

CLARK COUNTY

AIR QUALITY REGULATIONS

SECTION 12 - PRECONSTRUCTION REVIEW FOR NEW OR MODIFIED STATIONARY SOURCES

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12.1 General Application Requirements for New and Modified Sources of Air Pollutants

12.1.1 PERSONS who must apply

12.1.1.1 Any PERSON who proposes to install or construct any new STATIONARY SOURCE (as defined in Section 0), or make MODIFICATION (as defined in Section 0) to any existing STATIONARY SOURCE shall apply for an "AUTHORITY TO CONSTRUCT" CERTIFICATE prior to COMMENCING CONSTRUCTION unless a source has COMMENCED CONSTRUCTION, or MODIFICATION prior to August 25, 1971, and has not undergone a MODIFICATION, or reconstruction since such time. Effective September 01, 1996, unless a source is exempt from the ATC requirements, any STATIONARY SOURCE which is operating in Clark County without an AUTHORITY TO CONSTRUCT issued by the Clark County Department of Air Quality and Environmental Management shall be considered "new" for purposes of this Regulation.

12.1.1.2 Any new or MODIFYING STATIONARY SOURCE that requires site excavation aggregating one quarter (¼) acre or greater shall obtain a Dust Control Permit pursuant to Section 94 prior to COMMENCING CONSTRUCTION.

12.1.1.3 Any PERSON may submit a written request to the CONTROL OFFICER for an applicability determination of the permitting requirements in this section. Such request shall be evaluated by the CONTROL OFFICER within thirty (30) days of receipt of all required information pertaining to the written request.

12.1.2 Prohibition: No PERSON shall COMMENCE CONSTRUCTION of any new STATIONARY SOURCE or make MODIFICATIONS to any existing STATIONARY SOURCE prior to receiving an AUTHORITY TO CONSTRUCT CERTIFICATE from the CONTROL OFFICER in accordance with this section.

12.1.2.1 Failure to comply with the requirements of subsection 12.1.2 may result in federal enforcement action and, as of July 1, 1996, shall result in the issuance of a Notice of Violation (NOV) with a Corrective Action Order (CAO) requiring such STATIONARY SOURCE to make application for an AUTHORITY TO CONSTRUCT (ATC) and shall result in the Hearing Board assessment of a Civil Penalty pursuant to Section 9 of the Air Quality Regulations. Such Civil Penalty may be assessed at a rate of two (2) times the total Section 18.4 New Source Review Application Review fees as determined by the CONTROL OFFICER.

- (a) For any new STATIONARY SOURCE, the Section 18.4 New Source Review Application Review fees shall be based on the total POTENTIAL TO EMIT for all REGULATED AIR POLLUTANTS.
- (b) For any Modifying STATIONARY SOURCE, the Section 18.4 New Source Review Application Review fees shall be based on the NET EMISSIONS INCREASE for all REGULATED AIR POLLUTANTS.

12.1.3 Exemptions. This subsection pertains to Section 12 applicability.

12.1.3.1 VARIOUS LOCATIONS PERMIT (VLP). Any non-major TEMPORARY STATIONARY SOURCE that meets the definition of a VARIOUS LOCATIONS ACTIVITY shall be subject to the following, which shall satisfy the requirement to obtain an AUTHORITY TO CONSTRUCT and an OPERATING PERMIT pursuant to Section 16 of the Air Quality Regulations:

- (a) Each EMISSION UNIT has permit conditions included in a valid VARIOUS LOCATIONS OPERATING PERMIT issued pursuant to Section 12 and Section 16 of the Air Quality Regulations;
- (b) Each EMISSION UNIT incorporates EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT);
- (c) VLPs are subject to the OFFSET requirements of Section 59;
- (d) As applicable, each EMISSION UNIT shall be subject to the new source performance standard(s) pursuant to Section 14 of the Air Quality Regulations, and;
- (e) The annual (per calendar year) aggregate total of EMISSIONS from all EMISSION UNITS authorized under each VARIOUS LOCATIONS ACTIVITY shall not equal or exceed the following POTENTIAL TO EMIT EMISSIONS for any pollutant:

Pollutant	POTENTIAL TO EMIT EMISSIONS	
	MANAGEMENT AREA & Serious NONATTAINMENT AREA (tons per calendar year)	PSD AREA (tons per calendar year)
PM ₁₀	15	15
CO	10	70
VOC	20	40
NO _x	20	40
SO ₂	Not Applicable	40
Pb	Not Applicable	0.3
HAP	Not Applicable	10
TCS	Not Applicable	1.0

- (f) An ATTACHMENT 1 shall be completed 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.
- (g) Forms at ATTACHMENT 1 shall be processed according to the following timeline:
 - (1) ATTACHMENT 1 shall be submitted to the CONTROL OFFICER not less than fourteen (14) days prior to the date of location change.
 - (2) The CONTROL OFFICER will approve, disapprove, or indicate need for additional review of relocation request, in writing, within ten (10) days of receipt of ATTACHMENT 1.

12.1.3.2 This Regulation is applicable to any STATIONARY SOURCE (as defined in Section 0) that is located in Clark County, Nevada, except for a facility which generates electricity by using steam produced by the burning of fossil fuel pursuant to NRS 445.546(5). Such a facility must apply for a preconstruction permit from the Nevada Department of Environmental Protection unless such authority is specifically delegated to the Clark County Board of County Commissioners.

12.1.3.3 EXEMPT STATIONARY SOURCE: The CONTROL OFFICER may require a potential STATIONARY SOURCE to submit information demonstrating that such STATIONARY SOURCE has uncontrolled EMISSIONS less than the EXEMPT STATIONARY SOURCE enumerated limits, as defined in Section 0, for each REGULATED AIR POLLUTANT.

- (a) Any STATIONARY SOURCE determined to have uncontrolled EMISSIONS less than the EXEMPT STATIONARY SOURCE enumerated limits shall receive a letter of exemption at no cost to the owner/operator.
- (b) Any STATIONARY SOURCE determined to have uncontrolled EMISSIONS equal to or exceeding the EXEMPT STATIONARY SOURCE enumerated limits shall be required to submit an application for an AUTHORITY TO CONSTRUCT or such STATIONARY SOURCE may be subject to enforcement action pursuant to Subsection 12.1.2.1.
- (c) "Categorically Exempt Activities" are those activities that rely on the use of specific equipment or those activities based on specific processes, which are contained in the following list:
 - (1) Aircraft engine testing;

- (2) Hobby activities done not for business, profit, research, commercial gain, or as a part of a job or occupation, but for personal reasons, e.g., relaxation, diversion, enjoyment, etc;
- (3) Airbrushing articles of clothing;
- (4) Mobile, motor vehicle scratch and dent repair, mural painting, or pin-striping less than 144 (one hundred forty-four) square inches;
- (5) Portable liquid asphalt kettles;
- (6) Non-production line surface coating with spray cans;
- (7) Media blasting done on in-place stationary equipment or structures;
- (8) Architectural coating of houses, bridges, etc. done in place;
- (9) Internal combustion engines powering portable light plants, portable signs, portable generators, portable welders, and portable compressors as long as they are not providing power to any EMISSION UNITS requiring a permit or providing electrical power to another EMISSION UNIT requiring a permit;
- (10) Vacuum cleaning systems;
- (11) Portable steam cleaners/pressure washers;
- (12) Human transportable power tools, including the attached engine that powers it (e.g., string trimmers, concrete saws, power trowels);
- (13) Temporary "padding" machines, including the engine that powers it, used on an underground utility project provided there is no crusher and provided the project is being performed under a Dust Control Permit;
- (14) Temporary, on-site, demolition debris "grinders", including the engine that powers it, provided the project is being performed under a Dust Control Permit;
- (15) Temporary trenching machines, including the engine that powers it, provided the project is being performed under a Dust Control Permit;
- (16) Pilot testing of soil or groundwater remediation projects for the purpose of gathering engineering data for the selection of control technology. The duration of such testing shall not exceed 72 (seventy-two) hours;
- (17) Equipment demonstration activities lasting less than 14 (fourteen) days in a row and not exceeding a total of 14 (fourteen) days within a 365 (three hundred sixty-five) day period;
- (18) Fuel burning equipment used to heat air, e.g., space heaters, with a maximum heat input less than 1 (one) million BTU/hour;
- (19) Tank-type water heaters with a maximum rated heat input or the total of all tank-type water heaters less than 4 (four) million BTU/hour;

- (20) All fuel burning boilers, steam generators, water heaters, spa heaters, pool heaters with an individual maximum rated heat input of less than 1 (one) million BTU/hour and that have an aggregate total < 10 (ten) million BTU/hour;
- (21) Wood sawing, with cyclone or baghouse control;
- (22) Wood chipping/shredding where no soil or wallboard remains on the wood;
- (23) Emergency standby generator, emergency fire pumps, and stationary internal combustion engine with a rating < 35hp or < 26kw;
- (24) Gasoline storage tank with capacity < 500 gallons; and
- (25) Stationary tank, reservoir, or other container <= 40,000 gallons containing petroleum product with vapor pressure < 1.5 PSIA @STP equipment.

(d) Categorically Exempt STATIONARY SOURCES:

- (1) Containing only natural gas fuel burning equipment with an aggregate maximum rated heat input less than 4 (four) million BTU/hour (e.g., boilers, water heaters, dryers, etc.), which includes units with less than a 1 (one) million BTU/hour maximum rated heat input;
- (2) Containing only 1 (one) emergency generator or fire pump powered by an internal combustion engine of less than 500 (five hundred) hp and tested less than 150 (one hundred fifty) hours per year; and
- (3) Containing only 1 (one) cooling tower circulating less than 1,000 (one thousand) gallons per minute, provided it is equipped with drift eliminators.

12.1.4 Information to be submitted with an application for AUTHORITY TO CONSTRUCT (ATC):

12.1.4.1 To comply with the pre-construction application requirements, the applicant shall submit the following information:

- (a) Landowners' name, address and phone number;
- (b) STATIONARY SOURCE owners' name, address and phone number;
- (c) Plant manager's name, address and phone number;
- (d) STATIONARY SOURCE location map with a legal description of the proposed site location, including the property boundaries;
- (e) STATIONARY SOURCE site map identifying all buildings or structures on the site;

- (f) A general flow diagram identifying all processes located at the STATIONARY SOURCE;
- (g) A complete detailed flow diagram of each process at the STATIONARY SOURCE listing all EMISSION UNITS associated with the process;
- (h) Location of nearest residence and distance from the proposed STATIONARY SOURCE;
- (i) Zoning approved by local municipality, or a copy of a currently approved zoning map;
- (j) Copy of application for Use Permit, or decision of the zoning authority;
- (k) Any new PM₁₀ or CO MAJOR STATIONARY SOURCE proposing to locate in the NONATTAINMENT AREA, or any existing PM₁₀ or CO MAJOR STATIONARY SOURCE located in the NONATTAINMENT AREA that proposes a Major PM₁₀ or Major CO MODIFICATION, shall perform an analysis of alternative sites, sizes, production processes, fuel burned, and EMISSION control techniques that demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or MODIFICATION. The required analysis shall be based on EPA guidance or applicable regulations;
- (l) Identification of all REGULATED AIR POLLUTANTS emitted from each EMISSION UNIT;
- (m) Brief general description of the new STATIONARY SOURCE or MODIFICATION;
- (n) Complete description of all processes by Standard Industrial Classification (SIC);
- (o) Complete description of all EMISSION UNITS by Source Classification Code (SCC);
- (p) Type of fuel utilized in each EMISSION UNIT (if applicable);
- (q) Estimate of total annual fuel usage from all non-road engines (gasoline and diesel); such information may be used by the Clark County Department of Air Quality and Environmental Management for modeling and EMISSION inventory purposes, but shall not be included as a condition in the AUTHORITY TO CONSTRUCT;

