

SECTION 12.1: PERMIT REQUIREMENTS FOR MINOR SOURCES

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12.1 Permits for Minor Sources

12.1.0 Applicability

Section 12.1 is applicable to any stationary source located in Clark County that has the potential to emit (PTE) a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1(c), but less than the major source thresholds listed in 12.2.2.(ff) or 12.3.2(y). This includes any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1(c) or that takes a Voluntarily Accepted Emission Limit pursuant to Section 12.1.7.

12.1.1 Definitions

Unless the context requires otherwise, the following terms shall have the meanings set forth below for purposes of Section 12.0, 12.1, 12.4, 12.5, and 12.11. When a term is not defined, it shall have the meaning provided in Section 0, Nevada Revised Statutes (NRS) § 445B, the Federal Clean Air Act, or common usage, in that order of priority.

- (a) “Exempt stationary source” means any stationary source with a potential to emit that is less than the levels listed in paragraph (c) below or that is listed in Section 12.1.2.
- (b) “Existing minor source” means any minor source that has been issued an “Authority to Construct” or “Permit to Operate” and that has not been issued an initial minor source permit but is required to have one, or that is determined by the Control Officer to be an exempt stationary source prior to the effective date of this rule.
- (c) “Minor source” means a stationary source that is not required to obtain an “Authority to Construct” pursuant to Section 12.4.3 or a Part 70 Operating Permit and that has a potential to emit equal to or greater than the following levels for any listed pollutant:

Type of Air Pollutant	Potential to Emit (tpy)
PM _{2.5}	5
PM ₁₀	5
CO	25
VOC	5
NO _x	5
SO ₂	25
Lead (Pb)	0.3
H ₂ S	1

- (d) "Minor Source Permit" means a single permit that authorizes the construction and operation of a new minor source or the modification and operation of an existing minor source.
- (e) "Modification" or "Modify" means a physical change in, or a change in the method of operation, of a minor source that increases the source's potential to emit any regulated air pollutant.
- (f) "New minor source" means any stationary source that has had its application for an initial minor source permit authorizing its construction and operation declared complete pursuant to Section 12.1.3.3 after [the effective date of this rule].
- (g) "Significant" means an increase at a minor source in the potential to emit of any of the following pollutants at a rate that would equal or exceed any of the following:

Type of Air Pollutant	Potential to Emit (tpy)
PM _{2.5}	7.5
PM ₁₀	7.5
CO	35
VOC	20
NO _x	20
SO ₂	40
Lead (Pb)	0.6
H ₂ S	5
Total Reduced Sulfur (including H ₂ S)	5

12.1.2 Emission Units and Activities Exempt from Permit Requirements

- (a) Construction and operation of any emission units or performance of any of the activities listed in Sections 12.1.2(c) or Appendix A of Section 12.1 shall be exempt from the requirement to obtain a permit under Section 12 subject to the following requirements:
 - (1) The exempt emission units and activities shall be listed in the source's application and permit;
 - (2) The exempt emission units and activities shall remain subject to any other applicable requirements; and
 - (3) The potential to emit of all exempt units and activities shall be considered in determining if a stationary source is required to

obtain a permit pursuant to Sections 12.1, 12.2, 12.3, 12.4, or 12.5.

- (b) If a stationary source, based on information submitted by its owner or operator, is determined by the Control Officer to be an exempt stationary source, or is categorically exempt under paragraph (c), the owner or operator may request a letter of exemption confirming that status. The letter shall list all exempt emission units and activities.
- (c) The following emission units and activities are exempt from the permitting requirements of Section 12.1:
 - (1) A laboratory, which means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds, or other substances, or to similar activities, provided that these activities are conducted on a laboratory scale and not sold or distributed commercially. Support activities necessary to the operation of the laboratory are considered part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or that would otherwise require permitting, such as boilers providing power to a source or solid waste disposal units (such as incinerators);
 - (2) Production of hot water for use by on-site personnel not related to any industrial or production process;
 - (3) Emissions associated with paved and unpaved roads and parking lots that have public access, as well as activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways. Such activities and emissions are subject to the requirements of Sections 91 and 92 of these regulations;
 - (4) Temporary “padding” machines used on an underground utility project, including the engine that powers them, provided there is no crusher and the project is being performed under the conditions of a Dust Control Permit issued pursuant to Section 94;
 - (5) Temporary on-site demolition debris “grinders,” including the engine that powers them, provided the project is being performed under the conditions of a Dust Control Permit issued pursuant to Section 94;
 - (6) Temporary trenching machines, including the engine that powers them, provided the project is being performed under the

conditions of a Dust Control Permit issued pursuant to Section 94;

