The logo for Clark County Building Services is a circular emblem. It features a light blue outer ring with the words "CLARK COUNTY" at the top and "BUILDING SERVICES" at the bottom in yellow capital letters. Inside the ring is a stylized orange sun with a spiral center. Below the sun are several grey stick figures of varying heights, some holding hands, representing a community or family.

*Clark County*  
*Air Pollution Control*  
*Hearing Board*

*Clark County Building Services*  
*Presentation Room*  
*April 6 at 1:30 p.m.*

**Additional document(s) authenticated and entered into the record at the  
4/6/2022 Hearing Board Meeting:**

**Appeal of Hearing Officer Decision - NOV #9630**

**Tand, Inc.**

**CLARK COUNTY DIVISION OF AIR QUALITY PRESENTED AS  
ADDITIONAL DOCUMENT AS EXHIBIT 1.**



Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

**Dust Control Operating Permit (DCOP) For Construction Activities**

This permit does not exempt the permittee from compliance with the Endangered Species Act

**Permit No: 52878**

**Version No: 5**

**Permittee: Tand, Inc.**

**Project: Tand Inc. Fort Apache Stockpile (52878)**

**Physical Location: Northwest Corner of Fort Apache and Ann Road**

**Cross Streets: Ann Road/Fort Apache, W**

**Effective Date: Sep 3, 2021**

**Expiration Date: Sep 2, 2022**

**Revision Date: Feb 17, 2022**

**Revision Type: Remove Acreage**

**Project Acreage: 3.4**

**Region: WNW - West/Northwest**

**Notes/Additional Permit Conditions**

\*RENEWAL/REMOVAL/CLOSURE CONDITIONAL UPON SECTION 92/93 REGULATIONS

**Designated Onsite Representative**

Name: Heather Chastain  
 Company: Tand, Inc.  
 Mobile Number: 702-788-6378  
 Email: hchastain@tandinc.com  
 Dust Card No.: DC67449 Expires: Dec 4, 2022

**Responsible Official**

Name: Kevin Titsworth  
 Company: Tand, Inc.  
 Office Number: 702-889-4676  
 Mobile Number: 702-415-1569  
 Email: kevint@tandinc.com

**Dust control measures must occur 24 hours a day, 7 days a week.**

**This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.**

*It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.*

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

### Permittee Information

**Permittee Name:** Tand, Inc.

**Mailing Address:** 4500 Vandenberg Dr.

**City/State/Zip Code:** North Las Vegas, NV 89081

**Office Number:** 702-889-4676

**Fax Number:** 702-889-8876

### Additional Project Information

**Project Description:** Storage of Type II material for use on Tand, Inc. projects.

**Project Attributes:** Staging/Stockpiling

**Portable Crushing and/or Powered Screening:** *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

### Dust Control Monitor Information

**Name:** N/A

**Company:** N/A

**Mobile Number:** N/A

**Email:** N/A

**Dust Monitor Card No.:** Expires:

### Blasting Supplemental Information

**Blasting Company:** N/A

**Contact Name:** N/A

**Mailing Address:** N/A

**Office Number:** N/A

**Mobile Number:** N/A

**Blasting Date:** N/A **Blasting Time:** N/A

**Blasting Frequency:** N/A

**Material to be Blasted:** N/A

**Acreage to be Blasted:** N/A

**Blasting Depth:** N/A Feet

**Distance to Nearest Residence:** N/A Feet

**Distance to Nearest Business:** N/A Feet

**Have Nearby Residents Been Informed:** N/A

**Have Nearby Businesses Been Informed:** N/A



## Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

- a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
- b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
- c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

- a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
- b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

## Additional Instructions/Advisories

- a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
- b. If the project has 50 or more acres of actively disturbed soil, the permittee shall notify DAQ and identify the on-site Dust Control Monitor for the project(s). In addition, this notification requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of actively disturbed soil, but the combined project has 50 or more acres of actively disturbed soil.
- c. The permittee shall notify DAQ using the current notification form, which is available on the DAQ website and at the front counter of the main office, before disturbing the soil. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
- d. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
- e. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

## Dust Mitigation Plan

**Parcel Number:** 125-30-808-002

**Soil PEP:** Moderate Low

**Water Source:** Hydrant with Jones Valve

If other, describe:

**Water Application Method:** Fire Hose, Water Trucks/Pulls

If other, describe:

### Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

**Table 1: Soil Types**

<b>Particulate Emission Potential (PEP)</b>	<b>Control Measure</b>
<b>Low</b>	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
<b>Moderate Low</b>	Apply and mix water into soil and/or material until optimum moisture content is reached.
<b>Moderate High</b>	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
<b>High</b>	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

M4= R 30.7  
 M3= +1.6  
 M2= CRUSHER  
 M1= +3.4  
 M0= 44.0  
 HRM 2/17/22



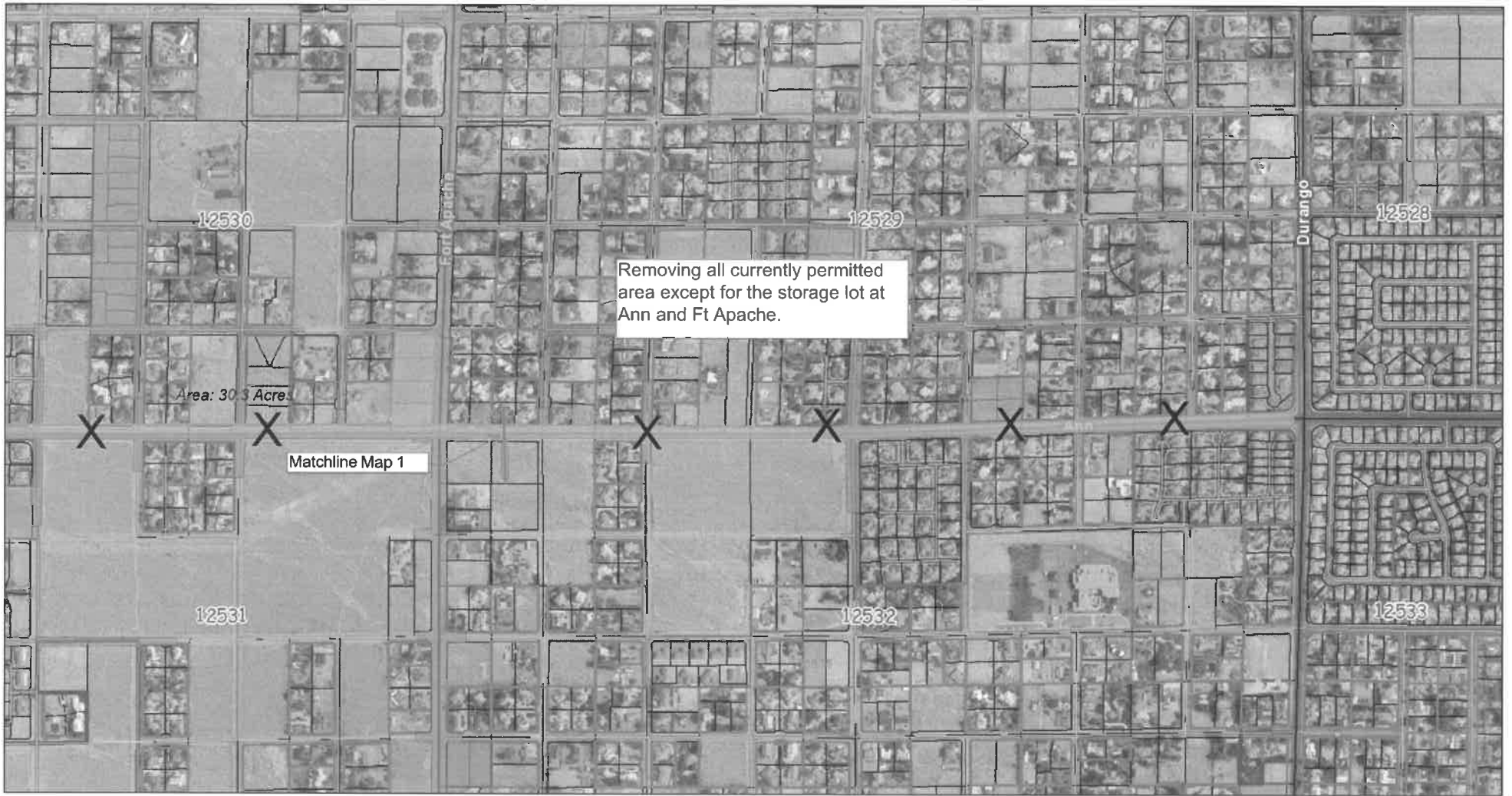
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- |              |                 |                    |                           |                        |              |
|--------------|-----------------|--------------------|---------------------------|------------------------|--------------|
| Dust_Permits | UAC             | Easements          | Geo Twp Line              | Section Line           | Green: Green |
| Streets      | Major Streets   | Parcels            | Historical Lot Line       | Subdivision Major Line | Blue: Blue   |
| Highway      | Highway         | Ground_Parcels     | Historical Sub Major Line | Subdivision Minor Line |              |
| Street       | Major Street    | Condo/Air_Parcels  | Historical Sub Minor Line | Tax District Line      |              |
| Dirt Road    | Railroad        | Lotlines           | Page Match Line           | Image                  |              |
| Railroad     | County Boundary | <all other values> |                           | Red: Red               |              |

1:9,028



GISMO, Clark County, NV, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA



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- |              |                 |                    |                           |                        |              |
|--------------|-----------------|--------------------|---------------------------|------------------------|--------------|
| Dust_Permits | UAC             | Easements          | Geo Twp Line              | Section Line           | Green: Green |
| Streets      | Major Streets   | Parcels            | Historical Lot Line       | Subdivision Major Line | Blue: Blue   |
| Highway      | Highway         | Ground_Parcels     | Historical Sub Major Line | Subdivision Minor Line |              |
| Street       | Major Street    | Condo/Air_Parcels  | Historical Sub Minor Line | Tax District Line      |              |
| Dirt Road    | Railroad        | Lotlines           | Page Match Line           | Image                  |              |
| Railroad     | County Boundary | <all other values> |                           | Red: Red               |              |

1:9,028



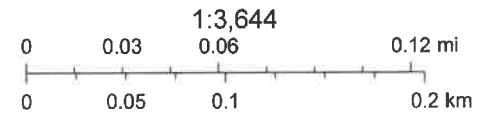
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# AQ Map Assistant



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- |              |           |                |                    |                           |
|--------------|-----------|----------------|--------------------|---------------------------|
| Dust_Permits | Street    | Easements      | Condo/Air_Parcels  | Geo Twp Line              |
| Streets      | Dirt Road | Parcels        | Lotlines           | Historical Lot Line       |
| Highway      | Railroad  | Ground_Parcels | <all other values> | Historical Sub Major Line |



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

## **BMP 01 BACKFILLING (Filling area previously excavated or Trenched)**

### **01 Requirements**

- (a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.
  - (2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.
  - (3) Empty loader bucket slowly and minimize drop height from loader bucket.
  - (4) Ensure backfill material is moist or crusted at all times.
  - (5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)**

### **02 Requirements**

- (a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils and maintain in a stabilized condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.
- (c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.
- (d) Stabilize Particulate Matter in the surrounding area following blasting.
  - (1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

**Note:** Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

## **BMP 03      BLASTING – Soil and Rock (Explosive blasting of soil and rock)**

### **03      Requirements**

- (a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.
- (c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.
- (d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.
- (e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).
- (f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.
- (g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.
- (h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Limit the blast area to what can be stabilized immediately following the blast.
  - (2) Limit disturbed areas by maintaining natural rock and vegetation.
  - (3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.
  - (4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.



**BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)**

**04 Requirements**

- (a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.
  - (2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.
  - (3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

**BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)**

**05 Requirements**

- (a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.
  - (1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.
- (b) At least one of the following must be used to clear forms, foundations, and slabs:
  - (1) Water spray.
  - (2) Sweeping and water spray.
  - (3) Industrial vacuum.

**BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)**

**06 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.
  - (1) Pre-water material before loading it into the crusher.
  - (2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.



- (3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.
- (4) Apply water to crushed material immediately following crushing.

**Note:** If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

## **BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)**

### **07 Requirement**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.
- (b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water to cut depth and maintain surface soils in a stabilized condition.
  - (2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.
  - (3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.
  - (4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)**

### **08 Requirements**

- (a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.
- (b) An asbestos survey must be conducted on any facility before demolition can commence.
- (c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.
- (d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.
- (e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.
- (f) Implosion time must be preapproved by the Control Officer.
- (g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.
  - (1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

- (2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.
  - (3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.
- (h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
- (1) Restrict support equipment and vehicles to existing Paved and/or stable areas.
  - (2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.
- (1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.
  - (2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.
  - (3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.
  - (4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

**BMP 09      DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)**

**09      Requirements**

- (a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.
- (b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.
- (c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.
  - (1) Apply water to demolition debris during handling.
  - (2) Apply water to stabilize demolition debris immediately following demolition.

- (3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.
- (e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

**BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)**

**10 Requirements**

- (a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.
  - (2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.
  - (4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.
- (b) If interior block walls are planned, install walls as early as possible in the Construction project.

**BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)**

**11 Requirements**

- (a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:
  - (1) Pave.
  - (2) Apply Clean Gravel.
  - (3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:
    - (A) Water, or
    - (B) Dust Palliative.
  - (4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:
    - (A) Water, or
    - (B) Dust Palliative.
- (b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

- (1) Install orange "No Parking/Trespassing" signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).
  - (2) Construct the sign(s) from materials capable of withstanding Clark County's harsh environment (e.g., wood, metal, plastic).
  - (3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.
  - (4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.
- (c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.
- (1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.
  - (2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.
  - (3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

**BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)**

**12 Requirement**

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

**BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)**

**13 Requirement**

- (a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.
  - (3) Limit vehicle speeds to 15 mph on the work site.
  - (4) Maintain 3–6 inches of freeboard to prevent spillage.
  - (5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.
- (b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.
- (c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

**BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)**

**14 Requirements**

- (a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
- (b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

**BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)**

**15 Requirements**

- (a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water subgrade surfaces until optimum moisture content is reached.
  - (2) Maintain optimum moisture content in material while aggregate is being applied.
  - (3) Place tack coat on aggregate base.

**BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)**

**16 Requirements**

- (a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:
  - (1) Use water to control Dust.
  - (2) Use a vacuum to collect Dust.

**BMP 17 SCREENING (Screening of rock, soil, or Construction debris)**

**17 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Apply sufficient water or a Dust Suppressant prior to screening.
  - (2) Drop material through the screen slowly; minimize drop height.

- (3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.
- (4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.
- (5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

**Note:** If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

## **BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)**

### **18 Requirements**

- (a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
  - (3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.
  - (4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

## **BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)**

### **19 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.
  - (1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.
  - (2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.
  - (3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.
  - (4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

- (c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)**

### **20 Requirements**

- (a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.
  - (1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.
    - (A) Install wheel shakers if gravel pads are not effective in preventing Trackout. Clean wheel shakers regularly to maintain their effectiveness.
    - (B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.
    - (C) Alternative Trackout control devices may be used if approved by the Control Officer.
  - (2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.
- (b) Maintain Dust control and clean all Trackout from Paved surfaces.
  - (1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.
  - (2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:
    - (A) A Dust plume that extends more than 100 feet horizontally or vertically.
    - (B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.
    - (C) 50% instantaneous Opacity, pursuant to the AQRs.
  - (3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.
  - (4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.
  - (5) The use of rotary brushes without water is prohibited.
  - (6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

**BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)**

**21 Requirements**

- (a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.
  - (1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.
  - (2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.
  - (3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.
  - (4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.
  - (5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

**BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)**

**22 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils before Trenching.
  - (2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.
  - (3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.



**BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)**

**23 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.
  - (1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.
  - (2) Empty loader bucket slowly and minimize the drop height while dumping.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## Heather Mackinnon

---

**From:** Kevin Titsworth <kevint@tandinc.com>  
**Sent:** Wednesday, February 16, 2022 8:50 AM  
**To:** Heather Mackinnon  
**Subject:** RE: 52878-TANK INC-ANN RD IMPROV CC-215 TO DURANGO DR

We are finished with the project, however, we produced some Type II from the native soil and recycled asphalt from the project but did not use it all. We are wanting to store this material on the vacant lot while using it for a couple of City of Las Vegas projects currently underway. Once we have exhausted this supply we will then do the long term stabilization of the lot. If you approve the renewal of the permit with the new name, then we will change the name on the sign.

Respectfully,

Kevin Titsworth  
Project Manager



Office: 702-889-4676  
Fax: 702-889-8876  
Cell: 702-415-1569  
Email: kevint@tandinc.com

**From:** Heather Mackinnon <MacKinno@ClarkCountyNV.gov>  
**Sent:** Wednesday, February 16, 2022 8:43 AM  
**To:** Kevin Titsworth <kevint@tandinc.com>  
**Subject:** 52878-TANK INC-ANN RD IMPROV CC-215 TO DURANGO DR  
**Importance:** High

Greetings,

Please **reply to this email only** as soon as possible so not to delay the approval process. I have reviewed your Dust Control Operating Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so **please reply to this email**. **You cannot correct the application on the portal, only the reviewer can.** If you have questions, feel free to email me those inquiries. If you wish to come in to discuss the application with me, please make an appointment.

A Dust Control Operating Permit is required for unpaved storage yards only if they are used temporarily in conjunction with an ongoing construction project in the same area.

If this applies, submit the existing Dust Control Operating Permit number and permittee name and/or a detailed explanation.

The project name has been changed, if you wish to change the name, you must update the sign to reflect this. Is this correct?

Regards,

*Heather Mackinnon*

Air Quality Specialist II  
Department of Environment and Sustainability  
Air Quality Division – Enforcement Section  
4701 W. Russell Road #200  
Las Vegas NV 89118  
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: [Dust Control Permitting Portal, Forms & Requirements](#).



**Clark County Air Pollution Control Hearing Board**  
**Clark County Building Department**  
**Presentation Room**  
**4701 West Russell Road**  
**Las Vegas, NV 89118**

**April 6, 2022 – 1:30 P.M.**

**Agenda**

**Note:**

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at [sherrie.rogge@clarkcountynv.gov](mailto:sherrie.rogge@clarkcountynv.gov) or (702) 455-0354.
  - Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2<sup>nd</sup> Floor, Las Vegas NV 89118.
  - Supporting material is/will be available on the Department's website at: [https://www.clarkcountynv.gov/government/departments/environment\\_and\\_sustainability/compliance/enforcement\\_notices.php](https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php)

Hearing Board Members     Daniel Sanders, Chair  
   Ryan L. Dennett, Esq., Vice-Chair  
   Elspeth Cordua  
   Troy Hildreth  
   William Kremer  
   Lauren Rosenblatt

Deputy District Attorney     Catherine Jorgenson

Air Quality Staff             Marci Henson, Director  
   Shibi Paul, Compliance & Enforcement Manager  
   Anna Sutowska, Air Quality Supervisor

Administrative Secretary     Sherrie Rogge, Phone: 702-455-0354; Email [sherrie.rogge@clarkcountynv.gov](mailto:sherrie.rogge@clarkcountynv.gov)  
Business Address: Clark County Department of Environment & Sustainability,  
4701 W. Russell Road, 2<sup>nd</sup> Floor, Las Vegas NV 89118

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

3. **OATHS OF OFFICE**

A. Elspeth Cordua (Lay Member)

Term of Office: 9/21/2021 through 9/20/2024

B. Daniel Sanders (Contractor Member)

Term of Office: 9/21/2021 through 9/20/2024

4. **ELECTION OF CHAIR**

New term – 4/6/2022 through end of term

(For possible action)

Clark County Air Quality Regulations (AQRs) Subsection 7.1(b)(1)(H) states, “The Hearing Board shall select a Chair, Vice-Chair, and such other officers it deems necessary.”

5. **APPROVAL OF MINUTES**

Approval of August 4, 2021 meeting minutes.

(For possible action)

6. **APPEAL OF HEARING OFFICER DECISION**

**TAND INC (DCOP #52878) – NOV #9630** – On January 20, 2022, the Hearing Officer found Tand, Inc. in violation of Section 94.14(g) of the AQRs for constructing soil stockpiles greater than 8 feet in height within 100 yards of occupied buildings as identified by Air Quality Specialist Carlton Monroe while performing routine and follow up inspections on October 7, 13, 14 and 15, 2021 at the Ann Road Improvements CC-215 to Durango Drive construction project located on Ann Road between CC-215 and Durango Drive, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,500. Tand, Inc., appealed the Air Pollution Control Hearing Officer’s Order.

(For possible action.)

7. **APPEAL OF CONTROL OFFICER’S PERMIT DETERMINATION**

**LHOIST NORTH AMERICA OF ARIZONA, APEX PLANT – PART 70 OPERATING PERMIT, SOURCE ID: 00003** – On February 14, 2022, the Clark County Department of Environment and Sustainability, Division of Air Quality issued revised Part 70 Operating Permit (Permit), Source ID: 00003, for the Lhoist North America of Arizona Apex Plant (Lhoist). Lhoist

appealed the Control Officer's decision to include Permit conditions associated with the applicable requirements in Section 94 of the AQRs. The applicable Permit conditions subject to this appeal are III.C.1.m and III.C.3.h through m, and III.C.3.gg.  
(For possible action.)

