

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 19 - PART 70 Operating Permits**

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## **CLARK COUNTY**

### **AIR QUALITY REGULATIONS**

#### **SECTION 19 - PART 70 OPERATING PERMITS**

##### **19.1 Program Overview**

- 19.1.1 This Section sets forth a comprehensive county-wide air quality permitting system to meet the requirements of Title V of the Clean Air ACT (42 U.S.C. 7401, *et seq.*) and 40 CFR Part 70.
- 19.1.2 All Sources subject to this section shall have a permit to operate that assures compliance by the Source with all APPLICABLE REQUIREMENTS.

##### **19.2 Applicability**

- 19.2.1 PART 70 SOURCES: This Regulation applies to any "MAJOR PART 70 SOURCE" or "PART 70 SOURCE" as defined in Section 0 of the Department of Air Quality and Environmental Management's Air Quality Regulations and all sources required by the ADMINISTRATOR to obtain a permit including Title IV acid rain sources.
- 19.2.2 Source Category Exemptions: The following source categories are exempted from the obligation of obtaining a PART 70 PERMIT:
- 19.2.2.1 All sources that would be required to obtain a permit solely because they are subject to Section 14, Subpart AAA - Standards of Performance for New Residential Wood Heaters.
- 19.2.2.2 All sources that would be required to obtain a permit solely because they are subject to Section 13, Subpart M - National EMISSION Standard for HAZARDOUS AIR POLLUTANTS for ASBESTOS 40 CFR Part 61.145, Standard for Demolition and Renovation.
- 19.2.2.3 All sources that would be required to obtain a permit solely because they are subject to Section 14, Subpart Da - Standards of Performance for ELECTRIC UTILITY STEAM GENERATING UNITS for which CONSTRUCTION is COMMENCED after September 18, 1978.

## **19.3 PART 70 PERMIT Applications**

19.3.1 Duty to Apply: For each MAJOR PART 70 SOURCE and PART 70 SOURCE, the OWNER OR OPERATOR shall submit a timely and complete permit application in accordance with Subsection 19.3.

### 19.3.1.1 Timely Application

- (a) An existing Source must submit a complete application within six (6) months after the Source is notified by the CONTROL OFFICER to be subject to the permitting requirements of the PART 70 PROGRAM except as specified under Subsection (b).
- (b) A PART 70 SOURCE required to meet the requirements under SECTION 112(g) of the ACT, or to have a permit under the pre-CONSTRUCTION review program approved into the applicable implementation plan under Part C or D of Title I of the ACT, shall file a complete application to obtain the PART 70 PERMIT or PERMIT REVISION within twelve (12) months after COMMENCING operation. Where an existing PART 70 PERMIT would prohibit such CONSTRUCTION or change in operation, the Source must obtain a PERMIT REVISION before COMMENCING operation.
- (c) For purposes of permit RENEWAL, a timely and complete application is one that is submitted between six (6) and eighteen (18) months, prior to the date of permit expiration.
- (d) Sources subject to the Title IV Acid Rain program under the Clean Air ACT Amendments must submit an additional Phase II acid rain application by January 1, 1996 for sulfur dioxide and by January 1, 1998 for nitrogen oxides.

### 19.3.1.2 Complete Application

To be deemed complete, an application must provide all information required pursuant to Subsection 19.3.3 except that applications for PERMIT REVISIONS need supply such information only if it is related to the proposed change. Information required under Subsection 19.3.3 must be sufficient to evaluate the subject source, its application and to determine all APPLICABLE REQUIREMENTS. Unless the CONTROL OFFICER determines that an application is not complete within sixty (60) days of receipt of the application, such application shall be deemed to be complete. If, while processing an application that has been determined or deemed to be complete, the CONTROL OFFICER determines that additional information is necessary to evaluate or take final action on the

application, he may request such information in writing and set a reasonable deadline for response.

#### 19.3.1.3 CONFIDENTIAL INFORMATION

Any information which the Department of Air Quality and Environmental Management obtains in the course of its duties is public information unless otherwise designated as CONFIDENTIAL INFORMATION pursuant to the following provisions:

- (a) The Department of Air Quality and Environmental Management cannot certify as confidential the EMISSIONS data of any air pollutant which has an AMBIENT AIR quality standard or EMISSION standard or has been designated as a HAZARDOUS AIR POLLUTANT by regulation.
- (b) The Department of Air Quality and Environmental Management cannot certify as confidential the information contained in a PART 70 PERMIT.
- (c) Information received by the Department of Air Quality and Environmental Management which is certified in writing as confidential by the OWNER OR OPERATOR and verified and approved in writing by the Department of Air Quality and Environmental Management as confidential must, unless the OWNER expressly agrees to its publication or availability to the public, be used only:
  - (1) In the administration or formulation of AIR POLLUTION controls;
  - (2) In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any OWNER OR OPERATOR or reveal any CONFIDENTIAL INFORMATION; or
  - (3) In complying with federal statutes, rules and regulations.
- (d) CONFIDENTIAL INFORMATION may be used in a prosecution for the violation of any statute, ordinance or regulation for the control of AIR POLLUTION.
- (e) When a source submits information to the CONTROL OFFICER under a claim of confidentiality, the CONTROL OFFICER may also require the Source to submit a copy of such information directly to the ADMINISTRATOR.

19.3.2 Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly

submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a DRAFT PERMIT.

19.3.3 Standard application form and required information.

Application information required pursuant to Subsection 19.3.3 shall be provided for each EMISSION UNIT in the standard application form provided by the CONTROL OFFICER. Each application shall include all information needed to determine or impose any APPLICABLE REQUIREMENT, including the following information on forms provided by the CONTROL OFFICER:

19.3.3.1 Identifying information, including company name and address, or plant name and address, if different from company name; OWNER's name, agent, and telephone number, names and telephone number of plant site manager/contact, and RESPONSIBLE OFFICIAL.

19.3.3.2 A description of the Source's processes and products by Standard Industrial Classification Code, including any associated with each alternate scenario identified by the Source.