- (7) Temporary operations and experimental trials that involve construction, reconstruction, or modification of a source or emission unit and that meet the following criteria:
 - (A) The construction, reconstruction, or modification will not increase the affected stationary source's potential to emit in excess of the applicable major source threshold as defined in Section 12.2.2(ff) or 12.3.2(y);
 - (B) The cumulative potential to emit from the construction, reconstruction, or modification of an emission unit or a stationary source will not increase the cumulative potential to emit of the affected stationary source by more than fifteen (15) tons of all regulated pollutants for the duration of the operation;
 - (C) The duration of the temporary operation or experimental trial is less than thirty (30) days of total operating time;
 - (D) If the construction, reconstruction, or modification activities are part of a soil or water remediation project, and their purpose is to identify parameters necessary to design the project, the activities are exempt from permitting if their duration is less than twenty-four (24) hours or, as determined necessary by the Control Officer, a greater period, not to exceed seventy-two (72) hours, based on the nature of the activities;
 - (E) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer written notice of the proposed construction, reconstruction, or modification at least seven (7) days before it begins. The notice shall contain the following information:
 - (i) A description of the purpose of the construction, reconstruction, or modification.
 - (ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or source;
 - (iii) The dates the owner or operator anticipates the construction, reconstruction, or modification will

begin, operations will begin, and operations will cease;

- (iv) An estimate of the potential emissions increase and the estimated actual emissions increase resulting from the construction or reconstruction; and
 - (v) The equipment involved in the construction, reconstruction, or modification.
- (F) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Department with written notice of the proposed construction, reconstruction, or modification no more than seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain the following information:
- (i) The actual start date of the construction, reconstruction, or modification;
 - (ii) The duration of the temporary operation or experimental trial; and
 - (iii) The actual emissions during the temporary operation or experimental trial.
- (G) The exemption provided by Section 12.1.2(c)(7) shall not apply to facilities or sources whose normal course of business involves operations that are experimental in nature, part of pilot plants, or characterized by frequent product changes.
- (d) The Control Officer shall review, on a case-by-case basis, insignificant activities for an individual minor source that are listed in the application but do not require a detailed description. No activity with the potential to emit greater than two (2) tpy of any criteria pollutant or five (5) tpy of any combination of criteria pollutants shall be eligible to be determined an insignificant activity under this Section.

12.1.3 Permit Application

12.1.3.1 Duty to Apply For and Obtain a Permit For New or Modified Existing Minor Sources

Except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.

12.1.3.2 Timely Application

- (a) An existing minor source that does not have an initial minor source permit issued pursuant to Section 12.1 prior to the effective date of this regulation may submit a permit application at any time after the effective date of this section, 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.
- (b) For purposes of permit renewal, a timely application is one that is submitted to the Control Officer at least one hundred twenty (120) days, but no more than two hundred seventy (270) days, before the date of permit expiration.

12.1.3.3 Complete Application

To be deemed complete, an application must contain all information required under Section 12.1.3.6. It must also be accompanied by payment of the applicable fee(s) established in Section 18. Unless the Control Officer determines that an application is not complete within sixty (60) days of receipt, the application shall be deemed complete. If, while processing an application that has been deemed complete, the Control Officer determines that additional information is necessary to evaluate or take final action on the application, he or she may request such information in writing and set a reasonable deadline for its submission. Failure to provide the additional information by the deadline could result in denial of the application.

12.1.3.4 Permit Application Shield

If an existing minor source submits a timely and complete application for continued operation under an initial minor source permit or renewal of a minor source permit, the source's failure to have the permit or renewal is not a violation of these regulations until the Control Officer takes final action on the application. This application shield shall cease to apply if, after a completeness determination, the applicant fails to submit any additional information identified as needed to process the application by a deadline the Control Officer has specified in writing.

12.1.3.5 Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or submits incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submission, submit such supplementary facts or corrected information promptly. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant files a complete application, but before release of a draft permit.