- (r) Maximum POTENTIAL TO EMIT of all REGULATED AIR POLLUTANTS for each EMISSIONS UNIT in (lbs/hr, lbs/day, and ton(s)/yr);
- (s) Maximum POTENTIAL TO EMIT EMISSIONS of all REGULATED AIR POLLUTANTS for each non-road engine utilized within a permitted facility in (lbs/hr, lbs/day, and ton(s)/yr). Such EMISSIONS may be used by the Clark County Department of Air Quality and Environmental Management for modeling and EMISSION inventory purposes and shall not be included in the facility POTENTIAL TO EMIT;
- (t) Stack data: location, height above grade, diameter (I.D. or effective), exhaust gases, flow rate (ACFM), and temperature;
- (u) Maximum rated design production capacity;
- (v) Expected production capacity;
- (w) Schedule of operation (hrs/day)(days/wk)(wks/yr);
- (x) Description of air pollution control equipment, for each EMISSION UNIT;
- (y) Analysis of compliance with requirements for BEST AVAILABLE CONTROL TECHNOLOGY, LOWEST ACHIEVABLE EMISSION RATE, MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY, as applicable;
- (z) Pre-construction measurements of existing air quality, as required by other subsections of Section 12;
- (aa) Results of modeling for each REGULATED AIR POLLUTANT, (if applicable);
- (bb) Description of post construction ambient air monitoring systems for each REGULATED AIR POLLUTANT, (if applicable);
- (cc) Description and general specifications of continuous EMISSIONS monitoring systems for each REGULATED AIR POLLUTANT, (if applicable);
- (dd) Additional impact analysis of soils, visibility, vegetation, secondary air quality as required by other subsections of Section 12;
- (ee) Anticipated construction schedule including the estimated initial start-up date;
- (ff) Statement of statewide compliance of existing facilities operated by applicant;

- (gg) General information on the air pollution control equipment installed on similar EMISSION UNITS at similar facilities owned or operated by the applicant, applicable to sources subject to public notice requirements; and
- (hh) Payment of all applicable fees pursuant to Section 18 of the Air Quality Regulations.

12.1.4.2 Upon written request of the CONTROL OFFICER, the applicant shall provide any additional information necessary for the CONTROL OFFICER to ascertain compliance with any of the Air Quality Regulations.

12.1.4.3 Each application shall be signed by the RESPONSIBLE OFFICIAL or delegated representative. When required by the CONTROL OFFICER, the information submitted shall be certified by a licensed professional engineer for its accuracy.

12.1.4.4 An application for AUTHORITY TO CONSTRUCT may be deemed incomplete if the submitted information is incorrect, inaccurate, or missing.

12.1.5 AUTHORITY TO CONSTRUCT Completeness Determination

12.1.5.1 Completeness of an application for AUTHORITY TO CONSTRUCT shall be determined on the satisfactory demonstration of compliance with all the application requirements listed in subsection 12.1.4.

12.1.5.2 The processing deadline for each ATC application shall be established pursuant to subsection 12.3.

12.1.5.3 If the CONTROL OFFICER, after deeming an ATC application complete, should discover incorrect, inaccurate, and/or missing information from the ATC application, then, such ATC application may be redesignated incomplete and additional information may be requested to determine compliance with the Regulations. Based on additions, modifications, and/or deletions from the ATC Application, the source may be subject to additional NSR (New Source Review and/or PSD) Application Review Fees.

12.1.6 Total POTENTIAL TO EMIT:

12.1.6.1 Based upon the information supplied by the applicant, the CONTROL OFFICER will calculate the total POTENTIAL TO EMIT by adding the POTENTIAL TO EMIT of each proposed EMISSION UNIT, which shall include all FUGITIVE EMISSIONS. In addition, the total POTENTIAL TO EMIT shall include potential emissions from all categorically exempt activities and categorically exempt STATIONARY SOURCES as defined in Subsection 12.1.3. The potential EMISSIONS from these EMISSION UNITS shall be included in the determination of whether a STATIONARY SOURCE is a MAJOR STATIONARY SOURCE, except for the potential

EMISSIONS from motor vehicles and special mobile equipment, residential and commercial housekeeping vacuum systems, and agricultural land use.

12.1.6.2 The total POTENTIAL TO EMIT for the STATIONARY SOURCE will be used by the CONTROL OFFICER to determine all NSR (New Source Review and/or PSD) Application Review fees pursuant to Sections 12 and 18.

12.1.6.3 The total POTENTIAL TO EMIT for each EMISSION UNIT shall be included in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE and in the enforceable conditions of the OPERATING PERMIT.

12.1.6.4 For any STATIONARY SOURCE, the total POTENTIAL TO EMIT for each REGULATED AIR POLLUTANT shall be included in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE and in the enforceable conditions of the OPERATING PERMIT.

12.2 Requirements for Specific Air Pollutants:

In addition to the requirements of Sections 13, 14 and 20 of the Air Quality Regulations, the following air pollutant specific requirements shall apply:

12.2.1 PM₁₀ Non-Major Sources in the Serious NONATTAINMENT AREA:

12.2.1.1 Subsection 12.2.1 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM₁₀ NONATTAINMENT AREA with a proposed total annual PM₁₀ POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM₁₀ NONATTAINMENT AREA with a proposed total annual PM₁₀ POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual PM₁₀ POTENTIAL TO EMIT shall mean the addition of the PM₁₀ EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM₁₀ POTENTIAL TO EMIT.

12.2.1.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.1.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS

INCREASE from all EMISSION UNITS, including FUGITIVE EMISSIONS, that is equal to or exceeding fifteen (15) tons per year.

12.2.1.4 OFFSET requirements are found in Section 59.

12.2.1.5 Post Construction Ambient Air Monitoring Requirements:

(a) Applicability:

- (1) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.1.5 (b) and 12.6.2.
- (2) Any MODIFYING STATIONARY SOURCE with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM₁₀ POTENTIAL TO EMIT from all EMISSION UNITS at such source.
 - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.1.5 (b) and 12.6.2.
 - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM₁₀ shall not be subject to the requirements of 12.2.1.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
- (3) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

12.2.2 PM₁₀ Major Sources in the Serious NONATTAINMENT AREA:

12.2.2.1 Subsection 12.2.2 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM₁₀ NONATTAINMENT AREA with a proposed total annual PM₁₀ POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and
- (b) any proposed MODIFICATION to any STATIONARY SOURCE located in an AIR QUALITY AREA that is in a serious PM₁₀ NONATTAINMENT AREA with a proposed total annual PM₁₀ POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.
- (c) The total annual PM₁₀ POTENTIAL TO EMIT shall mean the addition of the PM₁₀ EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM₁₀ POTENTIAL TO EMIT.

12.2.2.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.2.3 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major PM₁₀ STATIONARY SOURCE,
- (b) any existing Non-Major PM₁₀ STATIONARY SOURCE proposing MODIFICATION with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year that results in a total PM₁₀ POTENTIAL TO EMIT which is equal to or exceeding the EMISSIONS threshold of a Major PM₁₀ STATIONARY SOURCE, and
- (c) any existing Major PM₁₀ STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year.

12.2.2.4 OFFSET requirements are found in Section 59.

12.2.2.5 Post Construction Ambient Air Monitoring Requirements for AUTHORITY TO CONSTRUCT CERTIFICATES issued after October 1, 1993:

- (a) Applicability:
- (1) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.2.5(b) and 12.6.2.
 - (2) Any Modifying STATIONARY SOURCE with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM₁₀ POTENTIAL TO EMIT from all EMISSION UNITS at such source.
 - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.2.5(b) and 12.6.2.
 - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM₁₀ shall not be subject to the requirements of 12.2.2.5(b).
- (b) Post Construction Ambient Air Monitoring Requirements:
- (1) The OWNER OR OPERATOR of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
 - (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
 - (3) The Post Construction monitoring shall commence within thirty (30) days of the Actual Initial Start-up Date.

12.2.3 PM₁₀ Non-Major Sources in the PM₁₀ MANAGEMENT AREAS:

12.2.3.1 Subsection 12.2.3 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in the PM₁₀ MANAGEMENT AREA with a proposed total annual PM₁₀ POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE located in the PM₁₀ MANAGEMENT AREA with a proposed total annual PM₁₀ POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual PM₁₀ POTENTIAL TO EMIT shall mean the addition of the PM₁₀ EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM₁₀ POTENTIAL TO EMIT.

12.2.3.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.3.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding fifteen (15) tons per year.

12.2.3.4 Post Construction Ambient Air Monitoring Requirements:

- (a) Applicability:
 - (1) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) $\mu\text{g}/\text{m}^3$ then such source shall perform post construction monitoring pursuant to 12.2.3.4(b) and 12.6.2.
 - (2) Any MODIFYING STATIONARY SOURCE with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM₁₀ POTENTIAL TO EMIT from all EMISSION UNITS at such source.

- (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) $\mu\text{g}/\text{m}^3$ then such source shall perform post construction monitoring pursuant to 12.2.3.4(b) and 12.6.2.
- (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM_{10} shall not be subject to the requirements of 12.2.3.4(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The OWNER OR OPERATOR of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
- (3) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

12.2.3.5 Growth Allowance for PM_{10}

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

PM ₁₀ Class II Increment	
Time Period	Maximum Allowable Increase ($\mu\text{g}/\text{m}^3$)
Annual Arithmetic Mean	17
24-Hour Maximum	30

The following shall be excluded in determining compliance with the maximum allowable increase: concentrations of PARTICULATE MATTER attributable to the increase in EMISSIONS from CONSTRUCTION or other temporary EMISSION-related activities of new or modified sources.

- (b) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for PM₁₀ listed in Section 11 of these Air Quality Regulations.
- (c) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (d) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.3.5(a) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.4 PM₁₀ Major Sources in the PM₁₀ MANAGEMENT AREAS:

12.2.4.1 Subsection 12.2.4 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual PM₁₀ POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual PM₁₀ POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.
- (c) The total annual PM₁₀ POTENTIAL TO EMIT shall mean the addition of the PM₁₀ EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM₁₀ POTENTIAL TO EMIT.

12.2.4.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.4.3 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major PM₁₀ STATIONARY SOURCE,
- (b) any existing Non-Major PM₁₀ STATIONARY SOURCE proposing MODIFICATION with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year that results in a total PM₁₀ POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a Major PM₁₀ STATIONARY SOURCE, and

- (c) any existing Major PM₁₀ STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year.

12.2.4.4 Pre-application Requirements:

- (a) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
- (b) Preconstruction ambient air monitoring requirement:
 - (1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for PM₁₀ pursuant to Subsection 12.6.
 - (2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring. If such data is not representative or unavailable, then the owner or operator of the STATIONARY SOURCE shall install and operate an Automated Particle Sampler listed as a 40 CFR, Part 53, Equivalent Method. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

12.2.4.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Applicability:
 - (1) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.4.5(b) and 12.6.2.

(2) Any MODIFYING STATIONARY SOURCE with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM₁₀ POTENTIAL TO EMIT from all EMISSION UNITS at such source.

