TT/TDD. ASSISTIVE LISTENING DEVICES ARE AVAILABLE UPON REQUEST AT THE STAFF TABLE.

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CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM

Petitioner:	**Marci Henson, Department of Air Quality**

Recommendation:

That the Board of County Commissioners conduct a public hearing; approve, adopt and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulations Section 0 to remove, revise, and add definitions; repeal Section 10; amend Section 12.0 and repeal and adopt a new Section 12.1 to remove obsolete stationary source permitting transition language, update and add definitions, streamline the minor source application process, revise the list of exempt and insignificant emission units, and address minor portable source permitting; repeal and adopt a new Section 12.11 to add requirements to facilitate the minor source general permit program; and provide for other matters related thereto; consider written comments submitted during the October 21, 2018 through November 19, 2018 comment period and approve the proposed responses to those comments; authorize the Director or her designee to make a record of any relevant comments and responses made at the public hearing; and authorize the Director or her designee to compile and submit the approved ordinance and all related documentation, to the Nevada Division of Environmental Protection for United States Environmental Protection Agency approval into the Nevada State Implementation Plan. (For possible action)

FISCAL IMPACT:

Fund #: N/A
Fund Center: N/A
Description: N/A
Added Comments: N/A

Fund Name: N/A
Funded Program/Grant: N/A
Amount: N/A

BACKGROUND:

The proposed ordinance will amend Clark County Air Quality Regulations (AQR) as follows: (1) amend **Section 0 – "Definitions"** to reflect the changes in air quality attainment status, to add the term "trenching", to remove terms that no longer apply, and to make other changes to terms used throughout the AQRs; (2) repeal **Section 10 – "Compliance Schedules"** as obsolete because Section 12.1 contains the procedures to address compliance issues; (3) amend **Section 12.0 – "Applicability, General Requirements and Transition Procedures"** to remove the transition procedures in subsection 12.0.3 and remove "and Transition Procedures" from the title; (4) repeal and adopt a new **Section 12.1 – "Permit Requirements for Minor Sources"** to update and add new definitions, reformat for clarity, streamline the application process and revise the timelines to improve efficiency, restructure the list of exempt and insignificant emission units and add new activities; and revise the language as necessary to clarify intent; and (5) repeal and adopt a new **Section 12.11 – "General Permits for Minor Stationary Sources"** to facilitate the minor source general permit program to streamline the permitting process for selected source categories. The attached AIDR No. _____ provides a detailed explanation of the purpose and intent of these proposed rules and includes responses to comments made during the public notice period.

Respectfully submitted,

Marci Henson
Marci Henson, Director
Air Quality

ACTION: APPROVED (INCLUDING ADOPTION OF ORDINANCE NO. 4653 AS AMENDED) AS RECOMMENDED

Cleared for Agenda
12/18/18 CB

Agenda Item #
59

[Bracketed] and/or ~~strikethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 12-4-18-1 (A)

SUMMARY - An Ordinance to amend Clark County Air Quality Regulation Sections 0, 12.0, 12.1, and 12.11 to update and make changes to the stationary source permitting rules and repeal Section 10.

ORDINANCE NO. 4653
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 0 TO REMOVE, REVISE, AND ADD DEFINITIONS; REPEAL SECTION 10; AMEND SECTION 12.0 AND REPEAL AND ADOPT A NEW SECTION 12.1 TO REMOVE OBSOLETE STATIONARY SOURCE PERMITTING TRANSITION LANGUAGE, UPDATE AND ADD DEFINITIONS, STREAMLINE THE MINOR SOURCE APPLICATION PROCESS, REVISE THE LIST OF EXEMPT AND INSIGNIFICANT EMISSION UNITS, AND ADDRESS MINOR PORTABLE SOURCE PERMITTING; REPEAL AND ADOPT A NEW SECTION 12.11 TO ADD REQUIREMENTS TO FACILITATE THE MINOR SOURCE GENERAL PERMIT PROGRAM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Clark County Air Quality Regulation Section 0 – Definitions, is hereby amended as reflected in Exhibit 1, attached hereto.

SECTION 2. Clark County Air Quality Regulation Section 10 – Compliance Schedules is hereby repealed in its entirety.

SECTION 3. Clark County Air Quality Regulation Section 12.0 – Applicability, General Requirements, and Transition Procedures, is hereby amended as reflected in Exhibit 2, attached hereto.

SECTION 4. Clark County Air Quality Regulation Section 12.1 – Permit Requirements for Minor Sources is hereby amended by repealing the section in its entirety and adopting a new Section 12.1 as reflected in Exhibit 3, attached hereto.

SECTION 5. Clark County Air Quality Regulation Section 12.11 – General Permits for Minor Stationary Sources is hereby amended by repealing the section in its entirety and adopting a new Section 12.11 as reflected in Exhibit 4, attached hereto.

SECTION 6. If any section of this ordinance, or portion thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 7. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and the publication thereof 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 Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 4th day of December, 2018.

PROPOSED BY: Commissioner Steve Sisolak

PASSED on the 18th day of December 2018.

AYES: Susan Brager

Lawrence L. Brown III

James B. Gibson

Chris Giunchigliani

Marilyn Kirkpatrick

Steve Sisolak

Lawrence Weekly

NAYS: None

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ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
Steve Sisolak, Chairman

ATTEST:

_____
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the 1st day of January 2019

EXHIBIT 1

SECTION 0: DEFINITIONS

In these Air Quality Regulations (AQRs), incorporated into the Clark County Code at Section 9.08.130, unless the context otherwise requires:

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

"Actual Emissions" means the actual rate of emissions of a regulated air pollutant from an emissions unit, as determined in accordance with this definition:

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the regulated air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) If there is inadequate information to determine actual historical emissions, the Control Officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(c) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the Administrator of the United States 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 or subject to a standard or other requirement under Sections 112(d), (f) or (h) of the Act.

"Affected State(s)" means all States whose air quality may be affected that are located contiguous to or within fifty (50) miles of Clark County, Nevada, including Arizona, California, and Utah. Any Indian tribe located in Clark County or within fifty (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.

"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.

"Air Contaminants" means any solid, liquid, or gaseous matter, any odor, or any form of energy that is capable of being released into the atmosphere from an emission source.

~~"Airplane Refueling Area" means a place capable of receiving, storing and dispensing one or more types of gasoline or petroleum distillate for consumption by airplanes.~~

"Air Pollution" means the presence in the outdoor atmosphere of one or more airpollutants or any combination thereof in such quantity and duration asmay tend to:

(a) Injure human health or welfare, animal or plant life, or property;

(b) Limit visibility or interfere with scenic, aesthetic and historic values of the State; or

(c) 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, or 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_{10}~~	~~CO~~	~~VOC~~	~~NO_x~~	~~SO_2 and Pb~~
~~Serious Nonattainment Area~~	~~LV~~	~~LV~~			
~~Moderate Nonattainment Area~~					
~~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[1]~~	~~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~~

~~[1]See "Airshed Regions within Clark County, Nevada" table on p. 3 for region abbreviations.~~

"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.

"Air Quality Standard" or "Ambient Air Quality Standard" has the same meaning as the term "National Ambient Air Quality Standard" as defined in Section 0.

"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.

"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 practically

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

(a) Any applicable standards as set forth in these AQRs or 40 CFR Parts 60, 61 or 63;

(b) Any applicable Nevada State Implementation Plan (SIP) emission limitation, including those with a future compliance date; or

(c) The emissions rate specified as a practically enforceable permit condition, including those with a future compliance date.

"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 any of the following requirements as they apply to an emissions unit covered by a permit issued pursuant to Section 12 of the AQRs:

(a) Any standard or requirement included in the Nevada SIP approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(b) Any term or condition of any permit issued pursuant to Section 12 of the AQRs;

(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 other requirement of the Acid Rain Program under Title IV of the Act or the regulations promulgated thereunder;

(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 I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) ("Temporary Sources") of the Act;

(l) Any requirement necessary to comply with the prohibition in Sections 126(a)(1) and 126(c) ("Interstate Pollution Abatement") of the Act; and

(m) Any requirement under the AQRs, e.g., "Emission of Visible Air Contaminants," "Odors in the Ambient Air," and "Prohibitions of Nuisance Conditions."

~~"Application Area" means the area where surface coating is applied by spraying, dipping or flow-coating techniques.~~

"Authority to Construct Permit" ~~or "Part 70 Authority to Construct Permit"~~ means a permit issued to a Part 70 source by the Control Officer pursuant to Section 12.4.3 of the AQRs that:

(a) Authorizes the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source; and

(b) Includes the conditions which apply to the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source.

"Best Management Practices" means dust control measures that are based on each project soil type, project activity, and phasing as required by the applicable standards of Sections 91 through 94 of these AQRs. 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" or "BTU" 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 belong to the same industrial grouping, 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. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major

Group" (which have the same first two digit code) as described in the *Standard Industrial Classification Manual*, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101–0066 and 003–005–00176–0, respectively) or the North American Industry Classification System, as published in 2002.

~~"Building Vent" means an opening of a building through which there is mechanically induced air flow for the purpose of exhausting 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" or "Commencement" as applied to construction of a stationary source or modification means that the owner or operator has all necessary preconstruction approvals or permits and 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.

"Commence Operation" or "Commencing Operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber that changes the location, form, physical properties, or chemical character of a material.

"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, and 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.

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an

application complete for purposes of permit processing does not preclude the reviewing authority from requesting or accepting any additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit), that would result in a change in 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, the Control Officer's designee or individual staff members who have been delegated the authority by the Control Officer or his /her designee to perform specific Control Officer functions.

"Date of Submittal" means the date a document is postmarked, if the document is delivered by the U.S. Postal Service. If the document is hand delivered by the document owner, his/her representative or a commercial carrier, the date of submittal is the date the document is date stamped by the department.

~~"Designated Trail" means any trail designated by a public agency for use by equestrians, hikers, bicycles, or other nonmotorized forms of travel.~~

~~"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 is being moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust.

"Dust Palliative" means hygroscopic material, non-toxic chemical stabilizer or other dust palliative material that is not prohibited for ground surface application by the EPA or the Nevada Division of Environmental Protection (NDEP) or by 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, solution of water and chemical surfactants, foam, or any other dust palliative which is not prohibited for ground surface application by the EPA

or NDEP or by any applicable law or regulation, as a treatment material for reducing fugitive dust emissions.

"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 of 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.

"Emission(s)" or "Emit(s)" means the release or the passing into the ambient air of a regulated air pollutant.

"Emission Limit" or "Emission Limitation" means a requirement established by the Control Officer or the Administrator that limits the quantity, rate, or concentration of emission of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice or operational standard promulgated under these regulations or the Act.

"Emissions Unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant.

"Enforceable As a Practical Matter" (or "Practicably Enforceable" or "Practically Enforceable") means that a permit meets the following criteria:

The permit conditions are permanent and quantifiable;
The permit includes a legally enforceable obligation to comply;
The limits impose an objective and quantifiable operational or production limit, or require the use of in-place air pollution control equipment;
The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;
The permit conditions are enforceable and independent of any other applicable limitations; and
The permit contains conditions for monitoring, recordkeeping, reporting, and testing to determine compliance as specified in Section 12.1,12.2,12.3,12.4 and 12.5, as applicable.

"EPA" means the United States Environmental Protection Agency.

"Ethanol" means an alcohol with the chemical formula CH_3CH_2OH.

"Excess Emissions" means emissions in excess of an emission limitation.

"Existing Emissions Unit" means, unless otherwise specified in these regulations, an emissions unit that has either been authorized to commence construction or modification or has commenced construction or modification prior to the effective date of rule.

"Existing Stationary Source" means, unless otherwise specified in these regulations, any stationary source that has either been authorized to commence construction or modification or has commenced construction or modification prior to the effective date of rule.

"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 Administrator.

"Flood Control Construction" means construction of flood detention basins, flood diversion channels, box culverts, and excavations intended to capture or retain water.

"Fuel" means material which is capable of releasing energy or power by combustion or other chemical or physical reaction.

"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 fuel derived from crude oil or petroleum, including distillate oil, residual oil, and used oil.

"Fugitive Dust" means particulate matter, that is not collected by a capture system, is entrained in the ambient air and 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.

"Gasoline" means any petroleum distillate having a Reid Vapor Pressure (RVP) of four 4 pounds per square inch or greater.

~~"Gasoline Dispensing Operation" 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.~~

"Good Engineering Practice (GEP) Stack Height" means a stack height meeting the requirements described in Subsection 12.2.7.3 of the AQRs.

"Hazardous Air Pollutant" or "HAP" means any air pollutant listed in or pursuant to Section 112(b) of the Act.

"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 Area(s)" means the ~~areas~~ air quality planning regions within Clark County, Nevada as defined in the *State of Nevada Hydrographic Areas Map*, prepared by the Division of Water Resources, Rev. 9/71. An area may be designated as a Maintenance Area, Marginal Nonattainment Area, or Prevention of Significant Deterioration (PSD) Area. The following table shows the status of each air quality planning region by criteria air pollutant:

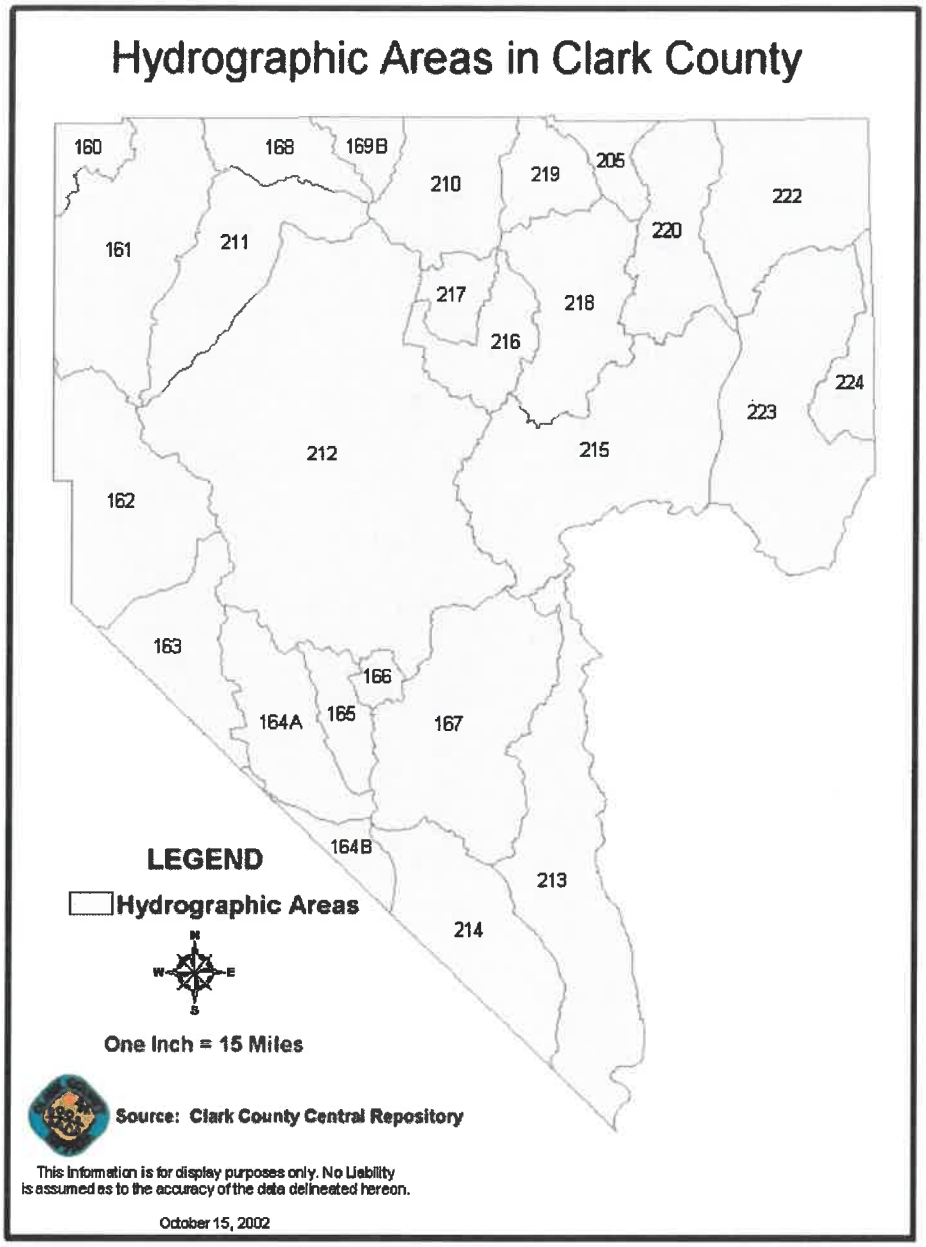
Status of each Air Quality Planning Region by Criteria Air Pollutant

	PM_{10}	CO	VOC[2]	NO_x[2]	SO_2 & Pb	Ozone
Marginal Nonattainment Area						LV
Maintenance Area	LV	LV				
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[1]	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	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

[1]See Table "Airshed Regions within Clark County, Nevada" in the definition of "Airshed Region" in this Section for Air Quality Planning Region names and abbreviations.
[2]VOC and NO_x are precursors for Ozone.

A hydrographic area may extend into adjacent county(s), but the hydrographic area will terminate at the state boundary. The following map, provided for quick reference, represents the hydrographic areas and air quality planning regions within the Clark County boundary and excludes only the portion of the hydrographic area that is outside of the Nevada boundary:

EXHIBIT 1


Hydrographic Areas in Clark County
160
168
169B
210
219
205
222
220
161
211
217
218
216
224
223
212
215
162
163
166
164A
165
167
164B
213
214
LEGEND
Hydrographic Areas
N
W
E
S
One Inch = 15 Miles
Source: Clark County Central Repository
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 any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

"Insignificant Activities and Emissions" means those activities that meet the criteria set forth in subsection 12.5.2.5.

"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.

"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 three (3) drops per minute.~~

~~"Methyl Tertiary Butyl Ether (MTBE)" means an ether with the chemical formula~~ ~~$(CH_3)_3C(-OCH_3)$.~~

"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 fifty (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.

"National Ambient Air Quality Standard" means all of the National Ambient Air Quality Standards contained in Part 50 of Title 40 of the Code of Federal Regulations, including the definitions, scope, reference conditions, and appendices thereto, which are incorporated herein by this reference as of July 1, 2013.

~~"Natural Cover" means any vegetation that exists on the property.~~

"Nonattainment Area" means any geographic region of the United States that has been designated as "nonattainment" under Section 107 of the Act for any pollutant for which a National Ambient Air Quality Standard exists.

"Non-metallic Mineral" means any of the following minerals or any mixture that contains more than fifty percent (50%) by weight any of the following minerals:

(a) Crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell;

(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) Fluorspar;

(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 crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals, except as provided in 40 CFR § 60.670(b) and (c).~~

"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 twelve (12) times within any twelve (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.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open Areas ~~A~~and Vacant Lots" means any of the following described in paragraphs (a) through (e) below. For the purpose of these regulations, 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.

"Operation and Maintenance Plan" means a plan for an emission control system that specifies the key system operating parameters, such as temperatures, pressures, and/or flow rates, necessary to monitor the emission control system to ensure its proper operation and maintenance. The plan should include recordkeeping requirements sufficient to verify that necessary maintenance activities have been performed and key system operating parameters were monitored.

"Operating Permit" means a permit issued pursuant to Sections 12.1, 12.2,12.3, 12.5, or 94 of the Clark County Air Quality Regulations, signed and issued by the Control Officer or his/her designee.

"Owner" and/or "Operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation that directly or indirectly results or may result in emissions of any air pollutant for which a national, state of Nevada, or Clark County standard is in effect. For the purposes of Sections 90 through 94, "Owner" and/or "Operator" means 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 ether.

"Part 70 Operating Permit" means any permit or group of permits covering a Part 70 Source that are issued, renewed, amended, or revised pursuant to Section 12.5.

"Part 70 Source" means the following:

(a) Any source defined as a major stationary source under Sections 12.2.2(ff) or 12.3.2(y), or as a major source under 40 CFR § 70.2 as of July 20, 2011;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, but only if the Administrator has determined that the source is required to obtain a Part 70 Operating Permit;

(c) Any source, including an area source, subject to a standard or other requirement under Sections 112(d), (f), or (h) of the Act, but only if the Administrator has determined that the area source subject to such standards is required to obtain a Part 70 Operating Permit. A source is not a Part 70 Source solely because it is subject to regulations or requirements under Section 112(r) of the Act;

(d) Solid waste incineration units, including hospital/medical/infectious waste incinerators, municipal waste incinerators, and commercial and industrial waste incinerators, that are required by Section 129(e) of the Act to obtain a Part 70 Operating Permit;

(e) Any source with an affected unit, as defined in 40 CFR Part 72, that is subject to the requirements of the Title IV Acid Rain Program under the Act;

(f) Any source that is a non-major municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters; or

(g) Any source designated by the Administrator pursuant to 40 CFR § 70.3.