8. **IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETING**

9. **PUBLIC COMMENT**

A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

10. **ADJOURNMENT**

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: [https://clarkcountynv.gov/government/departments/environment\\_and\\_sustainability/compliance/enforcement/notices.php](https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php) and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)



## Minutes

### Regular Meeting of the Clark County Air Pollution Control Hearing Board

August 4, 2021

Clark County Building Services  
Presentation Room  
4701 West Russell Road  
Las Vegas, NV

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#### 1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 1:32 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, Chair  
Elspeth Cordua (via WebEx video conference)  
Troy Hildreth (via WebEx video conference)  
William Kremer

ABSENT: Ryan L. Dennett, Esq.  
Lauren Rosenblatt

LEGAL COUNSEL: Catherine Jorgenson, Deputy District Attorney

DAQ STAFF: Marci Henson, Director  
Shibi Paul, Compliance and Enforcement Manager  
Anna Sutowska, Air Quality Supervisor  
Sherrie Rogge, Administrative Secretary

Chair Sanders announced Tom Foster had resigned from the Board due to health concerns.

#### 2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

**3. APPROVAL OF MINUTES OF THE FEBRUARY 18, 2021 MEETING (For possible action)**

Chair Sanders called for comments, changes, or corrections to the February 18, 2021 minutes. Being none, he called for a motion.

FINAL ACTION: It was moved by Board Member Kremer, seconded by Chair Sanders that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Troy Hildreth, William Kremer, Danny Sanders  
Voting Nay: None  
Abstaining: None  
Absent: Ryan Dennett, Lauren Rosenblatt

**4. NEW MEMBER ORIENTATION (For possible action)**

DISCUSSION: Deputy District Attorney Jorgenson provided an overview of the New Member Orientation Handbook with the Board.

FINAL ACTION: No final action was required by the Board on this matter.

**5. REPORT BY DIVISION OF AIR QUALITY STAFF**

A. General update.

DISCUSSION: Director Marci Henson shared updates on the activities of the Department of Environment and Sustainability for the period January 1 through June 30, 2021.

**6. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETINGS**

There were no items identified by the Board.

**7. PUBLIC COMMENT**

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.



**8. ADJOURNMENT**

Being no further business, Chair Sanders adjourned the meeting at 2:47 p.m.

Approved:

\_\_\_\_\_  
Daniel Sanders, Chair

\_\_\_\_\_  
Date

DRAFT

# Tand, Inc. (DCOP #52878)

## Appeal of NOV #9630

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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED CC DPO
2022 FEB 7 PM 5:22

Handwritten initials

Appeal of Hearing Officer's Order

1. Date of Appeal: February 4, 2022
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9630 Hearing Date: January 20, 2022

Hearing Officer: Christine T. Smith

2. Name, address, telephone number of Appellant:

Name: Kevin Titsworth
(Please print)

Address: 4500 Vandenberg Drive, North Las Vegas, NV 89081

Telephone: 702-889-4676 Fax: 702-889-8876

Email: kevin@tandinc.com

3. Other person or persons authorized to receive service of notice:

Name: Adam Quinlan
(Please print)

Address: 4500 Vandenberg Drive, North Las Vegas, NV 89081

Telephone: 702-889-4676 Fax: 702-889-8876

Email: aquinlan@tandinc.com

4. Type of business or activity and location of activity involved in the request:

General Contractor doing roadway improvements located on Ann Rd between
215 Beltway and Durango Drive. Location of violation is at
Ann Road and Fort Apache Drive

5. Reason for appeal: [ ] Facts alleged [ ] Penalty assessed [X] Both

Provide a detailed explanation of the reason for your appeal:

Our appeal is based on the information provided in the attached letter.

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**6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

**I affirm that all statements made on this application are true and complete to the best of my knowledge.**

Signature:  Date: 2/4/2022  
Printed Name: Kevin Titsworth  
Title: Project Manager

**FOR OFFICE USE ONLY**

Application Received on \_\_\_\_\_  
Application Fee \$140.00 - Check /Cash \_\_\_\_\_ Received Date: \_\_\_\_\_



**Tand Incorporated**  
4500 Vandenberg Drive  
North Las Vegas, NV 89081  
702.889.4676  
Fax 702.889.8876  
kevint@tandinc.com

February 3, 2022

**Department of Environment and Sustainability**  
4701 W. Russell Road, 2<sup>nd</sup> Floor  
Las Vegas, NV 89118

Attn: Clark County Air Pollution Control Hearing Board  
CC: Sherrie D. Rogge, Administrative Secretary, Division of Air Quality  
Re: Bid# 605501-19 Ann Road Improvement Project, CC215 Beltway to Durango Drive  
Notice of Appeal to Notice of Violation# 9630

To whom it may concern:

Tand Incorporated has reviewed the Order in the matter of the Notice of Violation #9630 and wishes to appeal the decision of the Control Hearing Officer to the Clark County Air Pollution Control Hearing Board on the following grounds:

There are two main issues for Tand that are most relevant as there seems to be a difference in interpretation between our view of the regulation and BMP and that of the Department.

First there is a slight difference in language between AQR 94.14(g) and BMP 19(b)(1), as the BMP's are what we refer to during our operations, this may be part of the conflicting interpretations. AQR 94.14(g) states "*No stockpiles over eight feet in height shall be located within 100 yards of occupied buildings*". BMP 19(b)(1) states "*Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer*". The main point of confusion would be the words "shall not be constructed" included in the BMP language. In our interpretation and as identified in the dictionary, constructed is a past tense form of construct and would refer to a finished stockpile of material set aside for later use or haul off. In all of the NON's noted, the piles referenced were all being actively worked on throughout the day and were all at or below the 8' height requirement by the end of each shift, this is the point, in our belief that it would become a constructed stockpile. The addition of the statement "unless otherwise approved by the Control Officer" might also indicate that in

· 4500 VANDENBERG DRIVE · NORTH LAS VEGAS, NV 89081 · PHONE: 702-889-4676 · FAX: 702-889-8876 ·

certain specific circumstances, the 8' requirement could be modified by the Control Officer to fit an individual jobsite condition through discussions with the contractor, which was the approach of our superintendent when mentioning that all stockpiles were knocked down by the end of each shift.

Attached are pictures from October 15, 2021 taken by Tand which show the finished constructed state of the stockpiles being in compliance at the end of the shift and which are indicative of our daily process for the entirety of the operations on this project. The pictures supplied by Mr. Monroe are all earlier in the day in each inspection during active operations when the piles are being worked on and have not been completed with no follow up inspection at the end of the day to confirm compliance. In addition, all relevant BMP's were employed during the shift to mitigate any fugitive dust issues that may have arisen.

Second is the statement by Mr. Monroe that the piles cannot be over 8' "*at any time*", this statement is not accurate as that verbiage is not specifically stated in either AQR 94.14(g) or BMP 19(b)(1). As this verbiage does not appear in the rule and the BMP mentions a constructed stockpile and includes the statement "*unless otherwise approved by the Control Officer*", a contractor could reasonably assume that the piles could be over 8' in height during operations as long as they are reduced to 8' or below within a reasonable amount of time or by the end of a work shift as was discussed between Mr. Monroe and our superintendent and that Mr. Monroe could approve this operation specific to this project.

In closing, Tand would also like to mention that the storage lot in question has been kept clean and free of fugitive dust throughout the duration of its use on this project and to our knowledge there have been no complaints lodged against our permit from any of the residences within the area highlighted by Mr. Monroe. In addition, this would be the first notice of violation filed against Tand, Inc. in our 20+ years of operations within Clark County. We have worked diligently on the many projects we have been involved with to adhere to the air quality standards and to correct any irregularities found during any inspections as quickly as possible and to the satisfaction of the Control Officer. We believe this should be taken into account and would request that any penalties be waived at this time. Tand, Inc. will from this point on make sure to have better conversations with any Control Officers on future projects to make sure these types of issues are resolved better and more completely.

Tand, Inc. would also suggest that the conflicting statements mentioned in this letter be reviewed by the Department and possibly corrected to more closely align between the AQR and the BMP and that if in fact piles above 8' in height are expressly forbidden at any time that this be the verbiage that is utilized

going forward so that there would be no inference to the possibility of exceptions being made by the Control Officer as is the case with the current language used in BMP 19.

In addition to the language of the regulation being unclear regarding our stockpile operations we would also point out that the Department of Air Quality Inspector did not provide an accurate measurement device to reliably show that our stockpiles exceeded the height of 8 feet. The inspector in this case relied solely on objects in proximity to the stockpiles; however, the exact height of the object used for reference is not known and the distance of these referenced objects from the stockpiles makes an accurate visual measurement unreliable. At the time of the hearing, the control officer who filed the report was no longer employed with Air Quality and therefore the Department of Air Quality is speculating as to the height of the stockpiles since no verifiable measuring devices were shown in the pictures or stated as being used in determining the height of the stockpiles. Tand had additional interactions with a different control officer in the days following the supposed violations without further incident despite the fact that the stockpile heights had not been changed which alludes to both the inaccuracy of determining heights without a proper measurement device, and the difference in assessment of heights between the two control officers. It is our opinion that if Tand Inc. is to be held accountable for violations of a stockpile over 8 feet in height that the department of Air Quality provide verifiable evidence that the stockpiles did indeed exceed this height which they failed to provide in this case.

It is for these reasons that we appeal this order. We appreciate your review of this information and look forward to coming to a resolution of this matter during the scheduled appeal. Should you require any additional information, please do not hesitate to contact me.

Respectfully,



Kevin Titsworth  
Project Manager





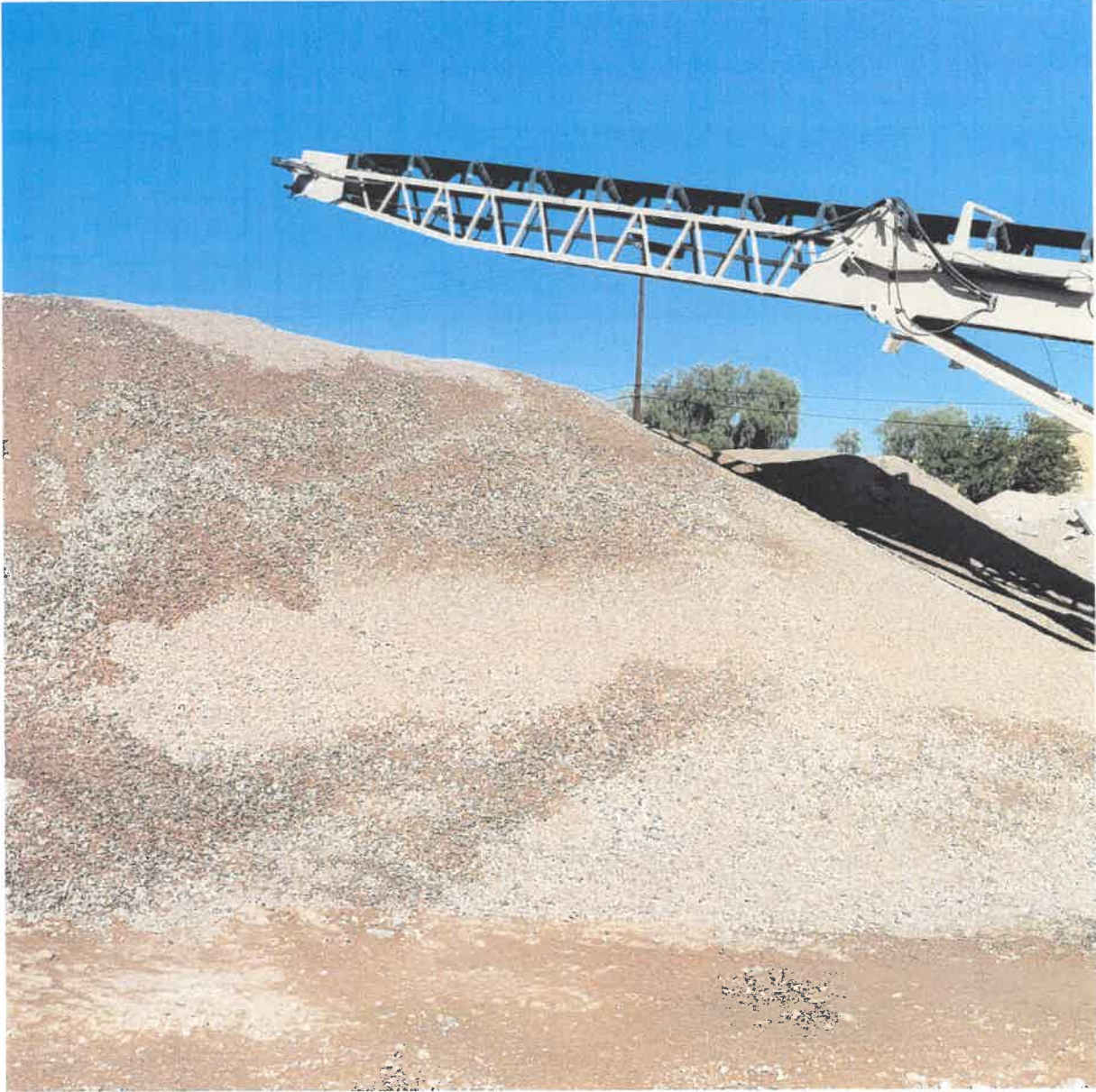
















Clark County Nevada Department of Environment and Sustainability  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

# RECEIPT

TAND INC.  
 4500 VANDENBERG DRIVE  
 NORTH LAS VEGAS, NV 89081

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
053655	2/7/2022	ANNELG	AIR QUALITY OTHER ENFORCEMENT	2/7/2022

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	02/07/2022 CHECK (027984)	PAYMENT		(\$140.00)

Notes: NOV. 9630, Hearing Officer Appeal, Submitted 02/07/2022.

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

2 CLARK COUNTY, NEVADA

3  
4 In the Matter of the Notice of Violation #9630 )  
5 Issued to )  
6 TAND, INC., Respondent. )

---

ORDER

7 The above-entitled matter was heard on January 20, 2022, before Hearing Officer  
8 Christine T. Smith on the Contested Docket. Representatives of both the Clark County  
9 Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and  
10 TAND, INC. (**TAND**) appeared, testified and submitted evidence for consideration by the  
11 Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer  
12 hereby finds and orders as follows:

13 1. Notice of Violation (**NOV**) #9630 was issued by Air Quality to Respondent  
14 TAND on December 2, 2021 for alleged violation(s) of Dust Control Operating Permit #52878  
15 (**Permit**) and the Clark County Air Quality Regulations (**AQRs**) at the Ann Road  
16 Improvements CC-215 to Durango Dr. construction site located on Ann Road between  
17 CC-215 and Durango Drive, in Clark County, Nevada. The violation(s) alleged in the NOV  
18 include:

19 (a) Violation of AQR Section 94.14(g) for constructing soil stockpiles  
20 greater than 8 feet in height within 100 yards of occupied buildings.

21 2. The penalty recommended by Air Quality in NOV #9630 was \$5,500.00.

22 3. The Hearing Officer finds that the violation(s) alleged in NOV #9630 occurred  
23 in that TAND violated AQR Section 94.14(g) on October 7, 13, 14, and 15, 2021.

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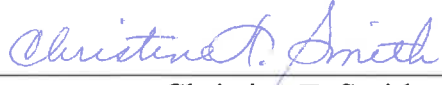
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4. **IT IS HEREBY ORDERED** that TAND pay a penalty of Five Thousand Five Hundred and no/100 Dollars (\$5,500.00) within 30 days of the date of this ORDER.

5. TAND has the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of TAND's receipt of this ORDER.

DATED this 27<sup>th</sup> day of January, 2022.

  
\_\_\_\_\_  
Christine T. Smith  
Hearing Officer



Received by email 1/6/2022 1:52 PM  
From: Kevin Titsworth  
pt

4701 W. Russell Road 2<sup>nd</sup> Floor  
Las Vegas, NV 89118-2231  
Phone: (702) 455-5942 • Fax: (702) 383-9994  
Marci Henson, Director

# Notice of Violation Response Form

Issued to: Tand, Inc.

NOV #: 9630 Return form by: 1/6/2022

Items below are to be completed by the Respondent

Responsible Official: Kevin Titsworth

Title: Project Manager

Phone Number: 702-415-1569

Email Address: kevint@tandinc.com

Mailing Address: 4500 Vandenberg Drive, North Las Vegas, NV 89081

Please check applicable boxes below

- We do not contest the Notice of Violation (Attendance is not required)**  
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.
- We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**  
Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

**We will be contesting the:**

- Facts
- Penalty
- Both

*Kevin Titsworth*  
Signature of Authorized Person

Date: 1/6/2022

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at [pamela.thompson@clarkcountynv.gov](mailto:pamela.thompson@clarkcountynv.gov).





**Tand Incorporated**  
4500 Vandenberg Drive  
North Las Vegas, NV 89081  
702.889.4676  
Fax 702.889.8876  
kevint@tandinc.com

January 19, 2022

**Department of Environment and Sustainability**  
4701 W. Russell Road, 2<sup>nd</sup> Floor  
Las Vegas, NV 89118

Attn: Air Pollution Control Hearing Officer  
CC: Pamela Thompson  
Re: Bid# 605501-19 Ann Road Improvement Project, CC215 Beltway to Durango Drive  
Notice of Violation# 9630

To whom it may concern:

Tand, Inc. has reviewed NOV# 9630 dated December 2, 2021 and offers the following in response:

There are two main issues for Tand that are most relevant as there seems to be a difference in interpretation between our view of the regulation and BMP and that of the Department.

First there is a slight difference in language between AQR 94.14(g) and BMP 19(b)(1), as the BMP's are what we refer to during our operations, this may be part of the conflicting interpretations. AQR 94.14(g) states "*No stockpiles over eight feet in height shall be located within 100 yards of occupied buildings*". BMP 19(b)(1) states "*Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer*". The main point of confusion would be the words "shall not be constructed" included in the BMP language. In our interpretation and as identified in the dictionary, constructed is a past tense form of construct and would refer to a finished stockpile of material set aside for later use or haul off. In all of the NON's noted, the piles referenced were all being actively worked on throughout the day and were all at or below the 8' height requirement by the end of each shift, this is the point, in our belief that it would become a constructed stockpile. The addition of the statement "unless otherwise approved by the Control Officer" might also indicate that in certain specific circumstances, the 8' requirement could be modified by the Control Officer to fit an individual jobsite condition through discussions with the contractor, which was the approach of our superintendent when mentioning that all stockpiles were knocked down by the end of each shift.

January 19, 2022

Attached are pictures from October 15, 2021 taken by Tand which show the finished constructed state of the stockpiles being in compliance at the end of the shift and which are indicative of our daily process for the entirety of the operations on this project. The pictures supplied by Mr. Monroe are all earlier in the day in each inspection during active operations when the piles are being worked on and have not been completed with no follow up inspection at the end of the day to confirm compliance. In addition, all relevant BMP's were employed during the shift to mitigate any fugitive dust issues that may have arisen.

Second is the statement by Mr. Monroe that the piles cannot be over 8' "*at any time*", this statement is not accurate as that verbiage is not specifically stated in either AQR 94.14(g) or BMP 19(b)(1). As this verbiage does not appear in the rule and the BMP mentions a constructed stockpile and includes the statement "*unless otherwise approved by the Control Officer*", a contractor could reasonably assume that the piles could be over 8' in height during operations as long as they are reduced to 8' or below within a reasonable amount of time or by the end of a work shift as was discussed between Mr. Monroe and our superintendent and that Mr. Monroe could approve this operation specific to this project.

In closing, Tand would also like to mention that the storage lot in question has been kept clean and free of fugitive dust throughout the duration of its use on this project and to our knowledge there have been no complaints lodged against our permit from any of the residences within the area highlighted by Mr. Monroe. In addition, this would be the first notice of violation filed against Tand, Inc. in our 20+ years of operations within Clark County. We have worked diligently on the many projects we have been involved with to adhere to the air quality standards and to correct any irregularities found during any inspections as quickly as possible and to the satisfaction of the Control Officer. We believe this should be taken into account and would request that any penalties be waived at this time. Tand, Inc. will from this point on make sure to have better conversations with any Control Officers on future projects to make sure these types of issues are resolved better and more completely.

Tand, Inc. would also suggest that the conflicting statements mentioned in this letter be reviewed by the Department and possibly corrected to more closely align between the AQR and the BMP and that if in fact piles above 8' in height are expressly forbidden at any time that this be the verbiage that is utilized

Air Pollution Control Hearing Officer

Page 3

January 19, 2022

going forward so that there would be no inference to the possibility of exceptions being made by the Control Officer as is the case with the current language used in BMP 19.

We appreciate your review of this information and look forward to coming to a resolution of this matter during the scheduled hearing. Should you require any additional information, please do not hesitate to contact me.