19.3.3.3 Information related to the EMISSIONS as follows:

- (a) All EMISSIONS of pollutants for which the source is major and all EMISSIONS of REGULATED AIR POLLUTANTS including FUGITIVE EMISSIONS, and all allowable emissions that are listed in the Section 12 Authority To Construct Certificates and the Section 16 Operating Permits, which are in effect.

The CONTROL OFFICER shall require additional information related to the EMISSIONS of air pollutants sufficient to verify which requirements are applicable to the source and other information necessary to collect any permit fees owed under Section 18.

- (b) Identification and description of all points of EMISSIONS described in Subsection 19.3.3.3(a) in sufficient detail to establish a basis for fees pursuant to Section 18 and applicability of requirements of the ACT.
- (c) EMISSIONS in tons per year, concentrations and EMISSION rates in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
- (d) Information to determine or regulate EMISSIONS: FUELS, FUEL use, raw materials, production rates, and operating schedules.

- (e) Identification and description of AIR POLLUTION control equipment and compliance monitoring devices or activities.
- (f) Limitations on the Source operation or any work practice standards, where applicable, that affect EMISSIONS of any regulated pollutant at the PART 70 SOURCE. These include production capacity limits and control requirements listed in the Section 12 Authority To Construct Certificates and the Section 16 Operating Permits, which are in effect.
- (g) Other information required by any APPLICABLE REQUIREMENT, including information related to STACK height limitations developed pursuant to Section 123 of the ACT.
- (h) Calculations on which the information in paragraphs (a) through (g) above is based.

19.3.3.4 The following AIR POLLUTION control requirements:

- (a) Citation and description of all APPLICABLE REQUIREMENTS, including requirements applicable to EMISSIONS UNITS that cause the source to be subject to the PART 70 PROGRAM.
- (b) Description of or reference to any applicable test method for determining compliance with each APPLICABLE REQUIREMENT.
- (c) 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.

19.3.3.5 Other specific information that may be necessary to implement, and enforce other requirements of the ACT or to determine the applicability of such requirements.

19.3.3.6 An explanation of any proposed exemptions from otherwise APPLICABLE REQUIREMENTS.

19.3.3.7 Additional information as determined to be necessary by the CONTROL OFFICER to define alternative operating scenarios identified by the Source pursuant to Subsection 19.4.1.10 or to define permit terms and conditions implementing Subsections 19.4.1.9 and 19.5.7.

19.3.3.8 A compliance plan for all PART 70 SOURCES shall contain the following:

- (a) A description of the compliance status of the source with respect to all APPLICABLE REQUIREMENTS.
- (b) A statement that the source will continue to comply with APPLICABLE REQUIREMENTS for which the source is in compliance.
- (c) For APPLICABLE REQUIREMENTS that become effective during the permit term, the compliance schedule shall include a statement that the source will meet such requirements in a timely manner including a more detailed schedule if expressly required by a APPLICABLE REQUIREMENT.
- (d) A compliance schedule must be submitted for sources not in compliance with all APPLICABLE REQUIREMENTS at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any APPLICABLE REQUIREMENTS for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the APPLICABLE REQUIREMENTS on which it is based.
- (e) Acid Rain-Title IV  
Except as specifically superceded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the affected source will use to achieve compliance with the acid rain emissions limitations, the requirements for the plan content shall be included in the acid rain portion of the compliance plan.

19.3.3.9 Requirements for compliance certification:

- (a) A certification of compliance with all APPLICABLE REQUIREMENTS by a RESPONSIBLE OFFICIAL shall be submitted to the CONTROL OFFICER each year or more frequently if specified by the underlying APPLICABLE REQUIREMENT.
- (b) A statement of methods used for determining compliance, including a description of proposed methods of periodic monitoring, record-keeping, and reporting requirements and test methods.

- (c) A schedule for submission of compliance certifications during the permit term.
- (d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the ACT.

#### 19.3.3.10 Acid Rain-Title IV

The use of nationally standardized forms for the acid rain portion of the permit application and the compliance plan, as required by the regulations promulgated under Title IV of the Act.

#### 19.3.3.11 Permit Shield

A source, at its option, may propose in its application to streamline multiple applicable requirements into a single set of permit terms and conditions that will assure compliance with all APPLICABLE REQUIREMENTS for an emission unit or group of EMISSION UNITS so as to eliminate redundant or conflicting requirements. All APPLICABLE REQUIREMENTS that are subsumed in the streamlined requirements shall be identified in a permit shield. A source opting for the streamlining of APPLICABLE REQUIREMENTS must demonstrate the adequacy of the proposed streamlined requirements. Any streamlining demonstration shall be submitted to the CONTROL OFFICER and EPA for approval in advance of DRAFT PERMIT issuance.

#### 19.3.3.12 Insignificant Activities or EMISSION UNITS

Insignificant activities or EMISSION UNITS, which are listed in Attachment A to this Section may be presumptively omitted from the PART 70 PERMIT application. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities or EMISSION UNITS must be included in the application.

19.3.4 Certification of truth, accuracy and completeness: Any application form, report, or compliance certification submitted pursuant to these Regulations shall contain certification of truth, accuracy, and completeness by a RESPONSIBLE OFFICIAL. This certification and any other certification required under Section 19 shall state that, based on the information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

## **19.4 PART 70 PERMIT Content**

19.4.1 Standard permit requirements. Each PART 70 PERMIT issued shall include the following elements:

19.4.1.1 EMISSION limitations and standards, including operational requirements and limitations that assure compliance with all APPLICABLE REQUIREMENTS and all requirements in Section 19 at the time of permit issuance.

- (a) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the APPLICABLE REQUIREMENT upon which the term or condition is based.
- (b) A statement that, where another APPLICABLE REQUIREMENT is more stringent than an acid rain requirement, both shall be included in the permit and be FEDERALLY ENFORCEABLE.
- (c) Alternative EMISSION limits may be specified in the permit conditions at permit issuance, RENEWAL or MAJOR PART 70 MODIFICATION if such determinations are allowed by an applicable STATE Implementation Plan or Federal Implementation Plan. The permit shall contain provisions to ensure that the alternate EMISSION limit resulting from such equivalency determination shall be quantifiable, accountable, enforceable and based on replicable procedures.
- (d) FUGITIVE EMISSIONS shall be included in the permit in the same manner as STACK EMISSIONS.

