

SECTION 4: CONTROL OFFICER

4.1 Authority and Responsibilities

- (a) The Control Officer shall have the power, duty, and authority to enforce the Clark County Air Quality Regulations (AQRs).
- (b) The Control Officer shall take whatever action is necessary to prevent, abate, and control air pollution in accordance with the rules, regulations, and orders promulgated by the Clark County Board of County Commissioners.
- (c) The Control Officer shall be responsible for air quality planning, and shall administer the program to ensure compliance with applicable state and federal laws and regulations governing air quality.
- (d) The Control Officer may enter and inspect any property, premise, or place where an air contaminant source is located or being constructed, installed, or established at any reasonable time to ascertain compliance with the AQRs.
 - (1) No person shall:
 - (i) Refuse access if the Control Officer requests entry for inspection and presents appropriate credentials.
 - (ii) Obstruct, hamper, or interfere with an inspection.
 - (2) The Control Officer may apply to any magistrate for a search warrant if entry is refused.
- (e) At the owner or operator's request, the Control Officer shall provide a report setting forth all facts related to a source's compliance status.
- (f) The Control Officer may require any person to provide information on or analyses of their source of air contaminates, and may require these be certified by a professional engineer registered in the state, disclosing:
 - (1) The nature, extent, quantity, or degree of air contaminants that are or may be discharged by the source.
 - (2) The type or nature of control equipment in use.
- (g) The Control Officer may designate an authorized agent to make an independent study and report the nature, extent, quantity or degree of any air contaminants that are or may be discharged from any source for the purpose of ascertaining regulatory compliance. Such agent may inspect any article, machine, equipment, or device needed to comply with these regulations and shall report back to the Control Officer.

- (h) The Control Officer may revise, or reopen for cause and reissue, any permit issued in accordance with these regulations.
- (i) The Control Officer may revoke, suspend, or terminate a permit for cause; terminate a permit after receiving a written request from the Responsible Official for the permitted source; or terminate a permit after its expiration date if no renewal application has been received.

4.2 Testing

- (a) The Control Officer may require the owner or operator responsible for air contaminant emissions to determine the extent of emissions from any source whenever the Control Officer has reason to believe those emissions exceed regulatory thresholds and limitations. The Control Officer:
 - (1) May specify testing methods to be used in accordance with good professional practice.
 - (2) May observe the testing. All tests shall be conducted by reputable, qualified personnel.
 - (3) Shall be given a written copy of the test results signed by the person responsible for the tests.
- (b) The Control Officer may test emissions of air contaminants from any source.
- (c) At the Control Officer's request, the person responsible for the source to be tested shall provide the necessary holes in stacks or ducts and all other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, needed to determine air contaminant emissions.

4.3 Alleged Violations

- (a) Whenever the Control Officer believes that a statute or regulation for the prevention, abatement, or control of air pollution has been violated, the Control Officer shall serve written notice in person or by certified mail on those responsible for the alleged violation.
- (b) The notice shall specify:
 - (1) The statute or regulation alleged to have been violated; and
 - (2) The facts alleged to constitute the violation.
- (c) The notice may include an order to take corrective action within a reasonable time, which shall specify that:
 - (1) The order becomes final unless appealed within 10 days by the person ordered to take the corrective action.
 - (2) An appealed order is temporarily stayed pending its disposition.

- (3) An appealed order becomes final immediately upon its affirmation by the Hearing Officer.
- (4) Failure to comply with the terms of a final order is a violation of these regulations.
- (d) The Control Officer shall:
 - (1) Notify those responsible for the alleged violation to appear before the Hearing Officer at a specified time and place, and
 - (2) Initiate proceedings before the Hearing Officer to levy an appropriate penalty.
- (e) Nothing in this section prevents the Control Officer from attempting to obtain voluntary compliance through warnings, conferences, or other means.

4.4 Injunctive Relief

The Control Officer may apply to a court of competent jurisdiction for other equitable and injunctive relief to enforce compliance with, or to restrain violations of, any provision of these regulations.

4.5 Public Notification

- (a) The Control Officer will notify the public regularly of times or places in which any ambient air quality standard was exceeded during any portion of the preceding calendar year.
- (b) The Control Officer will advise the public of the health hazards associated with exceedance of an ambient air quality standard.
- (c) The Control Officer will seek to increase public awareness of:
 - (1) Measures that can be taken to prevent an ambient air quality standard from being exceeded.
 - (2) Ways in which the public can participate in regulatory and other efforts to improve air quality.

History: Amended: April 24, 1980; September 3, 1981; May 15, 1985; July 25, 1991; December 19, 1996; December 21, 2000; June 3, 2003; July 1, 2004, December 17, 2019.