Respectfully,



Kevin Titsworth  
Project Manager





10/15/2021 2:30 PM

















10/15/2021 2:32 PM





4701 W. Russell Road 2<sup>nd</sup> Floor  
Las Vegas, NV 89118-2231  
Phone: (702) 455-5942 • Fax: (702) 383-9994  
Marci Henson, Director

December 2, 2021

CERTIFIED MAIL# 9489 0090 0027 6342 3931 96

Kevin Titsworth, Responsible Official  
Email: [kevint@tandinc.com](mailto:kevint@tandinc.com)  
Tracy S. Hoherz, President  
Tand, Inc.  
4500 Vandenberg Drive  
North Las Vegas, Nevada 89081

### NOTICE OF VIOLATION #9630

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Tand, Inc. (**Tand**), for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Five Thousand Five Hundred and no/100 Dollars (\$5,500.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

#### I. FACTS

- A. On September 3, 2021, Air Quality issued renewed Dust Control Operating Permit (**DCOP**) #52878 to Tand, for the 30.7 acre construction project named Ann Road Improvements CC-215 to Durango Dr. A Dust Mitigation Plan was submitted with the original DCOP application and was incorporated into DCOP #52878 whereby Tand agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**). The Dust Mitigation Plan remained in effect with this renewal.
- B. Air Quality Specialist Carlton Monroe (**Monroe**) discovered the alleged violation while performing routine and follow up inspections on October 7, 2021, and October 13 through 15, 2021 at the Ann Road Improvements CC-215 to Durango Dr. construction project located on Ann Road between CC-215 and Durango Drive, in Clark County, Nevada.
- C. On August 13, 2021, at approximately 10:30 a.m., Monroe arrived at the Ann Road Improvements CC-215 to Durango Dr. construction site to conduct a routine inspection. The inspection report is attached hereto as **Exhibit B** and incorporated herein. During his inspection, Monroe observed soil stockpiles greater than eight feet in height located within 100 yards of an occupied building and a non-functional trackout control device. In addition,

Monroe observed 125 feet of tracked out soil debris on La Mancha Avenue. While onsite, Monroe left a telephone message with Kevin Titsworth (**Titsworth**), Responsible Official and Project Manager for Tand, concerning his observations of noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was emailed to Titsworth and Daniel Meyer (**Meyer**), Superintendent for Tand, and is attached hereto as **Exhibit C** and incorporated herein. Monroe concluded his inspection at approximately 11:00 a.m.

- D. On October 7, 2021, at approximately 9:55 a.m., Monroe arrived at the Ann Road Improvements CC-215 to Durango Dr. construction site to conduct a routine inspection. The inspection report is attached hereto as **Exhibit D** and incorporated herein. During his inspection, Monroe observed soil stockpiles greater than eight feet in height located within 100 yards of an occupied building and a non-functional trackout control device, shown in Photographs 1 through 4 attached hereto as **Exhibit E** and incorporated herein. While onsite, Monroe left a telephone message with Titsworth and spoke by telephone with Meyer, concerning his observations of noncompliance and the issuance of a NON. The NON was emailed to Titsworth and Meyer, and is attached hereto as **Exhibit F** and incorporated herein. Monroe also determined the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area as documented in Map 1, attached hereto as **Exhibit G** and incorporated herein. Monroe concluded his inspection at approximately 10:35 a.m.
- E. On October 13, 2021, at approximately 9:40 a.m., Monroe arrived at the Ann Road Improvements CC-215 to Durango Dr construction site to conduct a follow up inspection. The inspection report is attached hereto as **Exhibit H** and incorporated herein. During his inspection, Monroe observed soil stockpiles greater than eight feet in height located within 100 yards of an occupied building (**Exh. E, Photograph 5**). While onsite, Monroe spoke by telephone with Meyer, concerning his observations of continued noncompliance. Monroe also determined the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area as documented in Map 2, attached hereto as **Exhibit I** and incorporated herein. Monroe concluded his inspection at approximately 10:00 a.m.
- F. On October 14, 2021, at approximately 11:15 a.m., Monroe arrived at the Ann Road Improvements CC-215 to Durango Dr. construction site to conduct a follow up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During his inspection, Monroe observed soil stockpiles greater than eight feet in height located within 100 yards of an occupied building (**Exh. E, Photograph 6**). While onsite, Monroe left a telephone message with Titsworth, concerning his observations of continued noncompliance. Monroe also determined the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area (**Exh. I, Map 2**). Monroe concluded his inspection at approximately 11:35 a.m.
- G. On October 15, 2021, at approximately 11:20 a.m., Monroe arrived at the Ann Road Improvements CC-215 to Durango Dr. construction site to conduct a follow up inspection. The inspection report is attached hereto as **Exhibit K** and incorporated herein. During his inspection, Monroe observed soil stockpiles greater than eight feet in height located within 100 yards of an occupied building (**Exh. E, Photograph 7**). While onsite, Monroe spoke by telephone with Titsworth, concerning his observations of continued noncompliance. Monroe

also determined the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area (**Exh. I, Map 2**). Monroe concluded his inspection at approximately 11:40 a.m.

H. On October 18, 2021, at approximately 11:00 a.m., Air Quality Specialist Heath Richards (**Richards**) arrived at the Ann Road Improvements CC-215 to Durango Dr. construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit L** and incorporated herein. During his inspection, Richards observed the site was in compliance with AQRs. Richards concluded his inspection at approximately 11:15 a.m.

## II. VIOLATIONS

### Violation 1:

By constructing soil stockpiles greater than 8 feet in height within 100 yards of occupied buildings, Tand violated AQR Section 94.14(g).

AQR Sections 94.14(g) states:

“(g) No stockpiles over eight feet high shall be located within 100 yards of occupied buildings. Stockpiles over eight feet high located farther than 100 yards from occupied buildings must have a road bladed to the top to allow water truck access or must demonstrate another means to provide effective Dust control at the top of the stockpile.”

## III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation occurred within 1,000 feet of the outer boundary of a residential area as described in Paragraphs I.D, I.E, I.F, and I.G above (**Exh. G and I**); and
- Consecutive days of violation as described above in Paragraphs I.E, I.F, and I.G for October 13 through October 15, 2021.

Air Quality recommends a civil penalty in the amount of \$5,500.00 (**Exh. A**).

## IV. HEARING

Air Quality has scheduled a hearing for **Thursday, January 20, 2022, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy

the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by January 6, 2022. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.



---

Shibi Paul  
Compliance and Enforcement Manager

Exhibits:

- A. Penalty Calculation Table, NOV #9630
- B. Air Quality Construction Site Inspection Form #97229, dated August 13, 2021
- C. Air Quality Notice of Noncompliance for August 13, 2021
- D. Air Quality Construction Site Inspection Form #98506, dated October 7, 2021
- E. Digital Photographs 1 through 7
- F. Air Quality Notice of Noncompliance for October 7, 2021
- G. MAP 1: showing stockpile location and violation within 1,000 feet of residential area on October 7, 2021
- H. Air Quality Construction Site Inspection Form #98638, dated October 13, 2021
- I. MAP 2: showing stockpile location and violation within 1,000 feet of residential area on October 13, 14, and 15, 2021
- J. Air Quality Construction Site Inspection Form #98672, dated October 14, 2021
- K. Air Quality Construction Site Inspection Form #98729, dated October 15, 2021
- L. Air Quality Construction Site Inspection Form #98808, dated October 18, 2021

rag

# Exhibit A

**NOV # 9630**  
**Penalty Calculation Table**  
**Tand, Inc.**



4701 W. Russell Road 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118-2231  
 Phone: (702) 455-5942 • Fax: (702) 383-9994  
 Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	10/7/2021	Constructed soil stockpiles greater than 8 feet in height within 100 yards of occupied buildings.	94.14(g)	Exh. E, Photos 1, 3, and 4 and Exh. G, Map 1	\$ 1,000	4	Occurred within 1,000 feet of a residential area (+25% per day)	25%	\$ 250	\$ 1,250
	Exh. E, Photo 5 and Exh. I, Map 2			Occurred within 1,000 feet of a residential area (+25% per day)			25%	\$ 250	\$ 1,250	
	Exh. E, Photo 6 and Exh. I, Map 2			1) Occurred within 1,000 feet of a residential area (+25% per day); and 2) Second consecutive day of violation <sup>1</sup> (+25% per day)			50%	\$ 500	\$ 1,500	
	Exh. E, Photo 7 and Exh. I, Map 2			1) Occurred within 1,000 feet of a residential area (+25% per day); and 2) Third consecutive day of violation <sup>1</sup> (+25% per day)			50%	\$ 500	\$ 1,500	

**Total Penalty: \$ 5,500**

<sup>1</sup> Consecutive Day aggravation begins with the 2nd day of noncompliance.

Regulatory maximum: \$10,000 per day, per violation  
 [AQR Section 9.1 & NRS 445B.470]



# EXHIBIT B

Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

## CONSTRUCTION SITE INSPECTION REPORT Inspection No. 97229

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Carlton Monroe	Aug 13, 2021	10:30 AM	11:00 AM	Routine		52878
Permittee:	Project Name:		Project Location:			
Tand, Inc.	Ann Road Improvements CC-215 to Durango Dr		Ann Road between CC215 and Durango Drive			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy	No	90 degrees	00-04 mph	0 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Kevin Titsworth	Project Manager	Phone Message		
		Spoke With:	Title:	Comm. Method:		
<b>Is the project in compliance with all air quality requirements?</b>						<b>No</b>
Action Taken:	Issued NON With Possible NOV		Violation in 1000 feet of:	Residential		
<b>Emission Compliance:</b>						<b>Yes</b>
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
<b>BMP Compliance:</b>						<b>No</b>
Project Soils:	Stable		Size of Instability:			
Trackout Device:	Yes - Not Effective		Has Trackout:	Yes		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Not Necessary/Not Performed		
<b>Admin Compliance:</b>						<b>Yes</b>
Acreage Permitted:	49 acres	Observed Acreage:	49 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.				
<b>Inspector Notes:</b>			Approved By:	Andrew Kirk		
<p>I conducted a routine inspection and observed a non functional trackout control device, 125-ft. of trackout on La Mancha Ave within 1000-ft. of a residential area, and stockpiles greater than 8-ft. in height within 100 yards of an occupied structure. I directed Kevin to refresh the trackout control device no later than 8/17/2021, reply to the stockpile infraction with mitigation plans no later than 8/17/2021, and to clean up the trackout immediately and maintain within AQR standards 24/7. I also stated that the observed infractions would result in a Notice of Noncompliance which will likely result in a Notice of Violation.</p>						



# EXHIBIT C

Division of Air Quality  
4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
Las Vegas, NV 89118  
Main Number: (702)455-5942  
Fax Number: (702)383-9994

## NOTICE OF NONCOMPLIANCE

Issued To: Tand, Inc.

Project Name: Ann Road Improvements CC-215 to Durango Dr

Location: Ann Road between CC215 and Durango Drive

Dust Control Permit No: 52878

Date: Aug 13, 2021

Time: 11:00 AM

**This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).**

### Trackout

Remove all trackout and soil debris on La Mancha Ave immediately.  
Install / Repair trackout control device.

### Additional Instructions / Other Noncompliance Items

- Observed a non functional trackout control device.
- Observed 125-ft. of trackout on La Mancha Ave within 1000-ft. of a residential area.
- Observed stockpiles greater than 8-ft. in height within 100 yards of an occupied structure.
- Clean up trackout greater than 50-ft. immediately and maintain within AQR standards 24/7.
- Refresh trackout control device no later than 8/17/2021.
- Please respond with corrective measures to lower stockpile(s) under 8-ft. in height no later than 8/17/2021.

**Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.**

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Kevin Titsworth

Responsible Official

Tand, Inc.

(Printed Name)

(Title)

(Company)

kevint@tandinc.com

(Email Address)

Person Notified:

Daniel Meyer

Designated Onsite Representative

Tand, Inc.

(Printed Name)

(Title)

(Company)

dmeyer@tandinc.com

(Email Address)

DAQ Representative:

Carlton Monroe

702-249-7407

*DD*

(Printed Name)

(Phone Number)

**From:** [Carlton Monroe](#)  
**To:** [dmeyer@tandinc.com](mailto:dmeyer@tandinc.com); [Kevin Titsworth](#)  
**Subject:** NOTICE OF NONCOMPLIANCE DCP 52878  
**Date:** Friday, August 13, 2021 11:29:00 AM  
**Attachments:** [image001.png](#)  
[52878\\_20210813\\_NON-Rvd.pdf](#)

---

Hello,

Please find the attached Notice of Noncompliance (NON) issued to PERMITTEE for the observed Emission, BMP, and/or Administrative Noncompliance's with Air Quality Regulations (AQRs). The NON may result in issuance of a Notice of Violation (NOV), which includes the imposition of civil penalties. Your immediate action is required. Please reply with your corrective measures.

**Carlton Monroe, MPA**  
**Air Quality Specialist II**  
**Clark County Department of Environment and Sustainability,**  
**Division of Air Quality**  
**4701 West Russell Road, Suite 200 2nd Floor**  
**Las Vegas, NV 89118**  
**Desk Phone Number (702) 455-1673**  
**Cell Number (702) 249-7407**  
**Fax Number (702) 383-9994**  
[carlton.monroe@clarkcountynv.gov](mailto:carlton.monroe@clarkcountynv.gov)

For Dust Control Applications and Forms, click on this link: [DUST FORMS](#)

*Effective July 27, 2020 – My new working hours are Tues.-Fri., 7:30 – 5:30.*  
*DES offices are not open to the public at this time.*  
*All County offices are closed on Fridays.*







# EXHIBIT D

Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

## CONSTRUCTION SITE INSPECTION REPORT

### Inspection No. 98506

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Carlton Monroe	Oct 7, 2021	9:55 AM	10:35 AM	Routine		<b>52878</b>
Permittee:	Project Name:		Project Location:			
Tand, Inc.	Ann Road Improvements CC-215 to Durango Dr		Ann Road between CC215 and Durango Drive			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy	No	75 degrees	00-04 mph	0 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Kevin Titsworth	Responsible Official	Phone Message		
		Spoke With:	Title:	Comm. Method:		
		Daniel Meyer	Superintendent	Phone		
<b>Is the project in compliance with all air quality requirements?</b>						<b>No</b>
Action Taken:	Issued NON With Possible NOV		Violation in 1000 feet of:	Residential		
<b>Emission Compliance:</b>						<b>Yes</b>
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
<b>BMP Compliance:</b>						<b>No</b>
Project Soils:	Stable		Size of Instability:			
Trackout Device:	Yes - Not Effective		Has Trackout:	No		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Not Necessary/Not Performed		
<b>Admin Compliance:</b>						<b>Yes</b>
Acreage Permitted:	30.7 acres	Observed Acreage:	30.7 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	Crusher	SS Permit No.				
<b>Inspector Notes:</b>			Approved By:	Andrew Kirk		
<p>I conducted a routine inspection and observed stockpiles greater than 8-ft in height (approx. 30-ft within 100 yards of an occupied structure) and a non functional trackout control device within 1000-ft. of a residential area. I spoke to the permittee and directed them to lower the stockpiles under 8-ft. no later than 10/12/21 and keep all stockpiles within 100 yards of an occupied structure under 8-ft. in height at all times. Additionally, I directed them to refresh their trackout control device no later than 10/11/21. I also informed the permittee that a notice of noncompliance that may result in a notice of violation would be issued. NOTE: a NON was issued to this site for identical infractions on 8/13/21, at that time the permittee was warned repeated discrepancies would likely result in a NOV.</p>						

**EXHIBIT E**

**Digital Photographs**

Dust Control Permit #: **52878** Permittee: **Tand, Inc.**

Project Name: **Ann Road Improvements**

Photos taken by: **Carlton Monroe**



**Photograph # 1**

**Alleged Violation # 1**

View looking southeast at stockpile(s) greater than 8' in height within 100 yards of an occupied structure at the Tand, Inc. Ann Road Improvements project.



**Photograph # 2**

**Alleged Violation # 1**

View looking southwest at non functional trackout control device within 1000 feet of a residential area.



**Photograph # 3**

**Alleged Violation # 1**

View looking southwest at stockpile(s) greater than 8' in height within 100 yards of an occupied structure.



**Photograph # 4**

**Alleged Violation # 1**

View looking west at stockpile(s) greater than 8' in height within 100 yards of an occupied structure.





**Photograph # 5**

**Alleged Violation # 1**

DAY 2: View looking west at stockpile(s) greater than 8' in height within 100 yards of an occupied structure.



**Photograph # 6**

**Alleged Violation # 1**

DAY 3: View looking southwest at stockpile(s) greater than 8' in height within 100 yards of an occupied structure.



**Photograph # 7**

**Alleged Violation # 1**

DAY 4: View looking west at stockpile(s) greater than 8' in height within 100 yards of an occupied structure.



# EXHIBIT F

Division of Air Quality  
4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
Las Vegas, NV 89118  
Main Number: (702)455-5942  
Fax Number: (702)383-9994

## NOTICE OF NONCOMPLIANCE

Issued To: Tand, Inc.

Project Name: Ann Road Improvements CC-215 to Durango Dr

Location: Ann Road between CC215 and Durango Drive

Dust Control Permit No: 52878

Date: Oct 7, 2021

Time: 10:35 AM

**This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).**

### Trackout

Install / Repair trackout control device.

### Additional Instructions / Other Noncompliance Items

- Observed stockpiles greater than 8-ft in height (approx. 30-ft within 100 yards of an occupied structure) and a non functional trackout control device.
- Lower the stockpiles under 8-ft. no later than 10/12/21 and keep all stockpiles within 100 yards of an occupied structure under 8-ft. in height at all times.
- Refresh trackout control device no later than 10/11/21.
- Please respond with your corrective measures.

**Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.**

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Kevin Titsworth

Responsible Official

Tand, Inc.

(Printed Name)

(Title)

(Company)

kevint@tandinc.com

(Email Address)

Person Notified:

Daniel Meyer

Designated Onsite Representative

Tand, Inc.

(Printed Name)

(Title)

(Company)

dmeyer@tandinc.com

(Email Address)

DAQ Representative:

Carlton Monroe

702-249-7407

(Printed Name)

(Phone Number)

**From:** [Carlton Monroe](#)  
**To:** [dmeyer@tandinc.com](mailto:dmeyer@tandinc.com); [kevint@tandinc.com](mailto:kevint@tandinc.com)  
**Subject:** DCP 52878 NOTICE OF NONCOMPLIANCE  
**Date:** Thursday, October 7, 2021 11:04:00 AM  
**Attachments:** [52878\\_20211007\\_NON-Rvd.pdf](#)  
[image001.png](#)

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Hello,

Per our phone conversation, please find the attached Notice of Noncompliance (NON) issued to PERMITTEE for the observed Emission, BMP, and/or Administrative Noncompliance's with Air Quality Regulations (AQRs). The NON may result in issuance of a Notice of Violation (NOV), which includes the imposition of civil penalties. Your immediate action is required. Please reply with your corrective measures.

**Carlton Monroe, MPA**  
**Air Quality Specialist II**  
**Clark County Department of Environment and Sustainability,**  
**Division of Air Quality**  
**4701 West Russell Road, Suite 200 2nd Floor**  
**Las Vegas, NV 89118**  
**Desk Phone Number (702) 455-1673**  
**Cell Number (702) 249-7407**  
**Fax Number (702) 383-9994**  
[carlton.monroe@clarkcountyNV.gov](mailto:carlton.monroe@clarkcountyNV.gov)

For Dust Control Applications and Forms, click on this link: [DUST FORMS](#)

*Effective July 27, 2020 – My new working hours are Tues.-Fri., 7:30 – 5:30.*  
*DES offices are not open to the public at this time.*  
*All County offices are closed on Fridays.*





**From:** [Carlton Monroe](#)  
**To:** [kevint@tandinc.com](mailto:kevint@tandinc.com)  
**Cc:** [Andrew Kirk](#); [David Dean](#)  
**Subject:** NOTICE OF VIOLATION ACTION (DCP 52878)  
**Date:** Thursday, October 14, 2021 5:17:00 PM  
**Attachments:** [image001.png](#)

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Hello Mr. Titsworth,

This email is to inform you that I have been conducting inspections on DCP 52878 since 10/07/2021 for stockpiles greater than 8-ft. in height within 100 yards of an occupied structure. After speaking with Daniel Meyer there seems to be some confusion. Mr. Meyer is under the impression that knocking down his stockpiles from the crusher at the end of the day to below 8-ft. in height satisfies the Air Quality Regulation for stockpiles. However, this is incorrect, I informed Mr. Meyer of this during our phone conversation and re-verified with management that stockpiles cannot be greater than 8-ft. in height within 100 yards of an occupied structure at any time. So as the crusher is breaking up rocks on site the stockpiles must be managed below 8-ft. in height constantly. Furthermore, the site cannot be used to import any materials that don't come from the project that the staging yard is assigned to. We originally gave Tand Inc. until 10/12/2021 to lower the stockpiles below 8-ft. in height while only accruing the violation for 10/7/2021 but after that deadline has passed we are now doing inspections every day until the site is in AQR compliance with an additional fine being assessed every day the site is not in compliance (plus aggravations for multiple days of violation and proximity to residential homes). Currently the site has 3 days of violations, I made sure to convey these facts and concerns to Mr. Meyer but my boss wanted me to follow up my voicemail to you today with this email as the penalties for this site are quickly expanding. Please reach out to me with any concerns or questions you may have.

