



Minutes of the Clark County

Air Pollution Control Hearing Board Meeting

February 14, 2013

I. CALL TO ORDER

Vice-Chairman Daniel Sanders called the meeting of the Air Pollution Control Hearing Board to order at 1:30 p.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Vice-Chairman
Herbert Inhaber
Mark S. Ireland
Bruce Johnson, P.E.
Karen Purves
Craig Schweisinger

LEGAL COUNSEL: Deputy District Attorney Soomi Kim, Counsel for DAQ

DAQ STAFF: Gary Miller, Compliance and Enforcement Manager
Michael Uhl, Principal Air Quality Specialist
Araceli Pruett, Administrative Secretary

OTHERS

PRESENT: Shibi Paul, DAQ; Russell Roberts, DAQ; Dennis Ransel, DAQ; Brenda Whitfield, DAQ; Nicolas Willden, Willden & Willden; Steven B. Scow, Esq., Koch & Scow

II. PUBLIC COMMENT

There were no public comments.

APPROVED APC HEARING BOARD

DATE: 4/11/13
BY: A. Pruett

Board Secretary

III. ELECTION OF HEARING BOARD CHAIRMAN

There was board discussion about continuing the elections. Board Member Schweisinger motioned to continue the elections to the next board meeting, which was seconded by Board Member Johnson. Vice-Chairman Sander reiterated the motion was to continue the elections of items III and IV to the next meeting asking those in favor to signify by saying aye. It was met by a chorus of ayes. There were no oppositions. The motion passed unanimously.

IV. ELECTION OF HEARING BOARD VICE-CHAIRMAN

See item III above.

V. APPROVE MINUTES OF NOVEMBER 8, 2012

Vice-Chairman Sanders called for comments, changes, or corrections to the November 8, 2012 minutes. Being none, he called for a motion. Board Member Schweisinger made a motion to approve the minutes, which was seconded by Board Member Inhaber, and carried by the rest of the board members. The motion passed unanimously.

VI. MATTERS REQUIRING BOARD ACTION – DISCUSSION/POSSIBLE ACTION

Prior to moving forward with the appeals, Soomi Kim introduced herself as the new Clark County Deputy District Attorney representing the DAQ in place of Catherine Jorgenson.

A. APPEALS

1. **WILLDEN & WILLDEN, INC. – NOV #8358** – Willden & Willden, Inc. (Willden) is appealing the Air Pollution Control Hearing Officer's Order. On November 15, 2012, the Hearing Officer found Willden in violation of Air Quality Regulations Subsection 12.1.3.1 for operating a gasoline dispensing operation without a minor source permit identified during a compliance evaluation on February 9 and March 7, 2012 at the America's Mart #1 facility (New Source: 17161), located at 2800 East Tropical Parkway, Suite 100, in Clark County, Nevada. A penalty of \$4,000 was assessed.

Steven Scow, Esq. and Nicolas Willden appeared on behalf of Willden. Mr. Scow appeared as legal counsel for the company and Mr. Willden was identified as principal of the company. Gary Miller and Michael Uhl appeared on behalf of the Department of Air Quality (DAQ). Mr. Miller identified himself as the Compliance & Enforcement Manager and Mr. Uhl identified himself as a Principal Air Quality Specialist in DAQ's Compliance & Enforcement Division.

Mr. Scow indicated Willden was appealing the facts and the penalty, and to have the penalty waived or reduced. The subject facility involved a convenience store/gas station in North Las Vegas that Willden had signed a lease for in 2006 but sold in June 2009 to Pines International (Pines), who then assumed all obligations for the facility. Subsequently, in September 2010, Pines filed Chapter 11 bankruptcy but retained operational control of the facility. Willden believed the Pines operator was making payments for the various licenses and permits. That case was converted to a Chapter 7 in October 2011 and a trustee was appointed and assumed all assets of the debtor, Pines, including this store. Prior to the appointment of the trustee, Willden

returned to operate the facility because Pines had vacated it. Willden acknowledged that the air quality permit was terminated in February 2012 after Pines failed to pay the permit fees, but maintains they were unaware of this until a site visit by DAQ Air Quality Specialist Brenda Whitfield in March 2012, and they took immediate action to get a permit. Mr. Scow asked that the penalty be waived or reduced because Willden attempted to take care of the issue as quickly as they could once they learned of it.

DA Soomi Kim questioned who operated the facility from 2006 through 2009 and whether an air quality permit was in place at that time. Mr. Scow stated Willden operated it at that time. Mr. Willden added there was a permit, but it was taken out by Desert Petroleum, who built the facility on behalf of Tropical Point. A copy of said permit application was presented to Ms. Kim at her request. Mr. Willden stated he did not receive an invoice for the fees so when he received this violation, he contacted the landlord to see if they received notification about the previous lessor not paying the permit fees. The landlord did not recall any such notification. Since he did not pull the original permit, Mr. Willden asserts he did not know the previous holder did not continue it or that he was supposed to get it when he was getting the other permits and licenses when he took back operation of the store in June 2011. He did not feel responsible for a fine for a permit he did not know he was supposed to have.

