

SECTION 0: DEFINITIONS

In these Air Quality Regulations (AQRs), incorporated into the Clark County Code at Section 9.08.130, unless the context otherwise requires:

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

"Actual Emissions" means the actual rate of emissions of a regulated air pollutant from an emissions unit, as determined in accordance with this definition:

- (a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the regulated air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (b) If there is inadequate information to determine actual historical emissions, the Control Officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (c) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the Administrator of the United States Environmental Protection Agency (EPA) or the Administrator's designee.

"Affected Source" means a source that includes one or more affected units that are subject to the acid rain requirements under Title IV of the Act or subject to a standard or other requirement under Sections 112(d), (f) or (h) of the Act.

"Affected State(s)" means all States whose air quality may be affected that are located contiguous to or within fifty (50) miles of Clark County, Nevada, including Arizona, California, and Utah. Any Indian tribe located in Clark County or within fifty (50) miles of the permitted source shall be considered an Affected State.

"Affected Unit" means a unit that is subject to any requirement under Title IV of the Act.

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

"Air Contaminants" means any solid, liquid, or gaseous matter, any odor, or any form

of energy that is capable of being released into the atmosphere from an emission source.

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

- (a) Injure human health or welfare, animal or plant life, or property;
- (b) Limit visibility or interfere with scenic, aesthetic and historic values of the State; or
- (c) Interfere with the enjoyment of life or property.

"Air Quality Planning Region" means an area within Clark County, Nevada, consisting of one hydrographic area, as listed in the definition of airshed region, which is used for air quality planning purposes.

"Air Quality Standard" or "Ambient Air Quality Standard" has the same meaning as the term "National Ambient Air Quality Standard" as defined in Section 0.

"Airshed Region" or "Airshed" means an area within Clark County, Nevada, consisting of one hydrographic area as listed in the following table:

Airshed Regions within Clark County, Nevada		
Air Quality Planning Region	Airshed Region	Air Quality Planning Region Abbreviation
Las Vegas Valley	Hydrographic Area 212	LV
Eldorado Valley	Hydrographic Area 167	EV
North Ivanpah Valley	Hydrographic Area 164A	IV
South Ivanpah Valley	Hydrographic Area 164B	SI
Jean Lake Valley	Hydrographic Area 165	JL
South Hidden Valley	Hydrographic Area 166	SH
Garnet Valley	Hydrographic Area 216	GV
North Hidden Valley	Hydrographic Area 217	NH
Paiute Valley	Hydrographic Area 214	PV
Colorado River Valley	Hydrographic Area 213	CV
Mesquite Valley	Hydrographic Area 163	MS
Pahrump Valley	Hydrographic Area 162	PR
South Three Lakes Valley	Hydrographic Area 211	ST
Frenchman Flat	Hydrographic Area 160	FF
Indian Springs Valley	Hydrographic Area 161	IS
North Three Lakes Valley	Hydrographic Area 168	NT
Tikapoo Valley	Hydrographic Area 169B	TV
California Wash	Hydrographic Area 218	CW
Muddy River Springs Area	Hydrographic Area 219	MR
Lower Meadow Valley Wash	Hydrographic Area 205	MW
Coyote Springs Valley	Hydrographic Area 210	CS

Lower Moapa Valley	Hydrographic Area 220	LM
Virgin River Valley	Hydrographic Area 222	VV
Black Mountains Area	Hydrographic Area 215	BA
Gold Butte Area	Hydrographic Area 223	GB
Greasewood Area	Hydrographic Area 224	GA

If a hydrographic area extends beyond the boundary of Clark County and the State of Nevada, only the portion that is within the boundary of Nevada is included in the definition of airshed region.

"Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to practically enforceable limits which restrict the operating rate, hours of operation, or both) and the most stringent of the following:

- (a) Any applicable standards as set forth in these AQRs or 40 CFR Parts 60, 61 or 63;
- (b) Any applicable Nevada State Implementation Plan (SIP) emission limitation, including those with a future compliance date; or
- (c) The emissions rate specified as a practically enforceable permit condition, including those with a future compliance date.

