

# **CLARK COUNTY AIR QUALITY REGULATIONS**

## **SECTION 0 - DEFINITIONS**

In the Regulations, defined words are CAPITALIZED.

In these Regulations, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interfere with the enjoyment of life or property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"CONFIDENTIAL INFORMATION" means information or records which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"ETHANOL" means an alcohol with the chemical formula  $\text{CH}_3\text{CH}_2\text{OH}$ . ETHANOL has been approved by EPA as an additive for unleaded GASOLINE for blends up to 10 percent by volume. Federal law allows a rebate from the federal GASOLINE sales tax, for GASOLINE containing a blend of 10 percent ETHANOL by volume. 100 grams of ETHANOL contains approximately 35 grams of combined oxygen.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"GARBAGE" means putrescible animal or vegetable refuse.

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

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

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

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

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

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

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

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

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

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

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

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

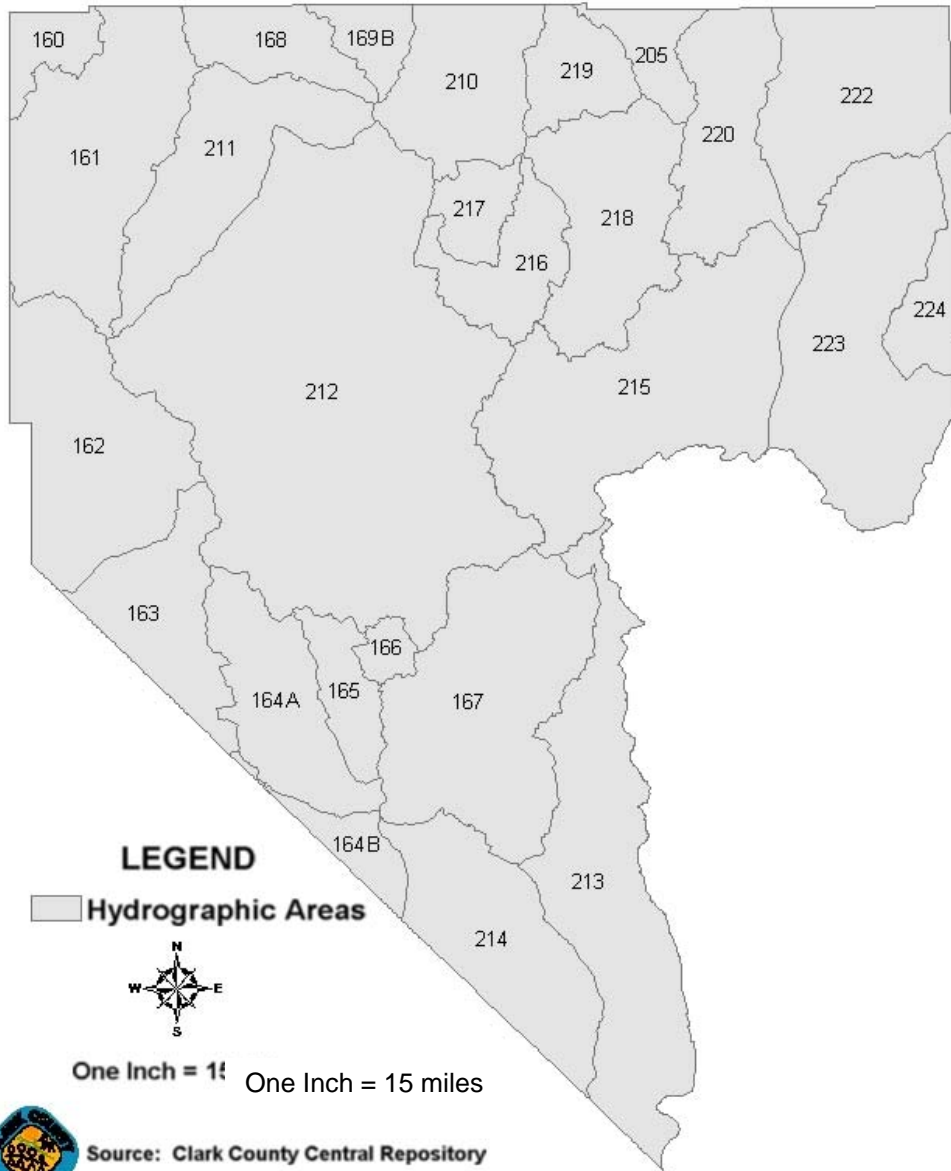
"HEARING OFFICER" means an individual(s) appointed or contracted by the Clark County Board of County Commissioners to perform the function set forth in the Nevada Revised Statutes and these Regulations.

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

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

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

# Hydrographic Areas in Clark County



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

October 15, 2002

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

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

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

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

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

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

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

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

"MAJOR MODIFICATION" means

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"METHYL TERTIARY BUTYL ETHER" means an ether with the chemical formula  $(CH_3)_3C(-OCH_3)$ . MTBE has been approved by EPA as an additive for unleaded GASOLINE for blends up to 15 percent by volume. 100 grams of MTBE contains approximately 19 grams of combined oxygen.

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

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

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

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

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

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

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

"MTBE" means METHYL TERTIARY BUTYL ETHER.

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

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

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

"NET EMISSIONS INCREASE"

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

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

Example 1

Given Information:

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

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

NEI = 80 - 50  
NEI = 30 tons per year

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

#### Example 2

Given Information:

New Process MODIFICATION

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

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

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

NEI = (new PTE) – (existing AE)

NEI = 65 - 50

NEI = 15 tons per year

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"PSD" means Prevention of Significant Deterioration

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

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

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

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

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

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

"REGULATED AIR POLLUTANT" means any pollutant subject to:

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

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

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

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

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

"RESPONSIBLE OFFICIAL" means one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"UPSET/BREAKDOWN" means:

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

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

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

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

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

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

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

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

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

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

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

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