

## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

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

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

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

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

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

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

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

4.12 **Public Notification**

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

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

4.12.3 The CONTROL OFFICER shall increase the public awareness of

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

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