19.4.1.2 Permit duration. PART 70 PERMITS shall be issued for a fixed term not to exceed five (5) years. The PART 70 PERMIT issuance date is the beginning of the permit term.

19.4.1.3 Monitoring and related record-keeping and reporting requirements.

- (a) Each permit shall contain the following requirements with respect to monitoring:
  - (1) Periodic monitoring methods proposed by the applicant sufficient to demonstrate compliance and accepted by the CONTROL OFFICER.
  - (2) All EMISSIONS monitoring and analysis procedures or test methods required under the APPLICABLE REQUIREMENTS including

any procedures and methods promulgated pursuant to Sections 114(a)(3) - (enhanced monitoring and submission of compliance certifications) and 504(b) (monitoring and analysis) of the ACT.

- (3) If an APPLICABLE REQUIREMENT does not require periodic testing or instrumental monitoring (which may include record-keeping). Then periodic monitoring shall be required that must be sufficient to yield data which is reliable for the relevant time period and representative of the source's compliance with the permit as reported under Subsection 19.4.1.3(c). Record-keeping, if appropriate, may be sufficient to meet the requirements of this paragraph. Use of terms, test methods, units, averaging periods, and other statistical conventions shall be consistent with the APPLICABLE REQUIREMENTS.
  - (4) Procedures or other requirements concerning monitoring equipment use, maintenance, and where appropriate, installation practices or methods. If a periodic monitoring method proposed by the applicant is inadequate to demonstrate compliance, or in the absence of a proposed periodic method, the CONTROL OFFICER shall invoke an adequate periodic method that will yield reliable data from the relevant time period that are representative of the source's compliance status with respect to the APPLICABLE REQUIREMENT.
- (b) The following monitoring data, information and record-keeping requirements shall be included in the permit:
- (1) The date, sampling location as defined in the PART 70 PERMIT, and the time of the sampling or measurements.
  - (2) The date or dates the analyses were performed and the company or entity that performed the analyses.
  - (3) The analytical techniques or methods used and the results of such analyses.
  - (4) The operating conditions existing at the time of sampling or measurement.
  - (5) Records including required monitoring data and support information shall be maintained for a period of at least 5 years from the date of the monitoring sample, measurement, report or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for

continuous monitoring instrumentation, and copies of all reports required by the PART 70 PERMIT.

- (c) The following reporting requirements shall be included in the permit:
- (1) Sources subject to any required monitoring shall submit reports every three (3) months. All instances of deviations from the PART 70 PERMIT requirements must be clearly identified in such reports. All required reports must be certified by a RESPONSIBLE OFFICIAL consistent with Subsection 19.3.4.
  - (2) Sources shall promptly report deviations from permit requirements, including those attributable to UPSET conditions as defined in the PART 70 PERMIT. Such reporting shall include the probable cause of such deviations and any corrective actions or preventative measures taken.
    - (a) UPSET, BREAKDOWN, or EMERGENCY conditions shall be reported to the CONTROL OFFICER within one (1) hour pursuant to Section 25.2.

19.4.1.4 For AFFECTED SOURCES as defined in 40 CFR Part 72, a permit condition prohibiting EMISSIONS exceeding any allowances that the source lawfully holds under Title IV and the regulations promulgated thereunder.

19.4.1.5 Severability Clause. The various permit requirements shall continue to be valid in event of a challenge to any portion of the permit.

19.4.1.6 Permit Provisions:

- (a) The permittee must comply with all conditions of the PART 70 PERMIT. Any permit noncompliance constitutes a violation of the ACT and is grounds for enforcement action; for permit termination, revocation and reissuance, or MODIFICATION; or for denial of a permit RENEWAL application.
- (b) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (c) The permit may be MODIFIED, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit MODIFICATION, revocation, reissuance, or termination, or of notification of planned changes or anticipated noncompliance does not stay any permit condition.

- (d) The permit does not convey any property rights of any sort, or any exclusive privilege.
- (e) The permittee shall furnish to the CONTROL OFFICER, within a reasonable time, any information that the CONTROL OFFICER may request in writing to determine whether cause exists for MODIFYING, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the CONTROL OFFICER copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the ADMINISTRATOR along with a claim of confidentiality.

19.4.1.7 Permit fees, including annual EMISSION fee, shall be determined pursuant to Section 18, and shall be invoiced in January of each year. Failure to pay PART 70 PERMIT fees may result in citations or suspensions or revocation of the PART 70 PERMIT.

19.4.1.8 SECTION 502(b)(10) CHANGES. A source may make changes in operations that will affect EMISSIONS without a PERMIT REVISION provided:

- (a) The changes are not MODIFICATIONS under any provision of Title I of the ACT, including New Source Review (NSR), NSPS (SECTION 111 of the ACT), and NESHAPS (SECTION 112 of the ACT).
- (b) The changes do not contravene FEDERALLY ENFORCEABLE permit terms and conditions pertaining to monitoring, record-keeping, reporting, or compliance certification requirement.
- (c) The changes do not exceed the EMISSIONS ALLOWABLE UNDER THE PERMIT.
- (d) For each such change, the source shall provide written notice of the proposed changes seven (7) days in advance and attach such notice to their permit. The notice shall include a brief description of the change within the permitted facility, the date on which the change will occur, and any permit term or condition that is no longer applicable as a result of the change. The source, the permitting authority and EPA shall attach each such notice to their copy of the permit.
- (e) The PART 70 SOURCE provides the EPA and the Department of Air Quality and Environmental Management with written notification at least seven (7) days in advance of implementation of the proposed changes.