12.1.3.6 Application Contents

- (a) A permit application for (1) a new minor source, (2) an existing minor source that has not been issued an initial permit, (3) the renewal of an existing minor source permit, (4) a voluntarily accepted emission limitation or standard, (5) a significant permit revision to a minor source permit, or (6) a minor permit revision to a minor source permit shall contain the following information:
- (1) Identifying information, including but not limited to company name and address (and plant name and address, if different from the company name), owner or operator's name and agent, email address, telephone number and name(s) of plant site manager/contact with associated email addresses and telephone numbers.
 - (2) A description of the source's processes and products using the North American Industrial Classification System (NAICS);
 - (3) The following emissions-related information:
 - (A) The potential to emit of all regulated air pollutants emitted from each emission unit.
 - (B) Identification and description, including but not limited to manufacturer, model, rating and serial number of each emission unit in sufficient detail to establish the applicable requirements;
 - (C) The following information, to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules;
 - (D) Identification and description of air pollution control equipment and compliance monitoring devices or activities, including design specifications;

- (E) Any limitations on source operation affecting emissions or on any work practice standards affecting emissions;
 - (F) Other information required by any applicable requirement;
 - (G) The calculations on which the information in paragraphs (A) through (F) is based; and
- (4) A justification for any exemption sought from any otherwise applicable requirement;
 - (5) A certification signed by the responsible official stating that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete. Signature of the certification statement shall subject the applicant to liability under Nevada state laws forbidding false or misleading statements;
 - (6) For a new or modified source, a schedule of construction, if applicable;
 - (7) A list of emission limitations and other requirements applicable to the source; and
 - (8) A list of emission units or activities claimed as exempt under 12.1.2(c).
- (b) In addition to the information required by paragraph (a), if the application is for a new minor source that will have a potential to emit that is significant for any regulated air pollutant, a demonstration of RACT for the affected pollutant shall be proposed and shall include the methodology by which RACT was determined and how compliance with RACT will be demonstrated.
 - (c) In addition to the information required by paragraph (a), if the application is for a modification to an existing minor source and requires a minor source significant permit revision pursuant to Section 12.1.6(a)(7), the application shall contain the following:
 - (1) A description and quantification of the increase in the potential to emit resulting from the modification;
 - (2) A description and quantification of actual emissions of all regulated air pollutants before and after the modification;
 - (3) A proposed RACT for each affected pollutant, the methodology by which RACT was determined and how compliance with RACT is to be demonstrated, including material usage limits,

performance testing, or continuous emissions monitoring, if applicable; and

- (4) A schedule of compliance, if applicable.
- (d) In addition to the information required by paragraph (a), if the application is for a voluntarily accepted emission limitation, the applicant shall demonstrate that the emission limitation to be imposed to avoid an applicable requirement is more stringent than any emission limitation that would otherwise be applicable to that source, including those in the Nevada SIP.
- (e) An application for a minor permit revision for a minor source shall contain the information necessary to demonstrate that the change qualifies as a minor permit revision pursuant to Section 12.1.6(b).

12.1.4 Permit Content

12.1.4.1 Terms and Conditions

A minor source permit issued by the Control Officer shall include terms and conditions that contain all of the following:

- (a) Identification of all applicable requirements;
- (b) A physical description of each emission unit or units and operating information consistent with the application information;
- (c) Emission limitations for any source or emission unit that ensure:
 - (1) The National Ambient Air Quality Standards will be attained or maintained;
 - (2) The public health will be protected; and
 - (3) Compliance with the requirements of these AQRs and the Act
- (d) Monitoring, testing, reporting, and recordkeeping requirements that ensure reasonable information is provided to evaluate compliance consistent with permit terms and conditions, the underlying requirements of these regulations, and the Act. At a minimum, the following shall be contained in each minor source permit:
 - (1) The permit shall incorporate all applicable monitoring requirements, including, where applicable, the following:
 - (A) All emissions monitoring and analysis procedures or test methods required by any applicable requirement;

- (B) Where an applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall ensure that terms, test methods, units, averaging periods, and other statistical conventions are consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and
 - (C) As necessary, requirements concerning the use, maintenance and, where appropriate, installation of monitoring equipment or methods.
- (2) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:
- (A) Records of required monitoring information that include the following:
 - (i) The date, place, as listed in the permit, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entity that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses; and
 - (vi) The operating conditions at the time of sampling or measurement.
 - (B) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, data from the data acquisition system and copies of all reports required by the permit.
- (3) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

