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[Bracketed and ~~strikethrough~~] material is that portion being deleted
Underlined and italicized material is that portion being added

BILL NO. 2-6-24-2

SUMMARY - An ordinance to amend Clark County Air Quality Regulation Sections 12.1 and 12.11 to update, clarify, and make changes to the definitions and requirements for minor stationary source permitting regulations.

ORDINANCE NO. 5109
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 12.1, "PERMIT REQUIREMENTS FOR MINOR SOURCES," TO UPDATE, CLARIFY, ADD NEW REQUIREMENTS FOR CERTAIN SOURCES IN NONATTAINMENT AREAS, DEFINE "CLEAN AIR SOLVENT," PROVIDE CRITERIA FOR INSIGNIFICANT UNITS AND ACTIVITIES, AND DELETE DISCRETIONARY LANGUAGE REGARDING REQUIRED PERMIT CONDITIONS IN PORTABLE SOURCE PERMITS; AMEND SECTION 12.11, "GENERAL PERMITS FOR MINOR STATIONARY SOURCES," TO REQUIRE MINOR SOURCES TO OBTAIN AN AUTHORITY TO OPERATE UNDER AN APPLICABLE GENERAL PERMIT, ADD A FEDERAL REFERENCE FOR APPLYING SCREENING MODELS TO SOURCE EMISSIONS, CLARIFY, AND CORRECT A REGULATORY CROSS-REFERENCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOW, THEREFORE, THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.0 is hereby amended as follows.

Section 12.1 is applicable to any stationary source located in Clark County that:

(a) [h] Has the potential to emit (PTE) a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1~~[(d)]~~(e), but less than the major source thresholds listed in Sections 12.2.2~~[-]~~(ff) or 12.3.2~~[(y)]~~(v).

(b) [Section 12.1 is also applicable to any]Is a Part 70 source that is exempt from the requirement to obtain a Part 70 operating [P] permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1~~[(d)]~~(e).

~~(c)~~ ~~[or any source that t]~~ Takes a voluntarily accepted emission limit or standard pursuant to Section 12.1.7 to avoid obtaining a Part 70 ~~[O]~~ operating ~~[P]~~ permit~~;~~ or an authority to construct permit under 12.2 or 12.3; or

~~(d)~~ Is subject to the requirements of another Air Quality Regulation which requires the stationary source to obtain a minor source permit in accordance with this section.

SECTION 2. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources.” Subsection 12.1.1 is hereby amended as follows.

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)~~ “Clean air solvent” means a VOC-containing material used to perform solvent cleaning, solvent finishing, or surface preparation operations or activities that meets all of the following criteria:

- (1) Contains no more than 0.21 pounds of VOC per gallon (25 grams of VOC per liter) of material, as applied.
- (2) Has a VOC composite partial vapor pressure no more than 5 mm Hg at 68°F (20°C).
- (3) Reacts to form ozone at a rate not exceeding that of toluene, having the Maximum Incremental Reactivity (MIR) Value of 4.00 (10/2/2010), (see California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.6, MIR Values for Compounds).
- (4) Contains no compounds classified as Hazardous Air Pollutants (HAPs) by the Clean Air Act, Ozone-Depleting Compounds (ODCs) as specified in 40 CFR part 82, subpart A, Appendix F, or Global Warming Compounds (GWCs) as specified in 40 CFR part 98, subpart A, Table A-1.

~~(a)~~~~(b)~~ “Exempt stationary source” means any stationary source with a potential to emit lower than the levels listed in Section 12.1.1~~(d)~~~~(e)~~ [below] or any stationary source who performs only those activities listed in Section 12.1.2~~(a)~~ and/or ~~(b)~~, except as provided in Section 12.1.1~~(e)~~(2) and (3).

~~(b)~~~~(c)~~ “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.

~~(e)~~~~(d)~~ “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

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the potential to emit of the emissions unit nor triggers a new applicable requirement.

~~(+)~~(e) “Minor source” means a stationary source that:

- (1) ~~(+)~~Is not required to obtain an ~~(A)~~authority to ~~(C)~~construct permit pursuant to Section 12.4.3 or a Part 70 ~~(O)~~operating ~~(P)~~permit.
- (2) ~~(-and-that-h)~~Has a potential to emit equal to or greater than the following levels for any listed pollutant, *unless otherwise specified by an AQR, and* ~~(-)~~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 ₂ S	1

- (3) *Is located within a nonattainment area and may be subject to additional requirements imposed to reduce the targeted pollutant(s).*

~~(+)~~(f) “Minor ~~(S)~~source ~~(P)~~permit” means a single permit that authorizes the construction and operation of a minor source.