- 19.4.1.9 The CONTROL OFFICER shall, if requested by the applicant and allowed under Subsection 19.4.1.8, include permit terms and conditions for the trading of EMISSIONS increases and decreases in the permitted facility solely for the purpose of complying with a FEDERALLY ENFORCEABLE EMISSIONS cap independent of otherwise APPLICABLE REQUIREMENTS.
- (a) The permit application must include proposed replicable procedures and permit terms that ensure the EMISSIONS trades are quantifiable and enforceable. The permit terms and conditions must include all terms required under Subsections 19.4.1 and 19.4.3.
  - (b) The permitting authority shall not include any EMISSIONS UNITS for which EMISSIONS are not quantifiable or for which there are no replicable procedures to enforce the EMISSIONS trades.
  - (c) The written notice required under Subsection 19.4.1.8(e) must state when the change will occur and must describe the changes in EMISSIONS that will result and how these increases and decreases in EMISSIONS will comply with the terms and conditions of the permit.
- 19.4.1.10 Alternative Operating Scenarios. A source may identify terms and conditions for reasonably anticipated operating scenarios in its application as approved by the Department of Air Quality and Environmental Management.
- (a) Permit terms and conditions shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating.
  - (b) Permit terms and conditions of each alternative operating scenario shall meet all APPLICABLE REQUIREMENTS and the requirements of Section 19.
- 19.4.1.11 EMISSIONS Trading. PERMIT REVISIONS are not required under any EPA approved economic incentives, marketable permits, EMISSIONS trading and other similar programs or processes for changes that are provided for in the permit, provided the Source conforms to the APPLICABLE REQUIREMENTS of Sections 12 and 58

- 19.4.2 FEDERALLY-ENFORCEABLE requirements
- 19.4.2.1 All terms and conditions in a PART 70 PERMIT, including provisions designed to limit a source's POTENTIAL TO EMIT, are enforceable by the ADMINISTRATOR and citizens under the ACT.
- 19.4.2.2 The CONTROL OFFICER shall specifically designate as not FEDERALLY ENFORCEABLE, any terms and conditions included in the permit that are not FEDERALLY ENFORCEABLE under the ACT or under any of its APPLICABLE REQUIREMENTS.
- 19.4.3 Compliance requirements. All PART 70 PERMITS shall contain the following elements with respect to compliance.
- 19.4.3.1 All testing, monitoring, reporting, record-keeping and compliance certification requirements shall be sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by the PART 70 PERMIT shall contain certification by a RESPONSIBLE OFFICIAL that meets the requirements of Subsection 19.3.4.
- 19.4.3.2 Inspection and Entry Requirements. The permittee shall allow the CONTROL OFFICER or an authorized representative of the CONTROL OFFICER, upon presentation of credentials:
- (a) Entry upon the permittee's premises where the PART 70 SOURCE is located or EMISSIONS related activity is conducted or where records must be kept under the conditions of the permit.
  - (b) Access to inspect and copy, at reasonable times, any records that must be kept under conditions of the permit.
  - (c) To inspect, at reasonable times, any facilities, equipment (including monitoring and AIR POLLUTION control equipment), practices, or operations regulated or required under the permit.
  - (d) To sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or APPLICABLE REQUIREMENTS.
- 19.4.3.3 A compliance schedule shall be consistent with the requirements of Subsection 19.3.3.8.
- 19.4.3.4 Progress reports shall be submitted to the CONTROL OFFICER every three (3) months and must be consistent with compliance schedule and Subsection 19.3.3.8. Such progress reports shall contain the following:

- (a) Dates for achieving the activities, milestones, or compliance required in the compliance schedule and dates when such activities, milestones or compliance were achieved.
- (b) An explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.

19.4.3.5 Requirements for compliance certification with terms and conditions contained in the permit, including EMISSION limitations, standards, or work practices. Permit conditions with respect to compliance shall include the following:

- (a) Compliance certifications shall be submitted annually in writing to both the Department of Air Quality and Environmental Management and the EPA, unless required more frequently by an APPLICABLE REQUIREMENT. A compliance certification is due on January 30 of each year.
- (b) Compliance shall be determined in accordance with the requirements detailed in Subsection 19.4.1.3 or any creditable evidence.
- (c) Compliance certification shall include:
  - (1) Identification of each term or condition of the permit that is the basis of the certification.
  - (2) The source's compliance status and whether compliance was continuous or intermittent.
  - (3) Methods used in determining the compliance status of the source, currently and over the reporting period consistent with Subsection 19.4.1.3.
  - (4) Other specific information required by the CONTROL OFFICER to determine the compliance status of the source.
- (d) Such additional requirements as may be specified pursuant to SECTIONS 114(a)(3) (enhanced monitoring and submission of compliance certifications) and 504(b) (monitoring and analysis) of the ACT.

19.4.4 General Permits. The Department of Air Quality and Environmental Management may issue general permits to numerous similar sources.

19.4.4.1 A general permit shall be subject to the following requirements:

- (1) The general permit must undergo public, AFFECTED STATE and EPA review pursuant to Subsections 19.5.8 and 19.6. The general permit must ensure compliance with all APPLICABLE REQUIREMENTS. Each general permit shall set forth the criteria by which sources may qualify to operate under the general permit.
- (2) After the effective date of any general permit, any source which meets the criteria set forth in the general permit may request authority to operate under the general permit. Such a request must be in writing and must include all information required by the general permit. The Department of Air Quality and Environmental Management shall grant or deny authority to operate under the general permit within thirty (30) days of receipt of the request.
- (3) General permits shall not be authorized for sources whose EMISSION limits are subject to an offset requirement or a permit-by-permit evaluation of terms and conditions including permit-by-permit BACT analysis.
- (4) If a source is later determined not to qualify for the terms and conditions of a general permit, such a source shall be subject to enforcement action for operating without a PART 70 PERMIT.
- (5) AFFECTED SOURCES under the acid rain program shall not be authorized general permits unless otherwise provided in regulations promulgated under Title IV of the ACT.

19.4.5 Temporary Sources. The Department of Air Quality and Environmental Management may issue a single permit authorizing EMISSIONS from similar operations by the same source OWNER OR OPERATOR at multiple temporary locations. The operation must be temporary and involve at least one change of location during the permit term. No AFFECTED SOURCE under the acid rain program shall be permitted as a temporary source.

19.4.5.1 Permits for temporary sources shall include the following requirements:

- (1) Conditions that assure compliance with all APPLICABLE REQUIREMENTS and all other provisions of Section 19 at all authorized locations.
- (2) The OWNER OR OPERATOR shall notify the Department of Air Quality and Environmental Management at least ten (10) days in advance of each change in location.