- (A) Submittal of reports of any required monitoring at a frequency determined by the Control Officer. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with section 12.1.4.1(m)(3).
 - (B) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in the permit in relation to the degree and type of deviation likely to occur and the applicable requirements.
- (e) A requirement that any revision of an emission limitation, monitoring, testing, reporting, or recordkeeping requirement be made consistent with the permit revision requirements in Section 12.1.6;
 - (f) Emission limitations and standards, including those operational requirements and limitations necessary to: (1) ensure compliance with any RACT determination, if one has been required; (2) ensure the source does not require a major source Authority to Construct or Part 70 Operating Permit; (3) ensure compliance with all applicable requirements at the time of permit issuance; and (4) ensure that any ambient air increment as prescribed by Section 12.2.3 is not exceeded.
 - (g) The following conditions shall also apply:
 - (1) The permit shall specify and reference the origin of and authority for each term or condition.
 - (2) If these regulations allow a determination of an alternative emission limit for a source (equivalent to that contained in these regulations) to be made in the permit issuance, renewal, or significant revision process, and the Control Officer elects to use this limit, any permit containing an alternative emission limit based on such an equivalency determination shall include provisions to ensure that the emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - (3) If emission limitations are to be applicable to startup and shutdown, they shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed to minimize the frequency of such events and the excess emissions they cause to

the extent feasible, taking into consideration available technologies, safety, cost, and other applicable requirements. The limitations shall specify the allowable duration of the startup or shutdown and the maximum total hours allowed for startup and shutdown in a 12 month period.

- (h) A permit term not to exceed five (5) years from the date of issuance;
- (i) A severability clause to ensure the continued validity of permit requirements in the event of a challenge to any portion of the permit;
- (j) A list of exempt activities pursuant to Section 12.1.2(c);
- (k) A provision to ensure the source pays fees to the Control Officer consistent with the approved fee schedule in Section 18;
- (l) Terms and conditions that allow for changes by the source among reasonably anticipated operating scenarios identified in its application, as approved by the Control Officer. Such terms and conditions shall require the source:
 - (1) To record in a log at the permitted facility, while making a change from one operating scenario to another, the scenario under which the facility is operating; and
 - (2) For each such alternative operating scenario, to comply with all applicable requirements and the requirements of this rule.
- (m) Compliance testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit, including the following:
 - (1) The Control Officer may require stack testing, monitoring, or reporting to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with Section 12.10, an applicable requirement, or other methods approved by the Control Officer.
 - (2) As a condition of the issuance of the permit, that the owner or operator agrees to permit inspection of the premises to which the permit relates, including the location where records must be kept under the conditions of the permit, by any authorized representative of the Control Officer at any time during the permittee's hours of operation without prior notice to perform the following:
 - (A) Have access to and copy any records that must be kept under the conditions of the permit;

- (B) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - (C) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and
 - (D) Document alleged violations using devices such as cameras or video equipment.
- (3) Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification required under this section, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (4) A permit renewal for an existing source shall include a schedule for compliance with any requirement with which the source is not in compliance at the time of permit issuance. This shall include a schedule of remedial measures, including an enforceable sequence of actions (with milestones) leading to compliance with any requirements with which the source was not in compliance 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 the source is subject to. Any such schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- (5) The permit shall include any other compliance provisions the Control Officer may require.
- (n) If the permit is for a new minor source or a modification to an existing minor source that requires a significant permit revision, the permit shall require that the permittee provide a written notice to the Control Officer no later than thirty (30) days prior to commencing operation that:
- (1) The source as constructed or modified is the same as the source or modification authorized by the permit or revision; or
 - (2) The source as constructed or modified differs from the source or modification authorized by the permit or revision issued, and the differences are listed and described. A source may be subject to

enforcement action as a result of differences between the permitted and constructed source.

- (3) If the permit is for a new source or modification to an existing source that requires no additional construction, then the owner or operator shall, as part of the application, provide the notice specified in paragraph (1) or (2) at the time the application is deemed complete. In a situation involving a transfer in ownership of the air quality permit, the requirements of Section 12.12 shall apply.
- (o) A condition stating that 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 in a permit issued pursuant to Section 12.1.
 - (p) A condition stating that the permit may be modified, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit modification, termination, or of a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
 - (q) Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit may be reopened and revised under any of the following circumstances:
 - (1) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Control Officer, excess emissions offset plans shall be deemed to be incorporated into the permit.
 - (2) The Control Officer 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.
 - (3) The Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - (4) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

- (r) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of these regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- (s) The permit does not convey any property rights of any sort, or any exclusive privilege.
- (t) 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 Control Officer along with a claim of confidentiality pursuant to Section 12.6.
- (u) Include a condition that any person who has been issued a permit pursuant to this section shall post such permit in compliance with the requirements of Section 12.13
- (v) Include a condition that the permit shall not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the Nevada SIP, or that are otherwise federally enforceable.
- (w) Include a condition that the permit shall not affect the responsibilities of the permittee to comply with the applicable portions of a control strategy in the SIP.
- (x) The Control Officer may impose additional conditions necessary to ensure compliance with any applicable requirement.