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

"Applicable Requirement" means any of the following requirements as they apply to an emissions unit covered by a permit issued pursuant to Section 12 of the AQRs:

- (a) Any standard or requirement included in the Nevada SIP approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;
- (b) Any term or condition of any permit issued pursuant to Section 12 of the AQRs;
- (c) Any requirement under Section 111 ("New Source Performance Standards") of the Act;
- (d) Any requirement under Section 112 ("Hazardous Air Pollutants") of the Act;
- (e) Any standard or other requirement of the Acid Rain Program under Title IV of the Act or the regulations promulgated thereunder;
- (f) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) ("Monitoring, Analysis and Compliance") of the Act;

- (g) Any requirement relating to solid waste incineration under Section 129 (“Solid Waste Combustion”) of the Act;
- (h) Any requirement for consumer or commercial products under Section 183(e) (“Ozone”) of the Act;
- (i) Any requirement for tank vessels under Section 183(f) (“Tank Vessel Standards”) of the Act;
- (j) Any standard or requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the EPA determines that any such requirement need not be contained in a Part 70 Permit;
- (k) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) (“Temporary Sources”) of the Act;
- (l) Any requirement necessary to comply with the prohibition in Sections 126(a)(1) and 126(c) (“Interstate Pollution Abatement”) of the Act; and
- (m) Any requirement under the AQRs, e.g., “Emission of Visible Air Contaminants,” “Odors in the Ambient Air,” and “Prohibitions of Nuisance Conditions.”

“Authority to Construct Permit” means a permit issued to a Part 70 source by the Control Officer pursuant to Section 12.4.3 of the AQRs that:

- (a) Authorizes the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source; and
- (b) Includes the conditions which apply to the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source.

“Best Management Practices” means dust control measures that are based on each project soil type, project activity, and phasing as required by the applicable standards of Sections 91 through 94 of these AQRs. These practices shall be included in each Dust Control Permit and Dust Mitigation Plan and are established to meet the goal of reducing particulate emissions from construction sites. Additionally, some practices are designed to address the economic and environmental purposes of reducing the amount of water to be used for dust control.

“British Thermal Unit” or “BTU” means that quantity of heat required to raise the temperature of one pound of water 1 degree F.

“Building, structure, facility, or installation” means all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered

as part of the same industrial grouping if they belong to the same "Major Group" (which have the same first two digit code) as described in the *Standard Industrial Classification Manual*, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively) or the North American Industry Classification System, as published in 2002.

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

"Combined Tank Capacity" means all gasoline storage tanks at the gasoline station.

"Commence" or "Commencement" as applied to construction of a stationary source or modification means that the owner or operator has all necessary preconstruction approvals or permits and has:

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

"Commence Operation" or "Commencing Operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber that changes the location, form, physical properties, or chemical character of a material.

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

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the reviewing authority from requesting or accepting any additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit), that would result in a change in emissions.

"Construction Activity" means the following activities: commercial and residential construction, flood control construction, and highway construction as defined in Section 0.

"Control Measure" means a technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.

"Control Officer" means the Air Pollution Control Officer appointed by the County Manager, the Control Officer's designee or individual staff members who have been delegated the authority by the Control Officer or his /her designee to perform specific Control Officer functions.

"Date of Submittal" means the date a document is postmarked, if the document is delivered by the U.S. Postal Service. If the document is hand delivered by the document owner, his/her representative or a commercial carrier, the date of submittal is the date the document is date stamped by the department.

"Disturbed Surface Area" means a portion of the earth's surface (or material placed thereupon) which is being moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust.

"Dust Palliative" means hygroscopic material, non-toxic chemical stabilizer or other dust palliative material that is not prohibited for ground surface application by the EPA or the Nevada Division of Environmental Protection (NDEP) or by any applicable law or regulation, as a treatment material for reducing fugitive dust emissions. Water, solutions of water and chemical surfactants, and foam are not dust palliatives for the purpose of these regulations.

"Dust Suppressant" means water, solution of water and chemical surfactants, foam, or any other dust palliative which is not prohibited for ground surface application by the EPA or NDEP or by any applicable law or regulation, as a treatment material for reducing fugitive dust emissions.

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

"Eldorado Valley" means the geographical area that coincides with the boundary of the Hydrographic Area 167 as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of hydrographic areas.

"Emergency" means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including Acts of God.

"Emission(s)" or "Emit(s)" means the release or the passing into the ambient air of a

regulated air pollutant.