Ms. Kim requested the appellants be sworn in before proceeding. Vice-Chairman Sanders swore in Messrs. Scow and Willden. It was agreed the oath would apply to earlier testimony.

Ms. Kim referred to the original authority to construct application that lists America's Mart as the operator and Nick Willden as the responsible person. Messrs. Scow and Willden did not dispute that. Mr. Willden stated he did not complete the application—it was done prior to him leasing the facility and opening the store. Vice-Chairman Sanders asked if the board members had other questions for the Willden representatives. Being none, he allowed Ms. Kim to proceed.

Ms. Kim referred to the bankruptcy documents presented by Willden, stating it was unclear when Willden took over operations from Pines. Mr. Willden explained Pines was in bankruptcy for seven to twelve months and it took that amount of time to evict them via the court system. Willden officially took over when the final eviction document was issued by the court, around June 26, 2011. Ms. Kim questioned whether Ms. Whitfield had indicated that Willden would need to apply for a permit on her March 7, 2012 visit. Mr. Willden stated he was informed the permit had been revoked, but thought she would get back to him on how to get a permit. He referred to an email dated April 3, 2012, between him and John Richardson in the DAQ Small Business Assistance program, concerning the permit application process.

Ms. Kim questioned the delay between Ms. Whitfield's March 7 visit and Willden's application submittal on April 6, 2012. Mr. Willden did not recall the timeline or how he became in contact with Mr. Richardson but once they were in contact, he was directed to the online application form and applicable fees. Mr. Willden stated he was never notified of a specific date in which the permit had to be pulled and got it as soon as he could. Mr. Scow summarized that the permit was revoked on February 28, on March 7 there was a visit from Ms. Whitfield who indicated a permit was needed, and on April 3 there was correspondence with Mr. Richardson on how to obtain a permit and the application was submitted shortly thereafter.

Board Member Schweisinger inquired about Desert Petroleum's role in the permit and ownership of the property. Mr. Willden explained Desert Petroleum was a subcontractor, who performed installation work when the facility was being built. He leased the property beginning in 2007 and sold it in June 2009. Vice-Chairman Sanders asked for a copy of the April 3 email Mr. Willden had referenced. The board members were presented with copies of an email from John Richardson at DAQ to Nick Willden, dated April 3, 2012, and an undated Minor Source Permit Application for Source Name: America's Mart #1 (see Appendices A and B).

Board Member Purves inquired about the February and March 2012 conversations detailed in the compliance evaluation report on bates number DAQ000003. Mr. Willden only recalled the conversation on the March visit, when Ms. Whitfield told him there was no permit because the previous owner had let it lapse and that he needed to go online to complete the permit.

Vice-Chairman Sanders questioned whether Mr. Willden had any other gasoline facilities. Mr. Willden acknowledged having a store in Henderson and assumed he had a permit for it, which he would have paid for after receiving an invoice. Vice-Chairman Sanders commented Mr. Willden should have then known an air quality permit was required for a gasoline facility.

Messrs. Scow and Willden described problems with mail service due to the changes in the operator and bankruptcy. Board Member Purves pointed out Ms. Whitfield went out because a letter was returned to DAQ as undeliverable. Ms. Kim questioned if Willden was contending they only had to pay fees if they received an invoice. Mr. Scow disagreed, reiterating that Willden did not contest the absence of a permit but moved quickly to get one once they discovered there was not one, and is asking the board to consider reducing or waiving the penalty. Mr. Willden added that he checked his original facility file and with the City of North Las Vegas to be sure he had everything, but since he did not pull the initial air quality permit it was not in this file. Vice-Chairman Sanders acknowledged Mr. Willden's position, but felt he had knowledge after Ms. Whitfield's visit. He asked the board to discuss the status of the citation and whether or not to accept the appeal.

Ms. Kim pointed out permits are not automatically transferred and that Air Quality Regulations outline specific steps for the transfer of permits. She asserted the permit issued to Pines was irrelevant and the question is whether Willden had a permit to operate the gas station. She concluded Willden had knowledge that a permit was required from at least February 9 to April 6 and the statute allows \$10,000 per day per violation, asserting the \$4,000 penalty was fair.

Mr. Willden referred to matters heard at the hearing officer meeting arising from fuel log inspections conducted at various gasoline dispensing facilities, stating the subject station had not been inspected prior to Ms. Whitfield's visit and his Henderson station had not been inspected since June 2009. Had there been an inspection he might have known there was no permit.