**Carlton Monroe, MPA**  
**Air Quality Specialist II**  
**Clark County Department of Environment and Sustainability,**  
**Division of Air Quality**  
**4701 West Russell Road, Suite 200 2nd Floor**  
**Las Vegas, NV 89118**  
**Desk Phone Number (702) 455-1673**  
**Cell Number (702) 249-7407**  
**Fax Number (702) 383-9994**  
[carlton.monroe@clarkcountyNV.gov](mailto:carlton.monroe@clarkcountyNV.gov)

**For Dust Control Applications and Forms, click on this link:** [DES Permits and Forms Page](#)

***Effective July 27, 2020 – My new working hours are Tues.-Fri., 7:30 – 5:30.***  
***DES offices are not open to the public at this time.***  
***All County offices are closed on Fridays.***





# DES

## DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY



air quality



desert conservation  
PROGRAM



sustainability

# EXHIBIT G

October 7, 2021

Dust ▾ ◀ 1 ▶ of 2

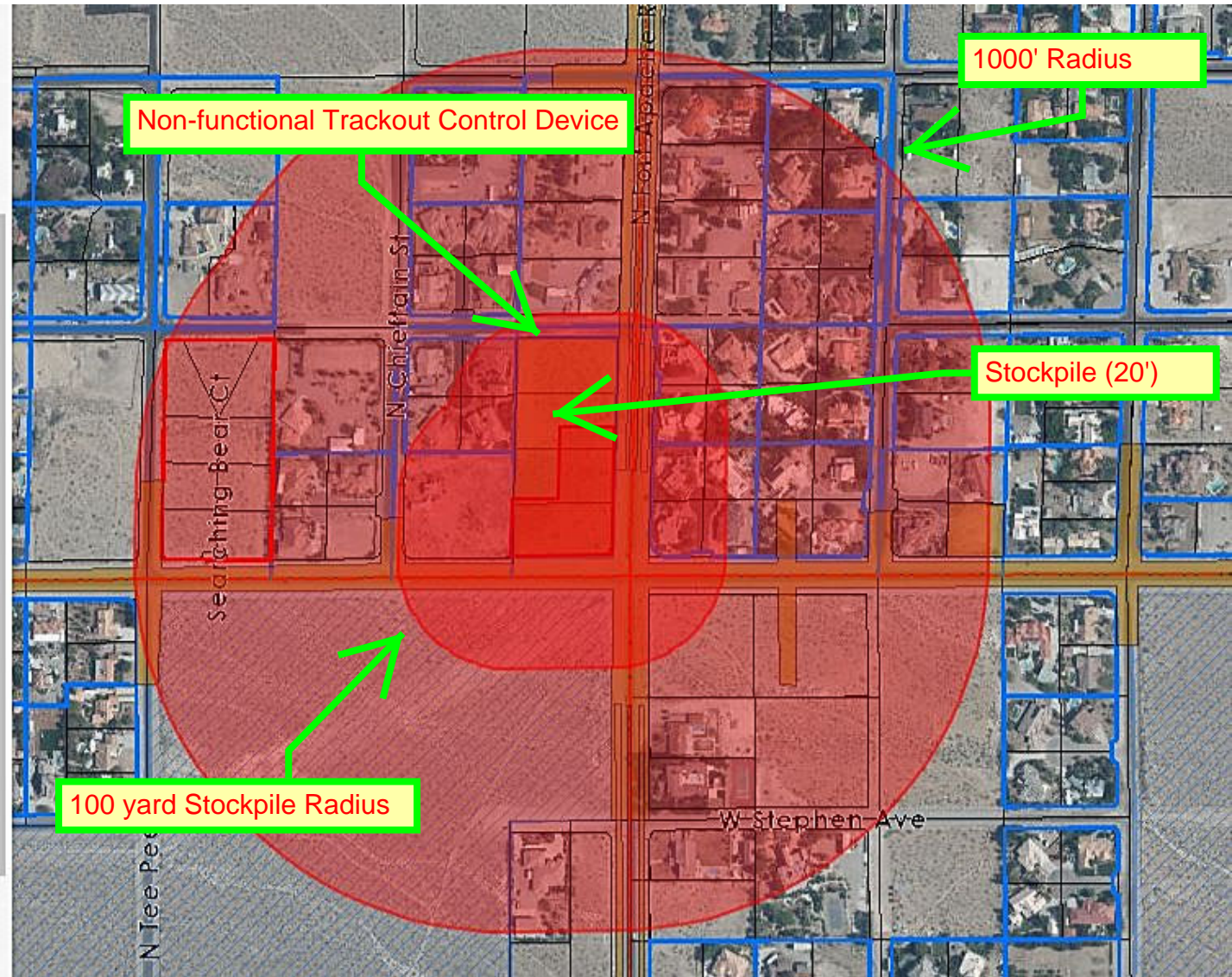
Permit: 52878  
Permittee: Tand, Inc.  
Mod No: 4  
Contact: Kevin Titsworth  
Location: Ann Road between CC215 and Durango Drive  
Acres: 30.7  
Address: 4500 Vandenberg Drive  
City: North Las Vegas  
Phone: 7028894676  
Cell Phone: 7024151569  
Fax: 7028898876  
Email: kevint@tandinc.com  
Issue: 8/26/2021  
Expiration: 9/2/2022  
Parcel: 12529899027  
Project Name: Ann Road Improvements CC-215 to Durango Drive  
Vacant Land

Hydro Basin ▾ ◀ 1 ▶ of 1

Hydro Area: 212  
Hydro Area Name: Las Vegas Valley

? Links

Current Tool: Undo  
Coords in State Plane ft ▾  
X: 738833 Y: 26798794



MAP 1: Showing location of stockpile greater than 8' in height within 100 yards of an occupied structure and non-functional trackout control device, both within 1,000 feet of residential area.



# EXHIBIT H

Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

## CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 98638

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Carlton Monroe	Oct 13, 2021	9:40 AM	10:00 AM	Follow-up		52878
Permittee:	Project Name:		Project Location:			
Tand, Inc.	Ann Road Improvements CC-215 to Durango Dr		Ann Road between CC215 and Durango Drive			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	60 degrees	00-04 mph	0 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Daniel Meyer	Superintendent	Phone		
		Spoke With:	Title:	Comm. Method:		
<b>Is the project in compliance with all air quality requirements?</b>						<b>No</b>
Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential			
<b>Emission Compliance:</b>						<b>Yes</b>
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
<b>BMP Compliance:</b>						<b>No</b>
Project Soils:	Stable	Size of Instability:				
Trackout Device:	Yes - Effective	Has Trackout:	No			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Not Necessary/Not Performed			
<b>Admin Compliance:</b>						<b>Yes</b>
Acreage Permitted:	30.7 acres	Observed Acreage:	30.7 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	Crusher	SS Permit No.				
<b>Inspector Notes:</b>			Approved By:	Andrew Kirk		
<p>I conducted a follow up inspection and observed crushing activities still taking place on site and stockpiles greater than 8-ft. in height within 100 yards of and occupied structure and within 1000-ft. of a residential area. The non-functional trackout control device has been refreshed and meets AQR standards. I spoke to the superintendent who informed me that the crusher is operating under the DCP and that they have been knocking the stockpiles down at the end of the workday. I informed the permittee that stockpiles greater than 8-ft. in height cant be within 100 yards of an occupied structure at any time and must be brought within AQR standards immediately since the original date of 10/12/2021 to get into compliance has passed. I informed him that this inspection would be another day of violation and that the stockpile must be lowered under 8-ft. in height immediately. Mitigation equipment is onsite for immediate correction of observed infractions.</p>						



# EXHIBIT I

October 13,14, & 15, 2021

Dust ▾ ◀ 1 ▶ of 2

Permit: 52878  
Permittee: Tand, Inc.  
Mod No: 4  
Contact: Kevin Titsworth  
Location: Ann Road between CC215 and Durango Drive  
Acres: 30.7  
Address: 4500 Vandenberg Drive  
City: North Las Vegas  
Phone: 7028894676  
Cell Phone: 7024151569  
Fax: 7028898876  
Email: kevint@tandinc.com  
Issue: 8/26/2021  
Expiration: 9/2/2022  
Parcel: 12529899027  
Project Name: Ann Road Improvements CC-215 to Durango Drive  
Vacant Land

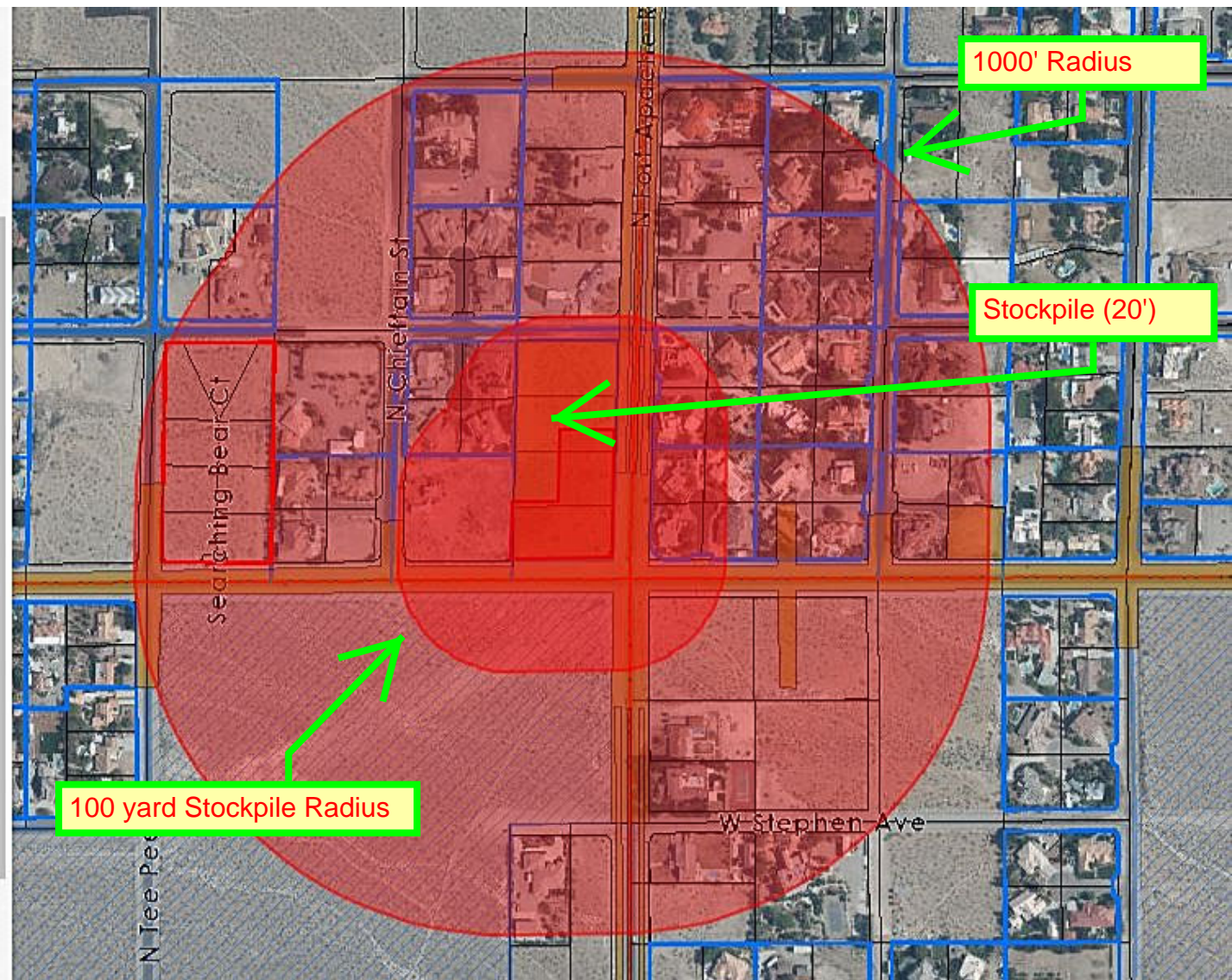
Hydro Basin ▾ ◀ 1 ▶ of 1

Hydro Area: 212  
Hydro Area Name: Las Vegas Valley

? Links

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Current Tool: Undo  
Coords in State Plane ft ▾  
X: 738833 Y: 26798794



MAP 2: Showing location of stockpile greater than 8' in height within 100 yards of an occupied structure and within 1,000 feet of residential area.



# EXHIBIT J

Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

## CONSTRUCTION SITE INSPECTION REPORT Inspection No. 98672

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Carlton Monroe	Oct 14, 2021	11:15 AM	11:35 AM	Follow-up		52878
Permittee:	Project Name:		Project Location:			
Tand, Inc.	Ann Road Improvements CC-215 to Durango Dr		Ann Road between CC215 and Durango Drive			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	70 degrees	00-04 mph	0 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Kevin Titsworth	Responsible Official	Phone Message		
		Spoke With:	Title:	Comm. Method:		
<b>Is the project in compliance with all air quality requirements?</b>						<b>No</b>
Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential			
<b>Emission Compliance:</b>						<b>Yes</b>
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
<b>BMP Compliance:</b>						<b>No</b>
Project Soils:	Stable	Size of Instability:				
Trackout Device:	Yes - Effective	Has Trackout:	No			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Not Necessary/Not Performed			
<b>Admin Compliance:</b>						<b>Yes</b>
Acreage Permitted:	30.7 acres	Observed Acreage:	30.7 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.				
<b>Inspector Notes:</b>			Approved By:	Andrew Kirk		
<p>I conducted a follow up inspection and observed crushing activities still taking place on site and stockpiles greater than 8-ft. in height within 100 yards of an occupied structure and within 1000-ft. of a residential area. I informed the permittee that stockpiles greater than 8-ft. in height cant be within 100 yards of an occupied structure at any time and must be brought with AQR standards immediately since the original date of 10/12/2021 has passed. I informed him that this inspection would be an additional days worth of violations and that the stockpile must be lowered under 8-ft. in height immediately. Mitigation equipment is onsite for immediate correction of observed infractions. The permittee called me back and stated that the stockpiles are knocked below 8-ft. at the end of every workday and that the stockpiles can not be kept under 8-ft. in height during crushing operations.</p>						



# EXHIBIT K

Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

## CONSTRUCTION SITE INSPECTION REPORT Inspection No. 98729

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Carlton Monroe	Oct 15, 2021	11:20 AM	11:40 AM	Follow-up		52878
Permittee:	Project Name:		Project Location:			
Tand, Inc.	Ann Road Improvements CC-215 to Durango Dr		Ann Road between CC215 and Durango Drive			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	65 degrees	00-04 mph	0 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Kevin Titsworth	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
<b>Is the project in compliance with all air quality requirements?</b>						<b>No</b>
Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential			
<b>Emission Compliance:</b>						<b>Yes</b>
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
<b>BMP Compliance:</b>						<b>No</b>
Project Soils:	Stable	Size of Instability:				
Trackout Device:	Yes - Effective	Has Trackout:	No			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Not Necessary/Not Performed			
<b>Admin Compliance:</b>						<b>Yes</b>
Acreage Permitted:	30.7 acres	Observed Acreage:	30.7 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.				
<b>Inspector Notes:</b>			Approved By:	Andrew Kirk		
<p>I conducted a follow up inspection and observed stockpiles greater than 8-ft. in height for the fourth day on this site; crushing activities continue. I spoke to the responsible official who seems dismissive of AQR standards that have been explained to him via telephone conversations, a Notice of Non-Compliance (NON) being issued, and multiple e-mail correspondences. I informed him that this site would receive an additional day of violation. He stated he understood and would deliver the info to his field operators.</p>						





# EXHIBIT L

Division of Air Quality  
 4701 W. Russell Rd. Suite 200 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118  
 Main Number: (702)455-5942  
 Fax Number: (702)383-9994

## CONSTRUCTION SITE INSPECTION REPORT Inspection No. 98808

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Heath Richards	Oct 18, 2021	11:00 AM	11:15 AM	Follow-up		<b>52878</b>
Permittee:	Project Name:		Project Location:			
Tand, Inc.	Ann Road Improvements CC-215 to Durango Dr		Ann Road between CC215 and Durango Drive			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	64 degrees	10-14 mph	25 mph	S	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Kevin Titsworth	Superintendent	Phone Message		
		Spoke With:	Title:	Comm. Method:		
<b>Is the project in compliance with all air quality requirements?</b>						<b>Yes</b>
Action Taken:	No Action Taken		Violation in 1000 feet of:	Not Applicable		
<b>Emission Compliance:</b>						<b>Yes</b>
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
<b>BMP Compliance:</b>						<b>Yes</b>
Project Soils:	Stable		Size of Instability:			
Trackout Device:	Yes - Effective		Has Trackout:	No		
Mitigation Equipment:	Adequate		Soil Crust Determination:	Not Necessary/Not Performed		
<b>Admin Compliance:</b>						<b>Yes</b>
Acreage Permitted:	30.7 acres	Observed Acreage:	30.7 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	Screen/Crusher	SS Permit No.:	N/A			
<b>Inspector Notes:</b>			Approved By:	Andrew Kirk		
<p>I conducted a follow-up inspection on a Dust Advisory day and observed the site to be in compliance. Stockpiles have been knocked down to ~8 feet and they had stopped work due to the high winds. I called and left message with Mr. Kevin Titsworth to let him know of my findings. No further action was taken.</p>						



December 8, 2021

Dear Kevin Titsworth NOV 9630:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9489 0090 0027 6342 3931 96.**

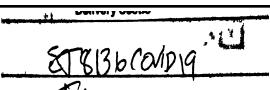
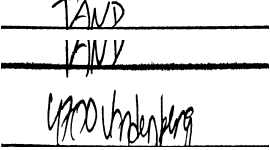
### Item Details

<b>Status:</b>	Delivered, Front Desk/Reception/Mail Room
<b>Status Date / Time:</b>	December 6, 2021, 12:34 pm
<b>Location:</b>	NORTH LAS VEGAS, NV 89081
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic

### Shipment Details

<b>Weight:</b>	1.0oz
----------------	-------

### Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

**Lhoist North America of Arizona, Apex Plant  
(Part 70 Operating Permit, Source ID: 00003)  
Appeal of Control Officer’s Permit Determination**

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Appeal of Control Officer’s Permitting Decision received February 23, 2022.....	2
Basis for Permit Appeal.....	4

BEFORE THE CLARK COUNTY  
AIR POLLUTION CONTROL HEARING BOARD

**Appeal of Control Officer's Permitting Decision  
Part 70 Operating Permit, Source ID: 00003**

**Joint Request for Continuance**

1. On February 14, 2022, the Clark County Division of Air Quality issued a Part 70 Operating Permit minor revision and reopening for cause (the "Permitting Decision") to Lhoist North America (Lhoist) for the Apex Plant. The reopening incorporated provisions from revised Air Quality Regulation section 94.
2. On February 21, 2022, Lhoist filed an appeal of the Permitting Decision's incorporation of provisions from revised Air Quality Regulation section 94 contending that the provisions exceeded the Division's authority. Lhoist also submitted the required fee.
3. On March 6, 2022, Lhoist and the Division met by video conference to discuss the appeal. At that meeting, Lhoist and the Division tentatively identified a mutually satisfactory resolution. The Division indicated it would draft a letter addressing Lhoist's concerns.
4. The Division has notified Lhoist that due to the press of business, it will not be able to complete the letter prior to the scheduled appeal date.
5. Because the parties appear to be at a resolution, it would be a waste of the Air Pollution Control Hearing Board's time and the Division's and Lhoist's resources to prepare for and appear at the hearing.
6. Therefore, Lhoist and the Division respectfully request that this matter be continued until the next meeting while settlement negotiations proceed and, if all goes as expected, after issuance of the Division's letter, the appeal may be withdrawn.

Respectfully submitted,


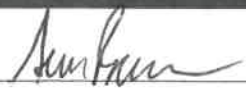
/s/ Eric L. Hiser

ERIC L. HISER  
BRANDON CURTIS  
Counsel for Lhoist

/s/ Catherine Jorgenson

CATHERINE JORGENSEN  
Deputy District Attorney  
Counsel for the Division



<b>Request for Hearing Before The Clark County Air Pollution Control Hearing Board</b>		For DAQ Use Only	
		Invoice Number:	053882
<b>Appeal of Control Officer's Permitting Decision</b>		RECEIVED CC DAQ 2022 FEB 23 PM 2:43 	
Proposed Permit:	Source ID:		
Part 70 Operating Permit, Minor Revision & Reopening for Cause	3		
Date of Appeal:	Date of appeal must be within 10 days of the date of the Final Action Report		
2/21/2022		<b>Filing Fee: \$140.00</b>	
<b>1. Appellant Information:</b>			
Name:	Sean Brennan, Lhoist North America of Arizona Apex Plant	Title:	Plant Manager
<b>Contact Information</b>			
Street:		Suite:	PO Box:
12101 Highway 91			363068
City:	Las Vegas	State:	NV
		Zip:	89165
Email Address:	sean.brennan@lhoist.com		
<b>Phone Numbers</b>			
Office:	702-227-4935	Extension:	
Cell:		Fax:	
<b>2. Reason for Appeal:</b>			
Provide a detailed explanation of the reason for your appeal:			
See attachment			
<b>3. Appellant Certification Statement. By signing this appeal request, the signatory acknowledges and certifies the following:</b>			
a. A filing fee of \$140.00 must accompany this appeal request, which is non-refundable. <b>Cash payments are not accepted.</b> Checks and money orders must be made payable to the <b>Division of Air Quality or DAQ</b> . Only Visa and Mastercard credit cards may be accepted as payment. Visa or Mastercard payments must be made at the department main office when the appeal request is submitted in person.			
b. The appeal request with full payment must be delivered or mailed to the Division of Air Quality, 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.			
c. The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. <b>Please include any supporting documentation with this form for distribution to the respective board members.</b> Appeal request must be received by the department within 10 days of the date of the Final Action Report.			
d. I affirm that all statements made in this appeal request, including any supporting documentation, are true and complete to the best of my knowledge.			
<b>Appellant Certification</b>			
		2/17/2022	
Appellant's Signature		Signature Date	



**Clark County Nevada Department of Environment and Sustainability**  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

# RECEIPT

LHOIST  
 12101 HIGHWAY 91  
 LAS VEGAS, NV 89165

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
053882	2/23/2022	ANNELG	AIR QUALITY OTHER ENFORCEMENT	2/23/2022

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	02/23/2022 VISA CREDIT CARD (1201 / 077224)	PAYMENT		(\$140.00)

Notes: Source ID #3 Control Officer Appeal, Submitted 02/23/2022.