"Particulate Matter (PM)" 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" or "Paved" means the application and maintenance of asphalt, concrete, or other similar material on a roadway surface (e.g., asphaltic concrete, concrete pavement, or rubberized asphalt).

"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.

"Person" means the United States of America, the state of Nevada, or 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.

"$PM_{2.5}$" means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal two and one half (2.5) micrometers. $PM_{2.5}$ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"PM_{10}" means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers. PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"Potential to Emit" means the maximum capacity of a stationary source to emit any regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an 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 only if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Prime Coat" means the first of two or more coatings applied to a surface.

"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.

"Public Road" means a road owned and/or operated by a governmental entity, who has accepted ownership of the road through a formal action of its 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.

"Reasonably Available Control Technology (RACT)" means the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economical feasibility. In determining RACT, the following shall be considered:

(a) Energy and environmental impacts and costs;

(b) Cost effectiveness;

(c) Control technology in use by similar sources; and

(d) Technical feasibility.

For the purposes of this definition, a control technology shall be deemed RACT if it is or meets an EPA control technology guideline limitation for the applicable source category, is a New Source Performance Standard, Maximum Achievable Control Technology standard, or any other federally enforceable limitation or condition relied upon as RACT in a nonattainment or maintenance plan.

RACT may be determined on a case-by-case or source category-specific basis, at the option of the person performing the control technology review, and shall take into account relevant findings and determinations in EPA's RACT/BACT/LAER Clearinghouse. The determination of cost effectiveness may consider the analysis contained in the *EPA Office of Air Quality Planning and Standards Cost Control Manual.*

"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" or "Reconstruct" means: (1) for the purpose of meeting the requirements of 40 CFR Part 60 ("New Source Performance Standards"), the definition at 40 CFR § 60.15, or (2) for the purpose of meeting the requirements of 40 CFR Part 63 ("National Emission Standards for Hazardous Air Pollutants"), the definition at 40 CFR § 63.2.

"Regulated Air Pollutant(s)" means the following:

(a) Any air pollutant for which a standard has been adopted pursuant to Section 109 of the Act, or any precursor to such air pollutants;

(b) Any pollutant that is subject to any standard promulgated in Section 111 of the Act;

(c) Any pollutant that is otherwise subject to regulation under the Act, except that any or all hazardous air pollutants either listed in Section 112 of the Act or added to the list pursuant to Section 112(b)(2) of the Act, and which have not been delisted pursuant to Section 112(b)(3) of the Act, are not regulated New Source Review pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act;

(d) Any pollutant that is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(e) A regulated New Source Review pollutant, as defined in Section 12.2.2.

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

"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 operating 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 Control Officer.

(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 of this definition, 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; or

(d) For Title IV affected sources:

(1) The designated representative, as defined in 40 CFR 72.2, insofar as actions, standards, requirements, or prohibitions under Title IV of the Act, "Acid Deposition Control," or the regulations promulgated there under are concerned; or

(2) The responsible official as defined above for any other purposes under Section 12.5.

"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 that occur as a result of the construction or operation of a stationary source or modification, but do not come from the stationary source or modification itself. Secondary emissions must be specific, well-defined, quantifiable, and impact the same general areas as the stationary source or modification that causes the secondary emissions. Secondary emissions include emissions from any offsite support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the stationary source or modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

~~"Single Coat" means a single film of coating applied directly to the material being coated omitting the prime coat application.~~

"Slow Curing (SC)" means a cutback asphalt generally using a low volatility fuel oil as a solvent.

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, but not including flares.

~~"Stage I" means gasoline vapor recovery during transfer of gasoline from gasoline delivery vehicles to stationary tanks used for refueling motor vehicles.~~

~~"Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.~~

"State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program.

"Stationary Source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.

"Surplus" means an emission reduction that has not been relied on in any air quality program related to any SIP; that is not a Nevada SIP requirement; that is not a requirement of a state air quality program that has been adopted but is not in the Nevada SIP; that is not credited in any federal reasonable further progress or other milestone demonstration; that is not a requirement of a consent decree; that is not a requirement of a federal rule that focuses on reducing criteria air pollutants or their precursors, including any applicable NSPS or an applicable NESHAP, unless the state has not taken credit for emission reductions due to the NESHAP in its attainment demonstration or maintenance plan; and that has not already been credited in any other air quality program. The purpose of requiring that emissions offsets be surplus is to prohibit double counting of emission reductions.

~~"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 in which the nature and configuration of the fill pipe causes premature shutoff 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 that, by its humus content, supports vegetation. It is usually the top six inches of soil but may extend deeper.~~

"Trench" or "Trenching" means any activity associated with digging a long, narrow excavation at least two feet deep to install or remove equipment or materials such as pipes, casing, conduits, cable, and footers.

"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.

"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 ambient air.

"Vapor Tight" means a reading of less than 10,000 parts per million 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 uninfluenced by any specific emissions unit.

"Volatile Organic Compound (VOCs)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) The following organic compounds shall not be defined as VOCs because of their 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);
(29) ethylfluoride (HFC-161);
(30) 1,1,1,3,3,3- hexafluoropropane (HFC-236fa);
(31) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
(32) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
(33) 1,1,1,2,3-pentafluoropropane (HFC- 245eb);
(34) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
(35) 1,1,1,2,3,3- hexafluoropropane (HFC-236ea);
(36) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
(37) chlorofluoromethane (HCFC-31);
(38) 1 chloro-1-fluoroethane (HCFC-151a);
(39) 1,2- dichloro-1,1,2-trifluoroethane (HCFC-123a);
(40) 1,1,1,2,2,3,3,4,4-nonafluoro-4- methoxy-butane ($C_4F_9OCH_3$ or HFE- 7100);

(41) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3- heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);

(42) 1-ethoxy-1,1,2,2,3,3,4,4,4- nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200);

(43) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3- heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);

(44) Methyl acetate;

(45) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$, HFE-7000);

(46) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethy l) hexane (HFE-7500);

(47) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(48) methyl formate (HCOOCH[3]);

(49) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(50) dimethyl carbonate;

(51) propylene carbonate;

(52) *trans*-1,3,3,3-tetrafluoropropene;

(53) HCF_2OCF_2H (HFE-134);

(54) $HCF_2OCF_2OCF_2H$ (HFE-236cal2);

(55) $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13);

(56) $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(57) *trans* 1-chloro-3,3,3-trifluoroprop-1-ene;

(58) 2,3,3,3-tetrafluoropropene;

(59) 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) A VOC that is also a hazardous air pollutant listed pursuant to Section 112 of the Act shall be subject to the more stringent requirements applicable under either category of pollutant.

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; November 3, 2009; May 18, 2010; November 16, 2010; March 6, 2012; March 18, 2014.

EXHIBIT 2

SECTION 12.0: APPLICABILITY AND~~,~~ GENERAL REQUIREMENTS ~~AND TRANSITION PROCEDURES~~

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EXHIBIT 2

12.0 Applicability, General Requirements and Transition Procedures

12.0.1 Applicability

The requirements of Section 12 apply as follows:

(a) Section 12 is applicable to any stationary source located in Clark County, Nevada, except for a plant which generates electricity by using steam produced by the burning of fossil fuel, or an electrical generating facility constructed on a site previously used for the production of electricity from a coal fired electric generating plant, which shall be permitted under the jurisdictional requirements of the Nevada Division of Environmental Protection (NDEP).

(b) Section 12.1 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.1.1(c) but has a potential to emit less than necessary for it to be a major stationary source under Sections 12.2.2.1(ff) or 12.3.2(y), or a major source under 40 CFR § 70.2. This includes any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and that has a PTE equal to or greater than the thresholds listed in 12.1.1(c).

(c) Section 12.2 is applicable to any stationary source located in Clark County that has the potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.2.2.1(ff) or makes any change that meets the definition of a major modification in Section 12.2.2.1(dd) and is located in an area designated attainment or unclassified for the specific pollutant emitted.

(d) Section 12.3 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.3.2(y) or makes any change that meets the definition of a major modification in Section 12.3.2(x) and is located in an area designated nonattainment for the specific pollutant emitted.

(e) Sections 12.4 and 12.5 are applicable to any stationary source that is required to obtain a Part 70 Operating Permit. Section 12.4 contains the application requirements for any major source subject to the requirements of Sections 12.2, 12.3 or 12.5.

(f) Section 12.11 is applicable to any stationary source that is not a major stationary source, with a potential to emit that equals or exceeds the thresholds listed in Section 12.1.1(c) and that meets the applicability requirements specified in Section 12.11.1.

EXHIBIT 2

12.0.2 General Requirements

(a) All stationary sources, including any stationary source not required to obtain a Permit to Operate under these regulations, shall be subject to other applicable requirements that regulate activities at stationary sources, even though a Permit to Operate is not required. Such applicable requirements include, but are not limited to, opacity standards, nuisance prohibitions, and fugitive dust control.

12.0.3 ~~Transition Procedures~~Reserved

~~(a) Unless otherwise provided in the permit, the conditions in an Authority to Construct Permit, Permit to Operate or Part 70 Operating Permit issued by the Control Officer before the effective date of these regulations continues in effect until one of the following occurs:~~

~~(1) The Authority to Construct Permit, Permit to Operate or Part 70 Operating Permit is terminated.~~

~~(2) The Control Officer issues or denies a permit to the source pursuant to Section 12.1, 12.4, 12.5, or 12.11 after the effective date of these regulations.~~

~~(b) After the effective date of these regulations, all minor sources shall be subject to Section 12.1 as follows:~~

~~(1) A minor source that has submitted an application for a permit authorizing its construction and has not been issued a permit before the effective date of these regulations shall have that application processed pursuant to Section 12.1 as amended on this date, unless its application was deemed complete before the effective date of these regulations. If the application was deemed complete before the effective date of these regulations, then the application shall be processed pursuant to the requirements of Section 12 as they existed at that time.~~

~~(2) An existing minor source operating under a permit issued by the Control Officer prior to the effective date of these regulations must submit an application within five years of this date or earlier if requested in writing by the Control Officer.~~

~~(3) An existing minor source that does not have an initial minor source permit may submit a permit application at any time after the effective date of these regulations, but shall submit a permit application within one hundred eighty (180) days of receipt of written notice from the Control Officer that an application is required.~~

~~(4) An existing minor source making a change that is subject to the notice, logging or permit revision provisions under Section 12.1.5, as amended on the effective date of these regulations, shall comply with the provisions of that section.~~

~~(c) After the effective date of these regulations, all Part 70 sources required to obtain a Part 70 Operating Permit shall be subject to Sections 12.2, 12.3, 12.4, and/or 12.5 in accordance with the provisions in those sections.~~

12.0.4 Permittee Responsibility To Comply With Control Strategy

(a) No approval of an authority to construct or authority to operate permit issued pursuant to Section 12 shall affect the responsibility of the permittee to comply with the applicable requirements of the Nevada State Implementation Plan.

12.0.5 Stack Height

(a) The degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique as determined by the procedures of 40 CFR § 51.118 and the EPA regulations cross-referenced therein as in effect on July 1, 2012 and as incorporated herein by this reference.

12.0.6 General Requirements for Records and Reports

(a) The owner or operator of any source operating under a permit issued pursuant to the provisions of Section 12, shall maintain records on the nature and amount of emissions from such source and any other information deemed necessary by the Control Officer to determine whether such source is in compliance with an applicable emission limitation or other applicable requirement. Records and any supporting information required under Section 12.0.6(a) shall be retained for 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 all copies of all reports required by the permit.

(b) The information required by Section 12.0.6(a) shall be reported as specified and required by the applicable condition(s) of the permit issued to the owner or operator of the source or facility. Upon a written request from the Control Officer, the owner or operator shall submit the information required by Section 12.0.6(a) within 30 days.

(c) Emission data obtained pursuant to Section 12.0.6(b) from owners or operators of any source permitted under the provisions of Section 12 shall be correlated with applicable emission limitations and/or other applicable control measures. The data and the results of the correlation shall be made available to the public for review during normal business hours at the Department of Air Quality Office, 4701 West Russell Road, Las Vegas, Nevada 89118.

History: Adopted November 3, 2009. Amended March 18, 2014.

EXHIBIT 3

SECTION 12.1: PERMIT REQUIREMENTS FOR MINOR SOURCES

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12.1 Permits for Minor Sources

12.1.0 Applicability

Section 12.1 is applicable to any stationary source located in Clark County that has the potential to emit (PTE) a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1(d), but less than the major source thresholds listed in 12.2.2.(ff) or 12.3.2(y). Section 12.1 is also applicable to any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1(d) or any source that takes a voluntarily accepted emission limit or standard pursuant to Section 12.1.7 to avoid obtaining a Part 70 operating permit.

12.1.1 Definitions

Unless the context requires otherwise, the following terms shall have the meanings set forth below for purposes of Sections 12.1 and 12.11. When a term is not defined, it shall have the meaning provided in Section 0, Nevada Revised Statutes (NRS) § 445B, the Federal Clean Air Act, or common usage, in that order of priority.

(a) "Exempt stationary source" means any stationary source with a potential to emit lower than the levels listed in Section 12.1.1(d) below or any stationary source who performs only those activities listed in Section 12.1.2(a) and/or (b).

(b) "Existing minor source" means any minor source that has been issued a minor source permit under this Section 12.1 and is not a new minor source.

(c) "Like-kind" means the entire replacement of an existing emissions unit with an identical one or one similar in design and function, and neither increases the potential to emit of the emissions unit nor triggers a new applicable requirement.

(d) "Minor source" means a stationary source that is not required to obtain an "Authority to Construct" pursuant to Section 12.4.3 or a Part 70 Operating Permit and that has a potential to emit equal to or greater than the following levels for any listed pollutant (excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act):

Type of Air Pollutant	Potential to Emit (tpy)
$PM_{2.5}$	5
PM_{10}	5
CO	25
VOC	5
NO_x	5
SO_2	25
Lead (Pb)	0.3
H_2S	1

(e) "Minor Source Permit" means a single permit that authorizes the construction and operation of a minor source.

(f) "Modification" or "Modify" means a physical change in, or a change in the method of operation, of a minor source that increases the source's potential to emit any regulated air pollutant.

(g) "New minor source" means any minor source for which no minor source permit has been issued or whose minor source permit has expired and six months have elapsed without an application for renewal having been submitted.

(h) "Portable source" means a minor stationary source that is specifically designed to be transferred to a new site as need warrants. Portable sources may be subject to other applicable federal requirements under the Act.

(i) "Responsible Official" means the person who is authorized by the owner of the source to sign all documents and to make decisions that:

(1) Govern the operation of the regulated facility;

(2) Initiate and direct measures to assure compliance with air quality laws and regulations; and

(3) Ensure actions are taken to gather complete and accurate information for permit application requirements.

(j) "Significant" means an increase at a minor source in the potential to emit of any of the following pollutants, including fugitive emissions, at a rate that would equal or exceed any of the following:

Type of Air Pollutant	Potential to Emit (tpy)
$PM_{2.5}$	7.5

PM_{10}	7.5
CO	35
VOC	20
NO_x	20
SO_2	40
Lead (Pb)	0.6
H_2S	5
Total Reduced Sulfur (including H_2S)	5

(k) "Temporary" means remains or will remain at a location for less than 12 months or a shorter period of time if located at a seasonal source; except as specifically defined elsewhere in this section.

(l) "Voluntarily accepted emission limitation" means those permit emission limitations or other standards proposed by a source to avoid being subject to New Source Review, having to obtain a Part 70 Operating Permit, becoming a major source of Hazardous Air Pollutants, RACT, or other applicable requirements.

12.1.2 Exempt and Insignificant Emission Units and Activities

(a) All exempt and insignificant units and activities shall remain subject to any other applicable requirements.

(b) The following emission units and activities are exempt from the permitting requirements of Section 12.1:

(1) A laboratory, which means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds, or other substances, or to similar activities, provided that these activities are conducted on a laboratory scale and not sold or distributed commercially. Support activities necessary to the operation of the laboratory are considered part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or that would otherwise require permitting, such as boilers providing power to a source or solid waste disposal units (such as incinerators).

(2) Emissions associated with paved and unpaved roads and parking lots that have public access, as well as activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and

roadways. Such activities and emissions are subject to the requirements of Sections 91 and 92 of the AQRs.

(3) Temporary activities at a project that is being performed under the conditions of a Dust Control Permit issued pursuant to Section 94 that meet the following criteria:

(A) "Padding" machines used on an underground utility project, including the engine that powers them, provided there is no crusher.

(B) On-site demolition debris "grinders," including the engine that powers them.

(C) Trenching machines, including the engine that powers them.

(D) Portable crushing and/or screening operation supporting an on-site single construction activity, including the engine(s) that power them.

(4) Temporary operations and experimental trials that involve construction, reconstruction, or modification of a source or emission unit and that meet all of the following criteria:

(A) The construction, reconstruction, or modification will not increase the affected stationary source's potential to emit in excess of the applicable major source threshold as defined in Section 12.2.2(ff) or 12.3.2(y).

(B) The cumulative potential to emit from the construction, reconstruction, or modification of an emission unit or a stationary source will not increase the cumulative potential to emit of the affected stationary source by more than fifteen (15) tons of all regulated pollutants for the duration of the operation.

(C) The duration of the temporary operation or experimental trial is less than thirty (30) consecutive days.

(D) If the construction, reconstruction, or modification activities are part of a soil or water remediation project, and their purpose is to identify parameters necessary to design the project, the activities are exempt from permitting if their duration is less than twenty-four (24) hours or, as determined necessary by the Control Officer, a greater period, not to exceed seventy-two (72) hours, based on the nature of the activities.

(E) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer written notice of the proposed construction, reconstruction, or modification at least seven (7) days before it begins. The notice shall contain all of the following information:

(i) A description of the purpose of the construction, reconstruction, or modification.

(ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or the source.

(iii) The dates the owner or operator anticipates the construction, reconstruction, or modification will begin, operations will begin, and operations will cease.

(iv) An estimate of the potential emissions increase resulting from the construction or reconstruction.

(v) The equipment involved in the construction, reconstruction, or modification.

(F) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer with written notice of the proposed construction, reconstruction, or modification no more than seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain all of the following information:

(i) The actual start date of the construction, reconstruction, or modification.

(ii) The duration of the temporary operation or experimental trial.

(iii) The actual emissions during the temporary operation or experimental trial.

(G) The exemption provided by Section 12.1.2(b)(6) shall not apply to facilities or sources whose normal course of business involves operations that are experimental in nature, part of pilot plants, or characterized by frequent product changes.

(5) Combustion emissions from propulsion of mobile sources;

(6) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.

(7) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

(8) Noncommercial food preparation.

(9) Ancillary commercial food preparation equipment such as oven, grill, vent hoods.

(10) Consumer use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction.

(11) Janitorial services and consumer use of janitorial products.

(12) Internal combustion engines used for landscaping purposes.

(13) Laundry activities, except for dry-cleaning and steam boilers.

(14) Bathroom/toilet vent emissions.

(15) Emergency (backup) electrical generators at residential locations.

(16) Tobacco smoking rooms and areas.

(17) Blacksmith forges.

(18) Plant maintenance and upkeep activities (e.g., groundskeeping, 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 would not otherwise trigger a permit revision. Cleaning and painting activities qualify as insignificant activities if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit if otherwise required.

(19) Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or degreasing (solvent metal cleaning) activities, and not otherwise triggering a permit revision.

(20) Handheld equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.

(21) Brazing, soldering, and welding equipment and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals.

(22) Air compressors and pneumatically operated equipment, including hand tools.

(23) Batteries and battery charging stations, except at battery manufacturing.

(24) Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs.

(25) 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.

(26) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(27) Drop hammers or hydraulic presses for forging or metalworking (excluding engines).

(28) 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.

(29) Vents from continuous emissions monitors and other analyzers.

(30) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

(31) Handheld applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation.

(32) Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs.

(33) CO2 lasers used only on metals and other materials that do not emit HAPs in the process.

(34) Consumer use of paper trimmers/binders.

(35) 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.

(36) Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

(37) Laser trimmers using dust collection to prevent fugitive emissions.

(38) Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.