Vice-Chairman Sanders asked if there was any further discussion by the board. Board Member Inhaber pointed out gas stations usually have their permits posted and Willden should have been aware whether or not there was one. Board Member Johnson commented it was clear there was no permit and felt the inspector had no choice but to issue a citation. Vice-Chairman Sanders agreed, stating he believed the board should deny the appeal on the citation. Board Member Schweisinger made a motion to deny the appeal, which was seconded by Board Member Inhaber. Vice-Chairman Sanders reiterated the motion was pending to deny the appeal on the

citation and called for a vote. The motion was affirmed by Vice-Chairman Sanders and Board Members Ireland, Johnson, and Purves. Being no oppositions—the motion passed unanimously.

Vice-Chairman Sanders proceeded to board consideration on the penalty. He pointed out DAQ was recommending a penalty of \$4,000 and felt it could be significantly higher based on earlier testimony. He asked Willden to inform the board why it should be less. Mr. Scow had nothing further to add stating everything represented thus far would be part of that discussion. Board Member Schweisinger commented on the significant fines assessed by other boards and agreed with the Vice-Chairman on the fairness of \$4,000. Since Willden operated this facility at an earlier time, he felt their defense of not knowing a permit was required was moot. Board Member Schweisinger made a motion to reduce the penalty by 50 percent to \$2,000. Vice-Chairman Sanders asked for a second on the motion. Being no second, the motion was lost.

Board Member Johnson empathized with the amount of paperwork and mail problems involved, but agreed that as a prior lessee of the subject facility and owning another similar-type facility, Willden should have had some knowledge on permit requirements. He referred to the report on bates number DAQ000003, stating it appeared there was discussion about the absence of a permit on Ms. Whitfield's first visit in February and on her return visit in March. He felt the \$4,000 penalty was fair. Board Member Ireland agreed, pointing out the permit listed Mr. Willden as the responsible person and, as such, he should have been knowledgeable with the requirements. Board Member Purves concurred, commenting reminders are helpful but should not be relied upon. She felt Willden knew or should have known a permit was required and the \$4,000 penalty was fair.

Vice-Chairman Sanders agreed and asked for another motion on the penalty. Board Member Inhaber moved to assess the \$4,000 penalty. Board Member Ireland inquired about the earlier comment concerning a higher penalty. Board Members Purves and Vice-chairman Sanders stated the penalty could have been higher based on the days of violation. Vice-Chairman Sanders reiterated a motion was pending to assess a \$4,000 penalty and asked for a second. Board Member Purves seconded the motion. Vice-Chairman Sanders called for a vote on the motion. The motion was affirmed by Vice-Chairman Sanders, and Board Members Ireland, Johnson, and Schweisinger. Being no oppositions—the motion passed unanimously.

Mr. Scow inquired about the penalty payment process. Mr. Miller explained an Order would be issued outlining the board's decision and directing payment. Mr. Scow asked that the Order be sent to him.

VII. REPORT BY DAQ STAFF

Update on National Ambient Air Quality Standards

DAQ Planning Manager Dennis Ransel updated the board on the National Ambient Air Quality Standards (NAAQS) in Clark County. He presented a table detailing the Current Status of NAAQS in Clark County and map of the Nonattainment Areas in Clark County (see Appendix C). There are six criteria pollutants in the NAAQS, but eight are listed in the table because two are listed twice— Ozone and Particulate Matter (PM). PM₁₀ is coarser while the PM_{2.5} is finer, and they have two different standards. He summarized the table as follows:

- *PM₁₀*. PM₁₀ has been an issue for Clark County, but it has met the standard since 2006 and is in the redesignation process. In August 2010 the EPA determined the County was in attainment and a Maintenance Plan was submitted in August 2012, specifying how this standard would be met for the next ten years—it is pending EPA approval. If this plan is approved, as DAQ expects, the County will be redesignated to attainment. However, it will have to be closely monitored as the economy and construction activity rebounds.
- *CO*. Carbon Monoxide (CO) is primarily due to vehicular gasoline, but has been solved with cleaner gas and cleaner cars. Clark County has met this standard since September 2010, when it was redesignated in attainment with a Maintenance Plan. It must maintain this status for ten years and continues to meet this standard.
- *Ozone (1997)*. The 1997 Ozone standard is 80 parts per billion (ppb). The County met this standard; however, local and federal rules presented issues with maintenance. Eventually, a Maintenance Plan was developed and approved by the EPA and Clark County was designated in attainment with this standard in February 2013.
- *Ozone (2008)*. The 2008 Ozone standard is lower than the 1997 standard at 75 ppb. The County meets this standard and has an attainment designation for it; however, due to high ozone in 2012, one site exceeds the standard and DAQ is unsure how EPA will respond. A new rule is expected to be promulgated in 2014 and DAQ anticipates staying in maintenance status until then. It is likely Clark County will not meet the new standard as it is expected to be lowered to 70 ppb-- the current high site is 76 ppb and several sites are in the 74-75 ppb range. Mr. Ransel was unsure about the exact number of monitoring sites, stating there are a number of sites in the valley, as well as one in Boulder City, and transport sites in Mesquite and Jean. The Mesquite site is the lowest, which means the County is not transporting ozone out to Utah. The transport site in Jean shows the County is affected by ozone transported in from Southern California and other areas, and will most likely continue to be a problem for us. Cleaner vehicles and cleaner summer-grade fuel could help the County meet the 70 ppb standard, but it is difficult to know.
- *PM_{2.5}, SO₂, NO₂, and Pb*. Clark County is in attainment or unclassifiable status for PM_{2.5}, Sulfur Dioxide (SO₂), Nitrogen Dioxide (NO₂), and Lead (Pb) so nothing is required at this time. The PM_{2.5} standard was recently lowered, but is still being met and is not expected to be problematic since there has been a downward trend in the last five years. EPA lowered the criteria on the SO₂, NO₂, and Pb standards, which the County currently meets and is expected to meet in the foreseeable future.