12.1.4.2 Acknowledgment of Responsibility for Compliance

The permit shall contain a statement that the permittee's commencement of operation constitutes an acknowledgment that the permittee assumes the responsibility of ensuring that the source's emission units and emission control equipment have been constructed and will be operated in compliance with all applicable requirements.

12.1.5 Permit Application Processing Procedures

12.1.5.1 Action on Application

- (a) A new minor source permit, significant permit revision, or permit renewal may be issued only if all of the following conditions have been met:
 - (1) The Control Officer has received a complete application as prescribed by Section 12.1.3.3,
 - (2) The Control Officer has complied with the requirements for public participation under Section 12.1.5.3 as applicable;
 - (3) The Control Officer has determined that the conditions of the permit provide for compliance with all applicable requirements; and
 - (4) The Control Officer has determined that the source or emission units will not interfere with attainment and maintenance of the NAAQS, and has imposed emission limitations in accordance with Sections 12.1.4.1(c) and 12.1.4.1(f).
- (b) Following the close of the public participation process prescribed by Section 12.1.5.3, the Control Officer shall issue or deny the permit or significant permit revision. The Control Officer shall deny a permit or significant permit revision if the applicant fails to demonstrate that the source will be designed, controlled, and operated in a manner that meets all applicable requirements.
- (c) If the Control Officer denies the permit or significant permit revision, a notice of denial shall be served on the applicant by certified mail. The notice shall detail the grounds for denial and describe the applicant's right to appeal the denial under Section 7.
- (d) If the Control Officer issues the permit or significant permit revision, the new or revised permit shall be provided to the applicant. The permit or revision becomes effective upon issuance unless stayed by the Air Pollution Control Hearing Board.

12.1.5.2 Permit Processing Deadlines

The Control Officer shall either issue or deny the actions listed in the table below within the following deadlines, commencing after the date on which the application is determined to be complete. These time frames are exclusive of the days required for public participation, as specified in Section 12.1.5.3.

Action	Deadline
(1) Permit for a new minor source	150 days
(2) Initial permit for an existing minor source issued under Section 12.1	75 days
(3) Permit renewal	75 days
(4) Significant permit revision	120 days

12.1.5.3 Public Participation

(a) Notice of Proposed Action.

- (1) After receipt of a complete application for (1) a new minor source with a potential to emit any pollutant that exceeds 50 tpy for CO; 40 tpy for VOCs, SO₂, or NO_x; 10 tpy for PM_{2.5}; 15 tpy for PM₁₀; 10 tpy for H₂S; or 0.6 tpy for lead; (2) a new minor source that will be located within 1,000 feet of the outer boundary of a school, hospital, or residential area; or (3) a significant permit revision that is required because of a significant increase in an existing minor source's potential to emit, the Control Officer shall publish in a newspaper of general circulation within Clark County, Nevada, and on the Department's web site, a Notice of Proposed Action on the application containing the following:
 - (A) The name and address of the permittee or permit applicant and, if different, of the facility regulated by the permit;
 - (B) The date the Control Officer received the completed application;
 - (C) The location where documents relevant to the application, including the application, the proposed permit conditions, and determinations of RACT, if applicable, will be available;
 - (D) The nature of the source involved in the permit action;
 - (E) The pollutants to be emitted by the source and the projected quantities of those pollutants;
 - (F) The name, address, and telephone number of the Department representative whom interested persons may contact for instructions on how to obtain additional information, such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the Control Officer that are relevant to the permitting decision;

- (G) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except confidential information, in accordance with Section 12.6) are available as part of the administrative record;
 - (H) The Control Officer's preliminary determination whether the application for a permit should be approved or disapproved;
 - (I) An opportunity for any person to submit written comments on the application for a permit and any relevant documents; and
 - (J) An opportunity for any person to request a public hearing, consistent with the requirements of subsection (b) below, at which oral and written comments on the application will be received, or notice of such a hearing if one has been scheduled.
- (2) All written comments must be received by the Control Officer within thirty (30) days from the publication date of the Notice of Proposed Action.
 - (3) The Control Officer shall consider all written and oral comments, and all other documents on the administrative record, before taking final action on the permit.
 - (4) The Control Officer shall send a copy of the Notice of Proposed Action to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:
 - (A) The U.S. Environmental Protection Agency (EPA), if requested, except that the Notice of Proposed Action (NPA) shall be sent to EPA if the subject of the NPA is a voluntarily accepted emission limit pursuant to Section 12.1.7 that an applicant requests to avoid having to obtain a Part 70 Operating Permit ; and
 - (B) Any other person who requests such notice.
- (b) During the Notice of Proposed Action public comment period specified in paragraph (a)(2), any person may petition the Control Officer in writing for a public hearing. All such petitions shall contain the petitioner's name, address, daytime telephone number, email address, and reason for requesting a hearing.