(39) Routine calibration and maintenance of laboratory equipment or other analytical instruments.

(40) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

(41) Hydraulic and hydrostatic testing equipment.

(42) Environmental chambers not using HAP gases.

(43) Shock chambers.

(44) Humidity chambers.

(45) Solar simulators.

(46) 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.

(47) Process water filtration systems and demineralizers.

(48) Demineralized water tanks and demineralizer vents.

(49) Boiler water treatment operations, not including cooling towers.

(50) Oxygen scavenging (deaeration) of water.

(51) Ozone generators.

(52) Fire suppression systems.

(53) Emergency road flares.

(54) Steam vents and safety relief valves.

(55) Steam leaks.

(56) Steam cleaning operations.

(57) Steam sterilizers.

(c) The following emission units and activities are deemed to be insignificant and shall be listed in the application with the throughput, energy capacity, rating or similar description, but without other identifying information:

(1) Boilers and water heaters rated at less than 1 million Btu per hour heat input.

(2) Non-industrial cooling towers with recirculation capacity of less than 1,000 gallons per minute with a drift loss rating of 0.05 percent or less.

(3) All internal combustion engines rated less than 35 horsepower.

(4) Indirect heat exchangers or water heaters rated at less than 1 million Btu per hour actual heat input that use #2 fuel oil, wood, natural gas, LP gas or refinery fuel gas.

(5) Gas-fired space heaters or ovens rated at less than 1 million Btu per hour actual heat input.

(6) Ancillary woodworking operations for maintenance and repair, for educational purposes, or as part of minor construction or research-related activities.

(7) Ancillary parts washers that uses only certified clean air solvents. (List of certified clean air solvents and distributors available.)

(8) Degreasers that uses only certified clean air solvents. (List of certified clean air solvents and distributors available.)

(9) Each tank, reservoir, or other container with a capacity less than 40,000 gallons containing any petroleum liquid having a true vapor pressure of 1.5 psia or less.

(10) Any other emission unit or activity deemed by the Control on a case-by-case basis to be insignificant for purposes of this Section 12.1.2(c).

(d) The potential to emit of all insignificant units and activities shall be considered in determining if a stationary source is required to obtain a permit.

(e) If a new or existing minor source, based on information submitted in its application by its Responsible Official, is determined by the Control Officer to be an exempt stationary source, the Responsible Official may request a certificate of exemption confirming that status. The certificate shall list all insignificant emission units and activities considered in the determination.

12.1.3 Permit Application

12.1.3.1 Duty to Apply For a Minor Source Permit

(a) Except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.

(b) For the renewal of an existing minor source permit, a timely application shall be submitted to the Control Officer. An application for renewal shall be deemed to be timely if it is submitted at least one hundred twenty (120) days, but no more than two hundred seventy (270) days, before the date of permit expiration.

(c) If the submittal of an application for renewal of an existing minor source permit is not timely, there is no permit application shield as provided in Section 12.1.3.4, and the source loses its authority to operate upon permit expiration until the renewal permit is issued.

(d) If an application for renewal of an existing minor source permit is submitted within six months after permit expiration, the source loses its authority to operate upon permit expiration until the renewal permit is issued.

(e) If an application for the renewal of an existing minor source permit is submitted six months or more after permit expiration, the source loses its authority to operate upon permit expiration, and the

source will be treated as a new minor source and the application will be subject to all of the requirements of Section 12.1.3.6.

12.1.3.2 [Reserved]

12.1.3.3 Complete Application

(a) To be deemed complete, an application must contain all information required under Section 12.1.3.6 and must be accompanied by payment of the applicable fee(s) established in Section 18.

(b) Unless the Control Officer determines that an application is not complete within sixty (60) days of receipt, any application for a new, renewal, or significant revision permit shall be deemed complete. Unless the Control Officer determines that an application for a minor revision is not complete within seven (7) days of receipt, an application for a minor revision shall be deemed complete.

(c) If, while processing an application that has been deemed complete, the Control Officer determines that additional information is necessary to evaluate or take final action on the application, he or she may request such information in writing and set a reasonable deadline for its submission.

(d) Failure to provide the additional information required by the Control Officer by the deadline could result in denial of the application.

12.1.3.4 Permit Application Shield

If an existing minor source submits a timely and complete application for renewal of a minor source permit, the source's continued operation after permit expiration and before issuance of the renewed permit is not a violation of the AQRs. The application shield shall cease to apply if, after a completeness determination, the applicant fails to submit any additional information identified as needed to process the application by a deadline the Control Officer has specified in writing or the renewed permit is denied for any other reason.

12.1.3.5 Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or submits incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submission, submit such supplementary facts or corrected information promptly. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant files a complete application, but before issuance of the permit.

12.1.3.6 Application Contents

An application for a minor source permit shall contain all the information necessary to be a complete application. An application for 1) a new minor source permit must include the information required by Section 12.1.3.6(a), (b), and (c), as needed; 2) a renewal of an existing minor source permit must include all the information in Section 12.1.3.6(a); and 3) any revision to a minor source permit must include the information listed in Section 12.1.3.6(a), (b), and (c) for those emission units and activities being added or revised.

(a) Identifying information that includes, but is not limited to:

(1) The company name and address (and the source name and address, if different).

(2) The owner's and Responsible Official's name, email address, telephone number and the name(s) of plant site manager/contact with associated email addresses and telephone numbers.

(3) A declaration signed by the Responsible Official under penalty of perjury stating that, the statements and information in the application are true, accurate, and complete. Signature of the declaration statement shall subject the Responsible Official to liability for perjury under NRS 199.145.

(b) Identifying information that includes, but is not limited to:

(1) A description of the source's processes and products using the North American Industrial Classification System (NAICS).

(2) The following emissions-related information:

(A) The potential to emit of all regulated air pollutants emitted from each emission unit and activity, including fugitive emissions.

(B) Identification and description, including but not limited to manufacturer, model, rating and serial number of each emission unit in sufficient detail to establish the applicable requirements.

(C) The following information, to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules.

(D) Identification and description of air pollution control equipment and compliance monitoring devices or activities, including design specifications.

(E) Any limitations on source operation affecting emissions or on any work practice standards affecting emissions.

(F) Other information required by any applicable requirement.

(G) The calculations on which the information in Sections 12.1.3.6(b)(2)(A) through (F) is based.

(H) A justification for any exemption sought from any otherwise applicable requirement.

(3) For a new or modified source, a schedule of construction, if applicable.

(4) A list of emission limitations and other requirements applicable to the source.

(5) A list of emission units or activities claimed as exempt under 12.1.2(b).

(c) In addition to the information required by Section 12.1.3.6(a), the following information is required as applicable where the application proposes the following:

(1) A new minor source that will have a potential to emit that is significant for any regulated air pollutant shall include a demonstration of RACT for the affected pollutant shall be proposed and shall include the methodology by which RACT was determined and how compliance with RACT will be demonstrated.

(2) A modification to an existing minor source and requires a significant permit revision pursuant to Section 12.1.6(a)(7) shall contain the following:

(A) A description and quantification of the increase in the potential to emit resulting from the modification.

(B) A proposed RACT for each affected pollutant, the methodology by which RACT was determined and how compliance with RACT is to be demonstrated, including material usage limits, performance testing, or continuous emissions monitoring, if applicable.

(3) A revision proposing a voluntarily accepted emission limitation shall include enough detail to demonstrate that the voluntarily accepted emission limitation is enforceable as a practical matter, and such detail shall include, at minimum, how the limitation affects each emission unit and each air pollutant from that emission unit.

(4) A significant revision or a renewal for a source that is not in compliance at the time the application is submitted, it shall include a compliance plan to address the non-compliant issue. The plan shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any requirements that the source is not in compliance at the time of permit issuance. Any such plan shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(d) An application for a minor permit revision for a minor source shall contain the information necessary to demonstrate that the change qualifies as a minor permit revision pursuant to Section 12.1.6(b).

12.1.4 Permit Content

12.1.4.1 Terms and Conditions

A minor source permit issued by the Control Officer shall include terms and conditions that contain all of the following:

(a) Identification of all applicable requirements.

(b) A physical description of each emission unit(s) and operating information consistent with the application information.

(c) Emission limitations for any source of emissions or emission unit that ensure all of the following:

(1) The National Ambient Air Quality Standards will be attained or maintained.

(2) The public health will be protected.

(3) Compliance with the requirements of these AQRs and the Act.

(d) Monitoring, testing, reporting, and recordkeeping requirements that ensure adequate information is provided to evaluate compliance with the permit terms and conditions including, at a minimum, all of the following:

(1) Applicable and appropriate monitoring and testing requirements, such as:

(A) Emissions monitoring and analysis procedures or test methods.

(B) Where an applicable regulation does not require periodic testing or monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall ensure that terms, test methods, units, averaging periods, and other statistical conventions are consistent with the applicable regulation. Recordkeeping provisions may be sufficient to meet the requirements of Section 12.1.4.1(d)(2).

(C) As necessary, requirements concerning the use, maintenance and, where appropriate, installation of monitoring equipment or methods.

(D) The Control Officer may require monitoring, or testing to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with Section 12.10, an applicable requirement, or other methods approved by the Control Officer.

(2) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements, including the following:

(A) Records of required monitoring information that includes:

(i) The date, place, as listed in the permit, and time of sampling or measurements.

(ii) The date(s) analyses were performed.

(iii) The person and/or company, if a third party, that performed the monitoring, sampling, measurements or analyses.

(iv) The analytical techniques or methods used.

(v) The results of such analyses.

(vi) The operating conditions at the time of sampling or measurement.

(vii) Calibration and maintenance of instrumentation and equipment.

(viii) Raw data relating to calculation of emissions.

(B) Retention of all records required to be kept under the conditions of the permit for a period of at least five (5) years from the creation of the record.

(3) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(A) Submittal of reports of any required monitoring at a frequency determined by the Control Officer. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a Responsible Official consistent with section 12.1.4.1(d)(3)(C).

(B) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in the permit in relation to the degree and type of deviation likely to occur and the applicable requirements.

(C) Any report, compliance certification, or protocol submitted pursuant to the AQRs or the permit shall contain a declaration by a Responsible Official of truth, accuracy, and completeness. This certification, and any other certification required under this section, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) A requirement that any revision of an emission limitation, monitoring, testing, reporting, or recordkeeping requirement be made consistent with the permit revision requirements in Section 12.1.6.

(f) Emission and operational limitations and standards necessary to ensure:

(1) Compliance with any RACT determination, if one has been required.

(2) The source does not require a major source Authority to Construct or Part 70 Operating Permit.

(3) Compliance with all applicable requirements at the time of permit issuance.

(4) That any ambient air increment as prescribed by Section 12.2.3 is not exceeded.

(5) Compliance with a voluntarily accepted emission limitation.

(g) The following conditions shall also apply:

(1) The permit shall specify and reference the origin of and authority for each term or condition.

(2) If the AQRs allow a determination of an alternative emission limit for a source (equivalent to that contained in the AQRs) to be made in the permit issuance, renewal, or significant revision process, and the Control Officer elects to use this limit, any permit containing an alternative emission limit based on such an equivalency determination shall include provisions to ensure that the emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(3) If emission limitations are to be applicable to startup and shutdown, they shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed to minimize the frequency of such events and the excess emissions they cause to the extent feasible, taking into consideration available technologies, safety, cost, and other applicable requirements. The limitations shall specify the allowable duration of the startup or shutdown and the maximum total hours allowed for startup and shutdown in a 12 month period

(h) A permit term not to exceed five (5) years from the date of issuance.

(i) A severability clause to ensure the continued validity of permit requirements in the event of a challenge to any portion of the permit.

(j) A list of insignificant activities pursuant to Section 12.1.2(c).

(k) A provision to ensure the source pays fees to the Control Officer consistent with the approved fee schedule in Section 18.

(l) Terms and conditions that allow for changes by the source among reasonably anticipated operating scenarios identified in its application, as approved by the Control Officer. Such terms and conditions shall require the source:

(1) To record in a log at the permitted facility, while making a change from one operating scenario to another, the scenario under which the facility is operating.

(2) For each such alternative operating scenario, to comply with all applicable requirements and the requirements of Section 12.1.

(m) Any compliance plan required to be included in the application under Section 12.1.3.6(c)(4).

(n) Where the permit is for a new minor source or a modification to an existing minor source that requires a significant permit revision, the permit shall require that the permittee provide a written notice to the Control Officer if the source as constructed or modified differs from the source or modification authorized by the permit or revision issued. The source shall include a complete list and description of the differences, and provide this notification to the Control Officer no later than thirty (30) days prior to the commencement of operation. A source may be subject to enforcement action as a result of differences between the permitted and constructed source.

(o) A condition stating that 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 in a permit issued pursuant to Section 12.1.

(p) A condition stating that the permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(q) Provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit may be reopened and revised under any of the following circumstances:

(1) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Control Officer, excess emissions offset plans shall be deemed to be incorporated into the permit.

(2) The Control Officer 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.

(3) The Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(4) Proceedings to reopen and issue a permit shall follow the same requirements as apply to any permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(r) A condition that specifies the permittee must comply with all conditions of the permit and that any permit noncompliance constitutes a violation of the AQRs and is grounds for enforcement action; for permit termination, or revocation; or for denial of a permit renewal application.

(s) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Control Officer or an authorized representative to enter the permittee's premises where a source is located or emissions related activity is conducted and to:

(1) Have access to and copy any records that must be kept under the conditions of the permit.

(2) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

(3) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(4) Document alleged violations using devices such as cameras or video equipment.

(t) A statement that issuance of the permit does not convey any property rights of any sort, or any exclusive privilege.

(u) A requirement that the permittee must 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 Control Officer along with a claim of confidentiality pursuant to Section 12.6 and NRS 445B.570.

(v) A requirement that any person who has been issued a permit pursuant to this section shall post such permit in compliance with the requirements of Section 12.13

(w) A requirement that the permit will not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the Nevada SIP, or that are otherwise federally enforceable.

(x) A requirement that the permit shall not affect the responsibilities of the permittee to comply with the applicable portions of a control strategy in the SIP.

(y) A requirement that the permittee shall provide notification of the date of commencement of operation of any new emission unit no later than fifteen (15) days after commencing its operation.

(z) At the Control Officer's discretion, conditions for a portable source permit can be required to include:

(1) Written prior notification of any change in location to be submitted in accordance with 12.1.6(d)(5).

(2) Written notification of any operation exceeding two years duration shall be provided to the Control Officer no less than seven (7) days prior to exceeding two years from the relocation date.

(3) Extension of the operational period at a location to greater than two years shall not proceed if the Control Officer objects within the seven (7) days.

(4) Operation of any emission unit or conducting any emissions related activity shall be authorized by the relocation notice or identified in the application.

(5) Operation of emission units in combination with emission units authorized by a separate Minor Source Permit is prohibited.

(aa) The Control Officer may impose additional conditions necessary to ensure compliance with any applicable requirement.

12.1.4.2 Acknowledgment of Responsibility for Compliance

The permit shall contain a statement that the permittee's commencement of operation constitutes an acknowledgment that the permittee assumes the responsibility of ensuring that the source's emission units and emission control equipment have been constructed and will be operated in compliance with all applicable requirements.

12.1.5 Permit Application Processing Procedures

12.1.5.1 Action on Application

(a) A new minor source permit, permit revision, or permit renewal may be issued only after the Control Officer has:

(1) Received the correct and complete application as prescribed by Section 12.1.3.3.

(2) Complied with the requirements for public participation under Section 12.1.5.3 as applicable.

(3) Determined that the conditions of the permit provide for compliance with all applicable requirements.

(4) Determined that the source or emission units will not interfere with attainment and maintenance of the NAAQS, and has imposed emission limitations in accordance with Sections 12.1.4.1(c) and 12.1.4.1(f).

(5) Determined that all required fees have been paid.

(b) Following the close of any public participation process prescribed by Section 12.1.5.3, the Control Officer shall issue or deny the permit or significant permit revision.

(c) The Control Officer shall deny a permit or permit revision if the applicant fails to submit the correct application or to demonstrate that the source will be designed, controlled, and operated in a manner that meets all applicable requirements.

(d) If the Control Officer denies the permit or permit revision, a notice of denial shall be served on the applicant by method providing evidence of receipt. The notice shall detail the grounds for denial and describe the applicant's right to appeal the denial under Section 7.

(e) If the Control Officer issues the permit or permit revision, the new or revised permit shall be provided to the applicant. The permit or revision becomes effective upon issuance unless stayed by the Air Pollution Control Hearing Board.

12.1.5.2 Permit Processing Deadlines

The Control Officer shall either issue or deny the permits listed in the table below within the following deadlines, commencing after the date on which the application is determined to be complete. These issuance time frames are exclusive of the days required for public participation, as specified in Section 12.1.5.3.

Permit	Deadline
(1) Permit for a new minor source	150 days
(2) Permit renewal	75 days
(3) Permit renewal with revision[1]	120 days
(4) Significant permit revision	120 days
(5) Minor permit revision	60 days

[1]Revision does not include an Administrative Revision

12.1.5.3 Public Participation

The Control Officer shall provide for public notice, comment, and an opportunity for a hearing in accordance with the following procedures:

(a) Notice of Proposed Action.

(1) After receipt of a complete application for any of the following proposed actions for minor source permits, a Notice of Proposed Action shall be posted on the Department's website.

(A) A new minor source with a potential to emit any pollutant that exceeds 50 tons per year (tpy) for CO; 40 tpy for VOCs, SO_2, or NO_x; 10 tpy for $PM_{2.5}$; 15 tpy for PM_{10}; 10 tpy for H_2S; or 0.6 tpy for lead.

(B) A new minor source that will be located within 1,000 feet of the outer boundary of a school, hospital, or residential area.

(C) A significant permit revision that is required because of a significant increase in an existing minor source's potential to emit.

(D) A new portable source.

(E) A voluntarily accepted emissions limitation as provided in Section 12.1.7(c).

(2) The Notice of Proposed Action on the application shall containing all of the following:

(A) The name and address of the permittee or permit applicant and, if different, of the facility regulated by the permit.

(B) The date the Control Officer received the completed application.

(C) The location where documents relevant to the application, including the application, the proposed permit conditions, and determinations of RACT, if applicable, will be available.

(D) The nature of the source involved in the permit action.

(E) The pollutants to be emitted by the source and the projected quantities of those pollutants.

(F) The name, address, and telephone number of the Department representative whom interested persons may contact for instructions on how to obtain additional information, such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the Control Officer that are relevant to the permitting decision.

(G) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except confidential information, in accordance with NRS 445B.570 and Section 12.6) are available as part of the administrative record.

(H) The Control Officer's preliminary determination whether the application for a permit should be approved or disapproved.

(I) An opportunity for any person to submit written comments on the application for a permit and any relevant documents.

(J) An opportunity for any person to request a public hearing, consistent with the requirements of Section

12.1.5.3(b) below, at which oral and written comments on the application will be received, or notice of such a hearing if one has been scheduled.

(3) The Notice of Proposed Action and the draft permit shall be posted on the Department's web site during the thirty (30) day public comment period, except in the case of relocating portable sources. For a relocating portable source, the portable source relocation notice shall be posted during a seven (7) day public comment period. All written comments must be received by the Control Officer before expiration of the public comment period.

(4) The Control Officer shall consider all written and oral comments, and all other documents on the administrative record, before taking final action on the permit.

(5) The Control Officer shall send a copy of the Notice of Proposed Action to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:

(A) The U.S. Environmental Protection Agency (EPA), if requested, except that the Notice of Proposed Action (NPA) shall be sent to EPA if the subject of the NPA is a voluntarily accepted emission limit pursuant to Section 12.1.7 that an applicant requests to avoid having to obtain a Part 70 Operating Permit.

(B) Any other person who requests such notice.

(b) During the public comment period specified in Section 12.1.5.3(a)(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, email address, and reason for requesting a hearing.

(1) If a proper petition is filed and the Control Officer determines that there is a significant degree of public interest, the Control Officer shall hold a public hearing no sooner than thirty (30) days, but no later than seventy (70) days, after the date of the Notice of Proposed Action. In determining if a significant degree of public interest exists, the Control Officer shall consider all relevant factors, including, but not limited to, the number of petitioners, the nature of their concerns as stated in their petitions, the type and quantity of emissions emitted by the source

and the proximity of the source to sensitive areas such as parks, schools, hospitals or residential areas.

(2) At least seven (7) days prior to the public hearing, notice of the public hearing shall be given to the petitioner, to the applicant and to those listed in Section 12.1.5.3(a)(5) in the same manner as required for the notice of proposed action.