Regulatory Development

DAQ Principal Air Quality Specialist Russell Roberts provided an update on changes to the Air Quality Regulations (AQR). DAQ has been updating its regulations¹ since merging with the County in 2001. Because these regulations must meet federal requirements of the Clean Air Act

¹ Regulations and rules are used intermittently throughout these minutes. They are, in fact, one in the same— both are references to the Clark County Air Quality Regulations.

and get approval by the Environment Protection Agency (EPA), it is a long and complex process. He pointed out that New Greenhouse Gas (GHG) requirements impacted some of the regulations the department had been working on, causing a shift in the rulemaking.

In late 2010 a rule package was submitted to EPA. In November 2012 EPA took final action on this package, approving most of the rules. However, no action was taken on three of the rules and portions of the minor and major source rules were disapproved. State Implementation Plan (SIP) rules allow for application of sanctions on rules sent back, triggering an 18 and 24-month time clock in which to get the rules fixed. In this instance the time clock triggered in November 2012. The EPA defines fixed as EPA approving the rules not that they are merely resubmitted. Potential sanctions include:

- In the worst case scenario, sanctions could involve increases in offset requirements for major stationary sources in the non-attainment areas, requiring them to offset their emissions so the net effect is less after they built and started operating the facility than before. This is difficult due to the lack of emission credits available in the County to provide these offsets.
- If they are not fixed after 18 months, sanctions could be imposed against our highway funds, reducing the amount of monies available for road projects and our transportation system.
- If they are not fixed after 24 months, all the sanctions discussed could be applied and EPA can assume responsibility for the entire program. Mr. Roberts felt that was unlikely to happen.

The rules sent back with portions disapproved include the following:

- Section 0 (Definitions);
- Section 12.1 (Permit Requirements for Minor Sources);
- Sections 12.2 and 12.3 (Permit Requirements for Major Sources); and
- Section 12.4 (Authority to Construct Application & Permit Requirements For Part 70 Sources).

The rules returned with no action taken include the following:

- Section 25 (Affirmative Defense for Excess Emissions). A very important rule regarding stationary source shutdowns, startup, and emergency breakdowns.
- Section 12.11 (General Permitting for Minor Stationary Sources). Allows for the issuance of a general permit to specific source classes, which can be used to cover other sources of the same class, such as gas stations, through the application for an authority to construct and operate for each source. Saves time and money.
- Section 12.5 (Part 70 [Title V] Operating Permit Requirements). This Title V rule was revised, but no action was taken.

Mr. Roberts believes some of the fixes are fairly straightforward and the items that were disapproved were ones both agency's disagreed on. The rules are being fixed in accordance with the CAA and associated Code of Federal Regulations, and are currently under internal staff review. The department is doing a combination of rule revisions and trying to understand why

EPA has not taken action on some of these rules that are critical to DAQ and the EPA. He explained, in some situations, lack of local rules shifts the burden of responsibility to the EPA. DAQ is preparing to have discussions with EPA about DAQ's fixes, which he acknowledges are complex. DAQ anticipates these rules going out to the stakeholders in the spring and having them promulgated in mid-summer-- within the 18-month period.

Departmental Updates

DAQ Director Lewis Wallenmeyer briefed the board on recent changes within the department, including:

- All DAQ staff has been relocated to the new location on Russell Road. This is a significant feat for the department as most of the staff has been divided among different locations over the last several years.
- The department has seen revenues increase due to increases in sales taxes revenues and dust permit fees from the rise in construction activities. There has been an increase in dust permits over the last year, mostly for smaller projects whereas years ago there were larger projects. Commercial and housing projects are being done on a smaller scale. Some of the current and upcoming larger projects involve solar projects and Sunrise Landfill cover project.
- Staffing, which was once at 165 is now at 91. This is due in part to the economic decline and also some of the departmental functions being shifted to other departments. There are currently 15 vacancies and he anticipates filling some of the key positions.
- Assistant Director Tina Gingras and Planning Manager Dennis Ransel will be leaving the agency in the near future.