(i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.4.5(b) and 12.6.2.

(ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM₁₀ shall not be subject to the requirements of 12.2.4.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

(1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

(2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.

(c) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

12.2.4.6 Growth Allowance for PM₁₀

(a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

PM ₁₀ Class II Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	17
24-Hour Maximum	30

The following shall be excluded in determining compliance with the maximum allowable increase: concentrations of PARTICULATE MATTER attributable to the increase in EMISSIONS from CONSTRUCTION or other temporary EMISSION-related activities of new or modified sources.

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.4.8, the allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

PM ₁₀ Class I Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	4
24-Hour Maximum	8

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for PM₁₀ listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.4.6(a) or 12.2.4.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.4.7 Additional Impact Analysis. Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or

exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE EQUAL to or exceeding fifteen (15) tons per year shall conduct an impact analysis:

- (a) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
- (b) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.4.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient PM₁₀ concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1)µg/m³ (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION, and
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.5 PM₁₀ Sources in the PSD AREA:

12.2.5.1 Subsection 12.2.5 shall apply to any new or MODIFIED STATIONARY SOURCE with PM₁₀ EMISSIONS in an AIR QUALITY AREA that is in a PM₁₀ PSD AREA .

12.2.5.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.5.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE FROM all EMISSION UNITS that is equal to or exceeding fifteen (15) tons per year.

12.2.5.4 Pre-application Requirements:

(a) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.

(b) Preconstruction ambient air monitoring requirement:

(1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for PM₁₀ pursuant to Subsection 12.6.

(2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring. If such data is not representative or unavailable, then the owner or operator of the STATIONARY SOURCE shall install and operate an Automated Particle Sampler listed as a 40 CFR, Part 53, Equivalent Method. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.

(c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.5.5 Post Construction Ambient Air Monitoring Requirements:

(a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5,

Table 12-1) shall perform post construction monitoring for PM₁₀ pursuant to Subsection 12.6.

- (b) The OWNER OR OPERATOR of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (c) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM₁₀ shall not be subject to the requirements of 12.2.5.5.

12.2.5.6 Growth Allowance for PM₁₀

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

PM ₁₀ Class II Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	17
24-Hour Maximum	30

The following shall be excluded in determining compliance with the maximum allowable increase: concentrations of PARTICULATE MATTER attributable to the increase in EMISSIONS from CONSTRUCTION or other temporary EMISSION-related activities of new or modified sources.

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.5.8, the allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

PM ₁₀ Class I Increment

Time Period	Maximum Allowable Increase ($\mu\text{g}/\text{m}^3$)
Annual Arithmetic Mean	4
24-Hour Maximum	8

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for PM_{10} listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.5.6(a) or 12.2.5.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.5.7 Additional Impact Analysis. Any new STATIONARY SOURCE with a PM_{10} POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a PM_{10} POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a PM_{10} NET EMISSIONS INCREASE EQUAL to or exceeding fifteen (15) tons per year shall conduct an impact analysis:

- (a) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
- (b) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.5.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a PM_{10} POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a PM_{10} POTENTIAL TO EMIT equal to or exceeding

two hundred fifty (250) tons per year shall conduct a Class I area analysis.

- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient PM₁₀ concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1)µg/m³ (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.6 CO Non-Major Sources in the Serious NONATTAINMENT AREA:

12.2.6.1 Subsection 12.2.6 shall apply to the following:

- (a) Any new STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to a STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.6.2 A STATIONARY SOURCE with a CO POTENTIAL TO EMIT exceeding fifty (50) tons per year shall not be authorized for construction within the area bounded by Washington Avenue on the north, Lamb Boulevard on the east, Tropicana Avenue on the south, and Interstate 15 on the west.

COMMENT: On September 26, 1996, at the direction of the Board of Health, any new or Modified Stationary Source with a CO EMISSION increase exceeding ten (10) tons per year but less than fifty (50) tons

per year in the area of applicability shall be required to mitigate such a CO EMISSION increase by achieving CO reductions from motor vehicles associated with the facility at an offset ratio of 2:1.

12.2.6.3 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.6.4 Notice of Proposed Action (described in Subsection 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE from all EMISSION Units that is equal to or exceeding ten (10) tons per year.

12.2.7 CO Major Sources in the Serious NONATTAINMENT AREA:

12.2.7.1 Subsection 12.2.7 shall apply to the following:

(a) Any new STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and

(b) any proposed MODIFICATION to any existing STATIONARY SOURCE in an AIR QUALITY AREA that is in a serious CO NONATTAINMENT AREA with a proposed total annual CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.

(c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.7.2 A MAJOR CO STATIONARY SOURCE shall not be authorized for construction within the area bounded by Washington Avenue on the north, Lamb Boulevard on the east, Tropicana Avenue on the south, and Interstate 15 on the west.

12.2.7.3 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.7.4 Notice of Proposed Action (described in Subsection 12.3) is required for:

(a) Any new MAJOR CO STATIONARY SOURCE,

(b) any existing non-major CO STATIONARY SOURCE proposing MODIFICATION with a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year that results in a total CO POTENTIAL

TO EMIT which is equal to or exceeds the EMISSIONS threshold of a MAJOR CO STATIONARY SOURCE, and

- (c) any existing MAJOR CO STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year.

12.2.7.5 OFFSET requirements are found in Section 59.

12.2.8 CO Non-Major Sources in the CO MANAGEMENT AREA:

12.2.8.1 Subsection 12.2.8 shall apply to the following:

- (a) Any new STATIONARY SOURCE with a proposed total annual Carbon Monoxide (CO) POTENTIAL TO EMIT less than seventy (70) tons per year, and
- (b) any proposed MODIFICATION to an existing NON-MAJOR STATIONARY SOURCE with a proposed total annual CO POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.8.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.8.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE from all EMISSION Units that is equal to or exceeding ten (10) tons per year.

12.2.9 CO Major Sources in the CO MANAGEMENT AREAS:

12.2.9.1 Subsection 12.2.9 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual Carbon Monoxide (CO) POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year, and
- (b) any proposed MODIFICATION to an existing NON-MAJOR STATIONARY SOURCE located in ELDORADO VALLEY with a proposed total annual CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.

- (c) The total annual CO POTENTIAL TO EMIT shall mean the addition of the CO EMISSIONS from the MODIFICATION and the EMISSIONS from the existing CO POTENTIAL TO EMIT.

12.2.9.2 Each new or Modified STATIONARY SOURCE satisfying the applicability criteria shall be subject to the CO PSD requirements in subsections 12.2.10.4, 12.2.10.5, 12.2.10.6 and 12.2.10.7.

12.2.9.3 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.9.4 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) Any new Major CO STATIONARY SOURCE,
- (b) any existing Non-Major CO STATIONARY SOURCE proposing MODIFICATION with a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year that results in a total CO POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a Major CO STATIONARY SOURCE; and
- (c) any existing Major CO STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year.

12.2.10 CO Sources in the PSD AREA:

12.2.10.1 Subsection 12.2.10 shall apply to any new or Modifying STATIONARY SOURCE in an AIR QUALITY AREA that is in a CO PSD AREA with CO EMISSIONS.

12.2.10.2 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.10.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE from all EMISSION Units that is equal to or exceeding seventy (70) tons per year.

12.2.10.4 Pre-application Requirements:

- (a) Any new STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding one hundred (100) tons per year shall perform air quality modeling pursuant to

Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.

- (b) Preconstruction ambient air monitoring requirement. Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform preconstruction monitoring for CO pursuant to Subsection 12.6.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.10.5 Post Construction Ambient Air Monitoring Requirements

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for CO pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for CO shall not be subject to the requirements of 12.2.10.5.

12.2.10.6 Additional Impact Analysis:

- (a) Any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a CO NET EMISSIONS INCREASE equal to or exceeding one hundred (100) tons per year shall conduct an impact analysis:
 - (1) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
 - (2) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.10.7 Class I Area Analysis

- (a) Any STATIONARY SOURCE with a CO POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a CO POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient CO concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or Net EMISSIONS Increase for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ($\mu\text{g}/\text{m}^3$) (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.11 VOC Non-Major Sources in the VOC MANAGEMENT AREAS:

VOLATILE ORGANIC COMPOUNDS (VOCs) are a precursor to the formation of ground level ozone. Clark County is classified as an attainment area for ozone; however, the Las Vegas Valley has maximum ozone levels approaching the National Ambient Air Quality Standard (NAAQS).

12.2.11.1 Subsection 12.2.11 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a total annual VOC POTENTIAL TO EMIT less than fifty (50) tons per year, or
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a proposed total annual VOC POTENTIAL TO EMIT less than fifty (50) tons per year.

- (c) The total annual VOC POTENTIAL TO EMIT shall mean the addition of the VOC EMISSIONS from the MODIFICATION and the EMISSIONS from the existing VOC POTENTIAL TO EMIT.

12.2.11.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.11.3 Notice of Proposed Action (described in Section 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding twenty (20) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding twenty (20) tons per year.

12.2.12 VOC Major Sources in the VOC MANAGEMENT AREAS:

VOLATILE ORGANIC COMPOUNDS (VOCs) are a precursor to the formation of ground level ozone. Clark County is classified as an attainment area for ozone; however, the Las Vegas Valley has maximum ozone levels approaching the National Ambient Air Quality Standard (NAAQS).

12.2.12.1 Subsection 12.2.12 shall apply to the following:

- (a) Any new STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a total annual VOC POTENTIAL TO EMIT equal to or exceeding fifty (50) tons per year, and
- (b) any proposed MODIFICATION to any STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with a proposed total annual VOC POTENTIAL TO EMIT equal to or exceeding fifty (50) tons per year.
- (c) The total annual VOC POTENTIAL TO EMIT shall mean the addition of the VOC EMISSIONS from the MODIFICATION and the EMISSIONS from the existing VOC POTENTIAL TO EMIT.

12.2.12.2 Each new or MODIFIED STATIONARY SOURCE satisfying the applicability criteria shall be subject to the VOC PSD requirements in subsections 12.2.13.4, 12.2.13.5, 12.2.13.6, and 12.2.13.7.

12.2.12.3 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.12.4 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major VOC STATIONARY SOURCE,

- (b) any existing Non-Major VOC STATIONARY SOURCE proposing MODIFICATION with a VOC NET EMISSIONS INCREASE equal to or exceeding twenty (20) tons per year that results in a total VOC POTENTIAL TO EMIT which is equal to or exceeds the EMISSIONS threshold of a Major VOC STATIONARY SOURCE, and
- (c) any existing Major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE equal to or exceeding twenty (20) tons per year.

12.2.13 VOC Sources in PSD AREA:

12.2.13.1 Subsection 12.2.13 shall apply to any new or Modified STATIONARY SOURCE in an AIR QUALITY AREA that is in a VOC PSD AREA with VOC EMISSIONS.

12.2.13.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.13.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding forty (40) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding forty (40) tons per year.

12.2.13.4 Pre-application Requirements:

(a) Preconstruction ambient air monitoring requirement:

(1) Any new STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any Major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one hundred (100) tons per year shall perform preconstruction monitoring for O₃ pursuant to Subsection 12.6.

(2) If AMBIENT AIR monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.

(b) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.13.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any Major VOC STATIONARY SOURCE proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one hundred (100) tons per year shall perform post construction monitoring for O₃ pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for O₃ shall not be subject to the requirements of 12.2.13.5.