(3) If the petition for hearing is denied, the Control Officer shall notify the petitioner within 30 days of receipt of the petition.

12.1.5.4 Permit Transfers

A minor source permit issued under Section 12.1 may be transferred from the existing permittee to a new permittee if the applicable permit transfer fee is paid pursuant to Section 18 and all the applicable requirements of Section 12.12 are met.

12.1.6 Revisions to an Existing Minor Source Permit

(a) **Significant Permit Revision.** The following changes at a minor source require a significant permit revision and are subject to the permit application requirements in Section 12.1.3 and the public participation requirements in Section 12.1.5.3, if applicable:

(1) Establishing or revising a voluntarily accepted emission limitation or standard, as described in Section 12.1.7.

(2) A change in fuel not authorized by the permit, except for a switch from fuel oil or coal to natural gas or propane.

(3) A change that relaxes monitoring, testing, recordkeeping, or reporting requirements, except when such change results from either:

(A) Equipment removal that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that meets the requirements of Section 12.1.6(e) below and if the relaxed requirements in the permit apply solely to the equipment that was removed.

(B) Newly applicable requirements specified in 40 CFR Part 60, Part 61, or Part 63.

(4) A change that will cause the source to violate an existing requirement if the permit was not revised.

(5) A change that will require any of the following:

(A) Except for a RACT determination required by Section 12.1.6.(a)(7), a case-by-case determination of an emission limitation or other standard.

(B) A source-specific determination of ambient impacts, or a visibility or increment analysis.

(C) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.

(6) Replacement of a piece of air pollution control equipment listed in the permit with one that the permittee cannot demonstrate will have the same or better pollutant removal efficiency. In determining the comparative removal efficiency of air pollution control equipment, the Control Officer shall rely upon relevant performance testing results, vendor performance guarantees, and emissions factors or data that meet the requirements of Section 12.9(c).

(7) A modification that increases the source's potential to emit a regulated air pollutant, by an amount equal to or exceeding a significant increase. The modification shall apply RACT to each emissions unit to which the increase applies, except the following emission increases are exempt:

(A) Emissions of a regulated air pollutant that are subject to an emissions standard promulgated by the Administrator under Section 112 of the Act after November 15, 1990.

(B) Emissions from an emissions unit subject to a general permit issued under Section 12.11 that establishes RACT.

(b) **Minor Permit Revision.** If the proposed change at a minor source is not listed in Section 12.1.6(a), but is listed below in Sections 12.1.6(b)(1)(A) through (E), such change requires a minor permit revision and is subject to the permit application requirements in Section 12.1.3.

(1) The following changes require a minor permit revision:

(A) The construction of a new emission unit that is not a like-kind replacement.

(B) Increasing operating hours or rates of production above the permitted level, any other physical change or change in method of operation that will result in an increase in the source's PTE that is less than the significant levels listed in Section 12.1.1(j).

(C) A change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit.

(D) A change that results in emissions subject to any new or revised monitoring, recordkeeping, or reporting requirement that is not already in the permit if the revision proposes monitoring, recordkeeping, and/or reporting that provides the required quantification.

(E) Replacement of an item of air pollution control equipment listed in the permit with one that has the same or better efficiency, but that employs a different technology or substantially different design. The application for the minor permit revision must demonstrate the efficiency of the replacement air pollution control equipment.

(2) The changes listed above in Sections 12.1.6(b)(1)(A) through (E) may be implemented seven (7) calendar days after filing a complete application on a form obtained from the Control Officer. The application shall specify how the change qualifies as a minor permit revision under this Section 12.1.6(b) and propose language for the permit revision sought. No change listed in this Section 12.1.6(b) shall proceed if the Control Officer objects or deems the application incomplete within the seven (7) day waiting period.

(3) The Control Officer may deny the minor revision because:

(A) The change does not qualify as a minor permit revision because it is a significant permit revision.

(B) The change does not otherwise qualify as a minor permit revision under the criteria in Section 12.1.6(b) above.

(C) There is insufficient information to determine if it qualifies as a minor permit revision.

(c) **Administrative Permit Revision.** The following changes require a permit revision, are considered administrative, and may be initiated by either the source or the Control Officer. These changes are not subject to the revision processes in Sections 12.1.6(a) and (b):

(1) Correcting typographical errors.

(2) Changing the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source (except transfers of ownership, which are subject to the requirements of Section 12.12).

(3) Correcting a permit condition, including but not limited to emission standards and compliance demonstration requirements, consistent with an existing requirement.

(4) Incorporating newly applicable requirements due to an amendment to an existing rule or adoption of a new rule.

(5) Incorporating alternative testing or compliance monitoring requirements that have received the Administrator's approval under 40 CFR Part 60, Part 61, or Part 63.

(6) Incorporating newly applicable monitoring or testing requirements specified in 40 CFR Part 60, Part 61, or Part 63 that apply because of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change.

(7) Incorporating test methods or monitoring requirements specified in an applicable requirement that the source may use as an alternative to the testing or monitoring requirements in the permit.

(8) Revising a permit condition adopted pursuant to Title IV of the Act which shall be governed by regulations promulgated by the Administrator under Title IV.

(d) **Changes That Can Be Made With Notice.** The following changes at a minor source may be made without a permit revision if the source provides prior written notice of the change, within the applicable timeframe for the change listed below, on a form specified by the Control Officer, unless the Control Officer objects within the applicable timeframe.

(1) Replacing an item of air pollution control equipment listed in the permit with one that is not identical, but is substantially similar and has the same or better pollutant removal efficiency: thirty (30) days after the date of receipt of the written notice by the Control Officer. The Control Officer may require a verification of the efficiency of the new equipment by performance tests.

(2) A physical change, or a change in the method of operation, that does not increase the source's potential to emit: seven (7) days after the date of receipt of the written notice by the Control Officer (includes a like-kind replacement of an emission unit).

(3) A change that would trigger an applicable requirement that already exists in the permit: thirty (30) days after the date of receipt of the written notice by the Control Officer, unless otherwise required by the applicable requirement.

(4) A change that amounts to reconstruction of the source or an individual emission unit, unless the reconstruction triggers a new applicable requirement: seven (7) days after the date of receipt of the written notice by the Control Officer. For purposes of this requirement, reconstruction of a source or an emission unit shall be presumed if the fixed capital cost of the new component(s) exceeds fifty (50) percent of the fixed capital cost of a comparable entirely new source or emission unit.

(5) A change of location of a portable source:

(A) To within 1,000 feet of the outer boundary of a school, hospital, or residential area, the permittee shall submit a portable source relocation notice at least 15 days prior to the change.

(B) For all other relocation, the permittee shall submit the portable source relocation notice at least seven (7) days prior to the change.

(6) Removal of one or more emission unit(s) or activity that is part of an existing minor source permit. This change will not affect the source's potential to emit until it is incorporated into the permit through a permit renewal, permit revision, or the Control Officer action identified in Section 12.1.6(f).

(7) Replacing an item of air pollution control equipment listed in the permit with an identical (i.e., same model, different serial number) item. The Control Officer may require verification of the efficiency of the new equipment by performance tests.

(e) The Control Officer may revise a permit annually for a minor source without notice or public input to incorporate changes in notices filed pursuant to Sections 12.1.6(c) and (d) above.

(f) Any modification at a minor source that results in an increase in PTE equal to or greater than the emissions of a major stationary source (as defined in Sections 12.2 and 12.3) is subject to the applicable

permit requirements in Section 12.4, as well as those in Sections 12.2 and/or 12.3.

12.1.7 Permits Containing Voluntarily Accepted Emission Limitations and Standards

(a) A source may voluntarily propose in its application, and accept in its permit, emission limitations or other standards that are enforceable as a practical matter to avoid being subject to any of the following:

(1) New Source Review under Sections 12.2 or 12.3.

(2) Having to obtain a Part 70 Operating Permit under Section 12.5.

(3) Becoming a major Hazardous Air Pollutants (HAPs) source.

(4) Becoming subject to RACT.

(5) Meeting other applicable requirements (excluding air quality fees).

(b) A source that proposes a voluntarily accepted emission limitation or other standard shall comply with the requirements of Section 12.1.3.6(b)(3).

(c) The public participation procedures set forth in Section 12.1.5.3 apply to sources proposing to establish an initial voluntarily accepted emission limitation or standard as described in Sections 12.1.7(a)(1), (2), and (3).

(d) A source that proposes a voluntarily accepted emission limitation or other standard to avoid becoming a major stationary source, including a major source of fugitive emissions of any such pollutant under Sections 12.2 or 12.3 as described in Section 12.1.7(a)((1), or becoming a new Part 70 source as described in Section 12.1.7(a)(2), must determine if the proposed stationary source is a major source as defined in Section 12.2.2(ff) and is listed as belonging to one of the source categories described in Section 12.2.2(J). If it is not listed, fugitive emissions must not to be included in the source-wide PTE to determine if it is a major source.

History: Adopted November 3, 2009. Amended March 18, 2014.

EXHIBIT 4

SECTION 12.11: GENERAL PERMITS FOR MINOR STATIONARY SOURCES

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EXHIBIT 4

12.11 General Permits for Minor Stationary Sources

12.11.1 Applicability

(a) A general permit may only be issued to a minor stationary source for specific source classes.

(b) This rule provides the authority and requirements the Control Officer must meet to issue general permits for specific source classes.

(c) A minor source otherwise subject to the permit requirements of Section 12.1, may instead satisfy that requirement by obtaining authority to operate under a general permit pursuant to Section 12.11.

(d) The Control Officer may issue a general permit for any source class that the Control Officer determines is appropriate for a general permit, in accordance with the requirements of this rule.

(e) This rule provides the requirements a stationary source must meet to obtain authority to operate under a general permit issued by the Control Officer.

(f) A minor source seeking authority to operate under a general permit shall apply for a Section 12.1 permit if the Control Officer determines the source or modification could interfere with attainment or maintenance of any national ambient air quality standard. In making this determination, the Control Officer:

(1) Shall ensure that any ambient air increment as prescribed by Section 12.2.3 is not exceeded.

(2) May consider whether the dispersion characteristics of the source are likely to result in higher ambient concentrations of a conventional pollutant than the modeling assumptions used to establish an emission standard.

(3) May apply a screening model to the source's emissions.

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

12.11.2 Definitions

(a) "Minor Stationary Source" or "Minor Source" means a stationary source that is not required to obtain an "Authority to Construct" pursuant to Section 12.4.3 or a Part 70 Operating Permit and that

has a potential to emit equal to or greater than the levels listed in Section 12.1.1(d) for any listed pollutant (excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act).

(b) "Similar in Nature" means similar source size, processes, operating conditions, and nature and quantity of emissions.

(c) "Source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.

(d) "Source Class" means sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.

12.11.3 General Permit Development

(a) The Control Officer may propose a general permit, or any person may submit a petition to the Control Officer requesting the issuance of a general permit for a defined source class.

(b) A petition for a general permit shall propose a particular source class, list the approximate number of sources in the proposed class, provide the proposed size, processes, and operating limitations, and provide a list of the applicable requirements.

(c) The Control Officer shall provide a written response to the petition within one hundred twenty (120) days of receipt.

(d) General permits shall include all of the following:

(1) The applicability criteria to qualify as a member of the source class.

(2) The relevant elements contained in Section 12.1.4.1.

(3) Emission limitations and control requirements as required by Sections 12.11.11 and 12.11.12.

(4) A process for qualifying individual sources to apply for authority to operate under the general permit by submitting the application prescribed by Section 12.11.4.

(5) A permit term not to exceed 5 years from the date of issuance.

(e) General permits shall include any conditions imposed under Section 12.11.13.

(f) The Control Officer shall provide public notice for any proposed new general permit, for any revision of an existing general permit (excluding administrative revisions described in Section 12.1.6(c)), and for renewal of an existing general permit.

(g) The public participation requirements in Section 12.1.5.3 shall apply to any public notice required by Section 12.11.3(f).

12.11.4 Application for Authority to Operate Under a General Permit

(a) After the general permit has been issued, a new or existing minor source that is a member of the general permit source class may apply to the Control Officer for authority to operate under the general permit.

(b) Applicants shall complete the application form(s) provided by the Control Officer for the general permit source class. The application shall, at a minimum, require the applicant to submit information identifying and describing the source, its processes, and its operating conditions pursuant to Section 12.1.3, in sufficient detail to allow the Control Officer to verify qualification for the source class, and assure compliance with all general permit requirements.

(c) The Control Officer shall act on an application for authority to operate under a general permit as expeditiously as possible, but a final decision shall be reached within sixty (60) days of receipt of the application.

(1) The Control Officer shall approve or deny the request based on applicability criteria specified in the general permit for that type of source.

(2) If the application is approved, the Control Officer shall issue an authority to operate under the general permit to the source and post the issuance decision on the Department's web site.

(3) If the application for authority to operate under the general permit is denied, the Control Officer shall notify the source that it may apply for a Section 12.1 minor source permit if it intends to proceed with construction or continue to operate

(d) A minor source that has applied for authority to operate shall not initiate construction, modification, or operation until the Control Officer has issued the authority to operate under the general permit to the minor source.

(e) The Control Officer shall maintain a record of all stationary sources that are covered by a specific general permit and this record shall be available for public review.

12.11.5 General Permit Renewal

(a) The Control Officer shall review and may renew general permits every five years or sooner, if warranted. A source's authorization to operate under a general permit shall coincide with the term of the general permit regardless of when the authorization began during the five-year period, except as provided in Section 12.11.8(b). In addition to the public notice required to issue a proposed permit under Section 12.11.3(f), the Control Officer shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the general permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed renewal permit.

(b) At the time a general permit is renewed, the Control Officer shall notify in writing all sources who were granted authorization to operate under the previous permit and shall require them to submit a timely application to renew their authorization. For purposes of general permits, a timely application is one that is submitted within the time-frame specified by AQR 12.1.3.1(b) or within a time-frame specified by the Control Officer in a written notification. If a timely application is submitted the source may continue to comply with the previously issued general permit authority to operate until an authorization to operate under the renewed general permit is granted. Failure to submit a timely application terminates the source's right to operate.

12.11.6 Relationship to Individual Permits

(a) Any source covered under a general permit may request to be excluded from authority to operate by applying for an individual source permit. Authority to operate under the general permit shall terminate on the date the individual permit is issued.

(b) Authority to operate under an individual permit shall terminate on the date the general permit is issued.

12.11.7 General Permit Appeals

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

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

(a) The Control Officer may terminate a general permit at any time if either:

(1) The Control Officer has determined that the emissions from the sources in the source class cause or contribute to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit.

(2) The Control Officer has determined that the terms and conditions of the general permit no longer meet the requirements of Section 12.1.4.1.

(b) The Control Officer shall provide written notice to all sources operating under a general permit prior to termination of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within 180 days of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Control Officer for an individual permit.

(c) The Control Officer may revoke a minor source's authority to operate under a general permit if the source is not in compliance with any term or condition of the general permit.

(d) If the Control Officer revokes a source's authority to operate under a general permit pursuant to paragraph (c), the Control Officer shall notify the Responsible Official by certified mail, return receipt requested.

(e) The notice shall include a statement detailing the grounds for the revocation of authority to operate and a statement that the permitted source is entitled to a hearing. A source may continue operating under the revoked general permit for a maximum of 15 days after receipt of the notice of revocation. To continue operation after 15 days, the source must submit a complete application for an individual permit pursuant to Section 12.1.3.3(a), at which time it may operate under that application.

12.11.9 Fees Related to General Permits

(a) Permit Processing Fees. An application fee is assessed for the initial application submitted by the source, for any source who intends to continue operating under the authority of a general permit that has been proposed for renewal, and to requests for authorizations to operate new emissions related equipment. A permit issuance fee is assessed prior to the issuance of authorizations to operate under a

general permit. These fees are assessed in accordance with Section 18.4.1 and 18.1.1.

(b) Annual Emission Unit & Permit Renewal Fees. The relevant emission unit and permit renewal fees are assessed on emission units and each operating permit each calendar year, in accordance with Section 18.2.

(c) Notice of Proposed Action Fee. A publication fee for notices of proposed actions (public notice) will be assessed, if required, in accordance with Section 18.4.2.

(d) Annual Emission Fees. Annual emission fees shall be determined in accordance with Section 18.6.4.

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

(a) A minor source may make revisions only as authorized by the general permit. Any revision outside the scope authorized by the general permit shall require a new application for either an individual minor source permit under Section 12.1 or a different general permit issued under Section 12.11, if one is available.

12.11.11 Minor NSR in General Permits

(a) A general permit shall include emission standards designed to assure that a stationary source covered by the general permit will comply with minor new source review under Section 12.1.4. The emission standards may consist of any combination of the following:

(1) Limits designed to assure that emissions from a stationary source that is a member of the class of sources covered by the permit will not interfere with attainment or maintenance of a NAAQS and will comply with the SIP.

(2) Limits imposing operating constraints and reasonably available control technology, where applicable.

12.11.12 Emission Standards in General Permits

(a) All general permits shall include emission standards, including emission limitations and/or operational constraints to assure that emissions from a stationary source that is a member of the class of sources covered by the permit will comply with the SIP and will not interfere with attainment or maintenance of a NAAQS.

(b) A general permit for a source category that will have a potential to emit that is significant, as defined in Section 12.1.1, for a regulated air

pollutant shall include limits imposing reasonably available control technology for the affected pollutant.

12.11.13 General Permit Annual Emissions Inventory Report

(a) Every minor source shall complete and submit to the Control Officer an annual emissions inventory report. The report is due by March 31 of each year and shall include the emission factors and calculations used to determine the reported emissions from each permitted emissions unit for the previous calendar year. The report shall include all information specified in Section 12.9(c) through (f), inclusive, as applicable.

AGENDA ITEM DEVELOPMENT REPORT

OFFICE OF THE COUNTY MANAGER
CLARK COUNTY, NEVADA

AIDR No.: 3628

YOLANDA T. KING
County Manager

JESSICA L. COLVIN
Chief Financial Officer

RANDALL J. TARR
Assistant County Manager

KEVIN SCHILLER
Assistant County Manager

JEFFREY M. WELLS
Assistant County Manager

LES LEE SHELL
Chief Administrative Officer

Date: 12/6/18 Agenda Date: 12/18/18

Originating Department: Air Quality

Contact/Ext: Marci Henson/3118

Issue: AN ORDINANCE TO AMEND CLARKCOUNTY REGULATIONS SECTIONS 0, 12.0, 12.1, AND 12.11 TO UPDATE AND MAKE CHANGES TO THE STATIONARY SOURCE PERMITTING RULES AND REPEAL SECTION 10

Subject/Title:

Supplemental information to establish the administrative record for this ordinance to explain the reasons for the proposed revisions to Clark County Air Quality Regulations (AQR) Sections 0, 12.0, 12.1 and 12.11 and repeal of Section 10, to provide the comments made during the October 21, 2018 through November 19, 2018 public comment period and the proposed responses to those comments, and to describe and summarize the notice, review and comment process that occurred prior to the public hearing scheduled December 18, 2018.

Recommended Action:

That the Board of County Commissioners conduct a public hearing; approve, adopt and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulations Section 0 to remove, revise, and add definitions; repeal Section 10; amend Section 12.0 and repeal and adopt a new Section 12.1 to remove obsolete stationary source permitting transition language, update and add definitions, streamline the minor source application process, revise the list of exempt and insignificant emission units, and address minor portable source permitting; repeal and adopt a new Section 12.11 to add requirements to facilitate the minor source general permit program; consider written comments submitted during the October 21, 2018 through November 19, 2018 comment period and approve the proposed responses to those comments; authorize the Director or her designee to make a record of any relevant comments and responses made at the public hearing; and authorize the Director or her designee to compile and submit the approved ordinance and all related documentation, to the Nevada Division of Environmental Protection for United States Environmental Protection Agency approval into the Nevada State Implementation Plan.

Summary:

1. **Reasons for Proposed Revisions to Section 0, 12.0, 12.1 and 12.11**

A. **Section 0:** Section 0 is the definition section of the AQRs. Currently, Section 0 contains a number of obsolete terms that are no longer used. In order to facilitate the use of the AQRs and eliminate potential confusion concerning the meaning of terms, the Department of Air Quality (DAQ) is proposing to delete the obsolete terms and to add a definition for "trench" or "trenching" to add clarity to the sections where the terms are used.

B. **Section 12.0:** Section 12.0 is used to assist the rule user to quickly understand which part of the Section 12 applies to an individual facility. Subsection 12.0.3 provided transition procedures to implement the AQRs adopted in 2009. The transition has been completed, therefore Subsection 12.0.3 is deleted in its entirety.