Mr. Ireland inquired about the recent increase in fees. Mr. Wallenmeyer explained many of the department's fees are affected by the Consumer Price Index (CPI), which is published at the beginning of the year. Agency fees applicable to the CPI are automatically adjusted according to the change in the CPI. Usually this results in an increase; however, there are years where it has resulted in a decrease in fees. This year's CPI resulted in an increase in fees that went into effect February 11, 2013.

Mr. Wallenmeyer invited board members to tour the department's new facility.

VIII. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS

Vice-Chairman Sanders referenced a clerical error on this agenda item, stating "emerging issued" should be "emerging issues." No issues were identified for discussion.

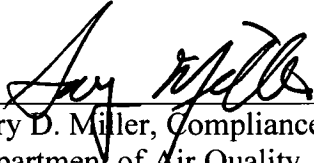
IX. PUBLIC COMMENT

There were no public comments.

X. ADJOURNMENT

Being no further business, Vice-Chairman Sanders adjourned the meeting at 2:41 p.m.

Submitted for approval,



Gary D. Miller, Compliance Manager
Department of Air Quality

3/4/2013

Date

Appendix A

Nick Willden


From: John Richardson [Richardson@ClarkCountyNV.gov]
Sent: Tuesday, April 03, 2012 3:34 PM
To: 'Nick Willden'
Subject: RE: REMINDER - Air Quality Workshop - Annual Reporting

Hi Nick:

The application fee is \$337, payable to DAQ, or Department of Air Quality. The fee schedule is accessed through the following link.

[http://www.clarkcountynv.gov/depts/daqem/Documents/Fees/Stationary Source Billing Codes.pdf](http://www.clarkcountynv.gov/depts/daqem/Documents/Fees/Stationary%20Source%20Billing%20Codes.pdf)

John Richardson
Small Business Assistance Specialist
Department of Air Quality
4701 W Russell Road
Las Vegas, NV 89118
(702)455-3455
(702)383-9994
richardson@clarkcountynv.gov

Please consider the environment before printing this email 

From: Nick Willden [mailto:willdens@cox.net]
Sent: Tuesday, April 03, 2012 11:15 AM
To: John Richardson
Subject: RE: REMINDER - Air Quality Workshop - Annual Reporting

John,

Nick From America's Mart on 2800 E. Tropical Parkway NLV. I have filled out the paperwork for the permit but the website that has the fee schedule on it I cannot get to open. Can you send me the fee so I can mail this in?

Nick

From: John Richardson [mailto:Richardson@ClarkCountyNV.gov]
Sent: Wednesday, February 29, 2012 9:32 AM
To: Undisclosed recipients:
Subject: REMINDER - Air Quality Workshop - Annual Reporting

To: All Permitted Sources Engaged in Operations That Produce PM10 Emissions.

- ☘ **The Clark County Dept. of Air Quality is conducting a workshop for owners or operators of the above-listed equipment.**
- ☘ **Two identical workshops, one AM and one PM, will be conducted on Thursday, MARCH 1, 2012, as stated in the flyer. Attend either session. SEE ATTACHED FLYER FOR DETAILS. Mark your calendars and plan on joining us on March 1, 2012.**

Appendix B



DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT
 500 S Grand Central Parkway • Box 555210 • Las Vegas, NV 89155-5210
 (702) 455-5942 • Fax (702) 383-9994

For DAQEM Use Only
 Invoice Number: _____

Minor Source Permit Application
 (Use this application to obtain a permit or exemption)

Section A: Application Type (select one)

New Permit
 Renew Permit
 Significant Permit Revision
 Minor Permit Revision
 Initial AQR 12.1 Permit (Existing minor stationary source applying for first AQR 12.1 Minor Source Permit)

Section B: Source Information – MUST BE AS LISTED ON CITY/COUNTY BUSINESS LICENSE

Source ID: (enter Source ID listed in existing permit; otherwise, enter "New") NEW

Source Name: AMERICAS MART #1

Source Ownership: _____ Source Operator: _____

City / County Business License Number: _____ (Required) License Issued by: _____

Physical Address Information (Not Applicable To Portable Sources)

Number: 2800 Directional: _____ Street Name: E. TROPICAL PARKWAY Street Type: _____ Suite: 100
 City: NORTH LAS VEGAS State: NV Zip: 89081