#### 19.4.6 Permit Shield - Optional

The Department of Air Quality and Environmental Management may include a permit shield in a Part 70 Permit which states that compliance with the conditions of the Part 70 Permit issued to the source shall be deemed in compliance with the applicable requirements as of the date of permit issuance, provided that:

- (a) Such applicable requirements are included and are specifically identified in the permit; or
- (b) The CONTROL OFFICER, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 Permit includes the determination or a concise summary thereof.
- (c) A permit shield may not extend to minor permit modifications.

#### 19.4.7 EMERGENCY Provision

19.4.7.1 An EMERGENCY as defined in Section 0, can constitute an affirmative defense to actions brought for noncompliance with a technology based standard provided the properly signed contemporaneous operating logs or other relevant evidence demonstrate:

- (a) An EMERGENCY occurred and that the permittee can identify the cause(s) of the EMERGENCY.
- (b) The permitted facility was properly operated during claimed EMERGENCY.
- (c) The permittee took all reasonable steps to minimize levels of EMISSIONS that exceeded the EMISSION standards, or other requirements in the permit during the period of the EMERGENCY.
- (d) The permittee submitted notice of the EMERGENCY to the CONTROL OFFICER within one (1) hour of the time when EMISSION limitations were exceeded due to the EMERGENCY. This notice must contain a description of the EMERGENCY, any steps taken to mitigate EMISSIONS, and corrective actions taken.

19.4.7.2 In any enforcement proceeding, the permittee has the burden of proof in seeking to establish the occurrence of an EMERGENCY.

19.4.7.3 Subsection 19.4.7 is in addition to any EMERGENCY or UPSET provision contained in any APPLICABLE REQUIREMENT.

19.4.7.4 Section 25.1 shall not provide a defense to a violation of a FEDERALLY ENFORCEABLE permit term or condition.

## **19.5 Permit Issuance, RENEWAL, Reopenings, and Revisions**

19.5.1 Action on Application.

19.5.1.1 A permit, permit MODIFICATION, or RENEWAL may be issued only if all of the following conditions have been met:

- (a) The CONTROL OFFICER has received a complete application for a permit, permit MODIFICATION, or permit RENEWAL.
- (b) The CONTROL OFFICER has complied with the requirements for public participation under Subsection 19.5.8.
- (c) The CONTROL OFFICER has complied with the requirements for notification and response to AFFECTED STATES under Subsection 19.6.
- (d) The conditions of the permit provide for compliance with all APPLICABLE REQUIREMENTS and the requirements of Section 19.
- (e) The EPA has received a copy of the PROPOSED PERMIT and any notices required under Subsections 19.6.1 and 19.6.2, and has not objected to the issuance of the permit under Subsection 19.6.3 within the time period specified therein.

19.5.1.2 Applications for the permitting of AFFECTED SOURCES under the acid rain program, except for initial Phase II applications, shall be processed within eighteen (18) months after the Department of Air Quality and Environmental Management receives a complete application.

19.5.1.3 For a construction or modification, the CONTROL OFFICER shall act on an application under Section 12 for Authority To Construct before acting on an application for Part 70 Permit or revision of an existing Part 70 Permit.

19.5.1.4 The CONTROL OFFICER shall take final action on each permit application (including application for PERMIT modification or RENEWAL within eighteen (18) months after receiving a complete application.

- (a) Any complete permit application containing an early reduction demonstration under SECTION 112(i)(5) of the ACT shall be acted on within nine (9) months of receipt of the complete application.

- 19.5.1.5 The Department of Air Quality and Environmental Management shall provide a statement that sets forth the legal and factual basis for the DRAFT PERMIT conditions that includes references to the applicable statutory or regulatory provisions. The Department of Air Quality and Environmental Management shall send this statement to EPA and to any other PERSON who requests it.
- 19.5.2 Requirement for a Permit. The OWNER AND/OR OPERATOR of each source required under Subsection 19.2 to obtain a PART 70 PERMIT shall make application for a permit in a timely manner specified in Subsection 19.3.1.1. No source may operate after the time it is required to submit a timely and complete application except in compliance with a permit issued under this Section.
- 19.5.2.1 Application Shield: Any PART 70 SOURCE that submits a timely and complete application and provides any additional information as required, shall not be held in violation of operating without a permit until after the Department of Air Quality and Environmental Management takes final action on the application.
- 19.5.2.2 Protection from operating without a permit shall cease to apply if, subsequent to completeness determination, an applicant fails to submit by the deadline specified in writing by the CONTROL OFFICER any additional information identified as necessary to process the application pursuant to Subsection 19.3.1.2.
- 19.5.3 Permit RENEWAL and Expiration
- 19.5.3.1 Permittees seeking a PART 70 PERMIT RENEWAL are subject to the same procedural requirements that apply to initial permit issuance, including public participation, AFFECTED STATE review and EPA review.
- 19.5.3.2 Permit expiration terminates the source's right to operate unless a timely and complete RENEWAL application has been submitted consistent with Subsection 19.5.2 and Subsection 19.3.1.1(d) in which case the permit shall not expire and all terms and conditions of the permit shall remain in effect until the RENEWAL permit has been issued or denied.
- 19.5.3.3 If the Department of Air Quality and Environmental Management fails to act in a timely way on a permit RENEWAL, EPA may invoke its authority under Section 505(e) of the ACT to terminate or revoke and reissue the permit.
- 19.5.4 Administrative Permit Amendments
- 19.5.4.1 An "Administrative Permit Amendment" is defined as a PERMIT REVISION that:
- (a) Corrects typographical errors

- (b) Changes the name, address and phone number of any PERSON identified in the PART 70 PERMIT or similar minor administrative changes at the source.
- (c) Requires more frequent monitoring or reporting by the permittee.
- (d) Allows for a change in OWNERSHIP or operational control of a source where the CONTROL OFFICER determines that no other change in the permit is necessary, provided the CONTROL OFFICER receives a copy of a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee.
- (e) Allows any other type of change which the EPA determines as part of the approved PART 70 PROGRAM that is similar to administrative permit amendments listed in Subsection 19.5.4.1, paragraphs (a-d).
- (f) Incorporates into the Part 70 Permit the requirements from the AUTHORITY TO CONSTRUCT CERTIFICATES (ATC), provided that the preconstruction review meets the procedural requirements substantially equivalent to the requirements of Sections 19.5 and 19.6 that would be applicable to the change if it were subject to review as a permit modification, and the ATC contains compliance requirements substantially equivalent to those contained in Section 19.4.