C. **Section 12.1:** Section 12.1 is the minor source permitting rule. This rule has been revised to remove references to obsolete transition procedures. Several new definitions have been added. The current exempt and insignificant emission units and activities sections have been consolidated and several new insignificant activities have been added. New provisions to renew or obtain a new permit are added. The permit application content requirements are simplified for permit renewal. The permit content requirements are restructured to be easier to read. New provisions are added for portable sources. Clearer descriptions of permit processing deadlines are added to avoid confusing the regulated community. The public participation process is revised to clarify what is subject to a public notice and to require that public notices be posted on the DAQ website instead of in a newspaper. The permit revision requirements are restructured to clarify when a significant or a minor revision is triggered. The selection of changes that can be made to a permit by providing prior notification to DAQ are revised to clarify what kind of change can qualify for this provision. The list of activities that can be performed at a source without providing notice to DAQ was deleted because the listed activities were already addressed by other provisions in this section. The requirements for a voluntarily accepted emission limitation are updated to ensure all federal requirements for this limitation are met.

D. **Section 12.11:** Section 12.11 is the general permitting rule for minor stationary sources. Previously this rule failed to meet the minimum requirements to be federally enforceable or to be approved for inclusion in the Nevada State Implementation Plan. DAQ has determined that general permits are an essential tool necessary to meet the permitting needs of stationary sources in Clark County. DAQ has worked with EPA to identify the deficiencies and to revise the rule to meet the minimum federal requirements.

E. **Section 10:** Section 10 (Compliance Schedules) is repealed as obsolete because Section 12.1 contains the procedures necessary to address compliance issues.

2. Comments and Proposed Responses to Those Comments

Attached to this AIDR as Attachment 1 is the document entitled "Public Comments on Proposed Sections 0, 12.0, 12.1 and 12.11 of the Clark County Air Quality Regulations". This document includes all the comments received during the public comment period of October 21, 2018 through November 19, 2018, as well as the proposed responses to those comments. DAQ provided notice of this public comment period in the Las Vegas Review Journal (RJ) on October 21, 2018, and by email to others who requested notification. A more comprehensive discussion of the intent of the specific requirements of the proposed rules and the rationale behind the proposed changes can be found in Attachment 2 entitled "Technical Support Document for Sections 12.0, 12.1 and 12.11".

3. Additional Procedural Steps Including Notices, Workshops and Introduction of the Ordinance

Additional opportunities for comment occurred on November 2 and 15, 2018, at workshops convened by DAQ for that purpose, which was also noticed in the RJ on October 21, 2018. At these workshops, the 54 individuals who attended heard a summary of the proposed rule revisions, were given the opportunity to ask questions and provide comment. Additionally, these rules have been posted on the DAQ webpage, for public view, and all affected sources in the regulated community were contacted by email notifying them about DAQ's proposed actions and directing them to the associated documents.

Notice of the public hearing was published in the RJ on November 18, 25, and December 2, 2018. At the Clark County Board of County Commissioners on December 4, 2018, the ordinance was introduced and the public hearing was formally set for December 18, 2018 at 10:00 AM.

Yolanda King

YOLANDA T. KING
County Manager

Attachment 1

Public Comments on Proposed Revisions to Sections 0, 10, 12.0, 12.1 and 12.11 of the Clark County Air Quality Regulations

Ralph Wagner – Nevada Department of Corrections 11/14/2018

1. Section 0: Definitions - Edit "Air Quality Planning Region" to clarify that a "hydrographic area" is synonymous with an "airshed region" (Currently, this definition could be interpreted that only one "one hydrographic area" is regulated in Clark County.

> ***DAQ Response:*** ***The assessment of Section 0 involved only the determination that the defined terms are used in the Air Quality Regulations. No assessment was made regarding the wording of the definition with this action. DAQ agrees to look into this during the next revision of Section 0. No change is proposed.***

2. Section 0: Definitions - Edit "Airshed Region or Airshed" to "Airshed Area" only. The reader is unnecessarily confused with multiple terms with the same meaning (e.g. area = region, Note: "Area", not region, is used throughout Table on page 0-10)

> ***DAQ Response:*** ***Same as comment #1.***

3. Section 0: Definitions - Edit Table with title "Airshed..." by: (a) changing regions to areas throughout – see Comment No. 2, (b) switching 3rd column with 2nd column, and (c) simplifying new 3rd column by editing the title to "Airshed/Hydrographic Areas" and deleting the redundant term - Hydrographic Area.

> ***DAQ Response:*** ***Same as comment #1.***

4. PPT: Slide 15 - Edit Sec 12.1.5.3 to include Responsible Officials along with Department Website when circulating public notices (most regulated entities/ROs do not routinely review DAQ's website)

> ***DAQ Response:*** ***DAQ's policy requires copies of the proposed permit and the support document be sent to the Responsible Official at least a week before the public notice period begins. Therefore, the public notice doesn't notify the source about the proposed action. Section 12.1.5.3 requires the public be notified when DAQ proposes to issue any permit that meets the public notice criteria so the public may comment on the proposed action. No change is proposed.***

5. PPT: Slides 15 and 17 - Be consistent with the acronym VAEL (variations include VAEL, VAELs, and VAELSs - not sure when it is plural and when "Standards" is included)

> ***DAQ Response: Thank you. The spelling error on slide 17 for the workshop presentation has been corrected.***

6. General - Include a list of acronyms (e.g. SIP, EUs, CAA, DAQ, and NRS are well understood by DAQ personnel, but not so much by the regulated entities)

> ***DAQ Response:*** ***DAQ appreciates comments 5 and 6 to improve the workshop presentations, and will consider this in future workshops.***

Attachment 1

7. General - Include a "waiver" provision of AQ regulations if the regulated entity can demonstrate "De-Minimis" impact to the public's health and safety (which is an overall intent of the Clean Air Act).

> ***DAQ Response:*** ***It appears the suggested "waiver provision" may already exist in Section 12.1.2. The ability to consider the impact to the public health and safety is granted to the Control Officer in Section 12.1.2(e). No change is proposed.***

Scott McNulty - Broadbent & Associates, Inc. 11/16/2018

RE: Comments on Proposed Revisions to Section 12 of Clark County Air Quality Regulations (AQRs) Section 12.1.2. Emission Units and Activities Exempt from Permit Requirements

1. Request that the exemption for "production of hot water for use by on-site personnel not related to any industrial or production process" not be removed. Air Quality indicated that these units may now qualify as insignificant activities if less than 1 MMBtu/hr, but did not offer rationale for removing this categorical exemption.

> ***DAQ Response:*** ***The previous exemption was not based on the potential of a hot water heater to emit emissions or based on its burner combustion capacity. It was based on who would benefit from the water heating process, which is not an air quality issue. DAQ believes adding the "less than one MMBtu/hr insignificant activity to Section 12.1.2(c)(1) provides a metric to measure emissions and will codify in the rule the current practice of treating these water heaters as insignificant activities. No change is proposed.***

2. Request that an exemption for "portable electrical generators that can be moved by hand from one location to another" be included. Air Quality indicated that these units may now qualify as insignificant activities if the engine is less than 35 hp, but did not offer rationale for not including this categorical exemption.

> ***DAQ Response:*** ***Current Section 12.1 has 'portable electric generators that can be moved by hand', included as an insignificant activity. DAQ proposes to replace it with the "small portable electric generators that are less than 35 hp." By making the engine size the defining factor rather than the size and strength of a person attempting to move the portable electric generator, seems to be more reasonable. 35 hp engines, and larger, are subject to emission unit fees, where those that are smaller are not. DAQ considered this in establishing the engine size limit. No change is proposed.***

3. With respect to evaluating insignificant activities on a case-by-case basis, request that the following language not be removed: "No activity with the potential to emit greater than two (2) tpy of any criteria pollutant or five (5) tpy of any combination of criteria pollutants shall be eligible to be determined an insignificant activity under this Section." It is requested that this language remain to serve as a guideline for what may qualify as an insignificant activity.

> ***DAQ Response:*** ***The first part of Section 12.1.2(d) established the Control Officer's authority to review insignificant activities, on a case-by-case basis, that are not on the list included as Appendix A. The second part, referred to in this comment, was written as a prohibition restricting the Control Officer from making activities above these thresholds eligible to be insignificant activities. It was not intended to imply that activities just below the threshold "are" insignificant activities. Referring to the proposed Section 12.1.2(c) for activities DAQ considers categorically insignificant***

shows the type of activities with small emission potentials DAQ accepts as insignificant activities. Due to the confusion this section has caused, DAQ considers the removal of the language will add clarity to the rule. No change is proposed.

4. Request that Section 12.1.6.(d)(2) be changed as follows to include equipment replacements where there may be slight increases in potential to emit: "A physical change, or a change in the method of operation, with a no more than 1 tpy increase in potential to emit." Often a replacement unit will be virtually the same, but one of the five pollutant categories will have a slightly increased emission rate guarantee. Often this is just a function of updated emission factors. The 1 tpy increase is just a suggestion, perhaps a limit of within 5% of the short term emission rate guarantee of the original unit would be acceptable.

DAQ Response: ***The proposed revision to Section 12.1.6(d) was to remove incorrect language, "increases actual emissions less than ten (10) percent of the applicable major source threshold for the air pollutant(s) emitted, but", that does not apply to a minor source permitting rule. The increase in actual emissions is a New Source Review component of the major source rules. Any increase in the potential to emit is a modification by definition under the New Source Performance Standards (NSPS). DAQ cannot propose a rule change that will violate federal law. No change is proposed.***

5. Section 12.1.6.(e) Changes That Can Be Made With On-Site Logging

Request that this Section not be removed. It provides clarity on how to track changes that can be made without a permit revision or without prior notice. A good example of this is the ability to add an insignificant activity, which will be incorporated into a permit at the next permit revision or renewal application.

DAQ Response: ***The changes listed in Section 12.1.6(e) are those assessed and put into the minor source permit for the source. Items (1) and (2) both refer to changes authorized by the permit. Items (3) and (4) was are included in Section 12.1.6(d)(1), (2), or (3) where notice must be provided prior to installing or replacing equipment. DAQ has determined that this section is redundant since it requires logging and tracking of activities that is already addressed by other parts of Section 12.1. No change is proposed.***

6. Request Section 12.11.4.(b) be revised to reduce the maximum processing time on general permit applications from 120 days to 30 days. If a source applies to operate under the predetermined structure of a General Permit, then issuance should be straight forward and not time consuming for the agency.

DAQ Response: ***DAQ agrees that 120 days is excessive. Section 12.11.4(c) has been changed to allow up to 60 days from receipt to make a final decision on the application. Section 12.1 allows 60 days to deem an application complete so an individual permit can be prepared. DAQ believe 60 days to assess that all information to authorize a source to operate under the general permit is appropriate. No change is proposed.***

Starla Lacy – NV Energy (Kimberly Williams) 11/19/2018

1. New Section 12.1.2.(c)(l): The 1 mmbtu/hr threshold for boilers and water heaters seems arbitrarily low. As a comparison, NVE notes that the Bay Area Air Quality Management District

regulations use the 1 mmbtu/hr as an insignificant activity threshold for non-gas-fired boilers and heaters, and uses a higher threshold (10 mmbtu/hr) for gas-fired units. The Bay Area is (and has been) marginal nonattainment for 8-hour ozone, as is the Las Vegas Valley now. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations exempt gas-fired water boilers and heaters with a maximum rating of 5 mmBtu/hr. The San Joaquin Valley is extreme nonattainment for 8-hour ozone. Incidentally, NVE also suggests removal of the word "actual" to describe the heat input, as the insignificant activity is being defined by the unit's rated heat input, not actual heat input. NVE requests the following change:

"Oil-fired Boilers and water heaters rated at:

less than 1 million Btu per hour ~~**actual**~~ heat input; ~~and,~~

less than 10 million Btu per hour heat input if natural gas or liquid petroleum gas-fired."

Another option would be to provide a PTE threshold such that slightly larger units with low emission burners could still be deemed insignificant.

> ***DAQ Response:*** ***In the 2004 Section 12, 1 MMBtu/hr boilers were categorically exempt up to an aggregate of 10 MMBtu/hr. DAQ declined to categorize 1 MMBtu/hr boilers insignificant in 2009 because of the number of sources that used these small units. Since then, DAQ has determined these units could be treated as insignificant emission units and requires that they be included in the applications. With this action, DAQ designates these small boilers and water heaters insignificant by rule. Both SJVAPCD and BAAQMD require all new and modifying emission units with emission potentials exceeding 2.0 pounds for SJVAPCD, or 10.0 pounds for BAAQMD, of any pollutant in any one day to meet BACT, which by their definitions is equivalent to federal LAER. Clark County's control technology requirements aren't triggered until the emissions exceed the significance threshold for each pollutant, as defined in Section 12.1.1(g). This means a 1 MMBtu/hr boiler allowed to operate in Clark County may have the potential to emit more pollutants than a 10 MMBtu/hr boiler in one of these California air districts. For this reason, DAQ chooses to keep the 1 MMBtu/hr threshold. No change is proposed.***

2. New Section 12.1.2(c)(2): NVE requests that this insignificant activity description be adjusted to also include non-industrial cooling towers with equivalent PTE to those already described, such as those with slightly higher recirculating rates but better drift efficiency, as shown here:

> *"Non-industrial cooling towers with recirculation capacity of less than 1,000 gallons per minute with drift eliminators rated at a minimum of 0.05 efficiency,* ***and others for which the product of recirculation capacity times drift efficiency is also less than 50."***

Note that 1,000 x 0.05 = 50. This product is a subset of the PTE calculation for all cooling towers, thus any non-industrial tower for which this product is less than 50 will have no higher PTE than those described by Air Quality's current proposed insignificant activity.

> ***DAQ Response:*** ***DAQ chose to identify insignificant non-industrial cooling towers by throughput capacity and drift eliminators with a drift loss of 0.05% or less, because this is how they are identified in applications. By clearly identifying this insignificant activity, small sources can quickly determine if their emission unit qualifies for this classification. NVE makes a good case for equivalent units with even lower drift loss, and Section 12.1.2(d) provides the means to demonstrate each "other" unit that is***

equivalent by submitting the argument, with calculations, in the minor source permit application. No change is proposed.

3. New Section 12.1.2(c)(3): NVE notes that 50 hp is a more standard threshold for deeming internal combustion engines exempt or insignificant. For comparison, the Bay Area Air Quality Management District regulations exempt internal combustion engines with a maximum output rating less than or equal to 50 bhp and the Nevada Division of Environmental Protection exempts internal combustion engines rated at less than 250 hp. NVE requests that this item be revised as follows:

12.1.2(c)(3): "All internal combustion engines rated ***~~at less than 35~~*** ***no greater than*** *50 horsepower."*

DAQ Response: ***The 35 hp engines are proposed as insignificant emission units, consistent with Section 18.2.6, where stationary internal combustion engines, 35 hp or greater, are subject to annual emission unit fees, but those less than 35 hp are not. No change is proposed.***

4. Rather than deem ancillary parts washers as insignificant based upon use of products on an approved list as in new Section 12.1.2(c)(7), NVE suggests adopting a solvent cleaning insignificant activity similar to that in the SJVAPCD regulations. Recognizing that SJVAPCD is extreme nonattainment for 8-hr ozone while the Las Vegas Valley is only moderate nonattainment, NVE proposes to modify the boiling point threshold used by SJVAPCD to one that matches many of the products on Air Quality's current list of certified clean air solvents. The resulting suggested rule follows:

"Unheated, non-conveyorized solvent cleaning equipment with an open surface area of 10 square feet or less, and internal volume of 92.5 gallons or less, using only organic solvents with an initial boiling point of 212°F or greater, and from which less than 25 gallons of solvent per year are lost to the atmosphere. Solvent lost shall not include solvent that is recycled or disposed of properly."

Alternatively, an insignificant activity could be more simply stated as unheated ancillary solvent cleaning equipment for which the product of VOC content in pounds/gallon and gallons of solvent lost to evaporation per year is no greater than 0.10 tons/year.

DAQ Response: ***While constructing the list of categorically insignificant activities listed in Section 12.1.2(c), DAQ attempts to keep the descriptions non-technical so smaller sources that make up the majority of minor sources would easily recognize the activities that are part of their source. DAQ chose to adopt a solvent cleaning insignificant activity that is similar to that in the SCAQMD regulations. The SCAQMD laboratory has identified products from numerous manufacturers it has determined result in minimal impact on the environment. DAQ recognizes there are several approaches to addressing this issue. This method identifies more than 100 different products that have been evaluated and certified by South Coast Air Quality Management District as being "clean" by its standards. This method provides for ease of selection by the regulated source and ease to determine compliance by DAQ. DAQ appreciates NVE assessment of SJVAPCD's solvent cleaning methodology and may assess which method will provide the most benefit to the user in the future. No change is proposed.***

Attachment 1

5. NVE wishes to express support for the proposed changes to Section 12.1.3.6, which simplify applications for renewals and revisions.

Attachment 2

TECHNICAL SUPPORT DOCUMENT FOR SECTIONS 12.0, 12.1 AND 12.11

The Clark County Department of Air Quality (DAQ) is revising its minor source permitting requirements to remove language used to transition from the 2004 program to the program adopted in 2009. DAQ has also included updates that address permitting activities unforeseen when the 2009 rules were adopted.

This action will produce a revised minor source permitting program that addresses all the issues DAQ has identified over the past nine years. Defined terms have been updated, and new terms have been added that DAQ now uses routinely. Some requirements have been reorganized to add clarity and improve readability. Other changes are detailed below.

These revisions will be incorporated into each existing minor source permit during permit revisions (where appropriate) and permit renewals.

Section 12.0: "Applicability, General Requirements and Transition Procedures"

- The name of this section was changed to "Applicability and General Requirements", removing the reference to transition procedures.
- Section 12.0.3 was deleted because it addressed the implementation of the rewritten regulations (i.e., Sections 12.1, 12.4, 12.5, and 12.11), which DAQ has completed.
- The remaining sections were renumbered after the removal of Section 12.0.3.

Section 12.1: "Permit Requirements for Minor Sources"

- All uses of "paragraph" and "subsection" were removed from Section 12.1 and replaced with "Section." The word "Section" and the section number were inserted in Sections 12.1.1(a), 12.1.3.6(a)(3)(G), 12.1.3.6(b), 12.1.4.1(d)(1)(B), 12.1.5.3(a)(1)(J), 12.1.5.3(b), 12.1.6(a)(3)(A), 12.1.6(b)(2), 12.1.6(b)(3)(B), and 12.1.6(f).
- "Modify" and "modification" were used interchangeably with "revision" in the rule, which has been a source of confusion. "Modify" or "modification" refers to a physical change, or a change in operation method that results in an increase in the potential to emit; "revision" refers to **any** physical or operational change, regardless of its impact on the potential to emit. "Revision" is also used for any administrative change to the wording in a permit. To avoid confusion, "revision" will now be used for all changes to a permit except those that are clearly modifications as defined in Section 0.
- **Section 12.1.1, "Definitions":**
  - Section 12.1.1 stated that the definitions in it would be used in sections besides 12.1 and 12.11. DAQ found these definitions are no longer used elsewhere with the same intended meaning, so the rule is amended to reflect that it only applies to Sections 12.1 and 12.11.

- "Exempt stationary source" was rewritten to add clarity and update section references.
- "Existing minor source" became obsolete after all minor sources had been issued permits subject to the 2009 Section 12.1. It was revised to include any minor source that has been issued a permit and is not a new minor source.
- "Like-kind" was added to avoid confusion about what the term includes.
- "Minor source" was not changed. However, the words 'or "source"' were added because "source" used throughout Section 12.1 was not defined.
- "Minor Source Permit" was revised to remove transition-related terms.
- "New minor source" was revised to remove transition-related terms and to include an expired minor source permit if six months have elapsed without an application for renewal.
- "Portable source" was added because DAQ incorporated additional requirements into Section 12.1 to address differences between portable and stationary sources.
- "Responsible Official" was defined specifically for Section 12 because the Section 0 definition applies to a Part 70 source, i.e., companies larger than those typically subject to minor source requirements and carries criminal as well as civil liabilities. Minor sources are subject only to civil liabilities.
- "Temporary" was added to clarify Sections 12.1.2(c) (4), (5), and (6)—now Section 12.1.2(b) (3)—where non-road engines are included.
- "Voluntarily accepted emission limitation" was added to describe permit emissions limitations or other standards referenced in Section 12.1.7(a).
- Sections referenced in definitions were renumbered to accommodate changes.