Mailing Address and Phone Numbers

Number: _____ Directional: _____ Street Name: SAME Street Type: _____ Suite: _____
 PO Box: _____ City: _____ State: _____ Zip: _____
 Phone Number: 778-5600 Fax Number: 778-5601

North American Industry Classification System (NAICS)

Primary NAICS: _____ Additional NAICS codes: (Optional) _____

Is the source located within 1,000 feet of the outer boundary of a school, hospital or residential area? Yes No

Section C: Company Information – MUST BE AS LISTED ON THE SECRETARY OF STATES BUSINESS CERTIFICATE / FILING

Company Name: WILDEN & WILDEN INC

Nevada Secretary of State Business ID: NV20061424782 (Required)

Mailing Address and Phone Numbers

Number: 1354 Directional: _____ Street Name: ROSSINI STREET Street Type: _____ Suite: _____
 PO Box: _____ City: HENDERSON State: NV Zip: 89052
 Phone Number: 897-2179 Fax Number: 897-2985

Section D: Responsible Official (RO) Information

RO Name: NICU WILDEN RO Title: PRESIDENT

Number: _____ Directional: _____ Street Name: SAME AS ABOVE Street Type: _____ Suite: _____
 PO Box: _____ City: _____ State: _____ Zip: _____
 Office Phone: _____ Ext. _____ Fax: _____ Cell: _____

RO Email: WILDENS@COX.NET Method of Communication: E Mail

Section E: Plant Manager/Environmental Representative Information (Optional)

Name:
 Title:
 Number: Directional: Street Name: Street Type: Suite:
 PO Box: City: State: Zip:
 Office: Ext. Fax: Cell:
 Email:

Section F: Application Summary

Source Description: (Please describe the nature of your business, including processes and products.)

C. STORE SHELL STATION

Application Description: (please describe what is being proposed (e.g., adding, removing or changing equipment; changing permit conditions; requesting a voluntary emission limit, etc.)

Section G: Application Supplemental Documents

1. Mandatory Supplemental Documents - Required by AQR Section 12.1: ALL ON FILE

Required	Attached	Supplemental Document
New Source Only	<input type="checkbox"/>	Site Map. A map that depicts the physical location of the stationary source, which must identify the source main entrance, source property boundaries, legal description, each Township, Range and Section (TRS) that is associated with source, and identifies all buildings and structures on the site as they relate to the source emission units.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram. A complete detailed flow diagram of each process that depicts all associated emission units. (Not required for sources that operate only boilers, generators, and/or cooling towers)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Source Potential to Emit (PTE) List. For a new minor source, the list shall contain the source-wide PTE for each regulated air pollutant. For an existing source with a significant permit revision, the list shall contain the source-wide PTE for each regulated air pollutant before and after the permit revision as well as the Net Emissions Increase (NEI) associated with the permit revision. This list shall contain a description for any change to the PTE for an existing source.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Emission Units List. A complete list of each emission unit by process, which shall include the emission unit manufacturer, model, rating, serial number, and Source Classification Code (SCC). This list shall include the PTE for each regulated air pollutant emitted from each emission unit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Production Information List. A list of fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules to the extent it is needed to determine or regulate emissions.
As Applicable	<input type="checkbox"/>	Inherent Limitations List. Any inherent limitations, not to include self-imposed limits, on source operation affecting emissions or on any work practice standards affecting emissions.
Existing Sources Only	<input type="checkbox"/>	Actual Emissions Worksheet. For an existing minor source that requires a significant permit revision, the application shall include a description and quantification all regulated air pollutants before and after the modification.