~~(+)~~(g) “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.

~~(+)~~(h) “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.

~~(+)~~(i) “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.

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~~(+)~~(j) “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.

~~(+)~~(k) “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 ₂ S	5
Total Reduced Sulfur (including H ₂ S)	5

~~(+)~~(l) “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.

~~(m)~~ “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 ~~(O)~~operating ~~(P)~~permit, becoming a major source of Hazardous Air Pollutants, RACT, or other applicable requirements.

SECTION 3. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources.” Subsection 12.1.2(b)(2) is hereby amended as follows.

- (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 ~~[D]~~dust ~~[E]~~control *operating* ~~[P]~~permit issued pursuant to Section 94 that meet the following criteria:

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SECTION 4. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.2(b)(4) is hereby amended as follows.

- (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~~[(+)]~~*(r)*.
 - (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.

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- (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)(4) 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[~~3~~].

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SECTION 5. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.2(b)(33) is hereby amended as follows.

(33) CO[~~2~~]₂ lasers used only on metals and other materials that do not emit HAPs in the process.

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SECTION 6. Clark County Air Quality Regulation Section 12.1. "Permit Requirements for Minor Sources." Subsection 12.1.2(c)(7) is hereby amended as follows.

- (7) Ancillary parts washers that use[s] only certified clean air solvents. (List of certified clean air solvents and distributors available.)
- (8) Degreasers that use[s] 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 Officer on a case-by-case basis to be insignificant for purposes of [this]Section 12.1.2(c) that has a potential to emit less than 2 tons per year for any single NAAQS pollutant or 5 tons per year for combination of NAAQS pollutants and will not contribute to an exceedance of a NAAQS.

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SECTION 7. Clark County Air Quality Regulation Section 12.1. "Permit Requirements for Minor Sources." Subsection 12.1.3.1 is hereby amended as follows.

12.1.3.1 Duty to Apply [F]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.

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SECTION 8. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.3.3(b) is hereby amended as follows.

- (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.

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SECTION 9. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.3.6 is hereby amended as follows.

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.

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SECTION 10. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.3.6(b)(5) is hereby amended as follows.

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

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SECTION 11. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.4.1 is hereby amended as follows.

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:

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SECTION 12. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.4.1(d) is hereby amended as follows.

- (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 ~~s~~ Section 12.1.4.1(d)(3)(C).

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SECTION 13. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.4.1(f)(2) is hereby amended as follows.

- (2) The source does not require a major source ~~A~~ authority to ~~E~~ construct or Part 70 ~~O~~ operating ~~P~~ permit.

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SECTION 14. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.4.1(h) is hereby amended as follows.

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

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SECTION 15. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.4.1(n) is hereby amended as follows.

- (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.

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SECTION 16. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.4.1(s) is hereby amended as follows.

- (s) A condition that specifies ~~(f)~~ 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]~~ Make records available and producible onsite to the Control Officer upon request and without prior notice during the owner or operator's hours of operation.

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SECTION 17. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.4.1(y) and (z) are hereby amended as follows.

- (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]~~ A requirement that a portable source permit ~~[can be required to]~~ must include all the following:
 - (1) Written prior notification of any change in location, to be submitted in accordance with 12.1.6(d)(5).

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- (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.~~] authorized by this permit shall not be used to supplement or support production and operation activities authorized by a separate minor source permit. Operation can be allowed for a construction-related activity that does not support production and operation activities.

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SECTION 18. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.5.3(a)(1)(D) is hereby amended as follows.

- (D) A new portable source, or an existing portable source relocating within 1,000 feet of the outer boundary of a school, hospital, or residential area.
 - (E) A voluntarily accepted emissions limitation as provided in Section 12.1.7(c).
- (2) The Notice of Proposed Action on the application shall contain~~ing~~ all ~~of~~ the following:

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SECTION 19. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.5.3(a)(3) is hereby amended as follows.

- (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.