- (1) If a proper petition is filed and the Control Officer determines that there is a significant degree of public interest, the Control Officer shall hold a public hearing no sooner than thirty (30) days, but no later than seventy (70) days, after the date of the Notice of Proposed Action. In determining if a significant degree of public interest exists, the Control Officer shall consider all relevant factors, including, but not limited to, the number of petitioners, the nature of their concerns as stated in their petitions, the type and quantity of emissions emitted by the source and the proximity of the source to sensitive areas such as parks, schools, hospitals or residential areas.
 - (2) The petitioner and the applicant shall receive at least seven (7) days' prior written notice of the date and location of the public hearing. If the petition for hearing is denied, the Control Officer shall notify the petitioner within 30 days of receipt of the petition.
- (c) An existing minor source that has applied for its initial minor source permit pursuant to Section 12.1 shall only be subject to the public participation requirements of Section 12.1.5.3, paragraphs (a) and (b), if the source's PTE exceeds one or more of the following: 50 tpy for CO; 40 tpy for VOCs, SO₂, and NO_x; 15 tpy for PM_{2.5} and PM₁₀; and 0.6 tpy for lead.
 - (d) An existing minor source that has applied for an initial minor source permit pursuant to Section 12.1 and has a PTE below all the air pollutant thresholds listed in paragraph (c) shall have the proposed permit or permit revision posted on the Department's website for a period of thirty (30) days, during which any person may submit comments to the Control Officer on those provisions in the proposed permit that differ from conditions in the source's existing permit. The Control Officer shall consider such comments in determining the final language of the permit.

12.1.5.4 Permit Transfers

A minor source permit issued under Section 12.1 may be transferred from the existing permittee to a new permittee if the applicable permit transfer fee is paid pursuant to Section 18 and all the applicable requirements of Section 12.12 are met.

12.1.6 Revisions to an Existing Minor Source Permit

- (a) **Significant Permit Revision.** The following changes at a minor source require a significant permit revision and are subject to the permit application requirements in Section 12.1.3 and the public participation requirements in Section 12.1.5.3:

- (1) Establishing or revising a voluntarily accepted emission limitation or standard, as described in Section 12.1.7;
- (2) A change in fuel not authorized by the permit, except for a switch from fuel oil or coal to natural gas or propane;
- (3) A change that relaxes monitoring, testing, recordkeeping, or reporting requirements, except when the change results from:
 - (A) Equipment removal that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that meets the requirements of paragraph (e) below and if the relaxed requirements in the permit apply solely to the equipment that was removed; or
 - (B) A change in an applicable requirement.
- (4) A change that will cause the source to violate an existing applicable requirement if the permit was not revised.
- (5) A change that will require any of the following:
 - (A) Except for a RACT determination required by Section 12.1.6.(a)(7), a case-by-case determination of an emission limitation or other standard;
 - (B) A source-specific determination of ambient impacts, or a visibility or increment analysis; or
 - (C) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
- (6) Replacement of a piece of air pollution control equipment listed in the permit with one that the permittee cannot demonstrate will have the same or better pollutant removal efficiency. In determining the comparative removal efficiency of air pollution control equipment, the Control Officer shall rely upon relevant performance testing results, vendor performance guarantees, and emissions factors or data that meet the requirements of Section 12.9(c).
- (7) A modification that increases the source's potential to emit a regulated air pollutant by an amount equal to or exceeding a significant increase. The modification shall apply RACT to each emissions unit to which the increase applies except the following emission increases are exempt:

- (A) Emissions of a regulated air pollutant that are subject to an emissions standard promulgated by the Administrator under Section 112 of the Act after November 15, 1990; and
 - (B) Emissions from an emissions unit subject to a general permit issued under Section 12.11 that establishes RACT.
- (b) **Minor Permit Revision.** Making any of the changes listed in paragraphs (2)(A) through (D) at a minor source requires a minor permit revision.
- (1) Within thirty (30) days of the Control Officer's receipt of an application for a minor permit revision pursuant to paragraph (2), the Control Officer shall:
 - (A) Issue the minor revision as proposed;
 - (B) Deny the minor revision because:
 - (i) It does not qualify as a minor permit revision because it is a significant permit revision;
 - (ii) It does not otherwise qualify as a minor permit revision under the criteria in paragraph (b) above; or
 - (iii) There is insufficient information to determine if it qualifies as a minor permit revision.
 - (C) Amend and issue the revised minor source permit.
 - (2) The changes below may be implemented seven (7) calendar days after filing a complete application on a form obtained from the Control Officer. The application shall specify how the change qualifies as a minor permit revision under this section and propose language for the permit revision sought. No change listed in this section shall proceed if the Control Officer objects within the 7 day waiting period.
 - (A) Increasing operating hours or rates of production above the permitted level, any other physical change or change in method of operation that will result in an increase in the source's PTE that is less than the significant levels listed in Section 12.1.1(g).
 - (B) A change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit;