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00





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2022 FEB 28 9:42:29

February 23, 2022

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Division of Air Quality  
Clark County Air Pollution Control Hearing Board  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

**Re: Basis for Permit Appeal**

To Whom it May Concern:

Lhoist Industries (Lhoist) hereby requests a hearing before the Clark County Air Pollution Control Hearing Board to appeal the Control Officer's permitting decision issued on February 14, 2022 for the Lhoist North America of Arizona Apex Plant, Source ID: 3 (the "Apex plant"). The permit conditions that are the subject of this appeal include: III.C.1.m and III.C.3.h-m, and III.C.3.g.<sup>1</sup> Lhoist appeals the decision of the Control Officer to impose AQR 94 on industrial operations at the Apex plant that have no relationship to Construction and Temporary Commercial Activities.

Lhoist has communicated these and related concerns to the Division during the permitting process, and the Division has been responsive in some meaningful ways, which Lhoist appreciates. However, Lhoist continues to believe that application of AQR 94 to Lhoist's non-construction related industrial operations is contrary to law.

Since AQR 94 was revised on August 3, 2021 (the 2021 rule),<sup>2</sup> the Division has begun including AQR 94 in stationary source permits and thereby applying AQR 94 control requirements to industrial operations unrelated to Construction and Temporary Commercial Activity. We respectfully disagree that the Division has a legal basis for imposing these requirements on stationary sources, such as Lhoist, who are not engaged in construction or temporary commercial activities. Neither the rule language nor the information provided during the public process for the recent amendment support the Division's interpretation. Instead, the Division's own representations indicate the revision was simply intended to remove the requirement that AQR 94 standards be included in a permittee's BACT analysis where it otherwise applied. Lhoist requests that the Hearing Officer direct the Division to limit AQR 94 to Construction and Temporary Commercial Activities and remove or revise accordingly the offending permit conditions from Lhoist's permit.

**I. Objections to the Division's Interpretation**

The 2021 rule's language and the Division's prior public statements do not support the Division's imposition of AQR 94 requirements on Lhoist's non-construction related industrial operations.

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<sup>1</sup> The permit is attached as Attachment 1. The TSD is attached as Attachment 2.

<sup>2</sup> The 2021 rule is attached as Attachment 3.

### a. The Regulatory Language of AQR 94

Under the January 21, 2020, revision (the 2020 rule),<sup>3</sup> AQR 94 applied to “all Construction Activities that disturb or have the potential to disturb soils and that emit or have the Potential to Emit Particulate Matter into the atmosphere.” AQR 94.2.1 (Jan. 21, 2020). The rule defined “Construction Activities” as follows:

“Construction Activities” means the following activities: Commercial and Residential Construction, Flood Control Construction, and Highway Construction, as defined in Section 0.

AQR 0.<sup>4</sup> As an industrial lime manufacturer, Lhoist has clearly not been engaged in “Commercial and Residential Construction, Flood Control Construction, [or] Highway Construction.” To the best of our knowledge, while this regulatory language was in effect, the Division appropriately did not attempt to apply AQR 94 to industrial operations or otherwise include AQR 94 standards in the stationary source permits for other similarly situated stationary sources.

In the 2021 rule, the County revised section 94 to apply to “Construction Activities” and “Temporary Commercial Activities.”<sup>5</sup> The revision did not alter the “Construction Activities” definition. Accordingly, with this revision, beyond the addition of Temporary Commercial Activities,<sup>6</sup> the scope of section 94 remains unchanged and continues to be limited to “Construction Activities,” which only include “Commercial and Residential Construction, Flood Control Construction, and Highway Construction.”

AQR 94 has also historically applied to construction activities that occur on the property of permitted stationary sources. For example, under the 2020 rule, AQR 94 did “not apply to operation of Emission Units or activities permitted under any other section of the Air Quality Regulations, with the specific exception that any Construction Activities that occur at such facilities and the land area that Various Location Operating Permits are located on” were subject to section 94. AQR 94.2.3 (Jan 21, 2020). Where it applied, the rule’s requirements were considered “part of a BACT determination” for the stationary source. *Id.* The BACT requirement had been in place since 2004.

---

<sup>3</sup> The 2020 rule is attached as Attachment 4. Prior versions of the rule had similar language. For convenience, this letter compares the 2020 version.

<sup>4</sup> For example, as defined under AQR 0, “Commercial and Residential Construction” means the construction of certain enumerated structures and facilities such as industrial, manufacturing, processing, and energy production facilities; improvements to existing paved and unpaved roads; parking lots and parking lot structures; and underground utilities for sanitary sewer, water, electricity, natural gas, and communication.

<sup>5</sup> Specifically, the regulatory language states that AQR 94 applies to “all Construction and Temporary Commercial Activities that disturb or have the potential to disturb soils and that Emit or have the potential to Emit Particulate Matter into the atmosphere.” AQR 94.1. Although the exact phrase, “Construction Activities,” no longer appears in the applicability section, both the term “Construction” and “Activities” appear capitalized and in proximity, and the effect and intent of the revision is simply that AQR 94 now applies to “Construction Activities” and “Temporary Commercial Activities.”

<sup>6</sup> “Temporary Commercial Activities” are not at issue.

In the 2021 rule, the Division revised this concept. In a section entitled, “Items to Which the Regulation Does Not Apply,” the rule excludes from its scope the “Operation of Emission Units or activities permitted under a Stationary Source Permit,” except that “the Control Measures, Emission standards and soil stabilization standards in Sections 94.12 through 94.14 shall apply to the control of Fugitive Dust Emissions, and enforced by the terms and conditions of the Stationary Source Permit.” AQR 94.1.1(a).

The Division now relies on this change in regulatory language to impose AQR 94 standards on Lhoist’s industrial operations. However, these operations do not qualify as construction or temporary commercial activities, and the regulatory language does not support this interpretation.

As explained above, the general applicability of the rule is set out in AQR 94.1, and this section clearly limits the rule to Construction and Temporary Commercial Activity. The carveout in AQR 94.1.1(a) that the Division is relying on is contained in a section entitled, “Items to Which the Regulation Does Not Apply.” The purpose of this section is to enumerate exceptions to the broad applicability of section 94.1, not expand the scope of the rule generally, as the Division contends.

In addition, the Division’s application of AQR 94.12 – 94.14 standards to non-construction related sources contradicts the plain language of AQR 94.12 – 94.14. These sections consistently limit their scope to construction activities. *See, e.g.*, AQR 94.12(a) (“The Responsible Official shall ensure that all contractors, operators, and other Persons involved in Construction Activities employ effective Control Measures”); 94.13(a) (“Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).”); 94.14(a) (“No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter.”).

Finally, the Division has relied on the enumerated activities in the definition of Construction Activity under AQR 94.2 to suggest that section 94 extends to general industrial activities. As stated previously, Construction Activity in AQR 94.2 is defined as “Commercial and Residential Construction, Flood Control Construction, and Highway Construction.” The definition then states that “these activities” may include but are not limited to a series of specific activities, such as soil or rock hauling, abrasive blasting, and crushing and screening, among many others. While the Division’s interpretation suggests this list is intended to expand the definition to non-construction activities, the list does nothing more than provide examples of dust-generating events that take place during “these activities” (i.e., during commercial, residential, flood control, and highway construction). Mining activities, such as those conducted by Lhoist, do not fall within Commercial and Residential Construction, Flood Control Construction, or Highway Construction. Therefore, even if some activities at mining sites superficially appear in the list, they are not Construction Activities because they do not fall within the first sentence of the “Construction Activity” definition.

For these reasons, AQR 94.1.1(a) should be read in light of the general applicability of AQR 94.1, and fugitive dust at Lhoist should be subject to Section 94 only to the extent that it originates from “Construction and Temporary Commercial Activities” otherwise occurring on the site. AQR 94.1.1.

**b. The Division’s Prior Public Statements**

The Division’s interpretation of AQR 94 also calls into question the adequacy of public notice provided during the rulemaking process.

Clark County is required to provide public notice of all rulemakings. NRS § 445B.500.2. This requires the county to “specify with particularity the reasons for the proposed regulations and provide other informative details.” NRS § 445B.500.2. Similarly, to adopt these rules into the State Implementation Plan, the Clean Air Act requires that the state adopt the rule only after “reasonable notice and public hearing.” 42 U.S.C. § 7410(l). In general, public notice is adequate “if it allows interested parties to offer informed criticism and comments.” *Mo. Limestone Producers Ass’n v. Browner*, 165 F.3d 619, 622–23 (8th Cir.1999); *Hall v. U.S. E.P.A.*, 273 F.3d 1146, 1162 (9th Cir. 2001). A review of the Division’s public statements and the administrative record make clear that the public notice did not provide adequate notice of the Division’s current interpretation.

The Division made several public statements during rulemaking characterizing the purpose of the rule. In all cases, the rule was described generally as a reformatting exercise, and there was no indication that AQR 94 was being revamped to apply to *all* fugitive dust activity located at stationary sources. For example, the administrative record<sup>7</sup> contains several statements about the purpose and scope of the rule, none of which suggest a change consistent with the Division’s interpretation was being contemplated. *See, e.g.*, Clark County Board of Commissioners, Staff Report, File ID#21-1136 (Aug. 3, 2021) (explaining that the revision’s purpose was to rewrite the rule in a “permitting rule format,” remove and add definitions, and enumerate the BMP’s previously contained in the Construction Activities Dust Control Handbook); Agenda Item Development Report, No. 3683 (providing a detailed summary of the changes, without any mention of changes to stationary source applicability); DRAFT FAQ on Section 94 and 92 Revisions (providing no information on changing applicability of rule).<sup>8</sup>

<sup>7</sup> The administrative record materials can be accessed here:

<https://clark.legistar.com/LegislationDetail.aspx?ID=5069571&GUID=5AC6773C-2AA8-4B36-A8C7-E2416A9ED1F3&Options=ID|Text|&Search=section+94>;

<https://clark.legistar.com/LegislationDetail.aspx?ID=5029799&GUID=A73D21CB-D41E-4555-AC8F-BF54C6930154&Options=ID|Text|&Search=section+94>

<sup>8</sup> *See also* Agenda, Meeting of the Clark County Board of Commissioners (Aug. 3, 2021) (describing the purpose of the meeting as follows: “Conduct a public hearing to approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulation Section 92 (‘Fugitive Dust from Unpaved Parking Lots and Storage Areas’) to include an alternative to asphalt paving, add a testing method and opacity standard, and revise wording for clarity; repeal and adopt a new Section 94 (‘Permitting and Dust Control for Construction and Temporary Commercial Activities’) to reorganize and to add definitions, best management practices, and authority to permit temporary commercial activities; repeal the Section 94 Construction Activities Dust Control Handbook; provide for other matters properly related thereto; and

Not only did the Division fail to call attention to the issue, but it also provided a different rationale for revising AQR 94.1.1(a). In a presentation available on Clark County's website, on a slide entitled, "Revised language for Fugitive Dust at Stationary Sources," the Division explained the purpose of the AQR 94.1.1(a) revision as follows:

The 2004 version of Section 94 required that construction activities that occur at stationary sources would be considered as part of the BACT determination required by the stationary source rules. In 2010, the stationary source rules were rewritten, resulting in the removal of BACT from the minor stationary source program. This revision [of AQR 94.1.1(a)] addresses this unintended change by requiring the appropriate control measures and emission standards be enforced in the terms and conditions of the permit.

Air Quality Regulation Updates Presentation, at 6.<sup>9</sup> This clarifies that the purpose of the revision was not to apply AQR 94 to all fugitive dust sources located at stationary sources; instead, the purpose was to remove the requirement that Section 94 requirements be considered part of BACT, a requirement that no longer makes sense due to the removal of BACT requirements for minor stationary sources.<sup>10</sup> If the Division had intended to revise AQR 94 to apply more broadly to industry, it's unclear why it took no opportunity to say so clearly, especially in this very explicit statement regarding the purpose of the revision.

As these examples demonstrate, the public statements provided by the county failed to capture the Division's intent to apply AQR 94 to non-construction related activities. By not signaling this interpretation in the public notice or at any point during the rulemaking, the agency failed to provide a "meaningful opportunity to comment" on the application of rules to other sources. Indeed, the minutes of the public hearing indicate there was not a single comment on the rulemaking, let alone comments on the contested issue.<sup>11</sup>

---

authorize the Director to submit the revisions to Sections 92 and 94, excluding subsection 94.4.2(a), and all related documentation to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action."), available at <https://clark.legistar.com/View.ashx?M=A&ID=878576&GUID=B1B5423F-731A-45A9-9F44-5414F80D538B>. Attached as Attachment 5.

<sup>9</sup> The presentation is included as Attachment 6 and available here: [https://www.google.com/url?client=internal-](https://www.google.com/url?client=internal-element-)

[cse&cx=014333701417684301166:sczh2frgivd&q=https://www.clarkcountynv.gov/Environmental%2520Sustainability/Current%2520Rules%2520and%2520Regulations/Notices%2520and%2520Workshops/20210503%2520Rule%2520Improvement%2520Project%2520\(Sec%27s%252092%2520%26%252094\).ppt&sa=U&ved=2ahUKewj1\\_brwtNL1AhX3IEQIHYYbbDPoQFnoECAEQAg&usq=AOvVaw36JEVkyRLeyqPV0H7KdaYz](https://www.clarkcountynv.gov/Environmental%2520Sustainability/Current%2520Rules%2520and%2520Regulations/Notices%2520and%2520Workshops/20210503%2520Rule%2520Improvement%2520Project%2520(Sec%27s%252092%2520%26%252094).ppt&sa=U&ved=2ahUKewj1_brwtNL1AhX3IEQIHYYbbDPoQFnoECAEQAg&usq=AOvVaw36JEVkyRLeyqPV0H7KdaYz)

<sup>10</sup> See also Attachment 7, Air Quality Regulation Updates Presentation #44, AQR Section 92 & AQR Section 94, at 9 ("Stationary sources will be required to use the control measures and stabilization standards to control fugitive dust emissions, enforced by the terms and conditions of the stationary source permit."), available at <https://clark.legistar.com/View.ashx?M=F&ID=9691588&GUID=640CC428-B883-4719-A4D0-8B7176DFB222>.

<sup>11</sup> Attachment 8, Public Meeting Minutes, Item No. 44 (Aug. 3, 2021), available at <https://clark.legistar.com/View.ashx?M=M&ID=878576&GUID=B1B5423F-731A-45A9-9F44-5414F80D538B>.



For these reasons, the regulatory language and public statements of the Division do not support applying AQR to fugitive dust from Lhoist's industrial operations, which are unrelated to Construction and Temporary Commercial Activity.

## **II. Relief Requested**

Lhoist requests that the Hearing Officer direct the Division to remove conditions III.C.1.m, III.C.3.h-m, and III.C.3.g from its permit or revise these conditions to apply only to construction or temporary commercial activities otherwise occurring onsite.

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*ga*

# Attachment 1



4701 W. Russell Rd Suite 200  
 Las Vegas, NV 89118-2231  
 Phone (702) 455-5942  
 Fax (702) 383-9994

# PART 70 OPERATING PERMIT

## SOURCE ID: 3

Lhoist North America of Arizona Apex Plant  
 12101 North Las Vegas Boulevard  
 Las Vegas, Nevada 89165

**ISSUED ON: October 10, 2017**

**EXPIRES ON: October 9, 2022**

**Revised on: February 14, 2022**

**Current action: Minor Revision and Reopenings for Cause**

**Issued to:**

Lhoist North America of Arizona, Inc.  
 P.O. Box 363068  
 Las Vegas, Nevada 89165

**Responsible Official:**

Sean Brennan  
 Plant Manager  
 PHONE: (702) 227-4935  
 EMAIL: SEAN.BRENNAN@LHOIST.COM

**NATURE OF BUSINESS:**

SIC code 3274, "Lime Manufacturing"  
 NAICS code 327410, "Lime Manufacturing"

**Issued by the Clark County Department of Environment and Sustainability, Division of Air Quality, in accordance with Section 12.5 of the Clark County Air Quality Regulations.**

Theodore A. Lendis, Permitting Manager

## EXECUTIVE SUMMARY

Lhoist North America of Arizona (LNA) is a manufacturer of lime and lime products. The legal description of the source location is: T18S, R63E, Sections 23 and 26 in Apex Valley, County of Clark, State of Nevada. The Apex plant is situated in Hydrographic Area 216 (Garnet Valley). Garnet Valley is designated as an attainment area for 8-hour ozone (regulated through NO<sub>x</sub> and VOC), PM<sub>10</sub>, CO, and SO<sub>2</sub>.

The LNA Apex Plant is a categorical source, as defined by AQR 12.2.2(j)(12). The plant is a major stationary source for PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, CO, SO<sub>2</sub> and single HAP (HCl), and a minor source for total HAP and VOC. LNA is also a major source of greenhouse gases. The Apex operation includes mining and excavating, limestone handling and processing, solid fuel handling, lime storage silos, fuel storage tanks, and truck and railcar loading and transporting. Four rotary lime kilns are used to convert limestone to quicklime. These kilns can be fired by coal, coke, or natural gas.

Table below summarizes the source PTE (in units of tons per year) for each regulated air pollutant for all emission units addressed by this Part 70 Operating Permit.

### Source-wide Potential to Emit <sup>1</sup>

Pollutant	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	HAP <sup>2</sup>	HAP <sup>2</sup> (HCl)	GHG <sup>3</sup>
Tons/year	335.90	203.13	1,905.45	974.30	1,646.77	9.40	22.97	21.12	697,459

<sup>1</sup> The PTE in this table is for informational purposes only. The enforceable emission limits are listed in Section III-A.

<sup>2</sup> Major source threshold for HAPs is 10 tons for any individual hazardous air pollutant or 25 tons for a combination of all HAPs.

<sup>3</sup> Metric tons per year, CO<sub>2</sub>e. GHG = greenhouse gas pollutants.

This lime plant is subject to 40 CFR Part 60, Subpart Y; 40 CFR Part 60, Subpart OOO; 40 CFR Part 60, Subpart IIII; 40 CFR Part 60, Subpart HH; 40 CFR Part 63, Subpart ZZZZ; and 40 CFR Part 63, Subpart AAAAA. By meeting the requirements of 40 CFR Part 60, Subpart IIII, the source meets the requirements of 40 CFR Part 63, Subpart ZZZZ.

Pursuant to AQR 12.5.2, all terms and conditions in Sections I through V and the appendix of this permit are federally enforceable unless explicitly denoted otherwise.