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- (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 ~~[O]~~operating ~~[P]~~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.

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SECTION 20. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.6(a)(6) is hereby amended as follows.

- (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 12.9.2(c).

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SECTION 21. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources." Subsection 12.1.6(b) is hereby amended as follows.

(b) **Minor Permit Revision.** If the proposed change at a minor source is not listed in Section 12.1.6(a)[~~7~~] 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)~~](k).
- (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

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proceed if the Control Officer objects or deems the application incomplete within the seven~~(7)~~ day waiting period.

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SECTION 22. Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.6(d) is hereby amended as follows.

- (d) **Changes That Can Be Made ~~W~~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 time frame.
- (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.

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

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SECTION 23. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources.” Subsection 12.1.7(a) is hereby amended as follows.

- (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 ~~[-O]~~operating ~~[-P]~~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)]~~(1), or becoming a new Part 70 source as described in Section 12.1.7(a)~~[-(2)]~~(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~~[-(H)]~~~~[-(I)]~~. 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.

SECTION 24. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources.” Subsection 12.11.1 is hereby amended as follows.

- (a) *The Control Officer may only issue an authority to operate under a*~~[-A]~~ *general permit* ~~[-may only be issued]~~ to a minor stationary source for specific source classes.

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- (b) This rule provides the authority and requirements the Control Officer must meet to issue general permits for specific source classes.
- (c) Except as provided in paragraph (g), [A] a minor source [otherwise] that is a member of a specific source class and is subject to the permit requirements of Section 12.1, [may instead] shall satisfy [that] the requirement to obtain a permit by obtaining an authority to operate under a general permit pursuant to Section 12.11 when the Control Officer has issued a general permit for that source class.
- (d) Except as provided in paragraph (g), after [insert effective date of rule], all existing minor sources operating under individual minor source permits, that are members of a specific source class for which the Control Officer has issued a general permit, shall apply for the authority to operate under the general permit no later than 60 days before the individual minor permit expiration date.
- ~~(d)~~(e) The Control Officer may issue a general permit for any *specific* source class that the Control Officer determines is appropriate for a general permit, in accordance with the requirements of this rule.
- ~~(e)~~(f) This rule provides the requirements a stationary source must meet to obtain *an* authority to operate under a general permit issued by the Control Officer.
- ~~(f)~~(g) A minor source seeking authority to operate under a general permit shall apply for an ~~[Section 12.1]~~ *individual minor source* 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 based on the applicable models, databases, and other requirements specified in 40 CFR Part 51, Appendix W.
- ~~(g)~~(h) 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.

...

SECTION 25. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources.” Subsection 12.11.2 is hereby amended as follows.

(a) *“Individual minor source permit” means a minor source permit issued in accordance with Section 12.1.*

~~(a)~~(b) “Minor ~~[S]~~stationary ~~[S]~~source” or “[~~M~~]minor ~~[S]~~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~~(a)~~(e)(2) 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)~~(c) “Similar in ~~[N]~~nature” means similar source size, processes, operating conditions, and nature and quantity of emissions.

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

~~(d)~~(e) “Source ~~[C]~~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.

...

SECTION 26. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources.” Subsection 12.11.3(c) is hereby amended as follows.

(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 an authority to operate under the general permit by submitting the application prescribed by Section 12.11.4.

...

SECTION 27. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources,” Subsection 12.11.4(a) is hereby amended as follows.

- (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]~~shall 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 an authority to operate under the general permit is denied, the Control Officer shall notify the source that it ~~[may]~~must apply for an ~~[Section 12.1]~~individual minor source permit pursuant to Section 12.1 if it intends to proceed with construction or continue to operate.

...

SECTION 28. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources,” Subsection 12.11.5(b) is hereby amended as follows.

- (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 timeframe specified by AQR 12.1.3.1(b) or within a timeframe 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 *renewal* application terminates the source's right to operate *once the authority to operate expires*.

...

SECTION 29. Clark County Air Quality Regulation Section 12.11, "General Permits for Minor Stationary Sources." Subsection 12.11.6 is hereby amended as follows.