12.2.13.6 Additional Impact Analysis:

- (a) Any STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or a VOC STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a VOC NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall conduct an impact analysis:
 - (1) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
 - (2) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.13.7 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a VOC POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient VOC concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a

modeled impact equal to or greater than one (1) microgram per cubic meter ($\mu\text{g}/\text{m}^3$) (24-hour average) at or within the property boundary of the Class I area shall:

- (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
- (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.14 NO_x Sources in the NO_x MANAGEMENT AREAS. Oxides of Nitrogen (NO_x) are a precursor to the formation of ground level ozone. Clark County is classified as an attainment area for ozone; however, the LAS VEGAS VALLEY has maximum ozone levels approaching the National Ambient Air Quality Standard (NAAQS).

12.2.14.1 Subsection 12.2.14 shall apply to any new or Modified STATIONARY SOURCE located in the LAS VEGAS VALLEY, ELDORADO VALLEY, or IVANPAH VALLEY with Nitrogen Oxides (NO_x) EMISSIONS.

12.2.14.2 Special Restriction: Any STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT exceeding fifty (50) tons per year shall not be authorized for construction within the area bounded by Washington Avenue on the north, Lamb Boulevard on the east, Tropicana Avenue on the south, and Interstate 15 on the west.

- (a) For any new or MODIFIED STATIONARY SOURCE of NO_x, which receives an AUTHORITY TO CONSTRUCT after July 1, 1991, the total accumulated NO_x NET EMISSIONS INCREASE from all EMISSION UNITS within such STATIONARY SOURCE shall not exceed fifty (50) tons per year.
- (b) The total accumulated NO_x NET EMISSIONS INCREASE (NEI) shall mean the accumulation of all NO_x NEIs occurring after July 1, 1991. The POTENTIAL TO EMIT, related to the accumulation of such NEIs for an affected STATIONARY SOURCE, shall not exceed a lifetime limit of fifty (50) tons per year.
- (c) EXCEPTION: Any new or MODIFYING STATIONARY SOURCE may exceed a total accumulated NO_x NET EMISSIONS INCREASE of fifty (50) tons per year from all EMISSION UNITS within such STATIONARY SOURCE after July 1, 1991, if such NO_x NET EMISSIONS INCREASE is offset with

an approved Section 58 EMISSION REDUCTION CREDIT at a ratio of 1.2 to 1.

- 12.2.14.3 Each new or Modified STATIONARY SOURCE satisfying the applicability criteria shall be subject to the NO_x PSD requirements in subsections 12.2.15.4, 12.2.15.5, 12.2.15.6, 12.2.15.7, and 12.2.15.8.
- 12.2.14.4 Each new or Modified EMISSION Unit shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).
- 12.2.14.5 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding twenty (20) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a NO_x NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding twenty (20) tons per year.

12.2.15 NO_x Sources in PSD AREA:

- 12.2.15.1 Subsection 12.2.15 shall apply to any new or Modified STATIONARY SOURCE located in an AIR QUALITY AREA that is in a NO_x PSD AREA with NO_x EMISSIONS.
- 12.2.15.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).
- 12.2.15.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding forty (40) tons per year or any STATIONARY SOURCE proposing MODIFICATION that results in a NO_x NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding forty (40) tons per year.
- 12.2.15.4 Pre-application Requirements:
 - (a) Any new STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a NO_x NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
 - (b) Preconstruction ambient air monitoring requirement:
 - (1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in

Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for NO₂ pursuant to Subsection 12.6.

- (2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.15.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for NO₂ pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for NO₂ shall not be subject to the requirements of Subsection 12.2.15.5.

12.2.15.6 Growth Allowance for Nitrogen Dioxide

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

NO ₂ Class II Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	25

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.15.8, the allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

NO ₂ Class I Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	2.5

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for NO₂ listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.15.6(a) or 12.2.15.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.15.7 Additional Impact Analysis. Any STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or a STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in NO_x NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.15.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a NO_x POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty two (62) miles of a Class I area or any STATIONARY SOURCE located in

Clark County with a NO_x POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.

- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient NO_x concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter (µg/m³) (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.16 SO₂ Sources in PSD AREA:

- 12.2.16.1 Subsection 12.2.16 shall apply to any new or Modified STATIONARY SOURCE in an AIR QUALITY AREA that is in a SO₂ PSD AREA with SO₂ EMISSIONS.
- 12.2.16.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).
- 12.2.16.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a SO₂ POTENTIAL TO EMIT equal to or exceeding forty (40) tons per year and any STATIONARY SOURCE proposing MODIFICATION that results in a SO₂ NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding forty (40) tons per year.
- 12.2.16.4 Pre-application Requirements:
 - (a) Any new STATIONARY SOURCE with a SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or any STATIONARY SOURCE with a SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a SO₂ NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.

- (b) Preconstruction ambient air monitoring requirement:
 - (1) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall provide preconstruction monitoring for SO₂ pursuant to Subsection 12.6.
 - (2) If ambient air monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.16.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall conduct post construction monitoring for SO₂ pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction SO₂ ambient air monitoring for SO₂ shall not be subject to the requirements of 12.2.16.5.

12.2.16.6 Growth Allowance for Sulfur Dioxide

- (a) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in any BASELINE AREA:

SO ₂ Class II Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	20
24-Hour Maximum	91
3-Hour Maximum	512

- (b) For STATIONARY SOURCES impacting a Class I area as determined pursuant to Subsection 12.2.16.8, the allowable EMISSION increases

from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the following maximum allowable increases over the BASELINE CONCENTRATION in the Class I area:

SO ₂ Class I Increment	
Time Period	Maximum Allowable Increase (µg/m ³)
Annual Arithmetic Mean	2
24-Hour Maximum	5
3-Hour Maximum	25

- (c) The allowable EMISSION increases from the proposed source or MODIFICATION, in conjunction with all other applicable EMISSIONS from existing sources (including SECONDARY EMISSIONS associated with the proposed source or MODIFICATION), shall not cause or contribute to air pollution in violation of the air quality standards for SO₂ listed in Section 11 of these Air Quality Regulations.
- (d) The CONTROL OFFICER shall maintain a record of increment consuming sources for all PSD AREAS and MANAGEMENT AREAS in Clark County.
- (e) The CONTROL OFFICER shall disapprove any application and deny issuance of an AUTHORITY TO CONSTRUCT if the cumulative estimated increment consumption in 12.2.16.6(a) or 12.2.16.6(b) exceeds the maximum allowable increase, or if the cumulative modeled impact exceeds the air quality standards in Section 11 of these Air Quality Regulations.

12.2.16.7 Additional Impact Analysis. Any STATIONARY SOURCE with a SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year or a STATIONARY SOURCE with a SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year proposing MODIFICATION that results in a SO₂ NET EMISSIONS INCREASE equal to or exceeding forty (40) tons per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.16.8 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year that is located within sixty two (62) miles of a Class I area or any STATIONARY SOURCE located in Clark County with a SO₂ POTENTIAL TO EMIT equal to or exceeding two hundred fifty (250) tons per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient SO₂ concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION. Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ($\mu\text{g}/\text{m}^3$) (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.17 Pb Sources in PSD AREA:

- 12.2.17.1 Subsection 12.2.17 shall apply to any new or Modified STATIONARY SOURCE located in an AIR QUALITY AREA that is in a Pb PSD AREA with Pb EMISSIONS.
- 12.2.17.2 Each new or Modified EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY.
- 12.2.17.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding three tenths (0.3) of a ton per year and any STATIONARY SOURCE proposing MODIFICATION that results in a Pb NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding three tenths (0.3) of a ton per year.

12.2.17.4 Pre-application Requirements:

- (a) Any new STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year or any Major Pb STATIONARY SOURCE proposing MODIFICATION that results in a Pb NET EMISSIONS INCREASE equal to or exceeding six tenths (0.6) of a ton per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
- (b) Preconstruction ambient air monitoring requirement. Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform preconstruction monitoring for Pb pursuant to Subsection 12.6.
- (c) A STATIONARY SOURCE shall not be issued an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, if modeling results of the STATIONARY SOURCE exceed the National Ambient Air Quality Standard (NAAQS).

12.2.17.5 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for Pb pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for Pb shall not be subject to the requirements of 12.2.17.5.

12.2.17.6 Additional Impact Analysis. Any STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year or a STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year proposing MODIFICATION that results in a Pb NET EMISSIONS INCREASE equal to or exceeding six tenths (0.6) of a ton per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.17.7 Class I Area Analysis:

- (a) Any STATIONARY SOURCE with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year that is located within sixty-two (62) miles of a Class I area or any STATIONARY SOURCE located in Clark County with a Pb POTENTIAL TO EMIT equal to or exceeding six tenths (0.6) of a ton per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient lead concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION.
- (c) Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ($\mu\text{g}/\text{m}^3$) (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.18 HAP Sources in Clark County:

12.2.18.1 The applicability of Subsection 12.2.18 shall be limited to any STATIONARY SOURCE subject to the requirements of Section 20 of the Regulations, or any STATIONARY SOURCE with EMISSIONS of HAZARDOUS AIR POLLUTANTS (HAPs) that are not subject to the PM_{10} , VOC, or TCS requirements of the Regulations and shall apply to the following:

- (a) Any new STATIONARY SOURCE located in Clark County which emits or has a POTENTIAL TO EMIT equal to or exceeding, ten (10) tons per year for any HAZARDOUS AIR POLLUTANT (HAP), or twenty-five (25) tons per year for any combination of HAPs, as defined in Section 0; and

- (b) any MODIFIED HAP STATIONARY SOURCE located in Clark County which has a NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year for any HAZARDOUS AIR POLLUTANT (HAP), or twenty-five (25) tons per year for any combination of HAPs as defined in Section 0.

12.2.18.2 EMISSION Control Requirements:

- (a) For any STATIONARY SOURCE not subject to the requirements of Section 20 of the Air Quality Regulations and/or National EMISSION Standards for Hazardous Air Pollutants promulgated under section 112 of the ACT:
 - (1) each new or MODIFIED EMISSION UNIT that does not represent an imminent or substantial danger, as determined by the CONTROL OFFICER, may incorporate no control; and
 - (2) each new or MODIFIED EMISSION UNIT that does represent an imminent or substantial danger, as determined by the CONTROL OFFICER, the EMISSION controls shall be, at a minimum, designed for the BEST AVAILABLE CONTROL TECHNOLOGY.
- (b) For any STATIONARY SOURCE subject to the requirements of Section 20 of the Air Quality Regulations each new or MODIFIED EMISSION UNIT shall be subject to the applicable standard listed in Section 20.

12.2.18.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year for all HAPs or any STATIONARY SOURCE proposing MODIFICATION that results in a NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding ten (10) tons per year for all HAPs.

12.2.18.4 An application to construct or reconstruct any major source of hazardous pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the ACT will be met. Where MACT has not been established by the administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44. For purposes of this subsection, constructing or reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.

- (a) Notice of Proposed Action (described in Subsection 12.3) is required for any source subject to this subsection.
- (b) Within 60 days of the issuance of the permit, a copy of the MACT determination will be submitted to the EPA.

12.2.19 TCS Sources in Clark County: Requirements for TOXIC CHEMICAL SUBSTANCES (TCS) contained in this Subsection apply to all new and MODIFIED STATIONARY SOURCES that emit one (1) or more of the TOXIC CHEMICAL SUBSTANCE(S), as defined in Section 0.