- **Section 12.1.2: "Emission Units and Activities Exempt from Permit Requirements"**
  - The title was changed to "Exempt and Insignificant Emission Units and Activities" after combining the exempt list with the list of insignificant activities.
  - Sections were renumbered to accommodate changes.
  - Section 12.1.2(b) was moved to Section 12.1.2(e) and revised to refer to a new or existing minor source applying to be an exempt stationary source. The Control Officer may provide a certificate of exemption that includes any insignificant units and activities considered in the determination.
  - Section 12.1.2(b) now covers exempt activities, which include activities listed in Sections 12.5.2.5(a) and (c) and Appendix A, "Insignificant Activities and Emissions."

- Sections 12.1.2(c) (4)–(6) have been rewritten as Section 12.1.2(b) (3), and now include exempt temporary activities performed under the conditions of a Section 94 Dust Control Permit.
- The list of insignificant activities that must be included in the application and the description of emissions to be included in permit applicability calculations were moved to Section 12.1.2(c).
- In Section 12.1.2(c)(2), the production of hot water for use by on-site personnel not related to any industrial or production process is now included as an insignificant unit in Section 12.1.2(c)(1) boilers and water heaters rated less than 1 million BTUs per hour.
- In Section 12.1.2(c)(7)(C), "trial less than 30 days of total operating time" was replaced with "trial is less than 30 consecutive days."
- In Section 12.1.2(c)(7)(E)(iv), the amendment deletes the words "and the estimated actual emissions increase." Section 12.1 relies on a potential-to-emit to potential-to-emit comparison, so it does not consider estimated actual emission increases in any of its calculations for minor source permitting.
- The insignificant emission units and activities in the proposed Section 12.1.2(b) were either taken from the exempt list or proposed as new. They will be included in permit applications, and their emissions will be taken into consideration to determine if:
  - The source is subject to minor source permitting;
  - Project emissions trigger significance;
  - The source is subject to nonattainment NSR; or
  - The source is subject to Section 12.5.
- Section 12.1.2(b)(7) adds a new activity to the exempt list: a temporary on-site crushing and/or screening operation supporting a single construction activity, including the engine(s) that power them, for up to 30 consecutive days. This activity must be performed under the conditions of a Section 94 Dust Control Permit to be exempt from minor stationary source permitting.
- The activities listed in Appendix A, "Insignificant Activities and Emissions," were added to the "Exempt Units and Activities" list in Section 12.1.2(a). These activities were previously approved as activities to be "presumptively omitted from a permit application" as related to Part 70 operating permits. DAQ proposes they be presumptively omitted from minor source permit applications and exempted from minor source permitting.
- Section 12.1.2(d) was removed. The language was taken from Section 12.5.2.5(c), which concerns major sources, in the revision approved on 3/18/2014. The "two tons for individual or five tons for all emissions" condition is reasonable where thresholds are 100 tons per year or above, but do not fit where thresholds are five and twenty tons per year.

- The new Section 12.1.2(c) for insignificant emission units and activities includes ten activities that are new or previously existing activities that were revised to add clarity. Of note:
  - Activity (1) for small boilers and water heaters has been added as an insignificant category because on a case-by-case basis every boiler and water heater rated less than 1 MMBtu/hr actual heat input has been deemed insignificant. Note that DAQ has determined that the terms "actual heat input" and "heat input", have the same meaning.
  - Activity (2) for non-industrial cooling towers defines the category as those with recirculation capacity of less than 1,000 gallons per minute with drift eliminators with a drift loss of 0.05 percent or less. Other non-industrial cooling towers may be determined to have equivalent emissions as those within the category, and should use Activity (10) to present a case-by-case argument for the Control Officer to consider.

- **Section 12.1.3: "Permit Application"**
  - The title of Section 12.1.3.1, "Duty to Apply for and Obtain a Permit for New or Modified Existing Minor Sources," was changed to "Duty to Apply for a Minor Source Permit."
  - Sections 12.1.3.1 and 12.1.3.2 were rewritten as Section 12.1.3.1 to clarify text, remove transition language, and address the process of re-permitting a minor source whose permit expires before a renewal is obtained. DAQ proposes allowing a minor source to reapply up to six months after permit expiration to avoid becoming a new minor source. Section 12.1.3.2 is marked as [Reserved].
  - Section 12.1.3.3, "Complete Application," is currently one paragraph; DAQ has expanded it into four. Section 12.1.3.3(b) expands on the application automatically being deemed complete at 60 days of receipt by identifying this applies to new permits, renewals, or significant revisions. Previously, this section was silent regarding minor revisions that allow for changes proposed in the application to be implemented seven calendar days from filing a complete application in Section 12.1.6(b)(2). Language has been added to clarify that completeness must be determined within seven days of receipt of the minor revision to accommodate the requirement to authorize minor changes to be implemented after the seven days.
  - Transition language was removed from Section 12.1.3.4, "Permit Application Shield", and text was revised to identify the source's obligation to continue to be eligible for a permit application shield.
  - Language at the end of Section 12.1.3.5, "Duty to Supplement or Correct Application," was changed to reflect that DAQ does not issue draft permits.
  - Section 12.1.3.6: "Application Contents"
    - Section 12.1.3.6(a) was changed to identify which application contents are required based on the permitting action being proposed, and Sections 12.1.3.6(b)

and (c) were reorganized to group the required contents so they can be easily identified. As an example, an application for a new minor source permit will require all the information identified in Sections 12.1.3.6(a), (b), and (c) be submitted; an application for the renewal of an existing minor source permit requires just the information identified in Section 12.1.3.6(a) to be submitted, as long as no revision is included in the action. The statement "an existing minor source that has not been issued an initial permit" was deleted because it no longer applies to this regulation. Another statement, "a voluntarily accepted emission limitation or standard," always signals a significant revision, so it was removed.

- Sections 12.1.3.6(a)(1), (2), and (3) were updated to reflect the titles used when DAQ communicates with a source: "plant name" was changed to "source name"; "owner or operator's name" was replaced by "Responsible Official"; "agent" was deleted because DAQ only communicates through the Responsible Official or his/her designee, not an agent (which implies someone outside the company); and new language was added regarding the initial location of a portable source (if known) now that DAQ will identify a portable source as a type of stationary source.

- Section 12.1.3.6(a)(4) was revised to clarify that the Responsible Official provides a "declaration" that the statements are true, accurate, and complete; to specify which Nevada state law is applicable; and to clarify that the declaration is under penalty of perjury.

- Sections 12.1.3.6(b), (c), and (d) were revised to remove the redundant statement "in addition to the information required by subpart (a)." They are now bullet items under 12.1.3.6(b). A new bullet item was added to require a compliance plan as part of a significant revision or renewal application submitted by an existing minor source that is not in compliance with all applicable requirements.

- The requirement in Section 12.1.3.6(c)(2) to describe and quantify actual emissions was removed, since determinations will be made based on changes in the potential to emit.

- **Section 12.1.4: "Permit Content"**

  - Section 12.1.4.1: "Terms and Conditions"

    - Sections 12.1.4.1(d), (m)(1), and (m)(3) have been combined into (d). Both (m)(1) and (m)(3) were related to monitoring, testing, reporting, and recordkeeping requirements. The language used in (d) was taken from Part 70, and much of the language in (m) was taken from the Indiana regulation used as the straw man for the rewrite of the minor source program. Section 12.1.4.1(m)(1) was moved to Section 12.1.4.1(d)(1)(D). Section 12.1.4.1(m)(2) was revised to include protocol certifications and then moved to Section 12.1.4(d)(3)(C).

    - Section 12.1.4.1(d) was revised to clarify without changing the original intent. The word "reasonable" was replaced with "adequate" in "information to evaluate compliance"; the statement "the underlying requirements of these regulations, and

the Act" was deleted because it does not clarify permit terms and conditions. The statement "shall be contained in each minor source permit" was deleted because it is in the subpart dealing with permit terms and conditions.

- Redundancy was removed from Section 12.1.4.1(d)(1). The word "appropriate" was added to the phrase "applicable [and appropriate] monitoring and testing requirements." The phrase "instrumental or non-instrumental" was removed from Section 12.1.4.1(d)(1)(B) because the section already indicates "all monitoring" and the phrase does not add clarity.

- Section 12.1.4.1(d)(2)(A)(iii) was revised to add "person and/or" before "company"; include "if a third party" to the options of who performed the monitoring; and add "monitoring, sampling, measurements, or" before "analyses." The Compliance Division manager identified a need for the actual data used in the analysis, hence the added language.

- Two additional requirements were added, Sections 12.1.4.1(d)(2)(A)(vii) and (viii), to bring in instrument calibration/maintenance and raw data relating to emissions calculations.

- Section 12.1.4.1(d)(2)(B) was revised to clarify the need to retain all records required by the conditions of the permit for at least five years from its issuance. Since the relevant permit conditions now contain examples of records to be retained, they were deleted from this paragraph.

- Section 12.1.4.1(f) was revised for clarity, and to break out its main points into a numbered list. A new limitation included as Section 12.1.4.1(f)(5) covers compliance with a voluntarily accepted emission limitation.

- Section 12.1.4.1(j) was revised to replace "exempt" with "insignificant" because exempt activities are not required to be listed in the permit, but insignificant activities are.

- Section 12.1.4.1(m) was deleted except for those parts moved into Section 12.1.4.1(d), as described above, and Section 12.1.4.1(s), as described below.

- Section 12.1.4.1(n) was revised to consolidate the first two bullets and the lead-in clause into one statement that covers all points without changing the original intent. The third bullet in the list was deleted, and a statement was added that the notice provided to the Control Officer will include a complete list and description of the differences.

- Section 12.1.4.1(s) is a revised version of Section 12.1.4.1(m)(2) that was moved because its subject matter fit better with the surrounding sections. The revision requires that permittees grant access to the Control Officer (or representative) to perform inspections and check out complaints, in accordance with AQR Section 4 and NRS 445B.508 requirements.

- Section 12.1.4.1(y) was added to authorize DAQ to require notification within 15 days of the date a new emission unit began operating. This is essential to

enforcing requirements that involve a specified time following commencement of operations.

- Section 12.1.4.1(z) was added to ensure DAQ's authority under state and local law to enact portable source permits. The conditions inserted into these permits will ensure portable sources comply with federal, state, and local requirements by providing prior notice of change in location and providing notice when a project changes to require the source to remain at one location longer than two years so that increment can be calculated prior to the move. DAQ will require notice if the scope of a project changes, requiring the source to remain on location longer than two years, so increment can be calculated to ensure there is not a NAAQS violation; grant authority through a relocation notice to relocate a source to a new location without requiring the source apply for a permit revision; and ensure that a portable source permit cannot be used to split emissions between two permits to avoid an applicable requirement or standard.

- **Section 12.1.5: "Permit Application Processing Procedures"**
  - Section 12.1.5.1: "Action on Application"
    - In Section 12.1.5.1(a), the word "significant" was removed because the text applies to all types of revisions.
    - Section 12.1.5.1(a)(5) was added to require the payment of applicable fees before a permit can be issued. Section 18.4.3.3 requires that an Authority to Construct Certificate shall not be issued unless the Control Officer has received full payment of all applicable fees, and a minor source permit issued under Section 12.1 includes the Authority to Construct.
    - Section 12.1.5.1(b) was revised to require the issuance or denial of a permit or significant revision following the close of any public participation process prescribed by Section 12.1.5.3. Additionally, it was split into two items, (b) and (c).
    - Sections 12.1.5.1(c), (d), and (e) were revised to remove the word "significant" so they would apply to all permit revisions.
    - Section 12.1.5.1(c) was revised to allow the denial of any permit or permit revision if the applicant fails to submit the correct application or to demonstrate the source is designed to operate in a manner that meets all applicable requirements.
    - Section 12.1.5.1(d) was revised to state that if the Control Officer denies a permit or revision, DAQ may notify the applicant by any method providing evidence of receipt—not just certified mail.
  - Section 12.1.5.2, "Permit Processing Deadlines"
    - Section 12.1.5.2 was revised to replace the word "actions" with "permits."
    - The table in this section was revised by:

- Replacing "Action" with "Permit."
- Deleting "Initial permit for an existing minor source issued under Section 12.1" and its deadline of 75 days. This was transition language, and "initial permits" no longer exist.
- Adding "Permit renewal with revision" and its deadline of 120 days, along with a footnote clarifying that an administrative revision is not included in the reference to "revision."
- Adding "Minor permit revision" and its deadline of 60 days.

– Section 12.1.5.3: "Public Participation"

- Section 12.1.5.3(a)(1) was revised to:
  - Break the paragraph into a bulleted list, making it easier to identify the actions that trigger public participation requirements.
  - Update the numbering of proposed actions to accommodate Section 12.1.7 references to voluntarily accepted emission limitations and standards.
  - Add a proposed action associated with new portable sources.
  - Add a proposed action associated with relocating a portable source that is within 1,000 feet of a significant receptor.
  - Add a proposed action associated with a voluntarily accepted emissions limitation in Section 12.1.7(C).
  - Add a requirement to post Notices of Proposed Action on the DAQ website.
  - Remove the requirement to publish Notices of Proposed Action in a newspaper of general circulation within Clark County, Nevada.
- Section 12.1.5.3(a)(2) became the list of required components to be included in the Notice of Proposed Action, which was in Section 12.1.5.3(a)(1).
- Section 12.1.5.3(a)(3) was added, with language from Section 12.5.2.17 regarding the 30 days required for public comment and before holding a public hearing.
- Section 12.1.5.3(a)(4) is revised to accommodate the posting of the Notice of Proposed Action on the DAQ's website during the thirty (30) day public comment period.
- Section 12.1.5.3(a)(4) contains a new requirement to post relocation of portable sources on the DAQ website for a seven-day public comment period. Another requirement was added, in both (a)(4) and (a)(5), that the Control Officer must receive all written comments before the expiration of the public comment period.
- Section 12.1.5.3(b) was revised to remove the words "Notice of Proposed Action" before "public comment period."

- Section 12.1.5.3(b)(2) added a requirement to provide notice of the public hearing to the petitioner, the applicant, and those listed in Section 12.2.3(a)(4) in the same manner required for the Notice of Proposed Action.
- Section 12.1.5.3(a)(3) became Section 12.1.5.3(a)(6).
- Section 12.1.5.3(a)(7) added a requirement to post Notices of Proposed Action on the DAQ website.
- Section 12.5.2.17 added a requirement that a record of the commenters and issues raised during public participation be kept and made available to the public.
- Sections 12.1.5.4 and Section 12.1.5.5 were deleted because they addressed the handling of permitting actions during the transition period, which ended July 1, 2015.
- Section 12.1.5.4, "Permit Transfers," has no proposed changes.

- **Section 12.1.6: "Revisions to an Existing Minor Source Permit"**
  - Section 12.1.6(a): "Significant Permit Revision"
    - Section 12.1.6(a) was revised to make the public participation condition in Section 12.1.5.3 mandatory only when applicable.
    - Section 12.1.6(a)(3) was revised by replacing "the" with "such."
    - Section 12.1.6(a)(3)(B) was revised by replacing "a change in an applicable requirement" with "Newly applicable requirements specified in 40 CFR Part 60, Part 61, or Part 63."
    - Section 12.1.6(a)(4) was revised by replacing the phrase "applicable requirement" with the word "regulation."
  - Section 12.1.6(b): "Minor Permit Revision"
    - The introductory statement was revised to clarify that if a proposed permit revision does not qualify as "significant" under Section 12.1.6(a), but is described in 12.1.6(b), it is a minor revision. This will resolve an ongoing problem where minor sources simply apply for the revision type with the fewest requirements, rather than the one that is most appropriate.
    - The section was rearranged to make reading easier. Section 12.1.6(b)(2) was brought up into Section 12.1.6(b)(1), so now the first statement is: "The following changes require a minor permit revision...." Section 12.1.6(b)(1)(A) was added to bring in requirements for the construction of a new emission unit that is not a like-kind replacement. Sections 12.1.6(b)(2)(A)—(D) were renumbered to accommodate the new 12.1.6(b)(2)(A).
    - Section 12.1.6(b)(2) was not changed.

- Section 12.1.6(b)(3) was revised to state: "The Control Officer may deny the minor revision because" and list the existing reasons for denying a minor revision. Sections 12.1.6(b)(1)(B)(i)—(iii) were renumbered to accommodate the change.

– Section 12.1.6(c): "Administrative Permit Revision"

- The introductory statement adds "may be initiated by either the source or the Control Officer" but otherwise remains true to its original intent.
- There are corrections in word extensions to make the list of changes subject to an administrative revision. "These changes are not subject to Section 12.1.6(a) and (b):" the first words in the list items were revised to "correcting," "changing," "incorporating," and "revising."
- Section 12.6.1(c)(3) added a new administrative change: "correcting a permit condition, including but not limited to emission standards and compliance demonstration requirements, consistent with an existing requirement."

– Section 12.1.6(d): "Changes that Can Be Made with Prior Notice"

- Section 12.1.6(d) was revised to include the requirement that prior written notice of a change must be submitted within the applicable time frame.
- Section 12.1.6(d)(1) was revised to replace "Department" with "Control Officer" for consistency.
- Section 12.1.6(d)(2) was revised to remove the statement "increases actual emissions less than ten (10) percent of the applicable major source threshold for the air pollutant(s) emitted, but..." because Section 12.1 emissions are assessed by comparing previous PTE to new PTE. Actual emissions are not considered in actions to revise the permit. "A physical change that does not increase the PTE and is a like-kind replacement of an emission unit" was added to address like-kind replacements here if they are not included in the permit revision.
- Section 12.1.6(d)(5) was deleted. This requirement has not been applied in the eight years since the regulation became effictive. Based on experience, there are no situations that would trigger it; if one did occur, it would be dealt with under the provisions of a minor permit revision.
- Section 12.1.6(d)(6) was added to address location changes of portable sources. Under the previous Section 12, move notices were used for variable location permits. DAQ accepted these move notices because the regulation was silent on portable sources, but this change addresses them clearly.

– Section 12.1.6(e): "Changes that Can Be Made with On-site Logging"

- Section 12.1.6(e) was revised to delete the statement "on a form obtained from the Control Officer." On-site logging is done by the Responsible Official to maintain required records. DAQ cannot create forms that would meet the needs of every minor source, so it proposes placing this responsibility on the Responsible Official.

- Section 12.1.7: "Permits Containing Voluntarily Accepted Emission Limitations and Standards"
  - Section 12.1.7(a) was revised to remove the phrase "being subject to" from (iv), since it is redundant. A numbering system was added to actions where a VAEL can be used to avoid becoming subject, and Section 12.1.7(c) uses that numbering system to clarify which actions trigger public participation. To limit the scope of "meeting other applicable requirements," an exclusion was added for enforceable limitations to avoid triggering additional fees.
  - Section 12.1.7(c) was revised to remove references to a VAEL being a significant revision because Section 12.1.3.6(a) specifically identifies it as such. Language was added to clarify the conditions under which a permit containing a VAEL must undergo public participation. Section 12.1.5.3 added the requirement that a VAEL is subject to public participation, limited to avoiding (i) New Source Review under Sections 12.2 or 12.3; (ii) having to obtain a Part 70 Operating Permit under Section 12.5; and (iii) becoming a major HAPs source.

- **Other Significant Changes**
  - Portable sources have been more appropriately defined, and terms and conditions have been added to Section 12.1 to facilitate process administration for them. These additions occur throughout the rule, for instance in Section 12.1.1(h), "Definition"; Sections 12.1.2(b)(2)(d) and (e), "Exemption"; Section 12.1.3.6(a)(2), "Application Contents"; Section 12.1.4.1(z), "Permit Terms and Conditions"; Sections 12.15.3(a)(1)(D) and (E) and Section 12.15.3(a)(3), "Public Participation"; and Section 12.1.6(d)(5), "Location Change Notices."

Section 12.11: "General Permits for Minor Stationary Sources"

Section 12.11 was adopted by the Board of County Commissioners on November 3, 2009. DAQ submitted it with Sections 0, 12.0, 12.1, and 12.11 to Nevada Department of Environmental Protection for them to submit these sections to EPA for inclusion into the Nevada State Implementation Plan (SIP). While the other sections were eventually included into the SIP, Section 12.11 was not. EPA noted there were deficiencies that needed to be resolved before the section would be made federally enforceable.

During the review of Section 12.1, DAQ concluded that some issues could be resolved using Section 12.11, the general permit rule. DAQ researched how other air agencies were managing their general permit programs. Though each program varied from state to state, the benefit of issuing one generic permit for specific source classes was apparent. DAQ compared its rule to other rules from other air agencies and identified where its rule deficiencies were. DAQ drafted an updated rule, using various agencies rules as models and asked EPA to provide an informal review. Many of the EPA comments were incorporated into the proposed rule.