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## I. ACRONYMS AND ABBREVIATIONS

### ACRONYMS

**Table I-1: List of Acronyms and Abbreviations**

<b>Acronym</b>	<b>Term</b>
ANFO	ammonium nitrate-fuel oil
AQR	Clark County Air Quality Regulation
ATC	Authority to Construct
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
COMS	continuous opacity monitor
CD	control device
DAQ	Division of Air Quality
DES	Clark County Department of Environment and Sustainability
DOM	date of manufacture
dscf	dry standard cubic feet
dscm	dry standard cubic meter
EPA	U.S. Environmental Protection Agency
EU	emission unit
g/gr	gram
HAP	hazardous air pollutant
HOO	Hearing Officer Order
hp	horsepower
kW	kilowatts
MSP	Minor Source Permit
NAICS	North American Industry Classification System
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standard
NSR	New Source Review
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PSD	Prevention of Significant Deterioration
PTE	potential to emit
SIC	Standard Industrial Classification
SO <sub>2</sub>	sulfur dioxides
STL	Settlement Agreement
U.S.C.	United States Code
VEE	Visual Emissions Evaluation
VMT	vehicle miles traveled
VOC	volatile organic compound

## II. GENERAL CONDITIONS

### A. GENERAL REQUIREMENTS

1. The permittee shall comply with all conditions of the Part 70 Operating Permit (OP). Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations (AQRs), Nevada law, and the Clean Air Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a renewal application. *[AQR 12.5.2.6(g)(1)]*
2. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall be unaffected and remain valid. *[AQR 12.5.2.6(f)]*
3. The permittee shall pay all permit fees pursuant to AQR 18. *[AQR 12.5.2.6(h)]*
4. This permit does not convey property rights of any sort, or any exclusive privilege. *[AQR 12.5.2.6(g)(4)]*
5. The permittee agrees to allow inspection of the premises to which this permit relates by any authorized representative of the Control Officer at any time during the permittee's hours of operation without prior notice. The permittee shall not obstruct, hamper, or interfere with any such inspection. *[AQR 4.1, AQR 5.1.1; AQR 12.5.2.8(b)]*
6. The permittee shall allow the Control Officer, upon presentation of credentials and other documents as may be required by law, to enter onto the facility site, with or without prior notice, at any reasonable time for the purpose of establishing compliance with the AQR or this permit. Upon arrival at the facility, the Control Office shall check in at the main office (if arriving between the hours of 8:00 am and 5:00 pm on weekdays) or at the shipping office (if arriving at any other time). During the inspection, the Control Office shall comply with the applicable safety regulations of the Mine Safety and Health Administration, including the requirement to be escorted by the permittee. The permittee shall make an escort available promptly in order for the inspection to begin in a timely manner. Upon presentation of credentials, the permittee shall allow the Control Officer to: *[AQR 4.1 & AQR 12.5.2.8(b)]*
  - a. Access 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 such devices as cameras or video equipment.
7. Any permittee who fails to submit relevant facts, or who has submitted incorrect information in a permit application, shall, upon becoming aware of such failure or incorrect submittal, promptly submit supplementary facts or corrected information. The permittee shall also provide any additional information necessary to address any requirements that become applicable to the source after it filed a complete application but before the release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR 12.5.2.4. *[AQR 12.5.2.2]*

8. Anyone issued a permit under AQR 12.5 shall post it in a location where it is clearly visible and accessible to facility employees and DAQ representatives. *[AQR 12.5.2.6(m)]*

## **B. MODIFICATION, REVISION, AND RENEWAL REQUIREMENTS**

1. No person shall begin actual construction of a new Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) from the Control Officer. *[AQR 12.4.1.1(a)]*
2. The permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition. *[AQR 12.5.2.6(g)(3)]*
3. A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: *[AQR 12.5.2.10(a)]*
  - a. The permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal (except a complete application need not be received before a Part 70 general permit is issued pursuant to AQR 12.5.2.20); and
  - b. The conditions of the permit provide for compliance with all applicable requirements and the requirements of AQR 12.5.
4. The permittee shall not build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation of an applicable requirement. *[AQR 80.1 and 40 CFR Part 60.12]*
5. No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. *[AQR 12.5.2.6(i)]*
6. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application has been submitted. *[AQR 12.5.2.11(b)]*
7. For purposes of permit renewal, a timely application is a complete application that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. *[AQR 12.5.2.1(a)(2)]*

## **C. REPORTING, NOTIFICATIONS, AND INFORMATION REQUIREMENTS**

1. The permittee shall submit all compliance certifications to the U.S. Environmental Protection Agency (EPA) and to the Control Officer. *[AQR 12.5.2.8(e)(4)]*

2. Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or the AQRs, shall contain a certification by a responsible official, with an original signature, of truth, accuracy, and completeness. This certification, and any other required under AQR 12.5, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. *[AQR 12.5.2.6(l)]*
3. The permittee shall furnish to the Control Officer, in writing and within a reasonable time, any information that the Control Officer may request to determine whether cause exists for revising, 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 that the permit requires keeping. The permittee may furnish records deemed confidential directly to the Administrator, along with a claim of confidentiality. *[AQR 12.5.2.6(g)(5)]*
4. Upon request of the Control Officer, the permittee shall provide any information or analyses that will disclose the nature, extent, quantity, or degree of air contaminants that are or may be discharged by the source, and the type or nature of control equipment in use. The Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to this report, the Control Officer may designate an authorized agent to make an independent study and report on the nature, extent, quantity, or degree of any air contaminants that are or may be discharged from the source. An authorized agent so designated may examine any article, machine, equipment, or other contrivance necessary to make the inspection and report. *[AQR 4.1]*
5. The permittee shall submit annual emissions inventory reports based on the following: *[AQR 18.6.1 and AQR 12.5.2.4]*
  - a. The annual emissions inventory must be submitted to DAQ by March 31 of each calendar year (if March 31 falls on a Saturday or Sunday, or on a Nevada or federal holiday, the submittal shall be due on the next regularly scheduled business day);
  - b. The calculated actual annual emissions from each emission unit shall be reported even if there was no activity, along with the total calculated actual annual emissions for the source based on the emissions calculation methodology used to establish the potential to emit (PTE) in the permit or an equivalent method approved by the Control Officer prior to submittal; and
  - c. As the first page of text, a signed certification containing the sentence: "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate, and complete." This statement shall be signed and dated by a responsible official of the company (a sample form is available from DAQ).
6. Stationary sources that emit 25 tons or more of nitrogen oxide (NO<sub>x</sub>) and/or 25 tons or more of volatile organic compounds (VOCs) during a calendar year from emission units, insignificant activities, and exempt activities shall submit an annual emissions statement for both pollutants. This statement must include actual annual NO<sub>x</sub> and VOC emissions from all activities, including emission units, insignificant activities, and exempt activities. Emissions statements are separate from, and additional to, the calculated annual emissions reported each year for all regulated air pollutants (i.e., the emissions inventory report). *[AQR 12.9.1]*



## D. COMPLIANCE REQUIREMENTS

1. The permittee shall not use as a defense 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 of this permit. *[AQR 12.5.2.6(g)(2)]*
2. Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any requirements from DAQ is guilty of a civil offense and shall pay a civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. *[AQR 9.1; NRS 445B.640]*
3. Any person aggrieved by an order issued pursuant to AQR 9.1 is entitled to review, as provided in Chapter 233B of the Nevada Revised Statutes. *[AQR 9.12]*
4. The permittee shall comply with the requirements of Title 40, Part 61 of the Code of Federal Regulations (40 CFR Part 61), Subpart M—the National Emission Standard for Asbestos—for all demolition and renovation projects. *[AQR 13.1(b)(8)]*
5. The permittee shall certify compliance with the terms and conditions contained in this Part 70 OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. *[AQR 12.5.2.8(e)]*
6. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, NV 89118) and the Region 9 Administrator (Director, Air and Radiation Division, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30 of the following year, and shall include the following: *[AQR 12.5.2.8(e)]*
  - a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The identification of the methods or other means used by the permittee for determining the compliance status with each term and condition during the certification period. These methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and
  - c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in Section II.D.6(b) of this permit. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance was required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.

7. The permittee shall report to the Control Officer any startup, shutdown, malfunction, emergency, or deviation that causes emissions of regulated air pollutants in excess of any limits set by regulations or this permit. The report shall be in two parts, as specified below: *[AQR 12.5.2.6(d)(4)(B); AQR 25.6.1]*
  - a. Within 24 hours of the time the permittee learns of the event, the permittee shall notify DAQ by phone at (702) 455-5942, by fax at (702) 383-9994, or by email at [airquality@clarkcountynv.gov](mailto:airquality@clarkcountynv.gov).
  - b. Within 72 hours of the required notification, the permittee shall submit a detailed written report to DAQ containing the information required by AQR 25.6.3.
8. With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. *[AQR 12.5.2.6(d)(4)(B)]*
9. The owner or operator of any source required to obtain a permit under AQR 12 shall report to the Control Officer emissions in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health and safety or the environment as soon as possible, but no later than 12 hours after the deviation is discovered, and submit a written report within two days of the occurrence. *[AQR 25.6.2]*

#### **E. PERFORMANCE TESTING REQUIREMENTS**

1. Upon request of the Control Officer, the permittee shall test (or have tests performed) to determine emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of those allowed by the AQRs is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. *[AQR 4.2]*
2. Upon request of the Control Officer, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. *[AQR 4.2]*
3. The permittee shall submit to the Control Officer for approval a performance testing protocol that contains testing, reporting, and notification schedules, test protocols, and anticipated test dates no less than 45 days, but no more than 90 days, before the anticipated date of the performance test unless otherwise specified in Section III.E of this permit. *[AQR 12.5.2.8]*
4. The permittee shall submit to EPA for approval any alternative test methods EPA has not already approved to demonstrate compliance with a requirement under 40 CFR Part 60. *[40 CFR Part 60.8(b)]*
5. The permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days of the end of the test. *[AQR 12.5.2.8]*

### III. EMISSION UNITS AND APPLICABLE REQUIREMENTS

#### A. EMISSION UNITS AND PTE

- The stationary source covered by this Part 70 OP consists of the emission units and associated appurtenances summarized in Tables III-A-1, III-A-2 and III-A-3. [AQR 12.5.2.6]

**Table III-A-1: List of Emission Units and PM<sub>2.5</sub> / PM<sub>10</sub> PTE (not including baghouse and binvent stack emissions)**

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
<b>Mining Operations</b>							
Q101	N/A	Mining Ore and Removing Overburden	8,294,600 tons/year	0.0013	0.0089	5.39	36.85
Q103	N/A	Blasting	5,200,000 ft <sup>2</sup> /year	2.77E-04 lbs/ft <sup>2</sup>	1.85E-03 lbs/ft <sup>2</sup>	0.72	4.81
Q104	N/A	Drilling	24,552 holes/year	0.101	0.676	1.24	8.30
QS101	Diesel Engine, 80 HP	Sprinkler Pump	8,760 Hours/year	2.20E-03 lbs/hp-hr		0.77	0.77
<b>Limestone Processing</b>							
P103	HO-101/PF-101	Open Stone Transfer Point	2,680,000	0.000013	0.000046	0.05	0.18
	GR-101	Open Stone Transfer Point	2,680,000	0.000013	0.000046		
	BC-103	Closed Stone Transfer Point	2,680,000	0.000013	0.000046		
P103a	JC-102	Stone Crushing	1,125,600	0.00044	0.0024	0.25	1.35
P106	BC-104	Closed Stone Transfer Point	4,569,480	0.000013	0.000046	0.09	0.95
	VS-202	Stone Screening	2,284,740	0.00005	0.00074		
P107	VS-203	Stone Screening	2,284,740	0.00005	0.00074	0.06	0.85
P109	BC-204	Closed Stone Transfer Point	1,889,480	0.000013	0.000046	0.02	0.06
	BC-225		670,000	0.000013	0.000046		
P109a	CC-201	Secondary Crushing	1,889,480	0.00044	0.0024	0.42	2.27
P112	BN-226	Closed Stone Transfer Point	670,000	0.000013	0.000046	0.11	0.38
	BN-226 Loadout	Open Stone Transfer Point	670,000	0.00031	0.0011		
P114	BC-205	Closed Stone Transfer Point	730,741	0.000013	0.000046	0.05	0.09
	BC-206	Closed Stone Transfer Point	538,201	0.000013	0.000046		
	BC-207	Open Stone Transfer Point	538,201	0.000013	0.000046		
	BC-209	Closed Stone Transfer Point	1,086,719	0.000013	0.000046		
	BC-210	Open Stone Transfer Point	1,086,719	0.000013	0.000046		
P115	BC-236	Closed Stone Transfer Point	385,080	0.000013	0.000046	0.05	0.07
	BC-237	Open Stone Transfer Point	385,080	0.000013	0.000046		
	BC-208	Closed Stone Transfer Point	1,279,259	0.000013	0.000046		
	BC-235	Open Stone Transfer Point	385,080	0.000013	0.000046		
	BC-Coarse 2	Open Stone Transfer Point	385,080	0.000013	0.000046		

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
P129	Loader Loading (dolomite)	Open Stone Transfer Point	233,408	0.00031	0.0011	0.07	0.26
	Loader Unloading (dolomite)	Open Stone Transfer Point	233,408	0.00031	0.0011		
<b>Kiln Run Screening</b>							
R101	BC-11	Closed Stone Transfer Point (underground)	778,026	0.000013	0.000046	0.05	0.34
	BC-12	Closed Stone Transfer Point	778,026	0.000013	0.000046		
	BC-13	Closed Stone Transfer Point	778,026	0.000013	0.000046		
	VS-04	Stone Screening	778,026	0.00005	0.00074		
R106	BC-14	Closed Stone Transfer Point	38,901	0.000013	0.000046	0.03	0.04
	BN-05	Closed Stone Transfer Point	38,901	0.000013	0.000046		
	BN-05 Loadout	Open Stone Transfer Point	38,901	0.00031	0.0011		
R108	BC-15, 16	Closed Stone Transfer Point	739,125	0.000013	0.000046	0.07	0.09
	BE-01, 02	Closed Stone Transfer Point	739,125	0.000013	0.000046		
	BC-17	Closed Stone Transfer Point	739,125	0.000013	0.000046		
	BC-18	Closed Stone Transfer Point	295,650	0.000013	0.000046		
	SB-01	Closed Stone Transfer Point	221,738	0.000013	0.000046		
	SB-02	Closed Stone Transfer Point	221,738	0.000013	0.000046		
	SB-03	Closed Stone Transfer Point	295,650	0.000013	0.000046		
R117	BC-217	Closed Stone Transfer Point	534,375	0.000013	0.000046	0.05	0.42
	BC-224	Closed Stone Transfer Point	534,375	0.000013	0.000046		
	VS-229	Stone Screening	1,068,750	0.00005	0.00074		
R120a	BC-231	Closed Stone Transfer Point	106,875	0.000013	0.000046	0.01	0.01
R120	BC-230	Closed Stone Transfer Point	961,875	0.000013	0.000046	0.02	0.04
	SB-04	Closed Stone Transfer Point	961,875	0.000013	0.000046		
<b>Kiln 1</b>							
K102	PH-01	Closed Stone Transfer Point	221,738	See Table III-A-2 Baghouse DC-01		0.02	0.13
	KN-01; 81.25 MMBtu/hr	Rotary Kiln 1	109,500				
	CO-01	Cooler	109,500				
K102a	Auxiliary Kiln Drive; Isuzu	49 hp Diesel Engine	500 hrs.	0.0013 Lbs/hp-hr		0.02	0.02
K104	SC-01	Lime Transfer	109,500	See Table III-A-2 Baghouse DC-20		0.03	0.03
	SC-02	Lime Transfer	109,500				
	BE-03	Lime Transfer	109,500				
K106	BN-06	Bin Feeding	8,760	0.00031	0.0011	0.15	0.95
	BN-06	Load Out	8,760	0.0323	0.2135		
K110	SC-04 (sealed)	Dust Transfer	3,285	0.00031	0.0011	0.06	0.07
	SC-05 (sealed)	Dust Transfer	3,285	0.00031	0.0011		
	SC-07 (sealed)	Dust Transfer	6,570	0.00031	0.0011		

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
	SC-08	Dust Transfer	12,909	Included with K102 Baghouse DC-01			
	BE-06 (sealed)	Dust Transfer	26,049	0.00031	0.0011		
	SC-15 (sealed)	Dust Transfer	26,049	0.00031	0.0011		
K110a	SC-45	Dust Transfer	13,140	0.00031	0.0011	0.02	0.02
	SC-46	Dust Transfer	13,140	0.00031	0.0011		
K114	BN-09	Bin Feeding	32,619	See Table III-A-2 Baghouse DC-04		0.02	0.02
	BN-09	Load Out	19,479				
<b>Kiln 2</b>							
K202	PH-02	Closed Stone Transfer Point	221,738	See Table III-A-2 Baghouse DC-02		0.02	0.13
	KN-02; 81.25 MMBtu/hr	Rotary Kiln 2	109,500				
	CO-02	Cooler	109,500				
K202a	Auxiliary Kiln Drive; Isuzu	49 hp Diesel Engine	500 hrs.	0.0013 lbs/hp-hr		0.02	0.02
K204	SC-02	Lime Transfer	109,500	See Table III-A-2 Baghouse K2-DC-505N or K2-DC-506S <sup>1</sup>		0.02	0.02
	BE-04	Lime Transfer	109,500				
K206	BN-07	Bin Feeding	8,760	0.00031	0.0011	0.15	0.95
	BN-07	Load Out	8,760	0.0323	0.2135		
K208	SC-06	Dust Transfer	3,285	0.00031	0.0011	0.05	0.07
	SC-09 (sealed)	Dust Transfer	13,410	0.00031	0.0011		
	SC-13 (sealed)	Dust Transfer	30,660	0.00031	0.0011		
	BE-07 (sealed)	Dust Transfer	30,660	0.00031	0.0011		
	SC-16 (sealed)	Dust Transfer	30,660	0.00031	0.0011		
K213	BN-10	Bin Feeding	30,660	See Table III-A-2 Baghouse DC-05		0.02	0.02
	BN-10	Load Out	24,660				
K215	DA-BN-502	Bin Feeding	6,000	See Table III-A-2 Binvent DA-DC-507		0.03	0.03
	DA-SC-505 (sealed)	Dust Transfer	6,000	0.00031	0.0011		
	DA-SC-506 (sealed)	Dust Transfer	6,000	0.00031	0.0011		
<b>Kiln 3</b>							
K302	PH-03	Closed Stone Transfer Point	295,650	See Table III-A-2 Baghouse DC-03		0.02	0.17
	KN-03; 91.10 MMBtu/hr	Rotary Kiln 3	146,000				
	CO-03	Cooler	146,000				
K302a	Auxiliary Kiln Drive; Isuzu	64.8 hp Diesel Engine	500 hrs.	3.62E-4 lbs/hp-hr		0.01	0.01
K304	SC-03 (sealed)	Lime Transfer	146,000	See Table III-A-2 Baghouse DC-CA-04		0.03	0.09
	SC-04 (sealed)	Lime Transfer	146,000	0.00031	0.0011		
K306	BN-08	Bin Feeding	10,950	0.00031	0.0011	0.19	1.18



EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
	BN-08	Load Out	10,950	0.0323	0.2135		
K308	BN-18	Bin Feeding	4,380	Emissions included in EU: K302		0.04	0.04
	SC-18	Dust Transfer	4,380				
	SC-18	Load Out	4,380				
	SC-11,12	Dust Transfer	17,520	0.00031	0.0011		
K309	D-SC-8306	Lime Transfer	146,000	0.00031	0.0011	0.10	0.40
	TBD	Lime Transfer	146,000	0.00031	0.0011		
	TBD	Lime Transfer	146,000	0.00031	0.0011		
	D-BE-8307	Lime Transfer	146,000	0.00031	0.0011		
	TBD	Lime Transfer	146,000	0.00031	0.0011		
K310	D-SC-53105	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
K311	SC-53106 (sealed)	Dust Transfer	17,520	0.00031	0.0011	0.01	0.01
<b>Kiln 4</b>							
K402	K4-PH-302	Closed Stone Transfer Point	961,875	See Table III-A-2 Baghouse K4-DC-316		0.02	0.54
	K4-KN-305; 281.25 MMBtu/hr	Rotary Kiln 4	475,000				
	K4-CO-309	Cooler	475,000				
K402a	Auxiliary Kiln Drive; Perkins	174 hp Diesel Engine	500 hrs.	4.90E-06 lbs/-hp-hr		0.01	0.01
K404	K4-BC-501	Lime Transfer	471,673	0.00031	0.0011	0.17	0.54
	K4-BC-502	Lime Transfer	475,000	0.00031	0.0011		
	K4-BC-503	Lime Transfer	285,000	See Table III-A-2 Baghouse DC-30N			
	K4-BC-504	Lime Transfer	190,000				
K408	K4-DBN-1	Dribble Chute Bin	17,500	0.00031	0.0011	0.29	1.88
	K4-DBN-2	Dribble Chute Bin					
	K4-DBN-3	Dribble Chute Bin					
	K4-DBN-4	Dribble Chute Bin					
	K4-DBN-1	Dribble Chute Bin Load Out	17,500	0.0323	0.2135		
	K4-DBN-2	Dribble Chute Bin Load Out					
	K4-DBN-3	Dribble Chute Bin Load Out					
	K4-DBN-4	Dribble Chute Bin Load Out					
K410	Kiln Seal	Dribble Chute Bin	3,650	0.00031	0.0011	0.07	0.40
	Kiln Seal	Dribble Chute Bin Load Out	3,650	0.0323	0.2135		
K412	K4-SC-326	Dust Transfer	19,857	0.00031	0.0011	0.05	0.05
	K4-SC-327	Dust Transfer	19,857	0.00031	0.0011		
	K4-SC-328	Dust Transfer	19,857	0.00031	0.0011		
	K4-SC-329	Dust Transfer	19,857	0.00031	0.0011		
	K4-BE-330	Dust Transfer	19,857	0.00031	0.0011		

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
K417	K4-BN-508	Bin Feeding	19,857	See Table III-A-2 Binvent K4-DC-509		0.33	2.13
	K4-BN-508	Load Out	19,857	0.0323	0.2135		
K418	K4-SC-342	Dust Transfer	3,327	0.00031	0.0011	0.01	0.01
<b>Solid Fuel Handling</b>							
F101	HO-40,41 (enclosed)	Fuel Transfer	600,631	0.00031	0.0011	0.29	0.93
	BC-40 (sealed)	Fuel Transfer	600,631	0.00031	0.0011		
	BC-44	Fuel Transfer	378,395 (8,760 hr/yr)	0.0223 lb/hr	0.0011		
	Loader Loading	Fuel Transfer	156,160	0.00031	0.0011		
	Loader Unloading	Fuel Transfer	156,160	0.00031	0.0011		
F104	CR-40 (enclosed)	Fuel Crushing	222,236	0.00088	0.0150	0.13	1.79
	SC-44 (enclosed)	Fuel Transfer	222,236	0.00031	0.0011		
F106	BN-41	Bin Feeding	31,885	0.00031	0.0011	0.02	0.04
	BC-41	Fuel Transfer	31,885	0.00031	0.0011		
F108	CM-41 (sealed)	Fuel Crushing	31,885	0.00088	0.0150	0.01	0.24
F110	SC-41 (sealed)	Fuel Transfer	936	0.00031	0.0011	0.03	0.03
	Reject Bin 1	Bin Feeding	936	0.00031	0.0011		
	Reject Bin 1 Loadout	Fuel Transfer	936	0.00031	0.0011		
F112	BN-42	Bin Feeding	35,073	0.00031	0.0011	0.02	0.04
	BC-42	Fuel Transfer	35,073	0.00031	0.0011		
F114	CM-42 (sealed)	Fuel Crushing	35,073	0.00088	0.0150	0.02	0.26
F116	SC-42 (sealed)	Fuel Transfer	1,030	0.00031	0.0011	0.03	0.03
	Reject Bin 2	Bin Feeding	1,030	0.00031	0.0011		
	Reject Bin 2 Load Out	Fuel Transfer	1,030	0.00031	0.0011		
F118	BN-43 (enclosed)	Bin Feeding	37,856	0.00031	0.0011	0.04	0.33
	BC-43	Fuel Transfer	37,856	0.00031	0.0011		
	CM-43 (sealed)	Fuel Crushing	37,856	0.00088	0.0150		
F122	SC-43 (sealed)	Fuel Transfer	1,096	0.00031	0.0011	0.03	0.03
	Reject Bin 3	Bin Feeding	1,096	0.00031	0.0011		
	Reject Bin 3 Load Out	Fuel Transfer	1,096	0.00031	0.0011		
F125	K4-SC-402 (sealed)	Fuel Transfer	117,421	0.00031	0.0011	0.08	0.21
	K4-BN-404	Bin Feeding	82,194	See Table III-A-2 Baghouse K4-DC-421			
	K4-BN-406	Bin Feeding	35,226				
	K4-WF-408	Fuel Transfer	82,194	0.00031	0.0011		
	K4-WF-409	Fuel Transfer	35,226	0.00031	0.0011		
	K4-BC-410	Fuel Transfer	117,421	0.00031	0.0011		
F131	K4-CM-413 (sealed)	Fuel Crushing	117,421	0.00088	0.0150	0.05	0.88