12.2.19.1 Pre-application Requirements—Preconstruction ambient air monitoring requirement:

- (a) Any new STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) ton per year or any Major TCS STATIONARY SOURCE proposing MODIFICATION that results in a TCS NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one (1) ton per year shall perform preconstruction monitoring for TCS pursuant to Subsection 12.6.
- (b) If AMBIENT AIR monitoring data which is representative of the STATIONARY SOURCE location is available, such data may be used in lieu of preconstruction onsite monitoring.

12.2.19.2 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) ton per year or any Major TCS STATIONARY SOURCE proposing MODIFICATION that results in a TCS NET EMISSIONS INCREASE from all EMISSION UNITS that is equal to or exceeding one (1) ton per year shall perform post construction monitoring for TCS pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for TCS shall not be subject to the requirements of 12.2.19.2.

12.2.19.3 Additional Impact Analysis. Any STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year or a STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year proposing MODIFICATION that results in a TCS NET EMISSIONS INCREASE equal to or exceeding one (1) of a ton per year shall conduct an impact analysis:

- (a) The OWNER OR OPERATOR shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, Industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

- (b) The OWNER OR OPERATOR shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.19.4 Class I Area Analysis:

- (a) Applicability: Any STATIONARY SOURCE with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year that is located within sixty-two (62) miles of a Class I area, or any STATIONARY SOURCE located in Clark County with a TCS POTENTIAL TO EMIT equal to or exceeding one (1) of a ton per year shall conduct a Class I area analysis.
- (b) The applicant shall utilize a mathematical model (as described in Subsection 12.5) to calculate the maximum increase in Ambient TCS concentration resulting from the: POTENTIAL TO EMIT for a new STATIONARY SOURCE or NET EMISSIONS INCREASE for a STATIONARY SOURCE proposing MODIFICATION.
- (c) Any STATIONARY SOURCE with a modeled impact equal to or greater than one (1) microgram per cubic meter ($\mu\text{g}/\text{m}^3$) (24-hour average) at or within the property boundary of the Class I area shall:
 - (1) provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the STATIONARY SOURCE or MODIFICATION and general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION; and
 - (2) provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the STATIONARY SOURCE or MODIFICATION.

12.2.19.5 Air Quality Modeling:

- (a) The applicant shall estimate changes in ambient air quality resulting from the new or MODIFIED STATIONARY SOURCE by using a mathematical model described in Subsection 12.5.
- (b) Actual measurements of ambient air quality, before or after construction of the new or MODIFIED STATIONARY SOURCE, may be required. At no time shall a STATIONARY SOURCE be exempted from the requirements of Subsection 12.5.5.1.

- (c) After the new or MODIFIED STATIONARY SOURCE is constructed and has commenced operation, the EMISSION UNIT(s) will be tested to verify conformance with the POTENTIAL TO EMIT, as described in Subsection 12.2.19.5(b).
- 12.2.19.6 Public notification (described in Subsection 12.3) is required if there is a net increase in any TOXIC CHEMICAL SUBSTANCE EMISSIONS from all EMISSION UNITS that is equal to or greater than one (1) ton per year.
- 12.2.19.7 BEST AVAILABLE CONTROL TECHNOLOGY is required if the total POTENTIAL TO EMIT exceeds one (1) tpy for any TOXIC CHEMICAL SUBSTANCES and Municipal WASTE Combustor Organics equal to or exceeding 0.00000555 tpy.
- 12.2.19.8 Chlorine. The applicant shall meet the requirements of Section 33 of these Regulations.
- 12.2.19.9 Compliance testing for TOXIC CHEMICAL SUBSTANCES:
- (a) As stated in Subsection 12.1.6, the POTENTIAL TO EMIT is an enforceable OPERATING PERMIT condition.
 - (b) The applicant and the CONTROL OFFICER shall mutually determine the most appropriate sampling method and analytical technique to measure the POTENTIAL TO EMIT for an EMISSION UNIT. If the applicant/permittee and the CONTROL OFFICER fail to reach an agreement, the Hearing Board may be consulted for selecting the compliance testing method.
- 12.2.20 Additional Requirements for STATIONARY SOURCES with Beryllium, Mercury, Vinyl Chloride, or Asbestos EMISSIONS in Clark County:**
- 12.2.20.1 In addition to any of the requirements of Section 13 and Subsection 12.2.18, the applicant shall meet the following requirements:
- 12.2.20.2 Pre-application Requirements:
- (a) Any new or Modified STATIONARY SOURCE shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT.
 - (b) Preconstruction ambient air monitoring requirement. Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform preconstruction monitoring for each applicable pollutant pursuant to Subsection 12.6.

12.2.20.3 Post Construction Ambient Air Monitoring Requirements:

- (a) Any new or modifying STATIONARY SOURCE that models (performed pursuant to Subsection 12.5) an air quality impact equal to or exceeding the significance concentration (listed in Subsection 12.5, Table 12-1) shall perform post construction monitoring for each applicable pollutant pursuant to Subsection 12.6.
- (b) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for such pollutant, shall not be subject to the requirements of 12.2.20.3.

12.2.20.4 Asbestos:

- (a) The accumulated Ambient Air concentrations for all new or Modified STATIONARY SOURCES since June 1, 1987, shall not exceed 1,000 fibers per cubic meter.
- (b) The applicant shall meet requirements of Section 13 of these Regulations.

12.2.21 [RESERVED]

12.2.22 PM₁₀ Non-Major Sources in the Moderate NONATTAINMENT Area:

12.2.22.1 Subsection 12.2.22 shall apply to the following:

- (a) any new STATIONARY SOURCE with a proposed total annual PM₁₀ POTENTIAL TO EMIT less than seventy (70) tons per year; or
- (b) any proposed MODIFICATION to a NON-MAJOR STATIONARY SOURCE with a proposed total annual PM₁₀ POTENTIAL TO EMIT less than seventy (70) tons per year.
- (c) The total annual PM₁₀ POTENTIAL TO EMIT shall mean the addition of the PM₁₀ EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM₁₀ POTENTIAL TO EMIT.

12.2.22.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the BEST AVAILABLE CONTROL TECHNOLOGY (BACT).

12.2.22.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new NON-MAJOR STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding fifteen (15) tons per year or any NON-MAJOR STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS

INCREASE from all EMISSION UNITS, including FUGITIVE EMISSIONS, that is equal to or exceeding fifteen (15) tons per year.

12.2.22.4 Post Construction Ambient Air Monitoring Requirements:

(a) Applicability:

- (1) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.22.5(b) and 12.6.2.
- (2) Any MODIFYING STATIONARY SOURCE with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM₁₀ POTENTIAL TO EMIT from all EMISSION UNITS at such source.
 - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) µg/m³ then such source shall perform post construction monitoring pursuant to 12.2.22.5 (b) and 12.6.2.
 - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM₁₀ shall not be subject to the requirements of 12.2.22.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.

- (3) The Post Construction monitoring shall commence within thirty (30) days of the ACTUAL INITIAL START-UP DATE.

12.2.23 PM₁₀ Major Sources in the Moderate NONATTAINMENT Area:

12.2.23.1 Subsection 12.2.23 shall apply to the following:

- (a) any new STATIONARY SOURCE with a proposed total annual PM₁₀ POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year; and
- (b) any proposed MODIFICATION to any STATIONARY SOURCE with a proposed total annual PM₁₀ POTENTIAL TO EMIT equal to or exceeding seventy (70) tons per year.
- (c) The total annual PM₁₀ POTENTIAL TO EMIT shall mean the addition of the PM₁₀ EMISSIONS from the MODIFICATION and the EMISSIONS from the existing PM₁₀ POTENTIAL TO EMIT.

12.2.23.2 Each new or MODIFIED EMISSION UNIT shall incorporate EMISSION controls which are designed for the LOWEST ACHIEVABLE EMISSION RATE (LAER).

12.2.23.3 Notice of Proposed Action (described in Subsection 12.3) is required for:

- (a) any new Major PM₁₀ STATIONARY SOURCE,
- (b) any existing Non-Major PM₁₀ STATIONARY SOURCE proposing MODIFICATION with a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year that results in a total PM₁₀ POTENTIAL TO EMIT which is equal to or exceeding the EMISSIONS threshold of a Major PM₁₀ STATIONARY SOURCE, and
- (c) any existing Major PM₁₀ STATIONARY SOURCE proposing MODIFICATION that results in a PM₁₀ NET EMISSIONS INCREASE equal to or exceeding fifteen (15) tons per year.

12.2.23.4 OFFSET requirements are found in Section 59.

12.2.23.5 Post Construction Ambient Air Monitoring Requirements for AUTHORITY TO CONSTRUCT CERTIFICATES issued after October 1, 1993:

- (a) Applicability:
 - (1) Any new STATIONARY SOURCE with a PM₁₀ POTENTIAL TO EMIT equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior

to submitting an application for AUTHORITY TO CONSTRUCT. If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) $\mu\text{g}/\text{m}^3$ then such source shall perform post construction monitoring pursuant to 12.2.23.5(b) and 12.6.2.

- (2) Any Modifying STATIONARY SOURCE with a PM_{10} NET EMISSIONS INCREASE equal to or exceeding twenty-five (25) tons per year shall perform air quality modeling pursuant to Subsection 12.5 prior to submitting an application for AUTHORITY TO CONSTRUCT on the total PM_{10} POTENTIAL TO EMIT from all EMISSION UNITS at such source.
 - (i) If such source models performed pursuant to Subsection 12.5 have an air quality impact equal to or exceeding a significance concentration of ten (10) $\mu\text{g}/\text{m}^3$ then such source shall perform post construction monitoring pursuant to 12.2.23.5(b) and 12.6.2.
 - (ii) EXCEPTION: A STATIONARY SOURCE requesting MODIFICATION at such location that presently performs post construction ambient air monitoring for PM_{10} shall not be subject to the requirements of 12.2.23.5(b).

(b) Post Construction Ambient Air Monitoring Requirements:

- (1) The owner or operator of the STATIONARY SOURCE shall install and operate a continuous Automated Particle Sampler (i.e. Beta Attenuation, TEOM, or EPA approved equivalent) pursuant to 40 CFR, Part 53. Siting of the monitoring system must be approved by the CONTROL OFFICER and satisfy monitoring and modeling requirements.
- (2) Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53 and 58.
- (3) The Post Construction monitoring shall commence within thirty (30) days of the Actual Initial Start-up Date.

12.3 Owner/Operator Notification, Application Processing Deadlines, Notice of Proposed Action Procedures, and Public Hearings

12.3.1 Owner/Operator Notification and Application Processing Deadlines:

12.3.1.1 New or MODIFIED NON-MAJOR STATIONARY SOURCE or NON-MAJOR MODIFICATION to a MAJOR STATIONARY SOURCE. Within sixty (60) days upon receipt of an application, the CONTROL OFFICER shall notify the applicant, in writing, that the application is complete or incomplete:

- (a) If the application is deemed complete, then within forty-five (45) days after the date an application is deemed complete, the CONTROL OFFICER shall publish a Notice of Proposed Action pursuant to 12.3.2.
- (b) If the application is deemed incomplete, then the CONTROL OFFICER shall itemize the deficiencies in writing.
- (c) If the CONTROL OFFICER, after deeming an ATC application complete, should discover incorrect, inaccurate, and/or missing information from the ATC application, then, such ATC application may be redesignated incomplete and additional information may be requested to determine compliance with the Regulations.
- (d) When the requested additional information is provided to the CONTROL OFFICER, the application will be considered complete and the time period specified in 12.3.1.1(a) will start over.