12.11.6 Relationship to Individual *Minor Source* Permits

- (a) Any source covered under *an authority to operate under* a general permit ~~[may request to be excluded from authority to operate by applying]~~ *that is no longer a member of any source class for which a general permit is issued shall apply* for an individual *minor* source permit. Authority to operate under the general permit shall terminate on the date the individual *minor source* permit is issued.
- (b) Authority to operate under an individual *minor source* permit shall terminate on the date the *authority to operate under a* general permit is issued.

SECTION 30. Clark County Air Quality Regulation Section 12.11, "General Permits for Minor Stationary Sources." Subsection 12.11.8(b) is hereby amended as follows.

- (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 *minor source* permit *pursuant to Section 12.1*.
- (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 *minor source* permit pursuant to Section 12.1.3.3(a), at which time it may operate under that application.

SECTION 31. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources.” Subsection 12.11.9(b) is hereby amended as follows.

- (b) Annual Emission Unit [~~&~~*and*] 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.

...

SECTION 32. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources.” Subsection 12.11.10 is hereby amended as follows.

~~[(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. *If one is not available, a new application shall be submitted for an individual minor source permit pursuant to Section 12.1.*

SECTION 33. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources.” Subsection 12.11.13 is hereby removed.

12.1.13 ~~[General Permit Annual Emission Inventory Report]~~ Reserved

~~[(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(e) through (f), inclusive, as applicable.]~~

SECTION 34. 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 35. 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 36. 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.

///
///
///

ATTACHMENT 1

PROPOSED on the 6th day of February, 2024.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 20th day of February 2024.

AYES: Tick Segerblom

James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

William McCurdy II


Ross Miller

NAYS: _____


ABSTAINING: _____

ABSENT: Michael Naft

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By:  _____
TICK SEGERBLOM, Chair

ATTEST:



LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the 5th day of March, 2024.

Technical Support Document for Clark County Air Quality Regulations Sections 12.1 and 12.11

Addressing EPA's approval in part / disapproval in part

On February 2, 2023, the U.S. Environmental Protection Agency (EPA) proposed an approval, a partial approval and partial disapproval, and a limited approval and limited disapproval of four rules for incorporation into, along with the rescission of one rule from, the Clark County portion of the Nevada State Implementation Plan (SIP), as listed in Table 1 and discussed below (88 FR 38754).

Table 1—Submitted Rules

Section	Section Title	Adopted	Cover Letter Date	Submittal Date
0	Definitions	7/20/21	1/31/22	1/31/22
10	Compliance Schedules (Request to rescind)	12/18/18	6/6/19	6/10/19
12.0	Applicability and General Requirements	1/21/20	3/13/20	3/16/20
12.1	Permit Requirements for Minor Sources	12/18/18	4/12/19	4/12/19
12.11	General Permits for Minor Stationary Sources	12/18/18	4/12/19	4/12/19

The submitted rules are intended to update the Nevada SIP with recent revisions to the department's Air Quality Regulations. The disapproved provisions are:

1. The provisions in Sections 12.1.2(c)(7) and (8), which exempt ancillary parts washers and degreasers that use only certified clean air solvents from permitting requirements, are deficient because the term "certified clean air solvents" is not defined in any Section 12 series rule, which makes the provision unenforceable.
2. The provision in Section 12.1.2(c)(10) allowing the Control Officer to deem any other emission unit or activity to be insignificant on a case-by-case basis, with no specific criteria for making this determination, is deficient because it contains impermissible Director's discretion.
3. The provision in Section 12.1.4.1(z) that contains impermissible Control Officer discretion to decide whether certain conditions should be added to portable minor source permits.
4. An unenforceable cross-reference in Section 12.11.13 relating to certain emissions inventory report requirements.
5. Section 12.11 does not satisfy the requirement in 40 CFR Part 51.160(f) that the screening model used pursuant to Section 12.11.1(f) be based on the applicable models, databases, and other requirements specified in 40 CFR Part 51, Appendix W.

The actions taken to resolve these issues are listed in each section below.

2015 Ozone Nonattainment SIP Issues

On June 4, 2018, EPA designated Hydrographic Area (HA) 212 (the Las Vegas Valley) a marginal nonattainment area for the 2015 National Ambient Air Quality Standard for ozone, effective August 3, 2018 (83 FR 25776), and required the area to achieve attainment by August 3, 2021. EPA required Clark County to show the ozone design value of HA 212, based on 2018–2020 air quality data, was equal to or less than 0.070 parts per million. The Clark County Department of Environment and Sustainability, Division of Air Quality (DAQ) submitted 17 exceptional event demonstrations in 2021, asking EPA to exclude from the 2018–2020 design value calculation 28 ozone exceedances in 2018 and 2020 caused by wildfire smoke or stratospheric intrusions, along with the associated air quality data. On July 22, 2022, EPA proposed not to approve those demonstrations and to find that HA 212 failed to meet its attainment date based on a 2018–2020 design value of 0.074 ppm (87 FR 43764).