AGENDA

JOINT MEETING OF THE
CLARK COUNTY BOARD OF COMMISSIONERS
CLARK COUNTY WATER RECLAMATION DISTRICT BOARD OF TRUSTEES
UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES
AND CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD

9:00 AM TUESDAY, DECEMBER 18, 2018

CLARK COUNTY COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA

This meeting has been properly noticed and posted in the following locations:

CC Government Center
500 S. Grand Central Pkwy.
Las Vegas, NV
(Principal Office)

Regional Justice Center
200 Lewis Ave, 1st Fl.
Las Vegas, NV

Third Street Building
309 S. Third St.
Las Vegas, NV

Paradise Park
Pool & Center
4775 McLeod Dr.
Las Vegas, NV

Winchester Park & Center
3130 S. McLeod Dr
Las Vegas, NV

Desert Breeze
Park & Community Ctr
8275 Spring Mtn. Rd
Las Vegas, NV

Agenda Also Available At:

Clark County
Reg. Govt. Center
101 Civic Way
Laughlin, NV

City of North Las Vegas
2250 N. Las Vegas Blvd
North Las Vegas, NV

City of Henderson
240 Water St.
Henderson, NV

City of Boulder City
400 California Ave.
Boulder City, NV

City of Mesquite
10 E. Mesquite Blvd.
Mesquite, NV

City of Las Vegas
495 S. Main St.
Las Vegas, NV

If you wish to speak on an item appearing on this agenda, please fill out a Public Comment Interest Card which is located in front of the Commission Chambers and submit the comment card to staff sitting in the front lobby of the Commission Chambers. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chair, or the Board by majority vote.

- Items on the agenda may be taken out of order.
- The Board of County Commissioners, Board of Trustees, and Licensing Board may combine two or more agenda items for consideration.
- The Board of County Commissioners, Board of Trustees, and Licensing Board may remove an item from the agenda or delay discussion relating to an item at any time.

Contracts, zoning matters, or ordinances that do not comply with the County's disclosure requirement as outlined in Section 10(2) of the County Ethics Policy are subject to being voided.

The main agenda is available on Clark County's website, http://www.ClarkCountyNV.gov. For copies of agenda items and supporting backup materials, please contact Cyndi Baroni, Agenda Coordinator, at (702) 455-3530. This meeting will be broadcast live in the Las Vegas area on Clark County Television (CCTV) Channel 4 on Cox cable (Channel 89.13 for those without converter boxes), on Channel 4 on CenturyLink, in Laughlin on Channel 14 via CMA Access, and on the County's website at www.ClarkCountyNV.gov. It will be replayed over CCTV on Tuesday, December 18, 2018, at 9:00 P.M. For more information about the program schedule, please refer to http://www.clarkcountynv.gov/Depts/public_communications/Pages/CCTV4.aspx or contact CCTV Channel 4 at (702) 455-6890.

SEC. 1. OPENING CEREMONIES

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

1. Public Comment

2. Approval of Minutes of the Regular Meeting on November 6, 2018 and the Special Meeting on November 29, 2018. (For possible action) ***(Available in the County Clerk's Office, Commission Division)***

3. Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items. (For possible action)

SEC. 2. CONSENT AGENDA: Items No. 4 through No. 52

NOTE:
- The Board of County Commissioners, Board of Trustees, and Licensing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- Consent Agenda - All matters in this sub-category are considered by the Board of County Commissioners, Board of Trustees, and Licensing Board to be routine and may be acted upon in one motion. Most agenda items are phrased for a positive action. However, the Board/Trustees may take other actions such as hold, table, amend, etc.
- Consent Agenda items are routine and can be taken in one motion unless a Commissioner/Trustee/Licensing member requests that an item be taken separately. The Chair will call for public comment on these items before a vote. For all items left on the Consent Agenda, the action taken will be staff's recommendation as indicated on the item.
- Items taken separately from the Consent Agenda by Commission/Trustees/Licensing members at the meeting will be heard following the Commissioners'/County Manager's Recognition Section.

Purchasing & Contracts

4. Approve the selection of the firms specified on the Architecture Services small, medium, and large projects, Civil Engineering, Building Commissioning, Cost Estimating, Electrical Engineering, Landscape Architecture, Mechanical Engineering, Structural Engineering, Scheduling, Land Surveying, Fire Protection Consulting, Utilities Coordination and Design, Audio Visual Consulting, Environmental Assessment, Mechanical Smoke Control Certification and Recertification Commissioning and Registered Roofing Consultants for SOQ 604940-18, Professional Services for Real Property Management; and authorize the Chief Financial Officer or her designee to negotiate the individual contracts required for each project; or take other action as appropriate. (For possible action)

5. Approve the award of Bid No. 605041-18, Annual Requirements Contract for Safety Shoes, to the low responsive and responsible bidders. Staff recommends award to Industrial Safety Shoe Company, dba Shoeworks (Package 1 and 2) and to Desert Footwear, LLC dba Red Wing Shoes (Package 3); and rejection of the bid received from Red Wing Brands of America, Inc. (All Packages); or take other action as appropriate. (For possible action)

6. Approve an amendment to the contract with SAP Public Services, Inc., for RFP No. 5459-03, to add software for the Enterprise Resource Planning System; and authorize the Chief Financial Officer or her designee to sign the amendment; or take other action as appropriate. (Previous amendments and original contract are available for public viewing at the County Clerk’s Office, Commission Division). (For possible action)

7. Approve a Change Order to the contract with Las Vegas Paving Corporation for Bid No. 604777-18, for Hollywood Boulevard, Charleston Boulevard to Lake Mead Boulevard, and authorize the Chief Financial Officer or her designee to sign the change order; or take other action as appropriate. (For possible action)

8. Authorize the utilization of the State of Nevada, Nevada Department of Public Safety/Records, Communications and Compliance Division RFP #65DPS-S39 contract, for Channeling Services Including Fingerprinting Services and Centralized Electronic Transmission, awarded to Idemia Identity & Security USA LLC, under CBE No. 605059-18; and authorize staff to issue purchase orders, subject to approved budget appropriations; or take other action as appropriate. (For possible action)

Town Services

9. Note for the record the following Town Advisory Board (TAB) and/or Citizens Advisory Council (CAC) Minutes:

Bunkerville TAB - September 27, 2018;
Enterprise TAB - November 14, 2018;
Lone Mountain CAC - November 13, 2018;
Red Rock CAC - September 26, 2018;
Spring Valley TAB - November 13, 2018;
Sunrise Manor TAB - November 15, 2018; and
Winchester TAB - October 30, 2018 and November 13, 2018.

Social Service

10. Approve, and authorize the Chairman to sign an interlocal agreement to provide Fiscal Year 2018/19 Community Development Block Grant (CDBG) Capital and Public Service funds in the amount of $229,920 to the City of Boulder City for its program services and activities. (For possible action)

11. Approve and authorize the Chairman to sign an interlocal agreement to provide Fiscal Year 2018/19 Community Development Block Grant (CDBG) Capital funds in the amount $229,920 to the City of Mesquite for its program services and activities. (For possible action)

Air Quality

12. Approve, adopt, and authorize the 2019-2021 Implementation Plan and Budget Report (IPB Report) for the Clark County Multiple Species Habitat Conservation Plan and authorize the Plan Administrator to submit the IPB Report to the U.S. Fish and Wildlife Service. (For possible action)

Aviation

13. Authorize the Director of Aviation to sign a Revocable License Agreement between Clark County and LASFuel Corporation (Shane Thrasher, President) to construct and maintain an underground pipeline to provide an alternate jet fuel source to McCarran International Airport; or take other action as appropriate. (For possible action)

14. Approve the award of Bid No. 19-605016, Annual Requirements Contract for Fuel and Fueling Truck Rental to the lowest responsive and responsible bidder; staff recommends award of bid to Ascent Aviation Group, Inc. (Darren B. Fuller, Authorized Officer); or take other action as appropriate. (For possible action)

15. Authorize the Director of Aviation or his/her designee to sign Right of Entry, Grant of Easement, Grant of License, License Agreement, and Right of Way and Easement Deed Documents, required by Central Telephone Company dba CenturyLink, Clark County Water Reclamation District, Cox Communications Las Vegas, Inc., Las Vegas Valley Water District, and Southwest Gas Corporation for the installation, maintenance, operation, relocation, removal or upgrade of utility improvements on County (Airport) owned property; or take other action as appropriate. (For possible action)

16. Approve, adopt, and authorize the Chairman to sign a resolution authorizing (i) extending the Standby Bond Purchase Agreement (SBPA) provided by State Street Bank and Trust Company (State Street) supporting the General Obligation Airport Bonds, Series 2008A and changes in fees for the SBPA; (ii) extending the Letters of Credit provided by State Street supporting Airport System Subordinate Lien Revenue Bonds, Series 2008A-2, Series 2008B-2, and Series 2008C-2 and changes in the fees for the Letters of Credit; (iii) extending the Letter of Credit provided by Sumitomo Mitsui Banking Corporation supporting Airport System Subordinate Lien Revenue Bonds, Series 2008C-3 and changes in the fees for the Letter of Credit; (iv) publication of a notice of the hearing required by the Internal Revenue Tax Code of 1986 (Tax Code) for, and reimbursement of costs with, certain future

refunding bonds and future bonds issued for airport projects; and (v) interest rate exchange agreement terminations relating to Airport Revenue Bonds. (For possible action)

Public Works

17. Approve and authorize the County Manager or her designee to sign Supplemental No. 3 to the professional engineering services contract between Clark County and Louis Berger U.S., Inc. (Syndi Dudley, Vice President) for a time extension to the contract for the Fairgrounds - Whipple Detention Basin project in Logandale, Nevada. (For possible action)

18. Approve and authorize the Chair to sign Interlocal Agreement No. 126358-A between Clark County and the Las Vegas Valley Water District for the installation of the water meters and commitment of water service as part of the Pedestrian Grade Separation Las Vegas Boulevard at Park Avenue project. (For possible action)

19. Approve and authorize the Chair to sign the assignment of revocable license and maintenance agreement among Clark County, South Beach-Russell, LLC (Brian Burdzinski, Chief Financial Officer/Vice President), Watt SB LLC (Brian Burdzinski, Chief Financial Officer/Vice President), and Griffin Capital (South Beach - Vegas) DST (Joseph Miller, Chief Financial Officer), permitting Griffin Capital (South Beach - Vegas) DST to assume and accept all rights and obligations under the revocable license and maintenance agreement between Clark County and South Beach-Russell, LLC, dated August 17, 2015. (For possible action)

20. Set a public hearing for January 7, 2019 at 10:00 a.m. to allow owners of Showcase Mall and other interested parties to be heard on the proposed exercise of eminent domain on portions of property known as Assessor's Parcel Nos. 162-21-401-028 and 162-21-401-029 for a temporary and permanent easement necessary for a portion of the touchdown of the pedestrian grade separation structure crossing Las Vegas Boulevard at Park Avenue. (For possible action)

21. Authorize the Director of Public Works to develop an agreement with the United States Forest Service (USFS) to allow the County to perform maintenance on eleven miles of Lovell Canyon Road from State Route 160 to the Torino Ranch. (For possible action)

22. Approve, adopt, and authorize the Clark County Department of Public Works to modify the Early Grading Agreement for a grading permit prior to off-site permit issuance and pursuant to the conditions in Clark County Code Title 30, including 30.32.040(c); and authorize the Director of Public Works or his designee to sign the agreements or take other action as appropriate. (For possible action)

Real Property Management

23. Approve and authorize the Director of Real Property Management (Director) or her designee to sign a Lease Agreement between Clark County and Las Vegas Clark County Economic Opportunity Board, a Nevada Corporation for Public Benefit, to lease a portion of Assessor's parcel no. 139-16-801-007 in the MLK Senior Center, located at 2420 N. Martin Luther King Boulevard, North Las Vegas, NV; and authorize the Director or her designee to sign any other necessary documents to complete the lease. (For possible action)

24. Approve and accept the donation of ±14.3 acres of vacant land (Assessor's Parcel Number 123-34-401-004) from PH Metro, LLC to Clark County, a political subdivision of the State of Nevada; and authorize the Director of Real Property Management or her designee to sign all related documents necessary to complete the transaction. (For possible action)

25. Approve the purchase of four (4) contiguous parcels of developed and vacant land comprising ±11.36 acres with three (3) existing buildings totaling ±50,552 square feet of office, classroom and gym space, located on the Southeast corner of North Torrey Pines and West Brooks Avenue, known as the former Calvary School, 2900 North Torrey Pines Drive, Las Vegas, NV 89108 (Assessor Parcel Numbers 138-14-601-005, -006, -013, and -014) for $7,750,000; ratify the appraisal dated September 7, 2018 by Scott Krueger, Timothy Morse and John Kiehlbauch; fund the tenant improvements of

$2,371,000; and authorize the Director of Real Property Management or her designee to sign escrow instructions and any related documents to complete the transaction. (For possible action)

Budget & Finance

26. In accordance with NRS 244.210 and 354.220 through 354.250, approve, adopt, and authorize the Chairman to sign a resolution to authorize refunds as shown on Exhibit "A". (For possible action)

27. Approve and authorize the Chair to sign an agreement between the State of Nevada and Clark County to support the Practitioner Upper Payment Limit program. (For possible action)

28. Approve and authorize the Chair to sign an interlocal contract between Clark County and the State of Nevada Department of Health and Human Services to establish a reimbursement program for ground ambulance transportation services in accordance with the State of Nevada Medicaid State Plan; or take other action as appropriate. (For possible action)

29. Approve the allocation of $767,472 from the Wetlands Fund (2240) to fund Wetlands Park projects. (For possible action)

Clark County Water Reclamation District *(Board of County Commissioners sitting as the CCWRD Board of Trustees)*

30. Approve the award of District ITB No. 190023 for the procurement of Biodiesel (B5) Fuel Blend (Ultra-Low-Sulfur #2 Diesel, Biodiesel (B100)) & Unleaded Gasoline to the lowest responsive and responsible bidder; or take other action as appropriate. Staff recommends award to Rebel Oil Company, Inc. (Dana Cason Teepe, Executive Vice President). (For possible action)

31. Approve the award of ITB No. 190024, Electrical Testing Services to the lowest responsive and responsible bidder, contingent upon submission of the required insurance; or take other action as appropriate. Staff recommends award to Electrical Reliability Services, Inc. (Francis W. Bibens, President). (For possible action)

32. Accept and approve staff's evaluation and pre-qualification of professional service providers for twenty (20) categories of services and works; and authorize the General Manager to select and enter into contracts with pre-qualified professional service providers to perform planning, engineering, and construction services on District projects, contingent upon the submission of the required insurance and disclosure of ownership and employment information, for the period of January 1, 2019 through December 31, 2020; or take other action as appropriate. (For possible action)

33. Approve and authorize the General Manager of the Clark County Water Reclamation District, on behalf of Clark County, to apply for a grant in the amount of $40,000 from the State of Nevada, Division of Environmental Protection for the reimbursement of costs associated with implementing aspects of the Clark County 208 Area-Wide Water Quality Management Plan for the period of July 1, 2018 through June 30, 2020; authorize the General Manager or his designee to sign any grant award documents; and authorize acceptance of any grant awarded. (For possible action)

University Medical Center of Southern Nevada *(Board of County Commissioners sitting as the UMC Hospital Board of Trustees)*

34. Approve the November 2018 Physician Credentialing Activities and Revisions to the Delineation of Privileges of University Medical Center of Southern Nevada as authorized by the Medical Executive Committee on November 27, 2018. (For possible action)

35. Approve the Sales Proposal with Hill-Rom Company, Inc. for the purchase of Hill-Rom Smart Beds and the NaviCare® Patient Safety module; and authorize the Chief Executive Officer to sign the Sales Proposal. (For possible action)

36. Re-appoint Renee Franklin, Harry Hagerty, and John O'Reilly to serve as members on the UMC

Governing Board for a three-year term ending December 31, 2021. (For possible action)

General Administration

37. Approve and authorize the Chair to sign the correction of the 2015-2016 thru 2018-2019 Secured and the 2013-2014 thru 2018-2019 Unsecured Assessment Roll AR-1218-18-24 and order the corrections to be made. (For possible action.)

38. Pursuant to the Nevada Revised Statutes, note for the record that the Official Reports and Documents received from various County offices are on file in the County Clerk's Office, Commission Division.

39. Direct the County Treasurer to apportion, combine, or combine and reapportion the unpaid balances of special assessments for Special Improvement District Number 151 (Summerlin-Mesa) on original Assessor's Parcel Numbers and approve the apportionment, combination, or reapportionment to current Assessor's Parcel Numbers as follows: 164-24-201-004, 164-24-301-002, 164-24-401-004, 164-24-299-004, 164-24-399-003 to 164-24-201-006 thru -007, 164-24-301-003 thru -004, 164-24-401-006 thru 007, 164-24-299-005; as applicable, and that the Board find that the combining or reapportioning of assessments will not materially or adversely impair the obligation of the County with respect to any outstanding bond secured by assessments or increase the principal balance of any assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the assessment. (For possible action)

40. Approve the request from the City of Mesquite Athletics & Leisure Services Department, to acquire by transfer Assessor's Parcel Number 001-20-110-069 currently deeded to the Clark County Treasurer as Trustee, located within the County of Clark; and direct the County Treasurer to give notice as required per NRS 361.603. (For possible action)

41. Approve the request from the Clark County Public Works Department, to acquire by transfer Assessor's Parcel Number 264-28-201-003 currently deeded to the Clark County Treasurer as Trustee, located within the County of Clark; and direct the County Treasurer to give notice as required per NRS 361.603. (For possible action)

42. Approve the request from the Clark County Public Works Department, to acquire by transfer Assessor's Parcel Number 264-21-802-001 currently deeded to the Clark County Treasurer as Trustee, located within the County of Clark; and direct the County Treasurer to give notice as required per NRS 361.603. (For possible action)

43. Approve the request from the Clark County Public Works Department, to acquire by transfer Assessor's Parcel Number 163-10-405-014 currently deeded to the Clark County Treasurer as Trustee, located within the County of Clark; and direct the County Treasurer to give notice as required per NRS 361.603. (For possible action)

44. Approve the request from the Clark County Public Works Department, to acquire by transfer Assessor's Parcel Number 070-12-201-010 currently deeded to the Clark County Treasurer as Trustee, located within the County of Clark; and direct the County Treasurer to give notice as required per NRS 361.603. (For possible action)

45. Approve the request from the Clark County Public Works Department, to acquire by transfer Assessor's Parcel Number 125-08-503-011 currently deeded to the Clark County Treasurer as Trustee, located within the County of Clark; and direct the County Treasurer to give notice as required per NRS 361.603. (For possible action)

46. Ratify the Behavioral Health, Prevention and Treatment Program grant award renewal from the State of Nevada Division of Public and Behavioral Health to provide residential treatment and case management services in the amount of $1,000,000; authorize the Court Executive Officer of the Eighth Judicial District Court (EJDC) or his designee to enter into an agreement with Freedom House, Inc., BlueCove, and other providers when they become available and necessary for treatment services. (For possible action)

47. Approve and authorize the submission of the Fiscal Year 2019 Justice for Families Program grant application for $406,423.00 to the U.S. Department of Justice, Office on Violence Against Women to create the Court Compliance Program within the Justice Court, Las Vegas Township; and authorize acceptance of any grant awarded. (For possible action)

48. Ratify the submission of the project proposal for the FFY16 State Homeland Security Grant Program in the amount of $60,400 to complete Clark County's Urban Area Annexes of the Emergency Operations Plan; approve and authorize the Chairman to sign the grant assurances to the State of Nevada Division of Emergency Management; authorize the Deputy Fire Chief to sign the award documents; and accept any funds awarded. (For possible action)

49. Ratify the submission of the project proposal for the FFY16 State Homeland Security Grant Program in the amount of $100,000 to complete Clark County's Urban Area and State of Nevada joint annual Threat and Hazard Identification and Risk Assessment (THIRA), and the Stakeholder Preparedness Review (SPR) reports; approve and authorize the Chairman to sign the grant assurances to the State of Nevada Division of Emergency Management; authorize the Deputy Fire Chief to sign the award documents; and accept any funds awarded. (For possible action)

50. Ratify the submission of the project proposal for the FFY16 Urban Area Security Initiative (UASI) grant in the amount of $100,000 for Emergency Operations Center enhancements; approve and authorize the Chairman to sign the grant assurances to the State of Nevada Division of Emergency Management; authorize the Deputy Fire Chief to sign the award documents; and accept any funds awarded. (For possible action)

51. Ratify the submission of the project proposal for the FFY16 Urban Area Security Initiative (UASI) grant in the amount of $7,500 for the purchase of a fire skid unit; approve and authorize the Chairman to sign the grant assurances to the State of Nevada Division of Emergency Management; authorize the Deputy Fire Chief to sign the award documents; and accept any funds awarded. (For possible action)

52. Approve the definition of "Rural Program of Resident Officers" as adopted by the Las Vegas Metropolitan Police Department Committee on Fiscal Affairs. (For possible action)

END CONSENT AGENDA

SEC. 3. COMMISSIONERS' / COUNTY MANAGER'S RECOGNITION

53. Present a proclamation recognizing the Spring Mountain High School Boy's Football Team for their outstanding accomplishments during the 2018 Football season.