12.3.1.2 New MAJOR STATIONARY SOURCE or MAJOR MODIFICATION to a MAJOR STATIONARY SOURCE:

- (a) Within hundred (100) days after receipt of an application, the CONTROL OFFICER shall notify the applicant, in writing, that the application is complete or incomplete.
 - (1) If the application is deemed complete, then within ninety (90) days after the date an application is deemed complete, the CONTROL OFFICER shall publish a Notice of Proposed Action pursuant to 12.3.2.
 - (2) If the application is deemed incomplete, then the CONTROL OFFICER shall itemize the deficiencies in writing.
 - (3) If the CONTROL OFFICER, after deeming an ATC application complete, should discover incorrect, inaccurate, and/or missing information from the ATC application, then, such ATC application may be redesignated incomplete and additional information may be requested to determine compliance with the Regulations.
 - (4) When the requested additional information is provided to the CONTROL OFFICER, the application will be considered complete and the time period specified in 12.3.1.2(a) will start over.

- (b) Upon receipt of the application, the CONTROL OFFICER shall notify the U.S. EPA, the Federal Land Manager, the Fish and Wildlife Service, the Air Quality Division of the U.S. National Park Service, and the USDA Regional Forester of any new MAJOR STATIONARY SOURCE or major MODIFICATION.

12.3.2 Notice of Proposed Action:

12.3.2.1 After receipt of a complete application, the CONTROL OFFICER shall publish in newspapers of general circulation within Clark County, Nevada, a notice listing the following items regarding the applicant:

- (a) receipt of application;
- (b) availability of information;
- (c) availability of review and analysis of the application based on its compliance with each applicable regulation;
- (d) preliminary determination whether CONSTRUCTION should be approved, or disapproved;
- (e) availability of proposed conditions of AUTHORITY TO CONSTRUCT;
- (f) for STATIONARY SOURCES subject to Subsections 12.2.3, 12.2.4, 12.2.5, 12.2.14, 12.2.15, and 12.2.16 the notice shall include the estimated PSD increments for each PSD REGULATED AIR POLLUTANT consumed by all increment consuming stationary, area and mobile sources;
- (g) the total POTENTIAL TO EMIT of each REGULATED AIR POLLUTANT, as calculated for Subsection 12.1;
- (h) the total EMISSION reductions of each REGULATED AIR POLLUTANT from EMISSION UNITS that have been removed, disassembled or discontinued;
- (i) opportunity for any PERSON to submit written or oral comments on the air quality impact of the source including but not limited to the following:
 - (1) the air quality modeling used,
 - (2) other alternatives available to the STATIONARY SOURCE,
 - (3) the control technology requirements, and

(4) other appropriate considerations;

(j) All written and oral comments must be received by the CONTROL OFFICER within thirty (30) days from the publication date of the Notice of Proposed Action; and

(k) an opportunity for any PERSON to request a Public Hearing pursuant to subsection 12.3.3.

12.3.2.2 The CONTROL OFFICER shall send a copy of the notice of public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows:

(a) Any other STATE or local air pollution control agencies;

(b) the chief executives of the city and county where the source would be located;

(c) any comprehensive regional land use planning agency; and

(d) any STATE, FEDERAL LAND MANGER, or Indian Governing body whose lands may be affected by EMISSIONS form the source or modification.

12.3.3 Public Hearings:

12.3.3.1 During the Notice of Proposed Action period specified in 12.3.2, any PERSON may petition the CONTROL OFFICER, in writing, for a Public Hearing. All such petitions shall contain: the petitioner's name, address, daytime telephone number; and comments related to the items listed in subsection 12.3.2.1(f-i).

12.3.3.2 If a proper petition is filed, the CONTROL OFFICER shall hold a Public Hearing no sooner than thirty (30) days after the date of the Notice of Proposed Action but no later than seventy (70) days after the date of the Notice of Proposed Action.

12.3.3.3 The petitioner shall receive no less than seven (7) day prior written notice of the date and location of the Public Hearing.

12.3.4 Final Application Evaluation:

12.3.4.1 Within seventy-five (75) days, but no sooner than thirty (30) days, after the date of publication of the Notice of Proposed Action, unless a public hearing is held, the CONTROL OFFICER shall act on the application by either:

(a) issuing a Certificate of AUTHORITY TO CONSTRUCT with conditions; or

(b) issuing a finding of disapproval.

12.3.4.2 The CONTROL OFFICER shall consider and evaluate all written comments and oral testimony before taking final action. If the written comments and/or oral testimony identify an APPLICABLE REQUIREMENT, or applicable Clark County Air Quality Regulation that was overlooked, then such APPLICABLE REQUIREMENT(s) or applicable Air Quality Regulation(s) shall be included in the conditions of the AUTHORITY TO CONSTRUCT.

12.3.4.3 If a public hearing is held, the CONTROL OFFICER shall act on the application within forty-five (45) days after the public hearing.

12.3.4.4 The CONTROL OFFICER shall notify the applicant, the Nevada Department of Environmental Protection (NDEP) and the U.S. Environmental Protection Agency (USEPA) of each action taken under this Subsection 12.3. Copies of the application, review reports, conditions of approval, and OPERATING PERMIT conditions shall be available for inspection by the public, NDEP, and USEPA.

The CONTROL OFFICER shall provide a mechanism whereby a FEDERAL LAND MANAGER (FLM) responsible for management of any Class I lands may present to the STATE a demonstration that the EMISSIONS for the proposed source or MODIFICATION would have an adverse impact on the air quality-related values (including visibility) of any Federal mandatory Class I lands, notwithstanding that the change in air quality resulting from EMISSIONS from such source or MODIFICATION would not cause or contribute to concentrations which would exceed the maximum allowable increase for a Class I area. If the STATE concurs with such demonstration, the reviewing authority shall not issue the permit.

The New Source Review (NSR) process for Federal Class I lands shall be conducted pursuant to 40 CFR 50.307. The following requirements enumerate the NRS process:

(a) The CONTROL OFFICER shall determine applicability of proposals to the National Park Service (NPS) based on the following criteria:

(1) A Federal MAJOR STATIONARY SOURCE with 250 tons per year (tpy) or more of any criteria air pollutant Or A Federal MAJOR MODIFICATION or 100 tpy of any criteria air pollutant from one of the following source categories:

- (i) Coal cleaning plants (with thermal dryers),
- (ii) Kraft pulp mills
- (iii) Portland cement plants,
- (iv) Primary zinc smelters,
- (v) Iron and steel mills,

- (vi) Primary aluminum ore reduction plants,
 - (vii) Primary copper smelters,
 - (viii) Municipal INCINERATOR capable of charging more than 250 tons of refuse per day,
 - (ix) Hydrofluoric, sulfuric, or nitric acid plants,
 - (x) Petroleum refineries,
 - (xi) Lime plants,
 - (xii) Phosphate rock processing plants,
 - (xiii) Coke oven batteries,
 - (xiv) Sulfur recovery plants,
 - (xv) Carbon black plants (furnace process),
 - (xvi) Primary lead smelters,
 - (xvii) Fuel conversion plants,
 - (xviii) Sintering plants,
 - (xix) Secondary metal production plants,
 - (xx) CHEMICAL PROCESS plants,
 - (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million BRITISH THERMAL UNITS per hour heat input,
 - (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
 - (xxiii) Taconite ore processing plants,
 - (xxiv) Glass fiber processing plants,
 - (xxv) Charcoal production plants,
 - (xxvi) Fossil fuel-fired steam electric plants of more than 250 million BRITISH THERMAL UNITS per hour heat input, and
 - (xxvii) Any other STATIONARY SOURCE category regulated under sections 111 or 112 of the ACT; and
- (2) The project site is located within 100km (62 miles) of any boundary of the Grand Canyon National Park Class I land or if the EMISSIONS from a proposed source located more than 100km (62 miles) from a Federal Class I land are sufficiently large that professional judgment suggests that there may be a possible impact.
- (b) The CONTROL OFFICER shall provide the NPS with the following information:
- (1) Within thirty (30) days of receipt, the CONTROL OFFICER shall submit a copy of all information relevant to the permit application, including an analysis of the anticipated impacts on visibility and/or air quality related values for any Federal Class I land.
 - (2) If the CONTROL OFFICER receives an advance notice of an applicable project of the intent to monitor pursuant to 40

CFR 51.166 and that source may affect visibility or other air quality related values, the CONTROL OFFICER shall notify NPS of the intent within 30 days.

- (3) The CONTROL OFFICER shall submit the Final Draft AUTHORITY TO CONSTRUCT and Technical Support Document (TSD) to NPS at least thirty (30) calendar days prior to the public notice and provide the NPS within the required sixty (60) calendar day comment period.
- (c) The CONTROL OFFICER shall submit all required information to NPS Air Resources Division by email when possible, and by U.S. Mail when necessary.
- (d) The CONTROL OFFICER shall keep a printed record of all correspondence in the associated STATIONARY SOURCE'S master file. The NPS Air Resources Division will assume responsibility for transmitting all information to the appropriate NPS staff at the Grand Canyon National Park.
- (e) The CONTROL OFFICER shall consider and act upon, when necessary, all written comments received from the NPS in an open and timely manner. The CONTROL OFFICER shall respond in writing to NPS written comments.
- (f) Within thirty (30) days of receipt of the AUTHORITY TO CONSTRUCT Application, NPS shall respond in writing to the CONTROL OFFICER of any major concerns or additional information necessary to review the air quality analysis.
- (g) Within sixty (60) days of receipt of the Final Draft AUTHORITY TO CONSTRUCT and TSD, NPS shall respond in writing to the CONTROL OFFICER, including "No Comment". The CONTROL OFFICER shall file the response in the STATIONARY SOURCE'S master file.
- (h) For all projects that may impact a Federal Class I land, the CONTROL OFFICER shall notify the affected parties within thirty (30) calendar days of receipt of the project application:
 - (1) Bureau of Land Management,
 - (2) U.S. Forest Service,
 - (3) any STATE, FEDERAL LAND MANGER, local, or Indian Governing body whose lands may be affected by EMISSIONS form the source or modification.

- (4) Any other STATE or local air pollution control agencies with responsibility for lands may be affected by EMISSIONS from the source or modification; and
- (5) any comprehensive regional land use planning agency with responsibility for lands may be affected by EMISSIONS from the source or modification.

12.3.4.5 Appeals. Any citizen, pursuant to this Section 12, may file a notice of appeal to the HEARING BOARD, pursuant to Section 7, no later than thirty (30) days after the date of the CONTROL OFFICER'S action.

12.4 [RESERVED]

12.5 Air Quality Models

12.5.1 Air Quality Modeling Applicability. Air quality modeling applies to any new or Modifying STATIONARY SOURCE located in the PSD Area or MANAGEMENT AREA that triggers the EMISSIONS threshold listed pursuant to subsection 12.2. The applicant shall utilize a mathematical model (as specified in Subsection 12.5.3) to calculate the maximum increase in Ambient concentration for each REGULATED AIR POLLUTANT at and beyond the property boundary resulting from the total POTENTIAL TO EMIT (described in Subsection 12.1.6) for each REGULATED AIR POLLUTANT.

12.5.2 [RESERVED]

12.5.3 Air Quality Modeling Requirements:

12.5.3.1 Estimates of ambient concentrations required under Subsection 12.2 shall be based on the applicable air quality models and data bases approved by USEPA.