“Emission Limit” or “Emission Limitation” means a requirement established by the Control Officer or the Administrator that limits the quantity, rate, or concentration of emission of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice or operational standard promulgated under these regulations or the Act.

“Emissions Unit” means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant.

“Enforceable As a Practical Matter” (or “Practicably Enforceable” or “Practically Enforceable”) means that a permit meets the following criteria:

The permit conditions are permanent and quantifiable;

The permit includes a legally enforceable obligation to comply;

The limits impose an objective and quantifiable operational or production limit, or require the use of in-place air pollution control equipment;

The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;

The permit conditions are enforceable and independent of any other applicable limitations; and

The permit contains conditions for monitoring, recordkeeping, reporting, and testing to determine compliance as specified in Section 12.1, 12.2, 12.3, 12.4 and 12.5, as applicable.

"EPA" means the United States Environmental Protection Agency. "Ethanol" means an alcohol with the chemical formula CH₃CH₂OH. "Excess Emissions" means emissions in excess of an emission limitation.

"Existing Emissions Unit" means, unless otherwise specified in these regulations, an emissions unit that has either been authorized to commence construction or modification or has commenced construction or modification prior to the effective date of rule.

"Existing Stationary Source" means, unless otherwise specified in these regulations, any stationary source that has either been authorized to commence construction or modification or has commenced construction or modification prior to the effective date of rule.

“Federal Land Manager” means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

"Federally Enforceable" means all limitations and conditions which are enforceable by the Administrator.

"Flood Control Construction" means construction of flood detention basins, flood diversion channels, box culverts, and excavations intended to capture or retain water.

"Fuel" means material which is capable of releasing energy or power by combustion or other chemical or physical reaction.

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

"Fuel Oil" means a liquid fuel derived from crude oil or petroleum, including distillate oil, residual oil, and used oil.

"Fugitive Dust" means particulate matter, that is not collected by a capture system, is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of these regulations, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from pile drivers, and does not include emissions from process and combustion sources that are subject to other sections of these regulations.

"Fugitive Emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Gasoline" means any petroleum distillate having a Reid Vapor Pressure (RVP) of four 4 pounds per square inch or greater.

"Good Engineering Practice (GEP) Stack Height" means a stack height meeting the requirements described in Subsection 12.2.7.3 of the AQRs.

"Hazardous Air Pollutant" or "HAP" means any air pollutant listed in or pursuant to Section 112(b) of the Act.

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

"Hydrographic Area(s)" means the air quality planning regions within Clark County, Nevada as defined in the *State of Nevada Hydrographic Areas Map*, prepared by the Division of Water Resources, Rev. 9/71. An area may be designated as a Maintenance Area, Marginal Nonattainment Area, or Prevention of Significant Deterioration (PSD) Area. The following table shows the status of each air quality planning region by criteria air pollutant:

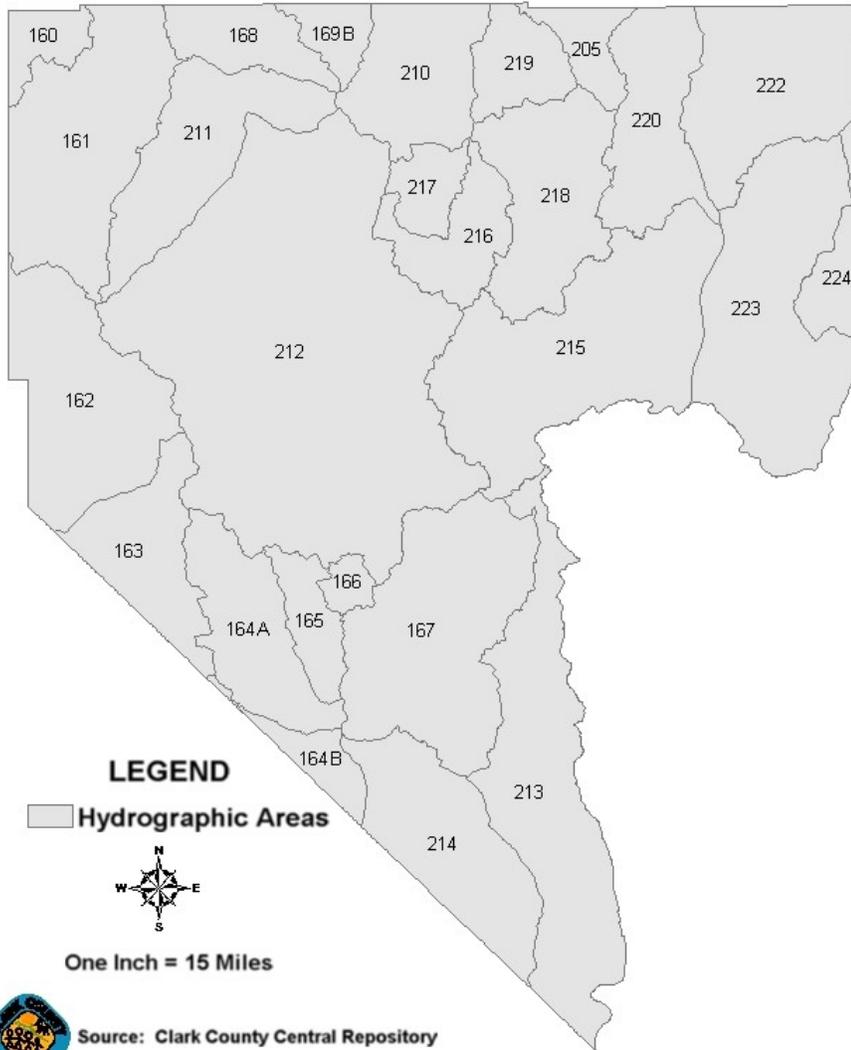
Status of each Air Quality Planning Region by Criteria Air Pollutant						
	<u>PM₁₀</u>	<u>CO</u>	<u>VOC²</u>	<u>NO_x²</u>	<u>SO₂ & Pb</u>	<u>Ozone</u>
<u>Marginal Nonattainment Area</u>						<u>LV</u>
<u>Maintenance Area</u>	<u>LV</u>	<u>LV</u>				
<u>Prevention of Significant Deterioration (PSD) Area</u>	<u>IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA¹</u>	<u>IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA</u>	<u>SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA</u>	<u>SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA</u>	<u>LV, EV, IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA</u>	<u>EV, IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA</u>

¹See Table "Airshed Regions within Clark County, Nevada" in the definition of "Airshed Region" in this Section for Air Quality Planning Region names and abbreviations.

²VOC and NO_x are precursors for Ozone.

A hydrographic area may extend into adjacent county(s), but the hydrographic area will terminate at the state boundary. The following map, provided for quick reference, represents the hydrographic areas and air quality planning regions within the Clark County boundary and excludes only the portion of the hydrographic area that is outside of the Nevada boundary:

Hydrographic Areas in Clark County



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

October 15, 2002

"Incinerator" means any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

"Insignificant Activities and Emissions" means those activities that meet the criteria set forth in subsection 12.5.2.5.

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

"Las Vegas Valley" means that geographical area that coincides with the boundary of the Hydrographic Area 212 as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of hydrographic areas.

"Motocross Race Course" means a closed loop course established on improved or unimproved property upon which the actual track may be dirt, gravel, pavements or other surface encompassing an area of less than fifty (50) acres.

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

"National Ambient Air Quality Standard" means all of the National Ambient Air Quality Standards contained in Part 50 of Title 40 of the Code of Federal Regulations, including the definitions, scope, reference conditions, and appendices thereto, which are incorporated herein by this reference as of July 1, 2013.

"Nonattainment Area" means any geographic region of the United States that has been designated as "nonattainment" under Section 107 of the Act for any pollutant for which a National Ambient Air Quality Standard exists.

"Non-metallic Mineral" means any of the following minerals or any mixture that contains more than fifty percent (50%) by weight any of the following minerals:

- (a) Crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell;
- (b) Sand and gravel;
- (c) Clay, including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay;
- (d) Rock salt;
- (e) Gypsum;
- (f) Sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate;

- (g) Pumice;
- (h) Gilsonite;
- (i) Talc and pyrophyllite;
- (j) Boron, including borax, kernite, and colemanite;
- (k) Barite;
- (l) Fluorspar;
- (m) Feldspar;
- (n) Diatomite;
- (o) Perlite;
- (p) Vermiculite;
- (q) Mica; and
- (r) Kyanite, including andalusite, sillimanite, topaz, and dumortierite.