19.5.4.2 Administrative Permit Amendments to acid rain permits are allowed for the changes listed in 40 CFR part 72.83(a).

19.5.4.3 Administrative permit amendment procedures. An administrative permit amendment may be made by the CONTROL OFFICER consistent with the following:

- (a) The CONTROL OFFICER shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or AFFECTED STATES provided that it designates any such PERMIT REVISIONS as having been made pursuant to this paragraph.
- (b) The CONTROL OFFICER shall submit a copy of the revised permit to the EPA.
- (c) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request to the CONTROL OFFICER.

#### 19.5.4.4 Permit Shield-

The CONTROL OFFICER may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in Subsection 19.4.6 for administrative permit amendments made pursuant to Subsection 19.5.4.1(f) which meets the relevant requirements of Sections 19.4, 19.5, 19.6 for major permit MODIFICATIONS.

19.5.5 Permit MODIFICATION. A permit MODIFICATION is any revision to a PART 70 PERMIT that cannot be accomplished under the program's provisions for administrative permit amendments under Subsection 19.5.4. Any revision to the Acid Rain portion of the permit shall be made in accordance with 40 CFR Part 72.

19.5.5.1 General. All PART 70 SOURCES requesting a PART 70 PERMIT MODIFICATION must comply with Section 19. Sources subject to Section 12 - General Application Requirements for New and MODIFIED Sources of Air Pollutants must comply with all Section 12 requirements.

#### 19.5.5.2 Applicability

(a) A MAJOR PART 70 MODIFICATION is a proposed change to any PART 70 SOURCE which results in:

- (1) The EMISSION of any REGULATED AIR POLLUTANT not listed in the permit conditions.
- (2) A NET EMISSIONS INCREASE for any REGULATED AIR POLLUTANT.
- (3) A significant change in any existing monitoring permit term or condition.
- (4) A relaxation of any reporting or record-keeping permit term or condition.
- (5) Any change to a PART 70 SOURCE permit or a MAJOR PART 70 source permit if the change does not meet the requirements of Subsections 19.5.4.1 or 19.5.5.3.

(b) A Minor MODIFICATION is any proposed change to a PART 70 SOURCE or MAJOR PART 70 SOURCE that does not meet the requirements of Subsections 19.5.4.1 and meets the requirements of Subsection 19.5.5.3.

#### 19.5.5.3 Minor Permit MODIFICATION Procedures.

- (a) Minor permit MODIFICATIONS are allowed only if the proposed change does not result in an increase in EMISSIONS or the EMISSION of any REGULATED AIR POLLUTANT not listed in the permit conditions.
- (b) Sources meeting the requirements of 19.5.5.3(a) may request a minor permit MODIFICATION provided all of the following criteria are met:
  - (1) The minor MODIFICATION does not violate any APPLICABLE REQUIREMENT.
  - (2) The minor MODIFICATION does not involve significant changes to existing monitoring, reporting, or record-keeping requirements in the permit.
  - (3) The minor MODIFICATION does not require or change a case-by-case determination of an EMISSION limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
  - (4) The minor MODIFICATION does not seek to establish or change a permit term or condition for which there is no corresponding underlying APPLICABLE REQUIREMENT and that the source adopts to avoid an APPLICABLE REQUIREMENT to which the source would otherwise be subject, including:
    - (i) A FEDERALLY ENFORCEABLE EMISSIONS cap assumed to avoid classification as a MODIFICATION under any provision of Title I (Nonattainment/Attainment Areas) of the ACT.
    - (ii) An alternative EMISSIONS limit approved pursuant to regulations promulgated under SECTION 112(i)(5) of the ACT.
  - (5) The minor MODIFICATION does not qualify as a MODIFICATION under any provision of Title I (relating to MODIFICATION requirements under New Source Review [NSR], New Source Performance Standards [NSPS] and National EMISSION Standards for HAZARDOUS AIR POLLUTANTS [NESHAPS]) of the ACT.
  - (6) The minor MODIFICATION does not qualify as a MAJOR PART 70 MODIFICATION.
- (c) Minor permit MODIFICATIONS shall be subject to the following requirements pursuant to Section 12:

- (1) Growth allowance in Prevention of Significant Deterioration (PSD) areas.
  - (2) Public notice requirements.
- (d) Notwithstanding Subsection 19.5.5.2(a), the minor permit MODIFICATION procedures may be used for minor permit amendments involving the use of economic incentives, marketable permits, or EMISSIONS trading to the extent that such minor permit MODIFICATION procedures are explicitly provided for in APPLICABLE REQUIREMENTS promulgated by EPA.
- (e) An Application for minor permit MODIFICATION shall meet the requirements of Subsection 19.3.3 and shall include the following:
- (1) A description of the change, the EMISSIONS resulting from the change, and any new APPLICABLE REQUIREMENTS that will apply if the change occurs.
  - (2) The Source's suggested DRAFT PERMIT conditions.
  - (3) Certification by a RESPONSIBLE OFFICIAL, consistent with Subsection 19.3.4, that the proposed MODIFICATION meets the criteria for use of minor permit MODIFICATION procedures.
  - (4) A sufficient number of completed forms for the CONTROL OFFICER to submit to the EPA and AFFECTED STATES.
- (f) EPA and AFFECTED STATES notification.
- (1) The CONTROL OFFICER will send a complete minor permit MODIFICATION application to the EPA and AFFECTED STATES within five (5) working days of receipt.
  - (2) The CONTROL OFFICER will promptly notify EPA of any AFFECTED STATE comment it does not accept.
- (g) Timetable for issuance.
- Within the later of fifteen (15) days after EPA's review period or ninety (90) days after the CONTROL OFFICER 's receipt of a minor permit MODIFICATION application, the CONTROL OFFICER shall:
- (1) Issue the minor permit MODIFICATION as proposed.