12.5.3.2 Air quality modeling is subject to the provisions of 40 CFR Part 51 Appendix W, as revised.

12.5.4 Stack heights:

12.5.4.1 The degree of EMISSION limitation required for control of any REGULATED AIR POLLUTANT shall not be affected in any manner by the stack height portion of any source that exceeds good engineering practice, or any other dispersion technique.

12.5.4.2 Exception: stack heights in existence before December 31, 1970 or dispersion techniques implemented before then.

12.5.5 PSD Monitoring Significance Levels:

12.5.5.1 Air quality modeling that results in concentrations for any REGULATED AIR POLLUTANT equal to or exceeding the values listed in Table 12-1 shall require PSD ambient air monitoring for each REGULATED AIR POLLUTANT.

Table 12-1 PSD Monitoring Significance Levels

REGULATED AIR POLLUTANT	Significance Level ($\mu\text{g}/\text{m}^3$)		Averaging Time
	Pre-Construction	Post Construction	
PM ₁₀	10	16	24-hour
CO	575	2000	8-hour
O ₃ (VOC)	a	a	
NO ₂ (NO _x)	14	14	annual
SO ₂	13	50	24-hour
Pb	0.1	0.1	3-month
Asbestos	b	b	
Beryllium (Be)	0.001	0.001	24-hour
Mercury (Hg)	0.25	0.25	24-hour
Vinyl Chloride	15	15	24-hour
Fluorides	0.25	0.25	24-hour
Hydrogen Sulfide (H ₂ S) at MAJOR STATIONARY SOURCES of PM ₁₀ , VOC, SO ₂ , lead, CO and hazardous air pollutants.	0.2	2	1 hour
Hydrogen Sulfide (H ₂ S) - Other Stationary Sources	b	2	1 hour
Total Reduced Sulfur (including H ₂ S)	10	10	1-hour
Reduced Sulfur Compounds	10	10	1-hour
Toxic Chemical Substances	c	c	24-hour
Hazardous Air Pollutant (HAP)	d	d	

^a No 'de minimus' significance level is provided for ozone. However, any VOC NET EMISSIONS INCREASE of one hundred (100) tons per year or more would require the applicant to perform an ambient impact analysis and perform preconstruction monitoring for ozone.

^b No 'de minimus' significance level is provided, therefore no modeling or preconstruction monitoring is required.

^c Only each TOXIC CHEMICAL SUBSTANCE with a significance level specifically identified in an applicable standard shall be required to model. Otherwise, no modeling is required.

^d Only each HAP with a significance level specifically identified in an applicable standard adopted pursuant to Section 20 of the Air Quality Regulations shall be required to model. Otherwise, no modeling is required.

12.6 Preconstruction and Post Construction Ambient Air Monitoring Requirements:

12.6.1 Preconstruction Ambient Air Monitoring Requirements:

12.6.1.1 The applicant shall submit a preconstruction monitoring proposal to the CONTROL OFFICER for review at least thirty (30) days prior to commencing preconstruction monitoring. All preconstruction monitoring proposals shall include the following:

- (a) type of monitoring equipment,
- (b) location of monitor,
- (c) enclosure design,
- (d) electrical power supply,
- (e) climate control,
- (f) quality assurance, and
- (g) and quality control.

12.6.1.2 All preconstruction monitoring measurements shall be gathered over a period of at least twelve (12) months preceding receipt of the application for AUTHORITY TO CONSTRUCT, except that, if the CONTROL OFFICER determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than twelve (12) months (but not less than four (4) months), the data that is required shall have been gathered over at least that shorter period.

12.6.1.3 The preconstruction monitor shall be located in the general proximity of the modeled point of maximum impact. If such location is infeasible due to technical or physical limitations, then, the CONTROL OFFICER and the applicant shall determine the appropriate preconstruction monitor location.

12.6.1.4 All preconstruction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53, and 58.

12.6.1.5 The applicant shall submit all preconstruction monitoring data to the CONTROL OFFICER with the application for AUTHORITY TO CONSTRUCT.

12.6.2 Post Construction Ambient Air Monitoring Requirements:

12.6.2.1 Post construction monitoring shall commence on the Actual Initial Start-up Date.

12.6.2.2 The post construction monitor shall be located in the general proximity of the modeled point of maximum impact. If such location is infeasible due to

technical or physical limitations, then, the CONTROL OFFICER and the applicant shall determine the appropriate post construction monitor location.

12.6.2.3 The owner or operator shall submit a post construction monitoring proposal to the CONTROL OFFICER with the AUTHORITY TO CONSTRUCT application. All post construction monitoring proposals shall include the following:

- (a) type of monitoring equipment,
- (b) location of monitor,
- (c) enclosure design,
- (d) electrical power supply,
- (e) telephone line availability,
- (f) climate control,
- (g) quality assurance, and
- (h) and quality control.

12.6.2.4 Post construction monitoring activities shall be subject to the relevant provisions of Title 40, Code of Federal Regulations, Parts 50, 51, 52, 53, and 58.

12.6.2.5 Reporting Requirements. Quality assurance and quality control requirements shall be reported to the CONTROL OFFICER as required.

12.6.2.6 Post construction monitoring shall be conducted for a minimum of two (2) years. At the end of the second (2nd) year and each subsequent two (2) year period (if applicable), the CONTROL OFFICER shall review the air quality impact to determine if additional post construction monitoring is required. The owner or operator may terminate post construction monitoring only if the CONTROL OFFICER notifies the owner or operator, in writing, that such monitoring is no longer required.

COMMENT: On September 26, 1996, the Control Officer agreed to develop a policy guidance that will address the termination of post construction ambient monitoring.

12.7 Continuous EMISSION Monitoring Systems

12.7.1 Continuous EMISSION Monitoring Systems Applicability:

12.7.1.1 For any new STATIONARY SOURCE with a CO, NO_x, or SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year:

- (a) The conditions of the AUTHORITY TO CONSTRUCT shall include the requirement to operate and maintain a continuous EMISSION monitoring system (CEMS) for each EMISSION UNIT with a POTENTIAL TO EMIT equal to or exceeding the following:

REGULATED AIR POLLUTANT	EMISSION Rate (tons/year)
Carbon Monoxide	100
Oxides of Nitrogen	40
Sulfur Dioxide	40

- (b) As applicable, the application shall include a description of a CEMS for each affected REGULATED AIR POLLUTANT on each applicable EMISSION UNIT. Conditions shall assure compliance with the subject provisions of Title 40, Code of Federal Regulations, Part 60.

12.7.1.2 For any MODIFYING STATIONARY SOURCE with a CO, NO_x, or SO₂ POTENTIAL TO EMIT equal to or exceeding one hundred (100) tons per year:

- (a) The conditions of the AUTHORITY TO CONSTRUCT shall include the requirement to operate and maintain a CEMS for each EMISSION UNIT with a NET EMISSIONS INCREASE equal to or exceeding the following:

REGULATED AIR POLLUTANT	EMISSION Rate (tons/year)
Carbon Monoxide	100
Oxides of Nitrogen	40
Sulfur Dioxide	40

- (b) As applicable, the application shall include a description of a CEMS for each affected REGULATED AIR POLLUTANT on each applicable EMISSION UNIT. Conditions shall assure compliance with the subject provisions of Title 40, Code of Federal Regulations, Part 60.

12.7.2 Continuous EMISSIONS Monitoring System Requirements. Any Continuous EMISSION Monitoring System required for Carbon Monoxide, Oxides of Nitrogen, or Sulfur Dioxide shall be used for direct-compliance.

12.7.3 Continuous Opacity Monitoring System (COMS) Requirements:

12.7.3.1 Applicability. Any EMISSION UNIT subject to an applicable New Source Performance Standard adopted pursuant Section 14 of the Air Quality Regulations which requires an opacity monitor.

12.7.3.2 Any COMS shall be used for direct-compliance.

12.7.4 [RESERVED]

12.7.5 Alternative Monitoring System(s). The owner or operator of an affected EMISSION UNIT may apply for approval of an alternative monitoring system (or system component) to determine average hourly EMISSION data, by demonstrating that the alternative monitoring system has the same or better precision, reliability, accessibility, and timeliness as provided by

continuous EMISSION monitoring system. The owner or operator of an affected EMISSION UNIT shall submit all requests for an alternative monitoring system to the AQD Enforcement Supervisor.

- (a) Within two (2) months of receipt of a complete request for an alternative monitoring system, the CONTROL OFFICER shall notify the requester in writing of approval or disapproval of such request.
- (b) To be deemed complete, a request must contain all information required pursuant to Subsection 12.7.5 in sufficient detail to evaluate the request. The CONTROL OFFICER may request additional information in writing and set a reasonable deadline for response.

12.8 Issuance of AUTHORITY TO CONSTRUCT CERTIFICATE with Conditions

12.8.1 AUTHORITY TO CONSTRUCT CERTIFICATE Conditions. The conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE shall include, but not be limited to the following:

- (a) total POTENTIAL TO EMIT for each EMISSION UNIT,
- (b) compliance testing deadlines,
- (c) performance standards,
- (d) control requirements,
- (e) reporting schedules,
- (f) EMISSION limitations,
- (g) continuous EMISSIONS monitoring,
- (h) post construction monitoring,
- (i) offset requirements,
- (j) upset/breakdown notification,
- (k) all PSD increment consumption, and
- (l) expiration date.

12.8.1.2 These conditions shall be duplicated in the OPERATING PERMIT conditions when the facility is ready to start up.

12.8.2 AUTHORITY TO CONSTRUCT Issuance Requirements. An "AUTHORITY TO CONSTRUCT CERTIFICATE" shall not be issued unless the CONTROL OFFICER has:

- (a) approved the location of the STATIONARY SOURCE;
- (b) determined that the applicant has demonstrated that all STATIONARY SOURCES owned or operated by the Applicant within the STATE or by any entity controlling, controlled by, or under common control with the applicant in the STATE are subject to EMISSION limitations and are in

compliance, or on a schedule for compliance, with all applicable EMISSION limitations and standards under the Clean Air Act; and

- (c) received full payment of all applicable fees.
 - (1) For any STATIONARY SOURCE or MODIFICATION subject to subsection 12.3 requirements (Notice of Proposed Action), all applicable fees shall be paid prior to the publication of the Notice of Proposed Action.
 - (2) For any STATIONARY SOURCE or MODIFICATION not subject to subsection 12.3 requirements (Notice of Proposed Action), all applicable fees shall be paid prior to the issuance of the AUTHORITY TO CONSTRUCT.

12.8.3 Enforceability of AUTHORITY TO CONSTRUCT Conditions. The AUTHORITY TO CONSTRUCT CERTIFICATE shall become enforceable and effective if the applicant signs and returns such ATC to the CONTROL OFFICER within thirty (30) days from the issuance date.

- (a) If the AUTHORITY TO CONSTRUCT CERTIFICATE is not signed by the applicant and returned to the CONTROL OFFICER within the thirty (30) day period, then such ATC shall be deemed invalid.
- (b) Revalidation of such ATC shall require reapplication for a new AUTHORITY TO CONSTRUCT CERTIFICATE which may be subject to additional fees.

12.8.4 Compliance with the AUTHORITY TO CONSTRUCT Conditions:

12.8.4.1 Applicability: Any new MAJOR STATIONARY SOURCE, or any Major MODIFICATION to a MAJOR STATIONARY SOURCE for any REGULATED AIR POLLUTANT.