On January 5, 2023, EPA issued a final rule reclassifying the Las Vegas Valley as a moderate nonattainment area for the 2015 ozone standard (88 FR 775) and requiring the area to achieve attainment by August 3, 2024.

DAQ identified seven volatile organic compound (VOC)-related area sources that contribute to the formation of ground-level ozone in HA 212. It is proposing seven new rules for Control Technique Guideline Reasonably Available Control Technology (CTG RACT) for inclusion in the ozone SIP.

Changes Made to Section 12.1

(DAQ Change) The applicability section for Section 12.1.0 is expanded to allow for additional permitting requirements in mandatory SIP rules.

12.1.0 Applicability

Section 12.1 is applicable to any stationary source located in Clark County that:

- (a) ~~[h]~~Has the potential to emit (PTE) a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1~~[(d)](e)~~, but less than the major source thresholds listed in Sections 12.2.2~~[(ff)]~~ or 12.3.2~~[(e)](r)~~.
- (b) ~~[Section 12.1 is also applicable to any]~~Is a Part 70 source that is exempt from the requirement to obtain a Part 70 operating ~~[P]~~ permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1~~[(d)](e)~~.
- (c) ~~[or any source that t]~~Takes a voluntarily accepted emission limit or standard pursuant to Section 12.1.7 to avoid obtaining a Part 70 ~~[O]~~operating ~~[P]~~ permit~~[-]~~ or an authority to construct permit under 12.2 or 12.3; or

(d) Is subject to the requirements of another Air Quality Regulation which requires the stationary source to obtain a minor source permit in accordance with this section.

(EPA Issue 1) A definition for “clean air solvent” is added to Section 12.1.1 to address provisions in Section 12.1.2(c)(7) and (8) that exempted ancillary parts washers and degreasers that use only certified clean air solvents from permitting requirements, which were considered deficient because the term “certified clean air solvents” was not defined.

- (a) “Clean air solvent” means a VOC-containing material used to perform solvent cleaning, solvent finishing, or surface preparation operations or activities that meets all of the following criteria:
- (1) Contains no more than 0.21 pounds of VOC per gallon (25 grams of VOC per liter) of material, as applied.
 - (2) Has a VOC composite partial vapor pressure no more than 5 mm Hg at 68oF (20oC).
 - (3) Reacts to form ozone at a rate not exceeding that of toluene, having the Maximum Incremental Reactivity (MIR) Value of 4.00 (10/2/2010), (see California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.6, MIR Values for Compounds).
 - (4) Contains no compounds classified as Hazardous Air Pollutants (HAPs) by the Clean Air Act, Ozone-Depleting Compounds (ODCs) as specified in 40 CFR part 82, subpart A, Appendix F, or Global Warming Compounds (GWCs) as specified in 40 CFR part 98, subpart A, Table A-1.

(DAQ Change) The definition for “Exempt stationary source” in Section 12.1.1 is revised to include an exception where additional requirements may apply within a nonattainment area imposed under the SIP.

~~(a)~~(b) “Exempt stationary source” means any stationary source with a potential to emit lower than the levels listed in Section 12.1.1~~(d)~~(e) ~~below~~ or any stationary source who performs only those activities listed in Section 12.1.2~~(a) and/or~~(b), except as provided in Sections 12.1.1(e)(2) and (3).

(DAQ Change) The current Section 12.1.1 sets the threshold for a minor source permit at 5 or more tons of VOC per year. VOC sources subject to some of the new CTG RACT rules will be required to obtain a minor source permit at a lower threshold. To resolve this conflict, DAQ is revising the definition of a minor source in Section 12.1.1.

~~(d)~~(e) “Minor source” means a stationary source that:

- (1) ~~(i)~~(i) is not required to obtain an ~~(A)~~(A) authority to ~~(C)~~(C) construct permit pursuant to Section 12.4.3 or a Part 70 ~~(O)~~(O) operating ~~(P)~~(P) permit.