- (C) A change that results in emissions subject to any new or revised monitoring, recordkeeping, or reporting requirement that is not already in the permit if the revision proposes monitoring, recordkeeping, and/or reporting that provides the required quantification; or
 - (D) Replacement of an item of air pollution control equipment listed in the permit with one that has the same or better efficiency, but that employs a different technology or substantially different design. The application for the minor permit revision must demonstrate the efficiency of the replacement air pollution control equipment.
- (c) **Administrative Permit Revision.** The following changes at a minor source require a permit revision, but are considered administrative and occur automatically upon notice to the Control Officer. These changes are not subject to the revision processes in Sections 12.1.6(a) and (b):
- (1) Corrects typographical errors;
 - (2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source (except transfers of ownership, which are subject to the requirements of Section 12.12);
 - (3) Requires more frequent monitoring or reporting by the permittee;
 - (4) Incorporates newly applicable requirements that become newly applicable because of an amendment to an existing rule or adoption of a new rule;
 - (5) Incorporates alternative testing or compliance monitoring requirements that have received the Administrator's approval under 40 CFR Part 60, Part 61, or Part 63;
 - (6) Incorporates newly applicable monitoring or testing requirements specified in 40 CFR Part 60, Part 61, or Part 63 that apply because of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change; or
 - (7) Incorporates test methods or monitoring requirements specified in an applicable requirement that the source may use as an alternative to the testing or monitoring requirements in the permit.

- (8) An administrative revision to a permit condition adopted pursuant to Title IV of the Act shall be governed by regulations promulgated by the Administrator under Title IV.
- (d) **Changes That Can Be Made With Prior Notice.** The following changes at a minor source may be made without a permit revision if the source provides prior written notice of the change on a form specified by the Control Officer by the deadlines specified in the applicable paragraph below. No change listed under this section shall proceed if the Control Officer objects within the applicable waiting period.
- (1) Replacing an item of air pollution control equipment listed in the permit with one that is not identical, but is substantially similar and has the same or better pollutant removal efficiency: thirty (30) days after the date of receipt of the written notice by the Department. The Control Officer may require a verification of the efficiency of the new equipment by performance tests;
 - (2) A physical change, or a change in the method of operation, that increases actual emissions less than ten (10) percent of the applicable major source threshold for the air pollutant(s) emitted, but does not increase the source's potential to emit: seven (7) days after the date of receipt of the written notice by the Control Officer.
 - (3) A change that would trigger an applicable requirement that already exists in the permit: thirty (30) days after the date of receipt of the written notice by the Control Officer, unless otherwise required by the applicable requirement;
 - (4) A change that amounts to reconstruction of the source or an individual emission unit, unless the reconstruction triggers a new applicable requirement: seven (7) days after the date of receipt of the written notice by the Control Officer. For purposes of this requirement, reconstruction of a source or an emission unit shall be presumed if the fixed capital cost of the new component(s) exceeds fifty (50) percent of the fixed capital cost of a comparable entirely new source or emission unit; or
 - (5) A change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold and less than a significant amount (as defined in Section 12.1.1(g)) but that does not trigger a new applicable requirement for that source category: thirty (30) days after the date of receipt of the written notice by the Control Officer. For purposes of this requirement, the applicable regulatory threshold for a regulated air pollutant

shall be ten (10) percent of the applicable major source threshold for that pollutant.

