

**SECTION 12.0: APPLICABILITY, GENERAL REQUIREMENTS AND TRANSITION PROCEDURES**

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## 12.0 Applicability, General Requirements and Transition Procedures

### 12.0.1 Applicability

The requirements of Section 12 apply as follows:

- (a) Section 12 is applicable to any stationary source located in Clark County, Nevada, except for a plant which generates electricity by using steam produced by the burning of fossil fuel, or an electrical generating facility constructed on a site previously used for the production of electricity from a coal fired electric generating plant, which shall be permitted under the jurisdictional requirements of the Nevada Division of Environmental Protection (NDEP).
- (b) Section 12.1 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.1.1(c) but has a potential to emit less than necessary for it to be a major stationary source under Sections 12.2.2.1(ff) or 12.3.2(y), or a major source under 40 CFR § 70.2. This includes any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and that has a PTE equal to or greater than the thresholds listed in 12.1.1(c).
- (c) Section 12.2 is applicable to any stationary source located in Clark County that has the potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.2.2.1(ff) or makes any change that meets the definition of a major modification in Section 12.2.2.1(dd) and is located in an area designated attainment or unclassified for the specific pollutant emitted.
- (d) Section 12.3 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.3.2(y) or makes any change that meets the definition of a major modification in Section 12.3.2(x) and is located in an area designated nonattainment for the specific pollutant emitted.
- (e) Sections 12.4 and 12.5 are applicable to any stationary source that is required to obtain a Part 70 Operating Permit. Section 12.4 contains the application requirements for any major source subject to the requirements of Sections 12.2, 12.3 or 12.5.
- (f) Section 12.11 is applicable to any stationary source that is not a major stationary source, with a potential to emit that equals or exceeds the thresholds listed in Section 12.1.1(c) and that meets the applicability requirements specified in Section 12.11.1.

## **12.0.2 General Requirements**

- (a) All stationary sources, including any stationary source not required to obtain a Permit to Operate under these regulations, shall be subject to other applicable requirements that regulate activities at stationary sources, even though a Permit to Operate is not required. Such applicable requirements include, but are not limited to, opacity standards, nuisance prohibitions, and fugitive dust control.

## **12.0.3 Transition Procedures**

- (a) Unless otherwise provided in the permit, the conditions in an Authority to Construct Permit, Permit to Operate or Part 70 Operating Permit issued by the Control Officer before the effective date of these regulations continues in effect until one of the following occurs:
  - (1) The Authority to Construct Permit, Permit to Operate or Part 70 Operating Permit is terminated.
  - (2) The Control Officer issues or denies a permit to the source pursuant to Section 12.1, 12.4, 12.5, or 12.11 after the effective date of these regulations.
- (b) After the effective date of these regulations, all minor sources shall be subject to Section 12.1 as follows:
  - (1) A minor source that has submitted an application for a permit authorizing its construction and has not been issued a permit before the effective date of these regulations shall have that application processed pursuant to Section 12.1 as amended on this date, unless its application was deemed complete before the effective date of these regulations. If the application was deemed complete before the effective date of these regulations, then the application shall be processed pursuant to the requirements of Section 12 as they existed at that time.
  - (2) An existing minor source operating under a permit issued by the Control Officer prior to the effective date of these regulations must submit an application within five years of this date or earlier if requested in writing by the Control Officer.
  - (3) An existing minor source that does not have an initial minor source permit may submit a permit application at any time after the effective date of these regulations, but shall submit a permit application within one hundred eighty (180) days of receipt of written notice from the Control Officer that an application is required.

- (4) An existing minor source making a change that is subject to the notice, logging or permit revision provisions under Section 12.1.5, as amended on the effective date of these regulations, shall comply with the provisions of that section.
- (c) After the effective date of these regulations, all Part 70 sources required to obtain a Part 70 Operating Permit shall be subject to Sections 12.2, 12.3, 12.4, and/or 12.5 in accordance with the provisions in those sections.

#### **12.0.4 Permittee Responsibility To Comply With Control Strategy**

- (a) No approval of an authority to construct or authority to operate permit issued pursuant to Section 12 shall affect the responsibility of the permittee to comply with the applicable requirements of the Nevada State Implementation Plan.

#### **12.0.5 Stack Height**

- (a) The degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique as determined by the procedures of 40 CFR § 51.118 and the EPA regulations cross-referenced therein as in effect on July 1, 2012 and as incorporated herein by this reference.

#### **12.0.6 General Requirements for Records and Reports**

- (a) The owner or operator of any source operating under a permit issued pursuant to the provisions of Section 12, shall maintain records on the nature and amount of emissions from such source and any other information deemed necessary by the Control Officer to determine whether such source is in compliance with an applicable emission limitation or other applicable requirement. Records and any supporting information required under Section 12.0.6(a) shall be retained for 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 all copies of all reports required by the permit.
- (b) The information required by Section 12.0.6(a) shall be reported as specified and required by the applicable condition(s) of the permit issued to the owner or operator of the source or facility. Upon a written request from the Control Officer, the owner or operator shall submit the information required by Section 12.0.6(a) within 30 days.

- (c) Emission data obtained pursuant to Section 12.0.6(b) from owners or operators of any source permitted under the provisions of Section 12 shall be correlated with applicable emission limitations and/or other applicable control measures. The data and the results of the correlation shall be made available to the public for review during normal business hours at the Department of Air Quality Office, 4701 West Russell Road, Las Vegas, Nevada 89118.

History: Adopted November 3, 2009. Amended March 18, 2014.