- (2) ~~[and that h]~~Has a potential to emit equal to or greater than the following levels for any listed pollutant, unless otherwise specified by an AQR, and ~~[(~~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 ₂ S	1

- (3) Is located within a nonattainment area and may be subject to additional requirements imposed to reduce the targeted pollutant(s).

(EPA Issue 2) Section 12.1.2(c)(10), allowing the Control Officer to deem any other emission unit or activity to be insignificant on a case-by-case basis with no specific criteria for making this determination, is deficient because it contains impermissible Director's discretion. DAQ is reinstating language from a previous version of the rule.

- (10) Any other emission unit or activity deemed by the Control Officer, on a case-by-case basis, to be insignificant for purposes of ~~[this]~~Section 12.1.2(c) that has a potential to emit less than 2 tons per year for any single NAAQS pollutant or 5 tons per year for combination of NAAQS pollutants and will not contribute to an exceedance of a NAAQS.

(DAQ Change) Section 12.1.4.1(s) is updated to add clarity.

- (s) A condition that specifies ~~[(~~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]~~ Make records available and producible onsite to the Control Officer upon request and without prior notice during the owner or operator's hours of operation.

(EPA Issue 3) Section 12.1.4.1(z) is updated to remove the Control Officer's discretion in this matter. It contained impermissible Control Officer discretion to decide whether certain conditions should be added to portable minor source permits.

- (z) ~~[At the Control Officer's discretion, conditions for]~~A requirement that a portable source permit ~~[can be required to]~~must include all of the following:
- (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.]~~authorized by this permit shall not be used to supplement or support production and operation activities authorized by a separate minor source permit. Operation can be allowed for a construction-related activity that does not support production and operation activities.

(DAQ Change) Section 12.1.5.3(a)(1)(D) is updated to incorporate existing requirements in Section 12.1.5.3(a)(3) for existing portable sources.

- (D) A new portable source, or an existing portable source relocating within 1,000 feet of the outer boundary of a school, hospital, or residential area.

Changes Made to Section 12.11

(DAQ Change) DAQ is making it mandatory for a minor source to obtain an authority to operate under a general permit when the Control Officer has issued a general permit for that source class. The applicability section is updated accordingly.

12.11.1 Applicability

- (a) The Control Officer may only issue an authority to operate under 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) Except as provided in paragraph (g), a~~[A]~~ minor source ~~[otherwise]~~ that is a member of a specific source class and is subject to the permit requirements of Section 12.1, ~~[may instead]~~shall satisfy ~~[that]~~the requirement to obtain a permit by obtaining an authority to operate under a general permit pursuant to Section 12.11, when the Control Officer has issued a general permit for that source class.

(d) Except as provided in paragraph (g), after *[insert effective date of rule]*, all existing minor sources operating under individual minor source permits, that are members of a specific source class for which the Control Officer has issued a general permit, shall apply for the authority to operate under the general permit no later than 60 days before the individual minor source permit expiration date.

DAQ Interpretation: Sources with existing individual minor source permits pursuant to Section 12.1 that propose a permit revision will not be required to submit for an authority to operate under a general permit during that permitting action. The mandate is triggered only upon permit renewal for sources existing prior to the rule effective date.

(EPA Issue 5) The current Section 12.11.1(f) does not satisfy the requirement in 40 CFR Part 51.160(f) that the screening model used be based on the applicable models, databases, and other requirements specified in 40 CFR Part 51, Appendix W. Section 12.11.1(g) is updated to include the necessary requirements.

~~(f)~~(g) A minor source seeking authority to operate under a general permit shall apply for an ~~an~~ ~~Section 12.1~~ individual minor source 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 based on the applicable models, databases, and other requirements specified in 40 CFR Part 51, Appendix W.

(DAQ Change) A definition for "individual minor source permit" is added to Section 12.11.2 to differentiate between a minor source permit issued in accordance with Section 12.1 and an authority to operate a minor source under a general permit pursuant to Section 12.11.

(a) "Individual minor source permit" means a minor source permit issued in accordance with Section 12.1.

(DAQ Change) Sections 12.11.4(a) and 12.11.4(c)(3) are revised to make the application for an authority to operate under a general permit mandatory after the issuance of an applicable general permit for that source class.