"Non-Road Easement" means an easement not utilized by the easement holder, or others with the permission of the easement holder, for travel by motor vehicle more often than twelve (12) times within any twelve (12) month period.

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

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

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

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

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open Areas and Vacant Lots" means any of the following described in paragraphs (a) through (e) below. For the purpose of these regulations, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.

- (a) An unsubdivided or undeveloped tract of land.

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

"Open Fire" means any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.

"Operation and Maintenance Plan" means a plan for an emission control system that specifies the key system operating parameters, such as temperatures, pressures, and/or flow rates, necessary to monitor the emission control system to ensure its proper operation and maintenance. The plan should include recordkeeping requirements sufficient to verify that necessary maintenance activities have been performed and key system operating parameters were monitored.

"Operating Permit" means a permit issued pursuant to Sections 12.1, 12.2, 12.3, 12.5, or 94 of the Clark County Air Quality Regulations, signed and issued by the Control Officer or his/her designee.

"Owner" and/or "Operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation that directly or indirectly results or may result in emissions of any air pollutant for which a national, state of Nevada, or Clark County standard is in effect. For the purposes of Sections 90 through 94, "Owner" and/or "Operator" means any person who owns, leases, operates, maintains, controls, or supervises a fugitive dust source subject to the requirements of these regulations.

"Oxygenated Gasoline" means gasoline blended with a component or components containing oxygen, generally an alcohol or ether.

"Part 70 Operating Permit" means any permit or group of permits covering a Part 70 Source that are issued, renewed, amended, or revised pursuant to Section 12.5.

"Part 70 Source" means the following:

- (a) Any source defined as a major stationary source under Sections 12.2.2(ff) or 12.3.2(y), or as a major source under 40 CFR § 70.2 as of July 20, 2011;
- (b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, but only if the Administrator has determined that the source is required to obtain a Part 70 Operating Permit;
- (c) Any source, including an area source, subject to a standard or other requirement under Sections 112(d), (f), or (h) of the Act, but only if the Administrator has determined that the area source subject to such standards is required to obtain a Part 70 Operating Permit. A source is not

- a Part 70 Source solely because it is subject to regulations or requirements under Section 112(r) of the Act;
- (d) Solid waste incineration units, including hospital/medical/infectious waste incinerators, municipal waste incinerators, and commercial and industrial waste incinerators, that are required by Section 129(e) of the Act to obtain a Part 70 Operating Permit;
 - (e) Any source with an affected unit, as defined in 40 CFR Part 72, that is subject to the requirements of the Title IV Acid Rain Program under the Act;
 - (f) Any source that is a non-major municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters; or
 - (g) Any source designated by the Administrator pursuant to 40 CFR § 70.3.

"Particulate Matter (PM)" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at referenced conditions of 25° C and 760 mm mercury.

"Pave" or "Paved" means the application and maintenance of asphalt, concrete, or other similar material on a roadway surface (e.g., asphaltic concrete, concrete pavement, or rubberized asphalt).

"Permanent" means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions. For federal Emission Reduction Credits (ERCs), emission reductions for a stationary source are permanent if the reductions are federally enforceable and the reductions occur over the duration of the ERC rule.

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

"PM2.5" means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal two and one half (2.5) micrometers. PM2.5 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"PM10" means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers. PM10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"Potential to Emit" means the maximum capacity of a stationary source to emit any regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Prime Coat" means the first of two or more coatings applied to a surface.

"Process Weight" means the total weight of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "Process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation thereof, excluding any time during which the equipment is idle.

"Public Road" means a road owned and/or operated by a governmental entity, who has accepted ownership of the road through a formal action of its governing board; and, who as also accepted maintenance responsibilities for the road through a separate action of its governing board or designee. All other roads are private.

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

"Reasonably Available Control Technology (RACT)" means the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economical feasibility. In determining RACT, the following shall be considered:

- (a) Energy and environmental impacts and costs;
- (b) Cost effectiveness;
- (c) Control technology in use by similar sources; and
- (d) Technical feasibility.