54. Present a proclamation recognizing Can you Spare a Story and founder Sydney Grover for their contribution in giving back to our community.

SEC. 4. ITEMS TAKEN SEPARATELY FROM CONSENT AGENDA

SEC. 5. PUBLIC HEARINGS - 10 AM

55. Conduct a public hearing and make a finding on Tuesday, December 18, 2018, at 10:00 a.m. that Project 2465 Airport Security Cameras (Project) is part of a critical infrastructure to improve airport security; and authorize the Director of Aviation to add the Project to the existing Project Labor Agreement between Clark County and signatory Unions (Local and Southern Nevada Building and Construction Trades Council); or take other action as appropriate. (For possible action)

56. That the Clark County Water Reclamation District Board of Trustees conduct a public hearing; and approve, adopt, and authorize the Chairman to sign District Resolution 18-007, which amends the District Service Rules; or take other action as appropriate. (For possible action)

57. That the Board of County Commissioners, also sitting as the Clark County Water Reclamation

District Board of Trustees, pursuant to NRS 288.200 receive a report on the Fact Finding decision between Clark County and the Service Employees International Union (SEIU) Local 1107; conduct a public hearing pursuant to NRS 288.153 and authorize the Chairman to sign the Collective Bargaining Non-Fiscal Reopener effective December 18, 2018; adjust the salary ranges for all position classifications not covered under a collective bargaining agreement by 1% effective July 1, 2018. (For possible action).

58. Pursuant to NRS 288.153, conduct a public hearing; and approve and authorize the Chair to sign the Collective Bargaining Agreement Fiscal Reopener between Clark County and the Juvenile Justice Probation Officers Association (JJPOA), effective December 18, 2018 through June 30, 2019; and extend the same salary and benefit changes to the non-union Juvenile Justice Probation Officers not covered by the JJPOA Collective Bargaining Agreement. (For possible action)

59. Conduct a public hearing; approve, adopt and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulations Section 0 to remove, revise, and add definitions; repeal Section 10; amend Section 12.0 and repeal and adopt a new Section 12.1 to remove obsolete stationary source permitting transition language, update and add definitions, streamline the minor source application process, revise the list of exempt and insignificant emission units, and address minor portable source permitting; repeal and adopt a new Section 12.11 to add requirements to facilitate the minor source general permit program; and provide for other matters related thereto; consider written comments submitted during the October 21, 2018 through November 19, 2018 comment period and approve the proposed responses to those comments; authorize the Director or her designee to make a record of any relevant comments and responses made at the public hearing; and authorize the Director or her designee to compile and submit the approved ordinance and all related documentation, to the Nevada Division of Environmental Protection for United States Environmental Protection Agency approval into the Nevada State Implementation Plan. (For possible action)

60. Conduct a public hearing; approve, adopt, and authorize the Chairman to sign an ordinance to amend Title 22, Chapter 22.02 of the Clark County Code to amend Section 22.02.345(E) to modify the express processing plan review fee schedule; providing for other matters properly relating thereto; or take other action as appropriate. (For possible action)

61. Conduct a public hearing; adopt, approve and authorize the Chairman to sign an ordinance to amend Clark County Code Title 5, Chapter 5.02 concerning rights-of-way management for wireless communications facilities, providing for application and issuance of master wireless use and site license agreements, setting standards for design, installation, operation, maintenance and removal of wireless communications facilities in the public rights-of-way; establishing fees for wireless communications facilities in the public rights-of-way; provide for other matters properly relating thereto. Commission District: All. (For possible action)

62. Conduct a public hearing regarding the issuance of its "Clark County, Nevada, General Obligation (Limited Tax) Transportation Improvement Bonds (Additionally Secured by Pledged Revenues)", in the maximum principal amount of $300,000,000. (For possible action)

END PUBLIC HEARINGS

SEC. 7. BUSINESS ITEMS

63. Identify emerging issues to be addressed by staff or by the Board at future meetings; receive updates on the activities of the various regional boards and commissions; and direct staff accordingly.

64. Approve, adopt, and authorize the Chairman to sign a resolution to be submitted to the Federal Aviation Administration (FAA) to request the renaming of McCarran International Airport to Harry Reid Las Vegas International Airport or an alternative name; or take other action as appropriate. (For possible action)

65. Approve, adopt and authorize the Chairman to sign a Resolution making a finding that no increase in ad valorem is anticipated for the payment of general obligations, additionally secured with pledged revenues, in an amount not to exceed $15,495,000 for the financing and refinancing of court facilities

and requesting the Debt Management Commission to convene to approve the bonds and the finding. (For possible action)

66. Approve the allocation of $179,272,509 from the Parks and Recreation Improvements Fund (4140) and $6,632,512 from the Recreation Capital Improvement Fund (4110) to fund Countywide park projects. (For possible action)

67. Appoint nine qualified individuals to serve on the Business Development Advisory Council (BDAC) for a two-year term from January 1, 2019 through December 31, 2021 from the following list: current members: Ariel Davis, David Eclips, Bedford Jackson, III, Darby O. Johnson, Jr., Jill Klies, and Laura Jane Spina; new applicants Monica Corburn, Christy Echols, James Hu, Amy Matthews, Rachel Gomez-Autry, and William Penney; or take other action as appropriate. (For possible action)

68. Appoint a qualified individual to serve on the Las Vegas Stadium Authority Board of Directors for a four-year term commencing January 1, 2019, from the list of the following individuals: Incumbent: Kenneth Evans; New Applicants: Rick Arpin, Neil Brennan, Erica Chee, John Helderman, Jeffrey Lerud, Stacey G. Lindburg, Kenneth MacDonald, Kathryn Newman, Josh Reid, Sabrina Rivera, James "Brian" Scroggins, Jeffrey A. Silver, David Tulanian, Jerry Wang, and Sylvia Wolf. (For possible action)

69. Appoint two qualified members to serve on the Clark County Law Library Board of Trustees for a two-year term ending December 31, 2020, from the following applicants: Thomas D. Beatty and Barbara Wagner; or take other action as appropriate. (For possible action)

70. Appoint a qualified individual to fill a vacancy in the Nevada State Assembly District 10, vacated by Assemblyman Chris Brooks for the remainder of a term to expire upon the next regular election from the list of following individuals: Alison Brasier, Nadia Hojjat, Jesse “Jake” Holder, Mara Callister Meservy, Rochelle Thuy Nguyen and Zenda M. Shepherd. (For possible action)

71. Appoint a qualified individual to fill a vacancy in the Nevada State Assembly District 11, vacated by Assemblywoman Olivia Diaz for the remainder of a term to expire upon the next regular election from the list of following individuals: Ace Acosta, Douglas A. Bache, Abraham S. Camejo, Beatrice Angela Duran and Mayra Salinas-Menjivar. (For possible action)

72. Approve and authorize the Chairman to sign the Eighth Amendment to the Clark County Monorail Franchise Agreement between Clark County and the Las Vegas Monorail Company to revise the route to add a station to the existing Monorail on Sands Avenue east of Koval Lane to connect to the MSG Sphere and the Sands Expo Center; and providing for other matters properly related thereto. (For possible action.)

73. Receive a report from the Clark County Off-Highway Vehicle Advisory Committee; approve and adopt a resolution supporting the designation of the portion of Logandale Trails on Bureau of Land Management land as an off-highway vehicle recreation area through federal legislation; and direct staff accordingly. (For possible action)

74. Continue discussion and take possible action to reaffirm a moratorium on all related marijuana establishments and formalize a social process for MME to contribute monetarily from a list of non-profits that do business with families and children within Clark County. (For possible action)

75. That the Board of County Commissioners, the Clark County Water Reclamation District Board of Trustees, the UMC Board of Hospital Trustees, and the Clark County Liquor and Gaming Licensing Board approve the 2019 scheduled meeting dates of the Board of County Commissioners, Clark County Water Reclamation District Board of Trustees, UMC Board of Hospital Trustees, Clark County Liquor and Gaming Licensing Board and BCC Zoning, as outlined in the 2019 meeting calendar; or take other action deemed appropriate. (For possible action)

76. Review and consider amendments to the Board of County Commissioners Rules of Procedure Handbook; and take any action deemed necessary. (For possible action)

77. Review the performance of County Manager Yolanda T. King for the period covering December 2017 through December 2018; and take any action deemed appropriate. (For possible action)

78. Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter, and pursuant to NRS Chapter 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly. (For possible action)

79. Approve the contract with FirstMed Health and Wellness`Cen4er, for RFP No. 604584-17, to provide Comprehensive Mental Health Services, contingent upon submission of the required insurance; and authorize the Chief Financial Officer or her designee to sign the contract; or take other action as appropriate. (For possible action) **ADDENDUM**

PUBLIC COMMENTS

Comments By the General Public

A period devoted to comments by the general public about matters relevant to the Board's/Trustees' jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Trustees wishes to extend the length of a presentation, this will be done by the Chairman, or the Board/Trustees by majority vote.

All comments by speakers should be relevant to Board/Trustees action and jurisdiction.

ZONING AND SUBDIVISIONS **Wednesday, December 19, 2018, 9:00 AM** **Separate Agenda**

THE REGULAR JOINT MEETINGS OF THE CLARK COUNTY BOARD OF COMMISSIONERS, THE CLARK COUNTY WATER RECLAMATION BOARD OF TRUSTEES, THE UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES, AND THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD HELD ON THE FIRST AND THIRD TUESDAYS OF EACH MONTH, ARE VIDEO-TAPED BY CLARK COUNTY TELEVISION (CCTV). THIS MEETING WILL BE BROADCAST LIVE IN THE LAS VEGAS AREA ON CLARK COUNTY TELEVISION (CCTV) CHANNEL 4 ON COX CABLE (CHANNEL 89.13 FOR THOSE WITHOUT CONVERTER BOXES), ON CHANNEL 4 ON CENTURYLINK, IN LAUGHLIN ON CHANNEL 14 VIA CMA ACCESS, AND ON THE COUNTY'S WEBSITE AT WWW.CLARKCOUNTYNV.GOV. IT WILL BE REPLAYED OVER CCTV ON TUESDAY, DECEMBER 18, 2018, AT 9:00 P.M. FOR MORE INFORMATION ABOUT THE PROGRAM SCHEDULE, PLEASE REFER TO HTTP://WWW.CLARKCOUNTYNV.GOV/DEPTS/PUBLIC_COMMUNICATIONS/PAGES/CCTV4.ASPX OR CONTACT CCTV CHANNEL 4 AT (702) 455-6890.

THE COUNTY CLERK KEEPS THE OFFICIAL RECORD OF ALL PROCEEDINGS OF THE COUNTY COMMISSION, THE CCWRD BOARD OF TRUSTEES, THE UMC HOSPITAL BOARD OF TRUSTEES, AND THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD. IN ORDER TO MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL PROCEEDINGS, ANY PHOTOGRAPH, MAP, CHART, OR ANY OTHER DOCUMENT USED IN ANY PRESENTATION TO THE BOARD/TRUSTEES SHOULD BE SUBMITTED TO THE COUNTY CLERK . IF MATERIALS ARE TO BE DISTRIBUTED TO COMMISSIONERS/TRUSTEES, PLEASE PROVIDE SUFFICIENT COPIES FOR DISTRIBUTION TO THE COUNTY MANAGER, COUNTY COUNSEL, AND COUNTY CLERK.

THE CLARK COUNTY COMMISSION CHAMBERS ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. WITH TWENTY-FOUR (24) HOUR ADVANCE REQUEST, A SIGN LANGUAGE INTERPRETER MAY BE MADE AVAILABLE (PHONE: (702) 455-3530 OR TDD (702) 385-7486) OR RELAY NEVADA TOLL FREE (800) 326-6868, TT/TDD. ASSISTIVE LISTENING DEVICES ARE AVAILABLE UPON REQUEST AT THE STAFF TABLE.

CHAPTER 3:

LEGAL AUTHORITY TO ADOPT AND IMPLEMENT

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2.76.10. Creation – Assumption of functions.

A department, to be hereinafter known as the department of air quality, is created effective April 1, 2012. The department of air quality shall assume the air quality functions of the former department of air quality and environmental management. The department of air quality shall perform all delegable functions of the local air pollution control agency, pursuant to Chapter 445B of the Nevada Revised Statutes. (Ord. 3085 § 10, 2004) (Ord. No. 3826, § 1, 11-4-2009; Ord. No. 4008, § 3, 3-6-2012)

2.76.020. Director – Appointment.

The director shall be appointed by the county manager with advice and consent of the board of county commissioners and serve at the pleasure of the county manager. (Ord. 3085 § 11, 2004)

2.76.030. Director – Functions.

(a) The department of air quality shall be supervised by the director of air quality.

(b) The director shall provide staff support to the Clark County board of county commissioners on all matters related to air quality in Clark County.

(c) The director shall serve as the air pollution control officer for air quality as that term is used in Chapter 9.08 of this code and state and federal laws and regulations.

(d) The director or director's designee shall be responsible for air quality planning and shall administer a program for compliance with applicable state and federal laws and regulations governing air quality in accordance with Chapter 445B of the Nevada Revised Statutes.

(e) The director shall have such other duties as assigned to the director or air pollution control officer in Chapter 9.08 of this code, and any regulations promulgated thereunder.

(f) The director or director's designee may administer a program to promote compliance with state and federal environmental regulations including a program promoting the use of alternative fuels under guidelines approved by the board of county commissioners. (Ord. 3085 § 12, 2004) (Ord. No. 3826, § 1, 11-4-2009; Ord. No. 4008, § 4, 3-6-2012)

2.76.040. Responsibilities of the department.

(a) The department of air quality shall be responsible for planning and management of programs relating to air quality in compliance with applicable federal, state, and local laws and regulations.

(b) The department of air quality shall enforce local regulations known as the "Clark County Air Quality Regulations." (Ord. 3085 § 13, 2004) (Ord. No. 3826, § 1, 11-4-2009; Ord. No. 4008, § 5, 3-6-2012)

http://clarkcounty-nv.elaws.us/code/coor_title2_ch2.76

9.08.020. Policy.

It is the public policy of Clark County that the emission of air pollutants into the atmosphere be controlled to promote the continual enjoyment of property within the county for residential and recreational purposes to the optimum degree, consistent with full employment and continued commercial and industrial development and to administer environmental programs related to air quality for the purpose of protecting and preserving our natural resources. This chapter shall be interpreted and construed so as to effectuate the purpose stated above and the public policy declared in Chapter 445B of the Nevada Revised Statutes and all other applicable chapters.

9.08.040. Authority of the board.

As designated by the Governor of the State of Nevada, the board of county commissioners is the air pollution control agency for Clark County and shall have all the powers and responsibilities enumerated in NRS 445B.500.

(Ord. 3085 § 17, 2004) (Ord. No. 4008, § 8, 3-6-2012) (Ord. 3085 § 15, 2004) (Ord. No. 3826, § 2, 11-4-2009; Ord. No. 4008, § 6, 3-6-2012)

9.08.100. Air pollution control officer—Appointment

The administrative enforcement of this chapter shall be performed by the director of the department of air quality. The director shall serve as the air pollution control officer and shall have the power, duties, and authority to enforce the provisions of this chapter, Chapter 2.76 of this code and the regulations issued thereunder.

(Ord. 3085 § 20, 2004) (Ord. No. 4008, § 9, 3-6-2012)

9.08.110. Air quality—Hearing board—Membership

The members of the air pollution control hearing board shall be appointed by the Clark County board of county commissioners in the manner and the terms provided by Chapter 445B of the Nevada Revised Statutes. The air pollution control hearing board shall have the powers, duties, and functions as described by Chapter 445B of the Nevada Revised Statutes and as otherwise provided in this chapter and any regulations promulgated under this chapter.

(Ord. 3085 § 21, 2004)

9.08.120. Air quality—Hearing officer—Appointment

The board may appoint hearing officers to determine violations of this chapter and, where applicable, violations of Chapter 445B of the Nevada Revised Statutes, and levy administrative penalties. Any individual appointed as a hearing officer shall not be an employee of the state of

Nevada or any political subdivision of the state. A hearing officer appointed under this section shall have a working knowledge of air quality issues, arbitration, law and/or engineering. Where not in conflict with this section or the provisions of Chapter 445B of the Nevada Statutes, Chapter 2.68 of this code shall apply to such appointments.

(Ord. 3085 § 22, 2004)

9.08.130 Air quality regulations.

(a) The air quality regulations adopted by reference pursuant to NRS 445B.610(3) on July 1, 2001, (three copies of which are available for inspection in the office of the county clerk, commission division) may be amended from time to time, including additions and deletions, in accordance with NRS 445B.500.

(b) The air quality regulations are known as the "Clark County Air Quality Regulations" and are incorporated herein by reference and made a part of this chapter, the same as if they were fully set forth herein.

(c) Wherever "department of air quality and environmental management," "DAQM" or "DAQEM" appear in the air quality regulations in effect on April 1, 2012, these terms shall be deleted and replaced with "department" which means the "department of air quality."

(Ord. 3085 § 23, 2004) (Ord. No. 4008, § 10, 3-6-2012)

http://clarkcounty-nv.elaws.us/code/coor_title9_ch9.08

NRS 445B.500 - Establishment, content and administration of program; designation of air pollution control agency of county for purposes of Federal Act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cooperative or interlocal agreements by cities and smaller counties; regulation of certain electric plants prohibited.

1. Except as otherwise provided in this section and in NRS 445B.310 and 704.7318:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 700,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 700,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of $17,500 per year. The money in the account may only be used

to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred and must be accounted for separately in the fund. A school district may spend the money received pursuant to this section only in accordance with an annual spending plan that is approved by the local air pollution control board and shall submit an annual report to that board detailing the expenditures of the school district under the plan. A local air pollution control board shall approve an annual spending plan if the proposed expenditures set forth in the plan are reasonable and limited to:

(a) Programs of education on topics relating to air quality; and

(b) Projects to improve air quality, including, without limitation, the purchase and installation of equipment to retrofit school buses of the school district to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced by the use of traditional fuels such as gasoline and diesel fuel, which are consistent with the state implementation plan adopted by this State pursuant to 42 U.S.C. §§ 7410 and 7502.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. As used in this section, “plants which generate electricity by using steam produced by the burning of fossil fuel” means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.

(Added to NRS by 1971, 1199; A 1973, 1819; 1975, 1126, 1782; 1977, 1559; 1979, 546; 1985, 291; 1991, 2161; 1993, 175; 1997, 1999; 1999, 1976; 2001, 1296, 1515; 2003, 44; 2007, 319; 2011, 1262; 2013, 3087)

NRS 445B.210 Powers of Commission.

The Commission may:

1. Subject to the provisions of NRS 445B.215, adopt regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, to prevent, abate and control air pollution.

2. Establish standards for air quality.

3. Require access to records relating to emissions which cause or contribute to air pollution.

4. Cooperate with other governmental agencies, including other states and the Federal Government.

5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.

6. By regulation:

(a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. 7412(b); and

(b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. 7412(b), based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.

7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, except as otherwise provided in those sections.

8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.

9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants. (Added to NRS by 1971, 1193; A 1973, 1813; 1993, 2852; 1997, 3230; 2007, 1907)

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 indicate d 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 rulemaking 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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With one exception, Section 2 of the Clark County Air Quality Regulations contains all the administrative requirements of federal, state, and local statutes pertaining to the adoption of regulations. As documented in this SIP submittal, each requirement has been met. Section 2 does not reflect the 2007 change to 40 CFR 51.102(a), which clarified the requirement that a public hearing be conducted only after at least 30 days of public notification and the opportunity to submit written comments. However, as the notices of hearing and the comment section show, the rulemaking process met these requirements.

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