- (2) Deny the minor permit MODIFICATION application.
- (3) Determine that the requested MODIFICATION does not meet the minor permit MODIFICATION criteria and should be reviewed under the MAJOR PART 70 MODIFICATION procedures.
- (4) Revise the draft minor permit MODIFICATION and transmit the new PROPOSED PERMIT MODIFICATION to the EPA.

19.5.5.4 Reserved (Group Processing of Minor Permit MODIFICATIONS) - Optional

19.5.5.5 MAJOR PART 70 MODIFICATION Procedures:

- (a) Applicants requesting a MAJOR PART 70 PERMIT MODIFICATION shall meet the following requirements of Section 19:
  - (1) Submit a PART 70 PERMIT application pursuant to Subsection 19.3.
  - (2) Undergo Public Participation pursuant to Subsection 19.5.8.
  - (3) Undergo Review by EPA and AFFECTED STATES pursuant to Subsection 19.6.
- (b) Timetable for issuance.

Within eighteen (18) months of the CONTROL OFFICER 's receipt of a MAJOR PART 70 PERMIT MODIFICATION application, the CONTROL OFFICER shall:

- (1) Issue the permit MODIFICATION as proposed.
- (2) Deny the MAJOR PART 70 PERMIT MODIFICATION application.

19.5.6 Reopenings for Cause:

19.5.6.1 Permit Issuance Provisions: Each permit issued shall include provisions to allow a permit to be reopened prior to permit expiration under the following conditions:

- (a) Additional APPLICABLE REQUIREMENTS under the ACT become applicable to a MAJOR PART 70 SOURCE with a remaining permit term of three (3) or more years. Such a reopening shall be completed within eighteen (18) months after promulgation of the APPLICABLE REQUIREMENT. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to

expire, unless the original permit or any of its terms and conditions have been extended.

- (b) Additional requirements under the Acid Rain program, including nitrogen dioxide requirements, that become applicable to an AFFECTED SOURCE.
- (c) The CONTROL OFFICER or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the EMISSIONS standards or other terms or conditions of the permit.
- (d) The CONTROL OFFICER or EPA determines that the permit must be revised or revoked to assure compliance with the APPLICABLE REQUIREMENTS.
- (e) In addition to (a) through (d) above, the CONTROL OFFICER may reopen a permit of his own accord or in response to a written request from any PERSON if he determines that there are grounds for reopening and such grounds arose entirely after the deadline set forth in Subsection 7.11.2.3.

19.5.6.2 Reopening and Issuance Procedures: Proceedings to reopen and issue a permit shall follow the same procedure that apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

19.5.6.3 Reopening Notification Procedures: A PART 70 SOURCE subject to a permit reopening pursuant to Subsection 19.5.6.1 shall be notified by the CONTROL OFFICER at least thirty (30) days in advance of the date that the permit is to be reopened, except that the CONTROL OFFICER may provide a shorter time period in the case of an EMERGENCY.

#### 19.5.7 Reopenings for Cause by EPA

19.5.7.1 The CONTROL OFFICER shall, within ninety (90) days after receipt of EPA reopening notification, forward to the EPA a proposed determination of termination, MODIFICATION, or revocation and reissuance, as appropriate. The EPA may extend this ninety (90) day period for an additional ninety (90) days if EPA determines that a new or revised permit application is necessary or that the CONTROL OFFICER must require the permittee to submit additional information.

19.5.7.2 The EPA will review the proposed determination from the CONTROL OFFICER within ninety (90) days of receipt.

- 19.5.7.3 Within ninety (90) days from receipt of an EPA objection, the CONTROL OFFICER shall terminate, MODIFY, or revoke and reissue the permit in accordance with the EPA's objection.
- 19.5.7.4 If the CONTROL OFFICER fails to submit a proposed determination pursuant to Subsection 19.5.7.1 or fails to resolve any objection pursuant to Subsection 19.5.7.3, the EPA will terminate, MODIFY, or revoke and reissue the permit after taking the following actions:
- (a) Providing thirty (30) days notice to the permittee in writing of the reasons for any such action. This notice may be given during procedures detailed in Subsections 19.5.6.1 through 19.5.6.3.
  - (b) Providing the permittee an opportunity for comment on the EPA's proposed action and an opportunity for a hearing.
- 19.5.8 Public Participation: Minor permit MODIFICATIONS and administrative permit amendments shall be excluded from public notification proceedings. All permit proceedings, including initial permit issuance, MAJOR Part 70 MODIFICATIONS, reopenings and RENEWALS, shall be subject to public notice procedures including the following:
- 19.5.8.1 Notice shall be given by publication in a newspaper of general circulation in Clark County designed to give general public notice. In addition, PERSONS may request to be included on a mailing list maintained by the Department of Air Quality and Environmental Management to give public notice. Notice shall also be given by other means when necessary to ensure adequate notice to the affected public.
- 19.5.8.2 The notice shall identify the affected facility; the name and address of the permittee; the address of the Department of Air Quality and Environmental Management processing the permit; the activity or activities involved in the permit action; the EMISSION change involved in any permit MODIFICATION; the name, address, and telephone number of a PERSON from whom interested PERSONS may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including compliance plan, permit, and monitoring and compliance certification report, and all other materials available to the Department of Air Quality and Environmental Management that are relevant to the permit decision; a brief description of the comment procedures required pursuant to 40 CFR PART 70; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled).
- 19.5.8.3 The Department of Air Quality and Environmental Management shall provide such notice and opportunity for participation by AFFECTED STATES as provided for in Subsection 19.6.

- 19.5.8.4 Timing. The Department of Air Quality and Environmental Management shall provide at least thirty (30) days for public comment and shall give notice of any public hearing at least thirty (30) days in advance of the hearing.
- 19.5.8.5 The Department of Air Quality and Environmental Management shall keep a record of commentators and the issues raised during the public participation process so that the ADMINISTRATOR may fulfill his obligation under Section 505(b)(2) of the ACT to determine whether a citizen petition may be granted, and such records shall be available to the public.