For the purposes of this definition, a control technology shall be deemed RACT if it is or meets an EPA control technology guideline limitation for the applicable source category, is a New Source Performance Standard, Maximum Achievable Control Technology standard, or any other federally enforceable limitation or condition relied upon as RACT in a nonattainment or maintenance plan.

RACT may be determined on a case-by-case or source category-specific basis, at the option of the person performing the control technology review, and shall take into account relevant findings and determinations in EPA's RACT/BACT/LAER Clearinghouse. The determination of cost effectiveness may consider the analysis contained in the *EPA Office of Air Quality Planning and Standards Cost Control Manual*.

"Reclaimed Water" means waste water that, as a result of appropriate treatment, is suitable for subsequent beneficial use. Reclaimed water does not meet the State of Nevada standards for potable water.

"Reconstruction" or "Reconstruct" means: (1) for the purpose of meeting the requirements of 40 CFR Part 60 ("New Source Performance Standards"), the definition at 40 CFR

§ 60.15, or (2) for the purpose of meeting the requirements of 40 CFR Part 63 ("National Emission Standards for Hazardous Air Pollutants"), the definition at 40 CFR § 63.2.

"Regulated Air Pollutant(s)" means the following:

- (a) Any air pollutant for which a standard has been adopted pursuant to Section 109 of the Act, or any precursor to such air pollutants;
- (b) Any pollutant that is subject to any standard promulgated in Section 111 of the Act;
- (c) Any pollutant that is otherwise subject to regulation under the Act, except that any or all hazardous air pollutants either listed in Section 112 of the Act or added to the list pursuant to Section 112(b)(2) of the Act, and which have not been delisted pursuant to Section 112(b)(3) of the Act, are not regulated New Source Review pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act;
- (d) Any pollutant that is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
- (e) A regulated New Source Review pollutant, as defined in Section 12.2.2.

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

"Responsible Official" means one of the following:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (1) The operating facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or
 - (2) The delegation of authority to such representative is approved in advance by the Control Officer.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- (c) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or
- (b) For Title IV affected sources:

- (1) The designated representative, as defined in 40 CFR 72.2, insofar as actions, standards, requirements, or prohibitions under Title IV of the Act, "Acid Deposition Control," or the regulations promulgated there under are concerned; or
- (2) The responsible official as defined above for any other purposes under Section 12.5.

"Road Easement" means an easement utilized by the easement holder, or others with the permission of the easement holder, for travel by motor vehicle. In the case of a road easement, the owner and/or operator is the easement holder.

"Secondary Emissions" means emissions that occur as a result of the construction or operation of a stationary source or modification, but do not come from the stationary source or modification itself. Secondary emissions must be specific, well-defined, quantifiable, and impact the same general areas as the stationary source or modification that causes the secondary emissions. Secondary emissions include emissions from any offsite support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the stationary source or modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

"Slow Curing (SC)" means a cutback asphalt generally using a low volatility fuel oil as a solvent.

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, but not including flares.

"State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program.

"Stationary Source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant.

"Surplus" means an emission reduction that has not been relied on in any air quality program related to any SIP; that is not a Nevada SIP requirement; that is not a requirement of a state air quality program that has been adopted but is not in the Nevada SIP; that is not credited in any federal reasonable further progress or other milestone demonstration; that is not a requirement of a consent decree; that is not a requirement of a federal rule that focuses on reducing criteria air pollutants or their precursors, including any applicable NSPS or an applicable NESHAP, unless the state has not taken credit for emission reductions due to the NESHAP in its attainment demonstration or maintenance plan; and that has not already been credited in any other air quality program. The purpose of requiring that emissions offsets be surplus is to prohibit double counting of emission reductions.

“Trench” or “Trenching” means any activity associated with digging a long, narrow excavation at least two feet deep to install or remove equipment or materials such as pipes, casing, conduits, cable, and footers.

"Unpaved Parking Lot" means any area of 5,000 square feet or larger that is not paved and that is used for parking, maneuvering, or storing motor vehicles; material handling and storage yards; or vehicle and equipment storage yards.

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

"Vapor Control System" means a device, or combination of devices, into which vapors are passed before being vented into the ambient air.