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
F132	K4-SC-419 (sealed)	Fuel Transfer	584	0.00031	0.0011	0.03	0.03
	Reject Bin 4	Bin Feeding	584	0.00031	0.0011		
	Reject Bin 4 Load Out	Fuel Transfer	584	0.00031	0.0011		
<b>North Lime Handling</b>							
L101	SC-24	Lime Transfer	10,438	0.00031	0.0011	0.04	0.04
	SC-25 (sealed)	Lime Transfer	10,438	0.00031	0.0011		
	BC-505/BC-20	Lime Transfer	316,307	Included with K104 Baghouse DC-20			
	BE-20	Lime Transfer	458,644				
L105	K4-BN-518	Bin Feeding	13,759	See Table III-A-2 Binvent K4-DC-519		0.02	0.02
	K4-SC-524	Lime Transfer	2,752	0.00031	0.0011		
L108	HM-20 (sealed)	Product Crushing	142,363	0.00088	0.015	0.06	1.07
L110	VS-20	Screening Product	444,885	Included with K104 Baghouse DC-20		0.04	0.08
	SI-02	Bin Feeding	117,450				
	SC-21 (sealed)	Lime Transfer	117,450	0.00031	0.0011		
L112	SI-01	Bin Feeding	117,450	Included with K104 Baghouse DC-20		0.05	0.14
	SC-23 (sealed)	Lime Transfer	117,450	0.00031	0.0011		
	SC-26 (sealed)	Lime Transfer	117,450	0.00031	0.0011		
L116	SI-06	Bin Feeding	117,450	Included with K104 Baghouse DC-20		0.03	0.07
	SC-27 (sealed)	Lime Transfer	117,450	0.00031	0.0011		
L118	SI-07	Bin Feeding	117,450	Included with K104 Baghouse DC-20		0.03	0.03
	SC-28	Lime Transfer	117,450				
	SC-20 (sealed)	Dust Transfer	1,000	0.00031	0.0011		
<b>South Lime Handling</b>							
L201	K4-BC-506	Lime Transfer	730,500	Included with S101 Baghouse DC-8001		0.38	1.25
	SC-4029	Lime Transfer	1,000	Included with K404 Baghouse DC-30N			
	SC-30	Lime Transfer	1,000				
	K4-BC-507	Lime Transfer	730,500	Included with K104 Baghouse DC-20			
	BE-30	Lime Transfer	730,500	0.00031	0.0011		
	BC-32 (enclosed)	Lime Transfer	730,500	0.00031	0.0011		
	Clean-up Screw Conveyor (enclosed)	Lime Transfer	730,500	0.00031	0.0011		
L206	CR-30	Product Crushing	611,832	See Table III-A-2 Baghouse DC-36		0.06	0.06
	BE-31	Lime Transfer	1,095,750				
	VS-30	Screening Product	1,095,750				
	SC-47	Lime Transfer	13,759	0.00031	0.0011		
	SC-48	Lime Transfer	13,759	0.00031	0.0011		

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
	SC-49	Lime Transfer	13,759	0.00031	0.0011		
L208	SI-04 (enclosed)	Bin Feeding	121,750	0.00031	0.0011	0.09	0.28
	SI-09 (enclosed)	Bin Feeding	121,750	0.00031	0.0011		
	SI-03 (enclosed)	Bin Feeding	121,750	0.00031	0.0011		
	SI-10	Bin Feeding	121,750	See Table III-A-2 Baghouse DC-37			
	SI-08 (enclosed)	Bin Feeding	121,750	0.00031	0.0011		
L209	SC-39 (sealed)	Lime Transfer	121,750	0.00031	0.0011	0.11	0.35
	SC-38 (sealed)	Lime Transfer	121,750	0.00031	0.0011		
	SC-38A (sealed)	Lime Transfer	121,750	0.00031	0.0011		
	SC-37 (sealed)	Lime Transfer	121,750	0.00031	0.0011		
	SC-36 (sealed)	Lime Transfer	121,750	0.00031	0.0011		
	SC-40 (sealed)	Dust Transfer	968	0.00031	0.0011		
	SC-41 (sealed)	Dust Transfer	968	0.00031	0.0011		
<b>Hydrate</b>							
H101	SC-101 (sealed)	Hydrate Transfer	71,550	0.00031	0.0011	0.01	0.04
H102	Small Bin (enclosed)	Bin Feeding	71,550	0.00031	0.0011	0.02	0.08
	SC-105 (sealed)	Hydrate Transfer	71,550	0.00031	0.0011		
H105	MX-106 (sealed)	Hydrate Transfer	71,550	0.00031	0.0011	0.05	0.11
	HY-107	Hydrator	93,015	See Table III-A-2 Baghouse DC-109			
	Hydrator Baghouse Burner; 1.83 MMBtu/hr	Gas combustion	16.0 MMcf/yr				
	SC-111 (sealed)	Hydrate Transfer	93,015	0.00031	0.0011		
H108	BE-113 (sealed)	Hydrate Transfer	93,909	0.00031	0.0011	0.04	0.17
	VS-115 (enclosed)	Product Screening	16,099	0.0006	0.0087		
	SC-117 (sealed)	Hydrate Transfer	93,015	0.00031	0.0011		
H109	CR-116 (sealed)	Product Crushing	894	0.00088	0.015	0.01	0.01
H110	SC-119 (sealed)	Hydrate Transfer	894	0.00031	0.0011	0.01	0.01
H116	SC-118 (sealed)	Hydrate Transfer	93,015	0.00031	0.0011	0.05	0.16
	BE-120 (sealed)	Hydrate Transfer	93,015	0.00031	0.0011		
	SC-121 (sealed)	Hydrate Transfer	93,015	0.00031	0.0011		
	SI-05	Bin Feeding	93,015	Included with H105 Baghouse DC-109			
<b>Dolomite Handling</b>							
D101	D-BN-201	Open Stone Transfer Point	466,816	0.00031	0.0011	0.08	0.27
	D-BC-202	Open Stone Transfer Point	466,816	0.000013	0.000046		
D104	D-BC-207	Open Stone Transfer Point	466,816	0.000013	0.000046	0.02	0.18
	D-VS-208	Screening Stone	466,816	0.00005	0.00074		
D104a	D-BC-213	Open Stone Transfer Point	443,475	0.000013	0.000046	0.01	0.01

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
D104b	D-BC-214	Open Stone Transfer Point	221,738	0.000013	0.000046	0.01	0.01
D104c	D-BC-8301	Open Stone Transfer Point	295,650	0.000013	0.000046	0.01	0.01
D105	D-BC-209	Open Stone Transfer Point	23,341	0.000013	0.000046	0.04	0.04
	D-BE-210	Open Stone Transfer Point	23,341	0.000013	0.000046		
	D-BN-211	Open Stone Transfer Point	23,341	0.000013	0.000046		
	D-BN-211	Load Out	23,341	0.000013	0.000046		
D106	D-BC-209E	Emergency Conveyor	23,341	0.000013	0.000046	0.02	0.02
	Loader Loading	Temporary Stockpile to Loader	23,341	0.000013	0.000046		
<b>Dolomitic Lime Handling</b>							
D201	D-HM-510 (sealed)	Product Crushing	146,000	0.00088	0.0150	0.06	1.10
D202	D-SC-511 (sealed)	Lime Transfer	146,000	0.00031	0.0011	0.06	0.12
	D-SC-512	Lime Transfer	146,000	See Table III-A-2 Baghouse DC-526			
	D-SC-513	Lime Transfer	146,000				
	D-SC-514	Lime Transfer	146,000	See Table III-A-2 Binvent D-DC-520			
	D-SC-515	Lime Transfer	146,000				
D208	D-SC-516 (sealed)	Lime Transfer	146,000	0.00031	0.0011	0.03	0.09
	SI-11, SI-12	Bin Feeding	146,000	Emissions Included with EU: D202			
D211	D-BE-4214	Lime Transfer	146,000	Emissions included with EU: PL102		0.03	0.03
	D-BN-504	Bin Feeding	146,000				
	D-SC-508 (sealed)	Lime Transfer	146,000	0.00031	0.0011		
D212	BE-03 to D-HM-510	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
<b>Miscellaneous Operations</b>							
O101	Ore Spillage	Open Stone Transfer Point	300	0.00031	0.0011	0.06	0.08
	Ore Spillage Reclaim	Open Stone Transfer Point	300	0.00031	0.0011		
	Ore Reclaim Unloading	Open Stone Transfer Point	300	0.00031	0.0011		
	Product Spillage	Lime Transfer	300	0.00031	0.0011		
	Product Spillage Reclaim	Lime Transfer	300	0.00031	0.0011		
	Product Reclaim Unloading	Load Out	300	0.0323	0.2135		
O107	Kiln 1-3 Dump/Bypass	Lime Transfer	50	0.00031	0.0011	0.03	0.03
	Kiln 1-3 Dump/Bypass Reclaim	Lime Transfer	50	0.00031	0.0011		
	Kiln 1-3 Dump/Bypass Unloading	Load Out	50	0.0323	0.2135		



EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
O110	Diesel-Powered Emergency Generator; 302 hp (rental)	Electricity Generation	500 hours/year	2.20E-03 lbs/hp-hr		0.17	0.17
<b>5,000 Ton Storage Silo Reclaim System</b>							
S101	Kiln Product to BC-8001	Lime Transfer	180,000	See Table III-A-2 Baghouse DC-8001		0.01	0.01
S102	BC-8001 to BE-8001	Bin Feeding	180,000	See Table III-A-2 Baghouse DC-8002		0.05	0.05
	BE-8001 to SC-8001	Lime Transfer	180,000	See Table III-A-2 Baghouse DC-8003			
	SC-8001 to SI-RC	Lime Transfer	180,000				
	SI-RC to BC-8002	Lime Transfer	180,000	See Table III-A-2 Baghouse DC-8004			
BC-8002	Lime Transfer	180,000					
<b>Quick Lime Truck and Rail Load Out System</b>							
LO101	SC-5001	Lime Transfer	66,409	See Table III-A-2 Baghouse DC-5007		0.02	0.02
	TC-1001	Load Out	66,409				
LO104	BCF-5002	Lime Transfer	66,409	See Table III-A-2 Baghouse DC-5001		0.03	0.03
	BCF-5003	Lime Transfer	66,409				
	TC-1002	Load Out	132,818				
LO106	BCF-5004	Lime Transfer	66,409	See Table III-A-2 Baghouse DC-5002		0.03	0.04
	BCF-5005	Lime Transfer	146,000				
	TC-1003	Load Out	212,409				
LO109	BCF-5006	Lime Transfer	73,000	See Table III-A-2 Baghouse DC-5003		0.03	0.04
	BCF-5007	Lime Transfer	73,000				
	TC-1004	Load Out	146,000				
LO112	SC-5008	Lime Transfer	93,015	See Table III-A-2 Baghouse DC-5006		0.02	0.02
	TC-1005	Load Out	93,015				
LO114	BCF-5009	Lime Transfer	66,409	See Table III-A-2 Baghouse DC-5004		0.03	0.03
	BCF-5010	Lime Transfer	66,409				
	TC-1006	Load Out	132,818				
LO117	BCF-5011	Lime Transfer	66,409	See Table III-A-2 Baghouse DC-5005		0.03	0.03
	BCF-5012	Lime Transfer	66,409				
	TC-1007	Load Out	132,818				
<b>Portable Screening Plant</b>							
SP1	Hopper Loading & Unloading	Open Stone Transfer Point	1,500,000	0.000013	0.000046	0.02	0.05
	Conveyor Belt SP-2	Open Stone Transfer Point	750,000	0.000013	0.000046		

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
SP3	Screen SP-3	Stone Screening	750,000	0.00005	0.00074	0.05	0.31
	Stacker Belt 1	Open Stone Transfer Point	250,000	0.000013	0.000046		
	Stacker Belt 2	Open Stone Transfer Point	250,000	0.000013	0.000046		
	Stacker Belt 3	Open Stone Transfer Point	250,000	0.000013	0.000046		
SP7	Diesel-Powered Generator; 218 hp	Electricity Generation	2,500 hours/yr	0.0022 lbs/hp-hr		0.60	0.60
LD4	Loader Loading	Open Stone Transfer Point	750,000	0.000013	0.000046	0.02	0.03
	Loader Unloading	Open Stone Transfer Point	750,000	0.000013	0.000046		
<b>Chat Transloader Operations– Alternate Operating Scenario</b>							
TL201	Hopper Loading & Unloading	Open Stone Transfer Point	750,000	0.00031	0.0011	0.17	0.62
	Conveyor Belt to Truck	Open Stone Transfer Point	375,000	0.00031	0.0011		
TL202	Diesel-Powered Generator; 31 hp	Electricity Generation	2,500 hours/year	9.30E-04 lbs/hp-hr		0.04	0.04
<b>Transloader</b>							
TL1	Railcar Unloading (baghouse)	Product Transfer	75,000	0.00031	0.0011	0.01	0.04
TL3	Diesel-Powered Generator; 80 hp	Electricity Generation	940 hours/yr	0.0009 lbs/hp-hr		0.03	0.03
<b>Lime Screening System</b>							
L101a	Conveyor SC-24 to Conveyor D-SC-4221	Lime Transfer (From North Lime Handling)	10,438	0.00031	0.0011	0.02	0.02
	Conveyor D-SC-4221 to Bucket Elevator BE-03	Lime Transfer	10,438	0.00031	0.0011		
K104b	Conveyor SC-02 to Conveyor D-SC-4207	Lime Transfer (From Kiln 1)	146,000	0.00031	0.0011	0.02	0.08
PL101	Conveyor D-SC-4207 to Bucket Elevator D-BE-4214	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
PL102	Bucket Elevator D-BE-4214 to Bin D-BN-504	Bin Feeding	146,000	See Table III-A-2 Binvent D-DC-505		0.01	0.01
PL103	Bucket Elevator D-BE-4214 to Conveyor D-SC-4215	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
PL104	Conveyor D-SC-4215 to Dololime Screen D-VS-4216	Lime Transfer	146,000	0.00031	0.0011	0.05	0.11
	Dololime Screen D-VS-4216	Screening Product	146,000	See Table III-A-2 Baghouse D-DC-4217			
	Dololime Screen D-VS-4216 to Silo 6	Lime Transfer	146,000				
	Dololime Screen D-VS-4216 to Conveyor D-SC-4217	Lime Transfer	146,000				
PL105	Conveyor D-SC-4217 to Conveyor TBD	Lime Transfer	146,000			0.00031	0.0011
	Conveyor TBD to Crusher D-HM-510	Lime Transfer	146,000	0.00031	0.0011		
PL106	D-SC-4218	Dust Transfer	0.59	0.00031	0.0011	0.01	0.01
PL107a	SN-50118	Product Screening	146,000	See Table III-A-2 Baghouse D-DC- 50122		0.02	0.08
PL107b	CF-50116	Product Crushing	146,000				
PL107c	SC-50115	Lime Transfer	146,000				
	SC-50117	Lime Transfer	146,000				
	SC-50114	Lime Transfer	146,000				
PL107d	SC-50119	Lime Transfer	146,000				
PL107d	SC-50125	Dust Transfer	146,000	0.00031	0.0011		
<b>Haul Roads</b>							
VPW	Haul Roads	Paved & Unpaved	510,196 VMT			4.37	38.00
<b>Reject Material Removal</b>						<b>CF</b>	
A1	Reject Material Removal	Loader Loading	1,000,000		0.0025	0.124	0.31
		Loader Unloading	1,000,000		0.0025	0.124	
<b>Open Storage Areas</b>							
EU	Source EU Identifier	Acreage	EF		CF <sup>2</sup>	PTE (tons/yr)	
			PM <sub>2.5</sub>	PM <sub>10</sub>		PM <sub>2.5</sub>	PM <sub>10</sub>
A01	Quarry Areas	15.18 acres	0.954 lbs/acre-day	6.3 lbs/acre- day	0.327	2.78	18.26
	Limestone at Hopper	1.72 acres					
	Fine Kiln Feed Stockpile	2.51 acres					
	Course Kiln Feed Stockpile	2.74 acres					
	Glass Flux Feed Stockpile	8.76 acres					
	Kiln 4 Chat Stockpile	0.04 acres					
	Chat Stockpile	0.61 acres					

EU	Source EU Identifier	Process Description	Throughput	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
	Solid Fuel Stockpile; Coal	1.13 acres					
	Solid Fuel Storage; Coke	0.38 acres					
	Dolomite Stockpile	0.82 acres					
	Fine Dolomite Stockpile	1.80 acres					
	Coarse Dolomite Stockpile	1.81 acres			0.124		
	Portable Screening Plant Stockpiles	2.25 acres					
	Dolomite at Hopper	2.01 acres					
	Waste Lime Stockpile	3.07 acres				0.327	
	Waste Flue Dust Stockpile	3.08 acres					
	Temporary Stockpile	0.25 acre					
	Aggregate Plant Stockpiles	7.33 acres				0.18	
<b>Fuels Dispensing</b>							
T101	Gasoline Dispensing	1,000 gallons	60,000	0	0	0	0

Table III-A-2: Baghouses and Binvents Stack Emissions

Baghouse/Binvent Identification	EU Controlled	EU Description	Stack Emissions <sup>2</sup> (tpy)	
			PM <sub>2.5</sub>	PM <sub>10</sub>
DC-01	K102 & K110	Kiln 1	25.88	25.88
DC-02	K202 & K208	Kiln 2	25.88	25.88
DC-03	K302 & K308	Kiln 3	36.56	36.56
DC-04	K114	Kiln Dust Load Out	1.07	1.52
DC-05	K213	Kiln Dust Load Out	1.07	1.52
DC-20	L101, L110, L112, L116, L118, L201 & K104	North Lime Handling/Kiln 1	5.37	7.61
DC-30N	K404 & L201	South Lime Handling/Kiln 4	0.98	1.39
DC-37	L208	South Lime Handling	0.22	0.31
DC-36	L206	South Lime Handling	5.37	7.61
DC-109	H105 & H116	Hydrator	4.78	6.77
DA-DC-507	K215	Dust Blend Bin Vent	0.57	0.81
D-DC-505	D211 & PL102	Upset Bin Vent	0.54	0.76
D-DC-520	D202 & D208	Dolomitic Bin Vent	1.61	2.28
D-DC-526	D202	Dolomitic Lime Handling	1.61	2.28
K4-DC-316	K402	Kiln 4	44.10	44.10
K4-DC-340	K402	Kiln 4 Cooler	3.70	3.70

Baghouse/Binvent Identification	EU Controlled	EU Description	Stack Emissions <sup>2</sup> (tpy)	
			PM <sub>2.5</sub>	PM <sub>10</sub>
K4-DC-421	F125	Kiln 4 Fuel Bins	0.54	0.76
K4-DC-509	K417	Kiln 4 Dust Bin Vent	0.54	0.76
K4-DC-516		Filter Receiver	0.64	0.91
K4-DC-519	L105	Start-up Bin	0.54	0.76
DC-8001	L201 & S101	5,000 ton Silo System/South Lime Handling	3.80	5.38
DC-8002	S102	5,000 ton Silo System	0.65	0.92
DC-8003	S102	5,000 ton Silo System	0.65	0.92
DC-8004	S102	5,000 ton Silo System	0.65	0.92
DC-5001	LO104	South Lime Handling	1.15	1.63
DC-5002	LO106	North Lime Handling	1.15	1.63
DC-5003	LO109	South Lime Handling	1.15	1.63
DC-5004	LO114	South Lime Handling	1.15	1.63
DC-5005	LO117	North Lime Handling	1.15	1.63
DC-5006	LO112	Hydrator	1.35	1.92
DC-5007	LO101	South Lime Handling	1.15	1.63
D-DC-4217	PL104	Pebble Lime Screening	1.65	2.33
K2-DC-505N <sup>1</sup>	K204	Kiln 2	0.44	0.63
K2-DC-506S <sup>1</sup>	K204	Kiln 2	0.44	0.63
DC-CA-04	K304	SC-03	0.52	0.52
D-DC-50122	PL107(a-c)	Lime Screening System	2.29	2.29

<sup>1</sup> K2-DC-505N and K2-DC-506S shall not operate simultaneously.

<sup>2</sup> PTEs are calculated emission rates based on the design flow rate and grain loading. See Appendix Table A-3 for details.

- The descriptions for the emission units identified in Table III-A-3 are included in Table III-A-1. Table III-A-3 provides the PTE for pollutants other than PM<sub>10</sub> and PM<sub>2.5</sub> that are not included above.