## **19.6 Permit Review by the EPA and AFFECTED STATES**

- 19.6.1 Transmission of information to the EPA and AFFECTED STATES.
- 19.6.1.1 The Department of Air Quality and Environmental Management shall provide to the EPA a copy of each permit application, each PROPOSED PERMIT and each FINAL PERMIT, including those for MODIFICATIONS.
- 19.6.1.2 The Department of Air Quality and Environmental Management shall give notice of each draft PART 70 PERMIT to any AFFECTED STATE on or before the time the Department of Air Quality and Environmental Management provides public notice pursuant to Subsection 19.5.8, except for minor permit MODIFICATIONS which are noticed pursuant to Subsection 19.5.5.3(f).
- 19.6.1.3 The Department of Air Quality and Environmental Management shall keep for five (5) years such records and submit to the ADMINISTRATOR such information as the ADMINISTRATOR may reasonably require to ascertain whether the Department of Air Quality and Environmental Management's program complies with the requirements of the ACT or 40 CFR PART 70. The Department of Air Quality and Environmental Management will submit any information subject to a claim of confidentiality with that claim.
- 19.6.2 Response to Review by the EPA and the AFFECTED STATES
- 19.6.2.1 The Department of Air Quality and Environmental Management shall notify ADMINISTRATOR with the PROPOSED PERMIT or as soon as practical for minor permit MODIFICATIONS and any AFFECTED STATE in writing of a refusal by the Department of Air Quality and Environmental Management to accept all recommendations for the PROPOSED PERMIT that the AFFECTED STATE submitted during the public or AFFECTED STATE review period. The notice shall include the Department of Air Quality and Environmental Management's reasons for not accepting any such recommendation. The Department of Air Quality and Environmental Management is not required to accept recommendations that are

not based on APPLICABLE REQUIREMENTS or the requirements of 40 CFR PART 70.

19.6.2.2 No permit for which an application must be transmitted to the ADMINISTRATOR under Subsection 19.6.1.1 shall be issued if the ADMINISTRATOR objects to its issuance in writing within forty-five (45) days of receipt of the PROPOSED PERMIT and all necessary supporting information.

19.6.3 Public Petitions to ADMINISTRATOR. If ADMINISTRATOR does not object in writing, any PERSON may petition the ADMINISTRATOR within sixty (60) days after the expiration of ADMINISTRATOR'S forty-five (45) day review period to make such objection. Any such petition shall be based only on objections to the PART 70 PERMIT that were raised with reasonable specificity during the public comment period provided, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

If the EPA objects to the permit as a result of petition filed under Subsection 19.6.3, the CONTROL OFFICER shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a PART 70 PERMIT or its requirements if the PART 70 PERMIT was issued after the end of the forty-five (45) day review period and prior to an EPA objection.

After EPA action to MODIFY, terminate, or revoke the permit, the Department of Air Quality and Environmental Management may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the Source will not be in violation of the requirement to have submitted a timely and complete application.

19.6.4 Prohibition on Default Issuance.

The Department of Air Quality and Environmental Management shall not issue, MODIFY, or renew a PART 70 PERMIT, until the AFFECTED STATE and EPA review requirements have been satisfied as required under Subsection 19.6.

## **19.7 Fee Determination and Certification**

19.7.1 Fees shall be determined pursuant to Section 18 of the Department of Air Quality and Environmental Management Air Quality Regulations. Annual EMISSION Fee shall be calculated on estimated actual annual EMISSIONS in tons per year of each REGULATED AIR POLLUTANT EMITTED from the PART 70 SOURCE.

19.7.2 ACTUAL EMISSIONS shall be determined through annual CONTROL OFFICER inspection or throughput survey of the PART 70 SOURCE. Differences between actual and estimated EMISSIONS will be used to determine any adjustments to invoice fees in subsequent year.

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History: Initial Adoption: November 18, 1993

Amended: May 26, 1994; June 22, 1995; December 18, 1997; September 28, 2000; May 24, 2001; June 3, 2003; BCC - January 6, 2004, Effective January 20, 2004 (only Subsection 19.3.1.1); July 1, 2004.

## ***ATTACHMENT A TO SECTION 19***

### **List of Insignificant Activities or Emission Units**

The following types of activities and emissions units may be presumptively omitted from Part 70 permit applications. Certain of these listed activities include qualifying statements intended to exclude many similar activities.

Combustion emissions from propulsion of mobile sources, except for vessel emissions from Outer Continental Shelf sources.

Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.

Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

Non-commercial food preparation.

Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.

Janitorial services and consumer use of janitorial products.

Internal combustion engines used for landscaping purposes.

Laundry activities, except for dry-cleaning and steam boilers.

Bathroom/toilet vent emissions.

Emergency (backup) electrical generators at residential locations.

Tobacco smoking rooms and areas.

Blacksmith forges.

Plant maintenance and upkeep activities (e.g., grounds keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.<sup>1</sup>

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<sup>1</sup> Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit if otherwise required.

Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.

Portable electrical generators that can be moved by hand from one location to another.<sup>2</sup>

Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.

Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals.<sup>3</sup>

Air compressors and pneumatically operated equipment, including hand tools.

Batteries and battery charging stations, except at battery manufacturing plants.

Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP.<sup>4</sup>

Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

Equipment used to mix and package, soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

Drop hammers or hydraulic presses for forging or metalworking.

Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

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<sup>2</sup> "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

<sup>3</sup> Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

<sup>4</sup> Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids should be based on size limits such as storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

Vents from continuous emissions monitors and other analyzers.

Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.

Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.

CO<sub>2</sub> lasers, used only on metals and other materials which do not emit HAP in the process.

Consumer use of paper trimmers/binders.

Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

Laser trimmers using dust collection to prevent fugitive emissions.

Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.<sup>5</sup>

Routine calibration and maintenance of laboratory equipment or other analytical instruments.

Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

Hydraulic and hydrostatic testing equipment.

Environmental chambers not using hazardous air pollutant (HAP) gasses.

Shock chambers.

Humidity chambers.

Solar simulators.

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<sup>5</sup> Many lab fume hoods or vents might qualify for treatment as insignificant depending on the applicable SIP or be grouped together for purposes of description.

Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

Process water filtration systems and demineralizers.

Demineralized water tanks and demineralizer vents.

Boiler water treatment operations, not including cooling towers.

Oxygen scavenging (de-aeration) of water.

Ozone generators.

Fire suppression systems.

Emergency road flares.

Steam vents and safety relief valves.

Steam leaks.

Steam cleaning operations.

Steam sterilizers.