



FAQs

AQR Section 120

REASONABLY AVAILABLE CONTROL TECHNOLOGY DEMONSTRATION AND DETERMINATION REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN OZONE NONATTAINMENT AREAS

SBAP has created this FAQ sheet to help the regulated community comply with the requirements of [AQR Section 120](#).

Abbreviations:

AQR	Clark County Air Quality Regulation
EPA	U.S. Environmental Protection Agency
FR	<i>Federal Register</i> (volume and page number)
HA 212	Hydrographic Area 212
NO _x	nitrogen oxide
NAAQS	National Ambient Air Quality Standard
RACT	Reasonably Available Control Technology
SBAP	Small Business Assistance Program
VOC	volatile organic compound

Definitions:

“Affected source” means a stationary source required to comply with major source RACT for NO_x and/or VOCs under AQR 120. [AQR 120.3]

“Affected unit” means any emission unit at an affected source (as defined in AQR 120) to which major source RACT applies. [AQR 120.3]

“Major Stationary Source” means any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year (tpy) or more of any regulated NSR pollutant except in areas designated serious nonattainment for ozone, where the threshold is 50 tpy for NO_x and/or VOCs. [AQR 12.3.2(r)(1)]

“Existing major stationary source” means a stationary source that is located in an ozone nonattainment area within Clark County, qualifies as a major source for the applicable ozone NAAQS classification, and began actual construction before any of the EPA Administrator actions listed in AQR 120.2(a). [AQR 120.3]

“Major source RACT” means the RACT required by Clean Air Act Section 182(b)(1)(A)(ii)(II) (Title 42, Chapter 7511a of the U.S. Code) for existing major sources of NO_x and/or VOC in ozone nonattainment areas classified as moderate or higher. [AQR 120.3]

“RACT” (Reasonably Available Control Technology) means the lowest emissions limit an affected unit can meet by applying air pollution control technology that is reasonably available, with considerations for technological and economic feasibility. [AQR 120.3]



What has changed?

On December 19, 2024, EPA reclassified the Las Vegas Valley (HA 212) from moderate to serious nonattainment area for ozone, effective January 21, 2025 (89 FR 103657).

AQR 120 establishes and implements RACT requirements for major stationary sources of NO_x and/or VOCs in areas of serious nonattainment for ozone, including HA 212.

Who will this affect?

Existing minor sources in HA 212 with NO_x and/or VOC emissions above 50 tons per year are reclassified as major sources. Existing major sources are affected regardless of whether they were subject to RACT requirements during the previous (moderate) ozone nonattainment classification.

How does being reclassified affect major source thresholds in HA 212?

It lowers the major stationary source permit threshold for NO_x and/or VOCs from 100 to 50 tons per year.

What sources does AQR 120 apply to?

This new rule will apply to all stationary sources in HA 212 with the potential to emit 50 tons per year of NO_x and/or VOCs. If EPA escalates other areas in Clark County to a moderate or higher nonattainment classification, another notification will be issued to major sources in those areas.

What does AQR 120 do?

It establishes and implements the requirements for RACT demonstrations and determinations for major stationary sources of NO_x and/or VOCs upon the initial designation or reclassification, of an ozone nonattainment area in Clark County.

When do I have to submit a major source RACT demonstration?

Owners and operators must submit a major source RACT demonstration no later than 120 days after the Control Officer's notification. [AQRs 120.2(a) & 120.4]

The Control Officer initially notified all affected major sources in HA 212 on April 3, 2025; therefore, the RACT demonstration application submittal deadline is August 1, 2025.

How do I submit a major source RACT demonstration?

The demonstration must be submitted as part of an application for a new stationary source or for a permit revision and it must comply with the requirements in AQRs 12.4 or 12.5 (whichever applies). [AQR 120.4(b)]

Do I have any other options?

Existing minor sources that become major sources because of the initial designation or reclassification of an ozone nonattainment area may submit a permit revision application per AQR 12.1 to lower their potential to emit NO_x and VOCs below major source thresholds. If the revision is approved, AQR 120 will not apply. However, the application must be submitted within the 120-day deadline or the source will be found in violation of AQR 120. Alternatively, the source may propose shutting down the affected unit within a specified time frame rather than submitting a RACT demonstration. [AQR 120.5(d)]

If an affected source has submitted a major source RACT demonstration within the last 36 months and the basis of the subsequent RACT determination still applies, the owner or operator may provide a copy of that determination along with a sworn certification that it continues to meet RACT. [AQR 120.5(c)]

What is the difference between the new requirement and previous RACT analyses or submittals?

The RACT demonstration that AQR 120 requires is a new analysis for all affected units. It is additional to RACT demonstrations that were submitted for the moderate ozone nonattainment plan and it is different from the construction-related RACT an affected source may have submitted with previous applications. Construction-related RACT may be required when a new source or a project in an existing source triggers a new source review under the Clean Air Act. This new RACT demonstration and determination is required when EPA designates or reclassifies a nonattainment area under the NAAQS.

Do I have to submit a RACT demonstration if I previously submitted one?

Existing major sources that underwent RACT analyses for the moderate ozone nonattainment classification (as identified in AQR 121) can submit the RACT determination document that DAQ issued to each affected source in 2023 if those determinations comply with AQR 120. These sources must include a sworn certification in accordance with AQR 120.5(c) and do not have to submit a permit application.

A permit application is required to address new major sources or changes to the previous RACT analysis (e.g., new emissions units, operational limits, changing control technologies, changes to cost-effectiveness). AQR 120 requires cost-effectiveness to be based on the affected unit's potential to emit. If your previous RACT demonstration/determination was based on actual emissions, the analysis must be resubmitted through a permit revision application to comply with AQR 120.

What if I do not have an affected unit?

A major source of NO_x and/or VOC in HA 212 that does not have an affected unit should submit a declaration of their finding with any appropriate support material. A permit application is not required for this submittal.

What if I already have a minor source permit?

Owners and operators with an existing minor source permit who will not be able to prepare a major source application before the 120-day deadline may submit an application that only includes the major source RACT demonstration(s) for the affected unit(s). However, a major source permit application that includes all emission units must be submitted within the 12-month time frame.

While not a requirement of AQR 120, a timely application for a new Part 70 operating permit will be due within 12 months of becoming a major source and subject to the Part 70 operating permit program, which will be on January 21, 2026. [AQR 12.5.2.1(a)(1)]