"Vapor Tight" means a reading of less than 10,000 parts per million above background as methane when measured at a distance of one centimeter from the leak source with a portable hydrocarbon detection instrument. “Background” is defined as the ambient concentration of organic compounds determined at least three meters upwind from any equipment to be inspected and uninfluenced by any specific emissions unit.

"Volatile Organic Compound (VOCs)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- (a) The following organic compounds shall not be defined as VOCs because of their negligible photochemical reactivity:
- (1) methane;
 - (2) ethane;
 - (3) methylene chloride (dichloromethane);
 - (4) 1,1,1-trichloroethane (methyl chloroform);
 - (5) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
 - (6) trichlorofluoromethane (CFC-11);
 - (7) dichlorodifluoromethane (CFC-12);
 - (8) chlorodifluoromethane (HCFC-22);
 - (9) trifluoromethane (HFC-23);
 - (10) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
 - (11) chloropentafluoroethane (CFC-115);
 - (12) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
 - (13) 1,1,1,2-tetrafluoroethane (HFC- 134a);
 - (14) 1,1-dichloro 1-fluoroethane (HCFC-141b);
 - (15) 1-chloro 1,1-difluoroethane (HCFC-142b);

- (16) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (17) pentafluoroethane (HFC-125);
- (18) 1,1,2,2-tetrafluoroethane (HFC-134);
- (19) 1,1,1- trifluoroethane (HFC-143a);
- (20) 1,1-difluoroethane (HFC-152a);
- (21) parachlorobenzotrifluoride (PCBTf);
- (22) cyclic, branched, or linear completely methylated siloxanes;
- (23) acetone;
- (24) perchloroethylene (tetrachloroethylene);
- (25) 3,3- dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (26) 1,3-dichloro-1,1,2,2,3- pentafluoropropane (HCFC-225cb);
- (27) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (28) difluoromethane (HFC-32);
- (29) ethylfluoride (HFC-161);
- (30) 1,1,1,3,3,3- hexafluoropropane (HFC-236fa);
- (31) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (32) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (33) 1,1,1,2,3-pentafluoropropane (HFC- 245eb);
- (34) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (35) 1,1,1,2,3,3- hexafluoropropane (HFC-236ea);
- (36) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (37) chlorofluoromethane (HCFC-31);
- (38) 1 chloro-1-fluoroethane (HCFC-151a);
- (39) 1,2- dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (40) 1,1,1,2,2,3,3,4,4-nonafluoro-4- methoxy-butane (C4F9OCH3 or HFE-7100);
- (41) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3- heptafluoropropane ((CF3)2CF2OCH3);
- (42) 1-ethoxy-1,1,2,2,3,3,4,4,4- nonafluorobutane (C4F9OC2H5 or HFE-7200);
- (43) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3- heptafluoropropane ((CF3)2CF2OC2H5);
- (44) Methyl acetate;
- (45) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-

- 7000);
- (46) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
 - (47) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
 - (48) methyl formate (HCOOCH₃);
 - (49) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
 - (50) dimethyl carbonate;
 - (51) propylene carbonate;
 - (52) *trans*-1,3,3,3-tetrafluoropropene;
 - (53) HCF₂OCF₂H (HFE-134);
 - (54) HCF₂OCF₂OCF₂H (HFE-236cal2);
 - (55) HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);
 - (56) HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
 - (57) *trans* 1-chloro-3,3,3-trifluoroprop-1-ene;
 - (58) 2,3,3,3-tetrafluoropropene;
 - (59) perfluorocarbon compounds, which fall into these classes:
 - (i) Cyclic, branched, or linear, completely fluorinated alkanes;
 - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (b) A VOC that is also a hazardous air pollutant listed pursuant to Section 112 of the Act shall be subject to the more stringent requirements applicable under either category of pollutant.

History: Amended: July 9, 1987; November 17, 1988; January 25, 1990; May 27, 1993; November 18, 1993; August 25, 1994; June 1995; May 23, 1996; September 26, 1996; December 19, 1996; January 23, 1997; April 24, 1997; January 22, 1998; April 23, 1998; June 22, 2000; November 16, 2000; May 24, 2001; November 20, 2001; December 4, 2001; June 3, 2003; July 1, 2004; October 7, 2004; November 3, 2009; May 18, 2010; November 16, 2010; March 6, 2012; March 18, 2014; December 18, 2018.