- (e) **Changes That Can Be Made With On-Site Logging.** The following changes may be made at a minor source if the source maintains an on-site record or log of the changes on a form obtained from the Control Officer:
- (1) Implementing an alternative operating scenario provided for in the permit, including raw material changes;
 - (2) Changing process equipment or operating procedures, or making any other physical change, if the permit requires the change to be logged;
 - (3) Adding any emission unit or activity listed in Section 12.1.2; or
 - (4) Replacing an item of air pollution control equipment listed in the permit with an identical (i.e., same model, different serial number) item. The Control Officer may require verification of the efficiency of the new equipment by performance tests.
- (f) The Control Officer may revise a permit annually for a minor source without notice or public input to incorporate changes in notices filed pursuant to paragraphs (c) and (d) above and information contained in on-site records or logs maintained pursuant to paragraph (e).
- (g) Any modification at a minor source that results in an increase in PTE equal to or greater than the emissions of a major stationary source (as defined in Sections 12.2 and 12.3) is subject to the applicable permit requirements in Section 12.4, as well as those in Sections 12.2 and/or 12.3.
- (h) In the event that a change to a minor source may correspond to more than one category of revision or change listed in this section, the category of revision or change imposing the more stringent requirements shall apply.

12.1.7 Permits Containing Voluntarily Accepted Emission Limitations and Standards

- (a) A source may voluntarily propose in its application, and accept in its permit, emission limitations or other standards that are enforceable as a practical matter to avoid being subject to a major source New Source Review under Sections 12.2 or 12.3; having to obtain a Part 70 Operating Permit under Section 12.5; becoming a major Hazardous Air Pollutants (HAPs) source; being subject to RACT; or meeting other applicable requirements.

- (b) A source that proposes a voluntarily accepted emission limitation or other standard shall comply with the requirements of Section 12.1.3.6(d).
- (c) Because the addition of a voluntarily accepted emission limitation or standard requires a significant permit revision, the public participation procedures set forth in Section 12.1.5.3 shall be followed for sources requesting a voluntarily accepted emission limitation or standard. A new minor source that meets the criteria or potential to emit thresholds of Section 12.1.5.3(a)(1) and that is requesting a voluntarily accepted emission limitation shall follow the public participation requirements of that section.

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

Appendix A: Insignificant Activities and Emissions

An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement.

- (a) The following types of activities and emissions units may be presumptively omitted from a permit application for a Part 70 Operating Permit. Certain of the listed activities include qualifying statements intended to exclude many similar activities:
- (1) Combustion emissions from propulsion of mobile sources;
 - (2) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act;
 - (3) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process;
 - (4) Noncommercial food preparation;
 - (5) Consumer use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction;
 - (6) Janitorial services and consumer use of janitorial products;
 - (7) Internal combustion engines used for landscaping purposes;
 - (8) Laundry activities, except for dry-cleaning and steam boilers;
 - (9) Bathroom/toilet vent emissions;
 - (10) Emergency (backup) electrical generators at residential locations;
 - (11) Tobacco smoking rooms and areas;
 - (12) Blacksmith forges;
 - (13) Plant maintenance and upkeep activities (e.g., groundskeeping, 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 would not otherwise trigger a permit revision. Cleaning and painting activities qualify as insignificant activities if they are not subject to VOC or HAP control requirements. Asphalt batch

plant owners/operators must still get a permit if otherwise required.

- (14) Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or degreasing (solvent metal cleaning) activities, and not otherwise triggering a permit revision;
- (15) Portable electrical generators that can be moved by hand from one location to another;
- (16) Handheld equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;
- (17) Brazing, soldering, and welding equipment and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals;
- (18) Air compressors and pneumatically operated equipment, including hand tools;
- (19) Batteries and battery charging stations, except at battery manufacturing plants;
- (20) Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs;
- (21) 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;
- (22) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized;
- (23) Drop hammers or hydraulic presses for forging or metalworking;
- (24) 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;
- (25) Vents from continuous emissions monitors and other analyzers;
- (26) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;

- (27) Handheld applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation;
- (28) Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs;
- (29) CO₂ lasers used only on metals and other materials that do not emit HAPs in the process;
- (30) Consumer use of paper trimmers/binders;
- (31) 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;
- (32) Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants;
- (33) Laser trimmers using dust collection to prevent fugitive emissions;
- (34) Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents;
- (35) Routine calibration and maintenance of laboratory equipment or other analytical instruments;
- (36) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis;
- (37) Hydraulic and hydrostatic testing equipment;
- (38) Environmental chambers not using HAP gases;
- (39) Shock chambers;
- (40) Humidity chambers;
- (41) Solar simulators;
- (42) 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;
- (43) Process water filtration systems and demineralizers;
- (44) Demineralized water tanks and demineralizer vents;

- (45) Boiler water treatment operations, not including cooling towers;
- (46) Oxygen scavenging (deaeration) of water;
- (47) Ozone generators;
- (48) Fire suppression systems;
- (49) Emergency road flares;
- (50) Steam vents and safety relief valves;
- (51) Steam leaks;
- (52) Steam cleaning operations; and
- (53) Steam sterilizers.

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