- (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~~ shall apply to the Control Officer for authority to operate under the general permit.

- (c)(3) If the application for an authority to operate under the general permit is denied, the Control Officer shall notify the source that it [~~may~~]must apply for an [~~Section 12.1~~] individual minor source permit pursuant to Section 12.1 if it intends to proceed with construction or continue to operate.

(DAQ Change) Section 12.11.5(b) is revised to clarify that sources that do not submit a timely renewal application for a general permit cannot continue to operate once the authority expires.

- (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 timeframe specified by AQR 12.1.3.1(b) or within a timeframe 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 renewal application terminates the source's right to operate once the authority to operate expires.

(DAQ Change) Section 12.11.6 is revised to remove the option for a source to apply for an individual minor source permit pursuant to Section 12.1 when the Control Officer has issued a general permit for that source class.

- (a) Any source covered under an authority to operate under a general permit [~~may request to be excluded from authority to operate by applying~~]that is no longer a member of any specific source class for which a general permit is issued shall apply for an individual minor source permit. Authority to operate under the general permit shall terminate on the date the individual minor source permit is issued.
- (b) Authority to operate under an individual minor source permit shall terminate on the date the authority to operate under a general permit is issued.

(DAQ Change) Section 12.11.10 is revised to add clarity.

~~[(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. If one is not available, a new application shall be submitted for an individual minor source permit pursuant to Section 12.1.

(EPA Issue 4) Section 12.11.13 contains an unenforceable cross-reference relating to certain emissions inventory report requirements. Section 12.11.13 is removed and replaced with a Reserved label. The annual emissions inventory reporting in Section 12.9.2 is an applicable requirement for all stationary source permit holders and does not need to be referenced in this section.

12.11.2 ~~[General Permit Annual Emission Inventory Report]~~Reserved

~~[(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.]~~

END

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CC CLERK
ATTN: COMMISSION CLERK
RM 6037
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155

Account # 104095
Order ID 309813

IMAGE ON NEXT PAGE(S)

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal/Las Vegas Sun, daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal/Las Vegas Sun, in 2 edition(s) of said newspaper issued from 02/27/2024 to 03/05/2024, on the following day(s):

02/27/2024, 03/05/2024

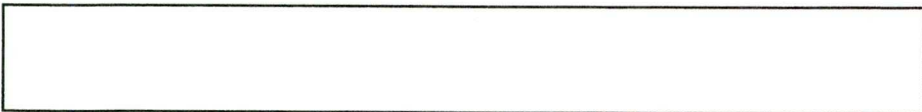
Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this March 5, 2024

Notary

Linda Espinoza



ORDINANCE NO. 5109

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 12.1, "PERMIT REQUIREMENTS FOR MINOR SOURCES," TO UPDATE, CLARIFY, ADD NEW REQUIREMENTS FOR CERTAIN SOURCES IN NONATTAINMENT AREAS, DEFINE "CLEAN AIR SOLVENT," PROVIDE CRITERIA FOR INSIGNIFICANT UNITS AND ACTIVITIES, AND DELETE DISCRETIONARY LANGUAGE REGARDING REQUIRED PERMIT CONDITIONS IN PORTABLE SOURCE PERMITS; AMEND SECTION 12.11, "GENERAL PERMITS FOR MINOR STATIONARY SOURCES," TO REQUIRE MINOR SOURCES TO OBTAIN AN AUTHORITY TO OPERATE UNDER AN APPLICABLE GENERAL PERMIT, ADD A FEDERAL REFERENCE FOR APPLYING SCREENING MODELS TO SOURCE EMISSIONS, CLARIFY, AND CORRECT A REGULATORY CROSS-REFERENCE; 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 first floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Tick Segerblom on the 6th of February 2024 and passed on the 20st day of February 2024, by the following vote of the Board of County Commissioners:

Aye: Tick Segerblom
James B. Gibson
Justin Jones
Marilyn K. Kirkpatrick
William McCurdy II
Ross Miller

Nay: None
Abstaining: None
Absent: Michael Naft

This Ordinance shall be in full force and effect from and after the 5th day of March 2024.

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

Dated this 20th day of February
2024.

PUB: Feb. 27, Mar. 5, 2024
LV Review-Journal