- (a) The CONTROL OFFICER shall issue a Stop Order prohibiting the construction, installation, establishment, or alteration of such STATIONARY SOURCE if any of the following are determined prior to issuance of the OPERATING PERMIT:
 - (1) such STATIONARY SOURCE has deviated from the construction design as proposed in the AUTHORITY TO CONSTRUCT Application which results in an increase in the POTENTIAL TO EMIT, or the EMISSION of an unpermitted REGULATED AIR POLLUTANT; or

(2) such STATIONARY SOURCE has altered or modified the control technology requirements which were agreed upon in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE.

(b) The Stop Order shall specify the reasons for the issuance of the Stop Order, the effective time and date. The Hearing Board shall meet within twenty (20) days of filing of an appeal to review the action of the CONTROL OFFICER in accordance with the provisions of Section 7 of the Air Quality Regulations.

12.8.4.2 Applicability: Any new NON-MAJOR STATIONARY SOURCE, or any non-Major MODIFICATION to any STATIONARY SOURCE for any REGULATED AIR POLLUTANT.

(a) The CONTROL OFFICER may issue a Stop Order prohibiting the construction, installation, establishment, or alteration of such STATIONARY SOURCE if any of the following are determined prior to issuance of the OPERATING PERMIT:

(1) such STATIONARY SOURCE has deviated from the construction design as proposed in the AUTHORITY TO CONSTRUCT Application which results in an increase in the POTENTIAL TO EMIT, or the EMISSION of an unpermitted REGULATED AIR POLLUTANT; or

(2) such STATIONARY SOURCE has altered or modified the control technology requirements which were agreed upon in the conditions of the AUTHORITY TO CONSTRUCT CERTIFICATE.

(b) The Stop Order shall specify the reasons for the issuance of the Stop Order, the effective time and date. The Hearing Board shall meet within twenty (20) days of filing of an appeal to review the action of the CONTROL OFFICER in accordance with the provisions of Section 7 of the Air Quality Regulations.

12.8.4.3 Noncompliance with any AUTHORITY TO CONSTRUCT condition(s) is a violation of Section 12 and a violation of the AUTHORITY TO CONSTRUCT CERTIFICATE which shall result in enforcement action.

12.8.4.4 No stationary source shall commence construction unless it has met all requirements of the rule to which it is subject, except where the rule allows that compliance with a specific requirement may be achieved by a later date.

12.9 Cancellation or Extension of an AUTHORITY TO CONSTRUCT CERTIFICATE

12.9.1 Cancellation of an AUTHORITY TO CONSTRUCT CERTIFICATE. The CONTROL OFFICER shall cancel a Certificate issued pursuant to Section 12, except as

provided in subsection 12.9.2, if the applicant does not Commence Construction within eighteen (18) months of date of ATC issuance or if construction work is discontinued for any eighteen (18) month period and any Prevention of Significant Deterioration (PSD) increment reserved on behalf of the applicant shall expire.

12.9.2 **Extension of AUTHORITY TO CONSTRUCT CERTIFICATE.** If the applicant requires an extension, a request shall be submitted in writing to the CONTROL OFFICER at least thirty (30) days prior to the eighteen (18) month cancellation date of the AUTHORITY TO CONSTRUCT CERTIFICATE. Such extension request shall include the following:

- (a) Justification why construction did not commence as scheduled, if applicable;
- (b) Revised construction schedule which assures that continuous construction will be initiated or maintained during the extension period;
- (c) Perform reanalysis of BACT (applies to extension request beyond the first request);
- (d) Reanalyze PSD increment consumption and air quality impacts for each applicable REGULATED AIR POLLUTANT (applies to extension request beyond the first request); and
- (e) Extension request must be signed by a responsible representative of the company proposing the project.

12.9.2.2 Within thirty (30) days after receipt of Certificate extension request, the CONTROL OFFICER shall notify the permittee of intention to approve or disapprove Certificate extension. The Clark County Board of County Commissioners shall approve or disapprove the extension with or without conditions.

12.9.2.3 Proposed revisions to the AUTHORITY TO CONSTRUCT CERTIFICATE shall meet any new requirements promulgated since issuance of the Certificate and shall be subject to public notification procedures described in Subsection 12.3.

12.9.2.4 Each AUTHORITY TO CONSTRUCT CERTIFICATE extension shall not exceed twelve (12) months from Certificate expiration date.

12.10 **Disclaimers.** An AUTHORITY TO CONSTRUCT CERTIFICATE shall not relieve any owner or operator of the responsibility to comply with all applicable Local, STATE and Federal Regulations. Certificates issued by the CONTROL OFFICER shall not be deemed to be an acceptance or approval of operation of any

article, machine, equipment, process or other contrivance listed on said Certificate by the CONTROL OFFICER or his agent. The Certificate shall not be construed to show compliance on the part of the Registrant with the Regulations contained herein, limiting the EMISSION of air pollutants into the atmosphere.

12.11 Severability Clause. In the event that portions of an AUTHORITY TO CONSTRUCT are challenged, all remaining portions of said AUTHORITY TO CONSTRUCT not subject to such challenge shall remain fully in effect as if the challenge had not been filed.

12.12 Protection of Visibility from Sources in NONATTAINMENT AREAS.

12.12.1 Review of MAJOR STATIONARY SOURCES and Major MODIFICATIONS--Source Applicability and Exemptions.

- (a) No STATIONARY SOURCE or MODIFICATION to which the requirements of this section apply shall begin actual construction without an AUTHORITY TO CONSTRUCT/OPERATING PERMIT which states that the STATIONARY SOURCE or MODIFICATION would meet those requirements.
- (b) The requirements of this section shall apply to construction of any new MAJOR STATIONARY SOURCE or major MODIFICATION that would both be constructed in an area classified as a NONATTAINMENT AREA under Section 107(d)(1)(A), (B) or (C) of the ACT and potentially have an impact on visibility in any visibility protection area.
- (c) The requirements of subsection 12.12 shall apply to any such MAJOR STATIONARY SOURCE and any such major MODIFICATION with respect to each pollutant subject to regulation under the ACT that it would emit, except as this section otherwise provides.
- (d) The requirements of this section shall not apply to a particular MAJOR STATIONARY SOURCE or major MODIFICATION, if:
 - (1) The MAJOR STATIONARY SOURCE or major MODIFICATION would be a nonprofit health or nonprofit educational institution, or a major MODIFICATION would occur at such an institution, and the governor of the STATE in which the MAJOR STATIONARY SOURCE or major MODIFICATION would be located requests that it be exempt from those requirements; or
 - (2) The source or MODIFICATION would be a MAJOR STATIONARY SOURCE or major MODIFICATION only if fugitive emissions, to the extent quantifiable, are considered in calculating the POTENTIAL TO EMIT of the STATIONARY SOURCE OR modification and the source does not belong to any of the following categories:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boiler (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (xxvii) Any other STATIONARY SOURCE category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the ACT; or

(3) The MAJOR STATIONARY SOURCE is a portable MAJOR STATIONARY SOURCE which has previously received an AUTHORITY TO CONSTRUCT/OPERATING PERMIT under this section, and

- (i) The OWNER/OPERATOR proposes to relocate the source and EMISSIONS of the source at the new location would be temporary; and
- (ii) The EMISSIONS from the source would not exceed its ALLOWABLE EMISSIONS; and

- (iii) The EMISSIONS from the source would impact no Class I area and no area where an applicable increment is known to be violated; and
 - (iv) Reasonable notice is given to the CONTROL OFFICER, prior to the relocation, identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the CONTROL OFFICER not less than ten (10) calendar days in advance of the proposed relocation, unless a different time duration is previously approved by the CONTROL OFFICER.
- (e) The requirements of this subsection shall not apply to a MAJOR STATIONARY SOURCE or major MODIFICATION with respect to a particular pollutant if the OWNER/OPERATOR demonstrates that, as to that pollutant, the source or MODIFICATION is located in an area designated as attainment under Section 107 of the ACT.
 - (f) The requirements of this subsection shall not apply to a MAJOR STATIONARY SOURCE or major MODIFICATION with respect to a particular pollutant, if the ALLOWABLE EMISSIONS of that pollutant from the source, or the NET EMISSIONS INCREASE of that pollutant from the MODIFICATION:
 - (1) Would impact no Class I area and no area where an applicable increment is known to be violated, and
 - (2) Would be temporary.

12.12.2 Visibility Impact Analyses. The OWNER/OPERATOR of a source shall provide an analysis of the impairment to visibility that would occur as a result of the source or MODIFICATION and general commercial, residential, industrial and other growth associated with the source or MODIFICATION.

12.12.3 FEDERAL LAND MANAGER Notification.

- (a) The FEDERAL LAND MANAGER and the Federal official charged with direct responsibility for management of Federal Class I areas have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the CONTROL OFFICER, whether a proposed source or modification will have an adverse impact on such values.
- (b) The CONTROL OFFICER shall provide written notification to all affected FEDERAL LAND MANAGERS of any AUTHORITY TO CONSTRUCT/ OPERATING PERMIT application for any proposed new MAJOR STATIONARY SOURCE or major MODIFICATION that may affect visibility in

any visibility protection area. The CONTROL OFFICER shall also provide for such notification to the Federal official charged with direct responsibility for management of any lands within any such area:

- (1) Such notification shall include a copy of all information relevant to the AUTHORITY TO CONSTRUCT/OPERATING PERMIT application and shall be given within thirty (30) calendar days of receipt and at least sixty (60) calendar days prior to any public hearing on the application for an AUTHORITY TO CONSTRUCT/OPERATING PERMIT.
- (2) Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in any visibility protection area.
- (3) The CONTROL OFFICER shall also notify all affected FLM's within thirty (30) calendar days of receipt of any advance notification of any such AUTHORITY TO CONSTRUCT/OPERATING PERMIT application.

- (c) The CONTROL OFFICER shall consider any analysis performed by the FEDERAL LAND MANAGER, provided within thirty (30) calendar days of the notification required by subsection 12.2.3(b), that such proposed new MAJOR STATIONARY SOURCE or major MODIFICATION may have an adverse impact on visibility in any visibility protection area. Where the CONTROL OFFICER finds that such an analysis does not demonstrate to the satisfaction of the CONTROL OFFICER that an adverse impact on visibility will result in the visibility protection area, the CONTROL OFFICER must, in the notice of public hearing, either explain their decision or give notice as to where the explanation can be obtained.

12.12.4 National Visibility Goal. The CONTROL OFFICER shall only issue an AUTHORITY TO CONSTRUCT/OPERATING PERMIT to those sources whose EMISSIONS will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in visibility protection areas which impairment results from man-made air pollution. In making the decision to issue an AUTHORITY TO CONSTRUCT/OPERATING PERMIT, the CONTROL OFFICER may take into account the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.

12.12.5 Monitoring. The CONTROL OFFICER may require monitoring of visibility in any visibility protection area near the proposed new STATIONARY SOURCE or major MODIFICATION for such purposes and by such means as the CONTROL OFFICER deems necessary and appropriate.

History: Amended: July 9, 1987; January 25, 1990; December 13, 1990; May 23, 1991; September 26, 1991; May 27, 1993; November 18, 1993; August 25, 1994; January 25, 1996; March 28, 1996; May 23, 1996; September 26, 1996; December 19, 1996; January 23, 1997; June 26, 1997; January 22, 1998; April 23, 1998; September 28, 2000; May 24, 2001; November 20, 2001; June 3, 2003; July 1, 2004; October 7, 2004.