As Applicable	<input type="checkbox"/>	Air Pollution Control Equipment (APCE) List. Identification and description of air pollution control equipment, which shall include design specifications, model numbers and serial numbers. For each APCE listed, the associated emission units and processes shall be identified.
As Applicable	<input type="checkbox"/>	RACT Demonstration Proposal. For a new minor source that will have a PTE that is significant for any regulated air pollutant or for an existing minor source that requires a significant permit revision, a demonstration of Reasonably Available Control Technology (RACT) for the affected pollutant shall be proposed. The RACT Demonstration Proposal shall include the methodology by which RACT was determined, how compliance with RACT will be demonstrated (including material usage limits, performance testing, or continuous emissions monitoring, if applicable).
As Applicable	<input type="checkbox"/>	Air Pollution Monitoring List. Identification and description of air pollution compliance monitoring devices or activities, which shall include design specifications, model numbers and serial numbers.
As Applicable	<input type="checkbox"/>	Schedule of Compliance. For an existing minor source that requires a significant permit revision, the application shall include a schedule of compliance, if applicable.
As Applicable	<input type="checkbox"/>	Minor Permit Revision Specification. For a minor permit revision, the applicant shall specify all minor revisions to the permit in accordance with Section 12.1.6(b).
As Applicable	<input type="checkbox"/>	<p>Applicable Requirement (AR) Supplement. In accordance with the AR, the applicant shall submit other required information that is not otherwise specified in this application. This supplemental information shall be uniquely titled for identification and review purposes. List AR Supplement document title below (which is an attachment to the application):</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>NOTE: If additional documents are submitted that are not specifically identified in this application, please reference the documents as an attachment to the AR Supplement and submit the documents as an attachment to the AR Supplement.</p>
2. Calculation Details – Required by Control Officer. Supplemental documentation containing data and calculations submitted in conjunction with this application:		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Source-wide PTE and NEI Calculations. (NEI calculations as applicable.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Emission Unit PTE Calculations.
As Applicable	<input type="checkbox"/>	Actual Emissions Calculations.
3. Mandatory Supplemental Documents – Required by Control Officer:		
Required	Attached	Supplemental Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stack Information List. Stack location, height above grade, diameter (I.D. or effective), exhaust gasses, flow rate [ACFM], and temperature (if applicable).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Federal Performance Standards List. A list of federal performance standards, emission limits, and requirements that is applicable to the source (e.g. NSPS, NESHAPS, and MACT).
4. Optional Supplemental Documents:		
Attached	Supplemental Document	
<input type="checkbox"/>	Voluntary Emission Limit Request. If the application contains voluntarily accepted emissions 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 but not limited to those in the Nevada SIP. This request shall include all associated calculations for quantification of the limitation.	
<input type="checkbox"/>	Voluntary Federal Enforceability Declaration. A voluntary declaration submitted by the application, that declares the entire permit to be federally enforceable or specifically identified permit conditions or applicable requirements to be federally enforceable. This declaration applies to the permit, permit conditions and applicable requirements that are not federally enforceable in absence of the declaration.	
<input type="checkbox"/>	Construction Schedule. For a new or modified source, a schedule of construction.	
<input type="checkbox"/>	Exempt Emission Units List. A list of emission units or activities claimed as exempt under 12.1.2(c).	
<input type="checkbox"/>	AR Exemption List. A list of requested exemptions from otherwise applicable ARs, which shall include detailed justification for each requested exemption.	
<input type="checkbox"/>	AR Exemptions List. A list of requested exemptions from otherwise applicable ARs, which shall include detailed justification for each requested exemption.	

Section H: Application Advisories

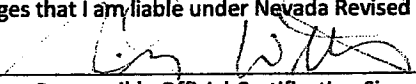
- 1. Small Business Assistance (SBA).** If you are a small business (100 employees or less), DAQEM offers assistance on permitting and compliance matters as part of the Small Business Assistance Program. For assistance, please contact the SBA representative at our main office or call (702) 455-5942 to schedule an appointment.
- 2. Fees and Payments:**
Air Quality Program Fees: Section 18 (Permit and Technical Service Fees) of the AQR are available on the DAQEM web site (http://www.clarkcountynv.gov/depts/daqem/Pages/Rules_CurrentRulesandRegulations.aspx). Fees that are applicable to this application and the resulting permit are contained in these rules.
Permit Issuance: All invoices for the source and associated with the parent company of the source must be paid in full; otherwise, the source cannot be issued any permits, which includes the invoice for the application fee and permit fees that result from this permit application.
Payment: Invoice payments must be made by check, money order, cash or credit card. Credit card payment must be made in person at the DAQEM Main Office.
- 3. Permitting Forms and Worksheets.** Forms and worksheets associated with stationary source permits are available on the DAQEM web site at the following address location:
http://www.clarkcountynv.gov/depts/daqem/Pages/Permitting_Sources.aspx
- 4. The Responsible Official must meet the requirements set forth in Section 12.4.2.1 (g) of the Air Quality Regulations.**

Section I: Authority Granted

I authorize DAQEM to transmit all communications, permits and billing invoices by the "Method of Communication" selected in Section D of this application. I acknowledge that by selecting E-Mail, all listed items will be transmitted electronically. I further acknowledge that by selecting US Mail, additional postage fees may be incurred.

Section J: Truth and Accuracy Certification

As the Responsible Official, based upon information and belief formed after reasonable inquiry, I certify that the statements and information in this application and the attached supplemental document and worksheets are true, accurate, and complete. My signature acknowledges that I am liable under Nevada Revised Statutes (NRS) that forbid false or misleading statements.



Responsible Official Certification Signature

Signature Date

To be filled out by Applicant – Payment Information – (Please Print)

Check Number:	Name and Address (as it appears on check):
Telephone #:	
Credit Card # (Last 4 Digits):	

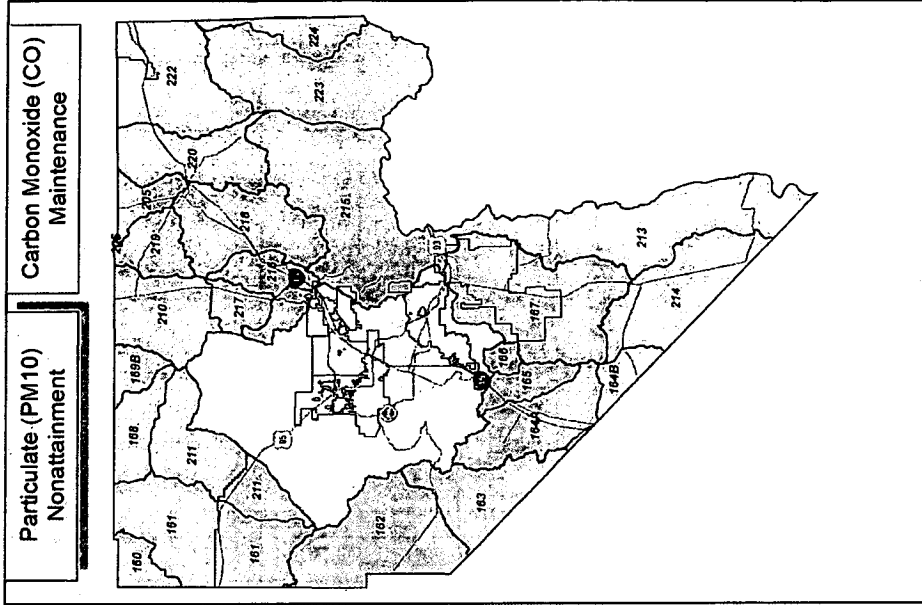
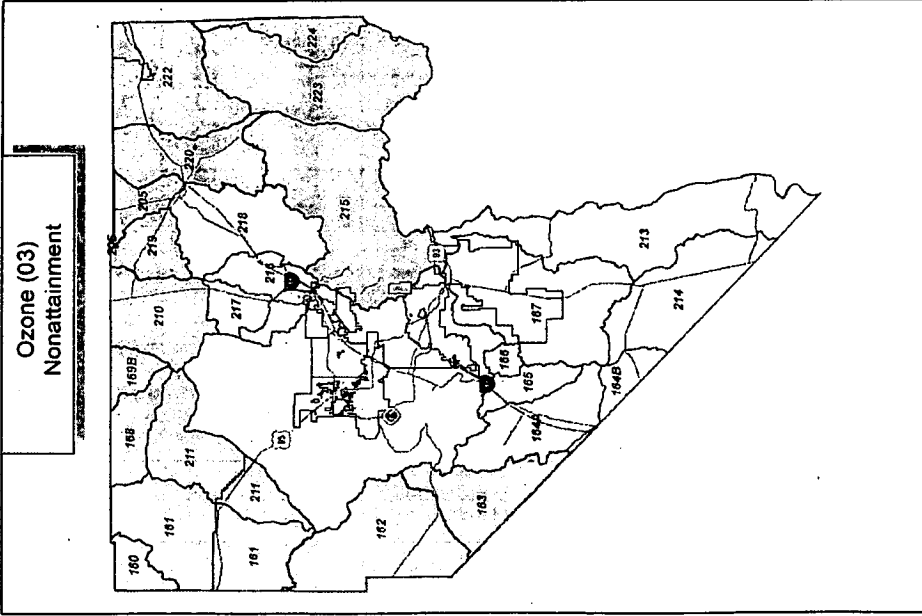
Appendix C

Current Status of NAAQS in Clark County

Pollutant	Status	Comments
PM ₁₀	Nonattainment	EPA Approval Pending
Ozone	Maintenance (1997)	Feb 2013
Ozone	Attainment (2008)	No Plans Required
CO	Maintenance	Sep 2010
PM _{2.5}	Attainment	Clark County is in Attainment/Unclassifiable for PM _{2.5} , SO ₂ , NO ₂ and Pb; therefore no Attainment or Maintenance Plans are required.
SO ₂	Unclassified	
NO ₂	Unclassified	
Pb	Unclassified	

Nonattainment Areas in Clark County

Clark County, NV

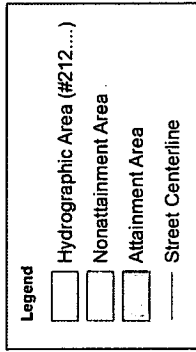


National Ambient Air Quality Standards

Areas of Nonattainment, Attainment and Maintenance

Clark County is in Attainment or Unclassifiable for PM2.5, SO2, Pb and NO2

Created: September 1, 2011



Hydrographic Areas 164A, 164B, 165, 166, 167, 212, 213, 214, 216, 217 and 218 are in the O3 Nonattainment Area.

Hydrographic Area 212 is designated Nonattainment for PM10, and is the CO Maintenance Area.



This information is for display purposes only. No liability is assumed as to the accuracy of the data calculator function.