**Table III-A-3: Nonparticulate PTE for Storage Tanks, Diesel Engines, Blasting, Fuel Burning Units and Miscellaneous Activities<sup>1</sup> (tons/yr)**

EU	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	Other HAP <sup>2</sup>	Total HAP	HCl
H105	0.80	0.67	0.01	0.04	0	0.04	0
K102	343.49	122.97	413.09	0.99	0.24	14.62	14.38
K202	349.85	125.16	271.56	1.12	0.27	1.67	1.40
K302	478.15	171.55	419.75	1.40	0.34	2.63	2.29
K402	702.05	475.00	539.13	3.48	0.85	3.90	3.05
Q103	17.85	70.35	3.15	0	0	0	0
SP7	4.09	5.10	0.01	0.68	0	0.01	0
TL3	0.43	0.31	0.01	0.09	0	0.01	0
K102a	0.20	0.11	0.01	0.03	0	0.01	0
K202a	0.18	0.11	0.01	0.03	0	0.01	0
K302a	0.18	0.11	0.01	0.01	0	0.01	0
K402a	0.19	0.01	0.01	0.01	0	0.01	0
TL202	0.35	0.09	0.01	0.10	0	0.01	0
O110	2.34	0.50	0.01	0.19	0	0.01	0
T101	0	0	0	0.34	0	0.01	0
QS101	5.29	2.34	0.01	0.87	0	0.02	0

<sup>1</sup>All units listed in this table are defined in Table III-A-1 including annual throughputs and PTE for PM<sub>2.5</sub> and PM<sub>10</sub>.

<sup>2</sup>Other HAP includes benzene, ethyl benzene, formaldehyde, toluene, and xylene.



**Table III-A-4: List of Insignificant Emission Units or Activities**

Rating	Description
10,000 gallons	Diesel Tank
	Oil and Lubricant Use
	Safety Kleen Solvent Use
	Thinner Use

**B. NONROAD ENGINES**

Pursuant to Title 40, Part 1068.30 of the Code of Federal Regulations (40 CFR Part 1068.30), nonroad engines that are portable or transportable (i.e., not used on self-propelled equipment) shall not remain at a location for more than 12 consecutive months; otherwise, the engine(s) will constitute a stationary reciprocating internal combustion engine (RICE) and be subject to the applicable requirements of 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart IIII; and/or 40 CFR Part 60, Subpart JJJJ. Stationary RICE shall be permitted as emission units upon commencing operation at this stationary source. Records of location changes for portable or transportable nonroad engines shall be maintained, and shall be made available to the Control Officer upon request.

Nonroad engines used on self-propelled equipment do not have this 12-month limitation or the associated recordkeeping requirements.

**C. EMISSION LIMITATIONS AND STANDARDS****1. Emission Limits**

- a. The permittee shall operate all emission units in Tables III-A-1 through III-A-3, inclusive, in a manner so that neither the actual nor the allowable emissions shall exceed the emission unit PTE. *[NSR – ATC/OP Modification 10, Revision 0, Section II-A and Section II-B, Condition 1, 05/22/06, Significant Revision Application 2/8/2019 and AQR 12.5.2.6]*
- b. The permittee shall operate the rotary kilns such that the weighted average of PM emissions from all four rotary kilns, combined, shall not exceed 0.12 lbs/tsf at all times during operation. The emission limits are delineated in Table III-C-1 (EUs: K102, K202, K302, and K402). *[40 CFR Part 63.7090]*

**Table III-C-1: Combined Emission Limits for Kilns (particulate matter)**

EU	Combined Stone Feed Rate (tsf)		MACT Combined Kiln Emissions Limit (lb/tsf)	Combined PTE Limit (tons/yr)
	tons/hr	tons/year		
K102, K202, K302, & K402	202.60	1,701,001	0.12	102.06

- c. Actual emissions from Kiln 4 shall not exceed the PTE listed in Table III-C-2. *[NSR – ATC/OP Modification 10, Table II-A-3 (5/22/06)]*

**Table III-C-2: Kiln 4 Limits**

Averaging Period	PM <sub>10</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	HAP
Pounds/3-hour total				382.5		
Pounds/8 hours			5,400			
Pounds/day	250.7	16,000	16,200	3,060	80	21.37 <sup>1</sup>
Tons/year	44.10	702.05	475.00	537.94	3.48	3.90 <sup>1</sup>

<sup>1</sup>The values for HAP emissions were used for determination of MACT applicability and are provided here for information only.

- d. Stack emissions from baghouse (K4-DC-316) shall not exceed 0.03 grams per dry standard cubic meter (0.0131 grains/dscf) for PM<sub>10</sub>. *[NSR-ATC/OP Modification 7, Section III-B, Condition 4 (9/2/2004)]*
- e. The permittee shall not allow visible stack emissions from Kiln 4 preheater system (K4-PH-302), discharged from the baghouse (K4-DC-316) to exceed 15 percent opacity as determined by the continuous opacity monitor (COMS). *[40 CFR Part 63.7090(b) and NSR-ATC/OP Modification 7, Section III-B, Condition 31 (9/2/2004)]**[Significant Revision Application 2/8/2019]*
- f. The permittee shall not allow visible stack emissions discharged from each of the rotary kilns (K102, K202, and K302) to exceed 15 percent opacity as determined by the COMS. *[40 CFR Part 63.7090(b)]**[Significant Revision Application 2/8/2019]*
- g. Prior to commencing operation of the generator (EU: SP7), the permittee shall demonstrate compliance with a CO concentration limit of the diesel powered generator of 230 ppmvd or less at 15 percent O<sub>2</sub> and notify DAQ of the compliance demonstration. *[40 CFR Parts 63.6602, 6612, and 6595]*
- h. The permittee shall operate the diesel-powered emergency generator (rental) in compliance with the emission standards set forth in 40 CFR 89.112 for new nonroad CI engines for the same model year and maximum engine power (EU: O110). The emission standards are provided in Table III-C-3. *[40 CFR Part 60.4205]*

**Table III-C-3: Emission Standards for Emission Unit O110**

Maximum Engine Power	Manufacture Date	NMHC + NO <sub>x</sub>	CO	PM
175 ≤ hp ≤ 300	≥2006	3.0 g/hp-hr	2.6 g/hp-hr	0.15 g/hp-hr

- i. The permittee shall operate the John Deere 80 hp generator (EU: TL3) in accordance with the manufacturer's written instructions or procedures approved by the manufacturer over the entire life of the engine. *[40 CFR Part 60.4206]*
- j. The permittee shall operate the John Deere 80 hp diesel-powered generator in compliance with the emission standards set forth in 40 CFR Part 89.112 and 40 CFR Part 89.113 for new nonroad CI engines for the same model year and maximum engine power (EU: TL3). The emission standards are provided in Table III-C-4. *[40 CFR Part 60.4204]*

**Table III-C-4: Emission Standards for Emission Unit TL3**

Maximum Engine Power	Manufacture Date	NMHC + NO <sub>x</sub>	CO	PM
50 ≤ hp < 100	2004–2007	5.6 g/hp-hr	3.7 g/hp-hr	0.30 g/hp-hr

- k. The permittee shall operate the Perkins 174 hp diesel-powered generator in compliance with the emission standards set forth in 40 CFR Part 1039.102 for new nonroad CI engines for the same model year and maximum engine power (EU: K402a). The emission standards are provided in Table III-C-5: [40 CFR Part 60.4204]

**Table III-C-5: Emission Standards for Emission Unit K402a**

Maximum Engine Power	Manufacture Date	NO <sub>x</sub> (Alternate) <sup>1</sup>	CO	PM
75 ≤ hp < 175	2012 - 2014	2.8 g/hp-hr	3.7 g/hp-hr	0.015 g/hp-hr

<sup>1</sup>EPA decision issued 09/07/2007 excludes engines manufactured from 2011 – 2013, rated between 130kW – 560kW, from the Tier 4 NO<sub>x</sub> requirement of 0.30 g/hp-hr (72 Federal Register 53118, 53122).

- l. The permittee shall operate the quarry sprinkler pump diesel engine (EU: QS101) in a manner consistent with the manufacturer's written instructions and procedures for the life of the engine. [40 CFR Part 63.6625(e)]

#### Fugitive Dust

- m. The permittee shall not cause or allow fugitive dust from trackout, which includes accumulation of mud or dirt on curbs, gutters, sidewalks, or paved surfaces, or from the handling, transport, or storage of any material in a manner that allows visible emissions of particulate matter to: [AQR 94.14(a) & AQR 94.14(e)]
- i. Exceed 20% opacity using the Time Averaged Method (AQR 94.15.2) or the Intermittent Emissions Method (AQR 94.15.3);
  - ii. Exceed 50% opacity using the Instantaneous Method (AQR 94.15.4);
  - iii. Extend more than 100 feet; or
  - iv. Cross a property line.
- n. The permittee shall not allow fugitive dust emissions from unpaved parking lots or storage areas of more than 5,000 square feet to exceed: [AQR 92.4(a)]
- i. 20% opacity based on the Opacity Test Method (AQR 92.6.1); or
  - ii. 50% opacity based on the Instantaneous Method (AQR 92.6.2).
- o. The permittee shall not allow a fugitive dust plume from an unpaved parking lot or storage area of more than 5,000 square feet to cross a property line. [AQR 92.4(b)]

## 2. Operational Limits

- a. The permittee shall limit mining operations (EU: Q101) to 8,294,600 tons per any consecutive twelve-month period. [NSR ATC Section IV-B, Condition 2(a), (01/16/2014)]
- b. The permittee shall limit the consumption of ammonium nitrate fuel oil (ANFO) for blasting operations (EU: Q103) to 2,100 tons per any consecutive twelve-month period. [NSR ATC Section IV-B, Condition 2(b), (01/16/2014)]
- c. The permittee shall limit the blasting surface area to 5,200,000 square feet per any consecutive twelve-month period (EU: Q103). [NSR ATC Section IV-B, Condition 2(c), (01/16/2014)]

- d. The permittee shall limit drilling operations to 24,522 holes per any consecutive twelve-month period (EU: Q104). *[Minor Revision Application 11/25/2019]*
- e. The permittee shall limit the combined annual VMT for all haul roads to a maximum of 510,196 miles per any consecutive twelve-month period (EU: VPW). *[AQR 12.5.2.6]*
- f. The permittee shall limit the amount of limestone processing (crushing and screening) to 2,680,000 tons per any consecutive twelve-month period (EUs: P103 – P129). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- g. The permittee shall limit the lime throughputs in Kiln 1 and Kiln 2 to 109,500 tons each per any consecutive twelve-month period (EUs: K102 and K202). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- h. The permittee shall limit the total lime throughput in Kiln 3 to 146,000 tons per any consecutive twelve-month period (EU: K302). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- i. The permittee shall limit the lime throughput in Kiln 4 to 1,350 tons per day, based on a calendar month average, and to 475,000 tons per any consecutive twelve-month period (EU: K402). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- j. The permittee shall limit solid fuel handling and processing to 600,631 tons per any consecutive twelve-month period (EUs: F101-F132). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- k. The permittee shall limit dolomite handling and processing to 466,816 tons per any consecutive twelve-month period (EUs: D101-D106). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- l. The permittee shall limit dolomitic lime handling to 146,000 tons per any consecutive twelve-month period (EUs: D201-D211). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]* *[Significant Revision Application 2/8/2019]*
- m. The permittee shall limit the limestone throughput at the portable screening plant to 1,500,000 tons per any consecutive twelve-month period (EUs: SP1-LD4). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- n. The permittee shall limit the operation of the emergency generator (rental) (EU: O110) for testing and maintenance purposes to 100 hours per year. The permittee may operate the emergency generator up to 50 hours per year for nonemergency situations, but those hours count towards the 100 hours provided for testing and maintenance. The 50 hours per year for nonemergency situations cannot be used for peak shavings or demand response, except as provided in 40 CFR Part 60.4211(f)(3). *[40 CFR Part 60.4211]*
- o. The permittee shall limit the operation of the diesel-powered emergency generator (rental) to a maximum manufacturer's advertised rating of 302 horsepower (EU: O110). *[AQR 12.5.2.6]*
- p. The permittee shall limit the throughput of the chat transloader operation to 750,000 tons per any consecutive twelve-month period (EU: TL201). *[AQR 12.5.2.6(a)]*
- q. The permittee shall not operate the portable screening plant and the transloader operation simultaneously (EU: TL201). *[AQR 12.5.2.6(a)]*

- r. The permittee shall limit the transloading of materials to 75,000 tons per any consecutive twelve-month period (EU: TL1). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- s. The permittee shall limit the quicklime loadout to trucks and railcars to 800,196 tons per any consecutive twelve-month period (EUs: LO101-LO117). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- t. The permittee shall limit lime transfer through the silo reclaim system to 180,000 tons per any consecutive twelve-month period (EUs: S101 and S102). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- u. The permittee shall limit the lime handling (north) to 458,644 tons per any consecutive twelve-month period (EUs: L101-L118). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- v. The permittee shall limit the lime handling (south) to 1,095,750 tons per any consecutive twelve-month period (EUs: L201-L209). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- w. The permittee shall limit the throughput of gasoline products to 60,000 gallons per any consecutive twelve-month period. (EU: T101). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- x. The permittee shall limit operation of the 218-hp portable screening generator to 2,500 hours per any consecutive twelve-month period (EU: SP7). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- y. The permittee shall limit operation of the 31 hp chat transloader generator to 2,500 hours per any consecutive twelve-month period (EU: TL202). *[AQR 12.5.2.6(a)]*
- z. The permittee shall not operate the 31 hp chat transloader (EU: TL202) and the 218 hp portable screening generator (EU: SP7) simultaneously. *[AQR 12.5.2.6(a)]*
- aa. The permittee shall limit the hours of operation of the 80-hp transloader generator to 940 hours per any consecutive twelve-month period (EU: TL3). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- bb. The permittee shall limit the operation of the 174 hp (EU: K402a), the two 49 hp (EUs: K102a and K202a), and the 64.8 hp (K302a) diesel auxiliary kiln drive engines to a maximum of 500 hours each per any consecutive twelve-month period. *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]**[Minor Revision Application 8/14/2019]*
- cc. The permittee shall limit production of hydrated material through the Hydrate System to 93,015 tons per any consecutive twelve-month period (EUs: H101-H116). *[AQR 12.5.2.6(a)]*
- dd. The permittee shall limit the consumption of natural gas for combustion of the hydrator baghouse burner to 16 million cubic feet per any consecutive twelve-month period. (EU: H105) *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*
- ee. The permittee shall limit production of lime material through the Lime Screening System to 146,000 tons per any consecutive twelve-month period (EUs: L101a-PL107d). *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]* *[Significant Revision Application 2/8/2019]*



- ff. The amount of sulfur in solid fuel input to Kiln #1 shall not exceed 707 pounds in any three-hour period (EU: K102). *[NSR-ATC Modification 6, Section C, Condition 11 (7/26/1999)]*
- gg. The amount of sulfur in solid fuel input to Kiln #2 shall not exceed 464 pounds in any three-hour period (EU: K202). *[NSR-ATC Modification 6, Section C, Condition 12 (7/26/1999)]*
- hh. The amount of sulfur in solid fuel input to Kiln #3 shall not exceed 719 pounds in any three-hour period (EU: K302). *[NSR-ATC Modification 6, Section C, Condition 13 (7/26/1999)]*
- ii. The permittee shall limit the accumulated stockpile areas to a maximum of 55.5 acres (EU: A01). *[AQR 12.5.2.6]*
- jj. Process materials to the dribble chute bins are limited by the process rate from the Kiln 4 preheater to Kiln 4. This process rate is limited by the Kiln 4 production rate. No additional process rate limits or changes apply to the dribble chute bins. *[AQR 12.5.2.6]*
- kk. Throughput for the silos is limited by production of the South Lime Handling System. No additional process limitations or changes apply. However, the listed throughput of Screw Conveyor SC-36 is being reduced to reflect the deletion of the feed to Silo 11 in the South Lime Handling System, as SC-36 only feeds Silo 8. *[AQR 12.5.2.6]*

### 3. Emission Controls

- a. The permittee shall plan for blasting by considering weather conditions, as provided by the National Weather Service, and any DAQ-issued construction notice or dust advisory, such that blasting shall not occur when wind gusts of 25 mph or more are forecast. *[Minor Revision Application 11/25/2019]*
- b. The permittee shall plan blasting to facilitate a continuous process, in consideration of wind forecasts and any DAQ-issued construction notice or dust advisory, with the blast fired as soon as possible following the completion of loading. *[Minor Revision Application 11/25/2019]*
- c. The permittee shall document current and predicted weather conditions, as provided by the National Weather Service, before setting explosive charges in holes. *[Minor Revision Application 11/25/2019]*
- d. The permittee shall have a water truck available and utilized during all drilling and blasting operations to minimize emissions. *[Minor Revision Application 11/25/2019]*
- e. The permittee shall water the disturbed soils following blast and safety clearance. *[Minor Revision Application 11/25/2019]*
- f. Except as otherwise provided by Condition III-D-2, wherever a baghouse is used to control emissions from process equipment, the permittee shall ensure said baghouse is in use at all times the process equipment is operating. *[NSR – ATC/OP Modification 10, Section III-B, Condition 5 (05/22/06)]*

- g. Except as otherwise provided by Condition III-D-8, wherever a bin vent is used to control emissions from process equipment, the permittee shall ensure said bin vent is in use at all times the process equipment is operating. *[NSR – ATC/OP Modification 10, Section III-B, Condition 5 (05/22/06)]*

#### Fugitive Dust

- h. The permittee shall not allow mud or dirt to accumulate on a paved surface where trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches. *[AQR 94.14(d)]*
- i. The permittee shall immediately clean any trackout, including trackout less than 50 feet in length or 0.25 inches in depth, and maintain the surface to eliminate emissions of fugitive dust by removing all accumulations of mud or dirt on curbs, gutters, sidewalks, or paved surfaces that cause visible emissions in excess of the emission limits and standards in this permit. *[AQR 94.14(e)]*
- j. Except as otherwise required in this section, all trackout shall be cleaned up by the end of the workday or evening shift, regardless of length or depth. *[AQR 94.14(f)]*
- k. The permittee shall not use blower devices or dry rotary brushes to remove deposited mud, dirt, or rock from a paved surface. Rotary brushes may be used when sufficient water is applied to limit visible emissions consistent with the emissions limits in this permit. Application of water is not required when operating street sweepers with a vacuum system and particulate control device as long as the visible emissions limits in the permit are not exceeded. *[AQR 94.14(a)(1)-(3), (b) and (c)]*
- l. For stockpiles over eight feet high, the permittee shall: *[AQR 94.14(g)]*
- i. Blade a road to the top of the stockpile to allow water truck access, or use another means to provide equally effective dust control at the top of the stockpile.
- m. The permittee shall implement one or more of the following to maintain fugitive dust control on all disturbed soils to the extent necessary to pass the Drop Ball Test described in AQR 94.15.5: *[AQR 94.12(b)]*
- i. Maintain in a sufficiently damp condition to prevent loose particles of soil from becoming dislodged;
  - ii. Crust over by application of water;
  - iii. Completely cover with clean gravel;
  - iv. Treat with a dust suppressant; or
  - v. Treat using another method approved in advance by the Control Officer.
- n. The permittee shall not allow unpaved parking lots or storage areas of more than 5,000 square feet to exceed the following, as determined by Section 92.6.3, except in areas on which clean gravel has been applied. The permittee shall demonstrate compliance as required by the Control Officer. *[AQR 92.4(a)]*
- i. 0.33 oz/ft<sup>2</sup> silt loading; or
  - ii. 6% silt content.

- o. The permittee shall control fugitive dust emissions from unpaved parking lots and storage areas of more than 5,000 feet by: *[AQR 92.3.4]*
  - i. Paving, as defined in AQR 0;
  - ii. Applying alternate asphalt paving, as defined in AQR 92.2;
  - iii. Uniformly applying and maintaining clean gravel to a depth of two inches; or
  - iv. Applying and maintaining an alternative control measure with prior written approval from the Control Officer.
- p. The permittee shall control fugitive dust emissions from all paved haul roads located on the site. Preventative measures shall include, but are not limited to, vacuuming, sweeping, and/or rinsing every weekday (except legal holidays) as necessary. If weekend and/or legal holiday activity at the facility increases above current minimal operations, the Control Officer may revise this condition as appropriate. Daily vacuuming, sweeping, or rinsing of paved haul roads is not required on any given day to control silt loading if silt loading on paved haul roads is effectively controlled by natural precipitation on that day. *[NSR ATC Section IV-B, Condition 3(a) (01/16/2014)]*
- q. The permittee shall maintain paved roads to such extent that the silt loading does not exceed 3 grams per square meter, regardless of the average number of vehicles per day. *[NSR ATC Section IV-B, Condition 3(b) (01/16/2014)]*
- r. The permittee shall control fugitive dust emissions from all unpaved haul roads located on the site. Preventative measures shall include, but are not limited to, paving, applying a dust palliative, or using an alternative method approved by the Control Officer so as to not exhibit opacity greater than 20% using the AQR opacity test method for unpaved roads. *[NSR ATC Section IV-B, Conditions 3(c) (01/16/2014)]*
- s. The permittee shall maintain unpaved roads to such an extent that the silt loading does not exceed 3%, regardless of the average number of vehicles per day. *[NSR ATC Section IV-B, Conditions 3(d), (01/16/2014)]*
- t. The permittee shall minimize visible deposits of mud, silt, rock, or soil trackout attributable to site operations and visible on public or private paved roads or paved parking lots. Preventative measures shall include, but are not limited to, sweeping or washing every weekday (except legal holidays) and as needed. If weekend and/or legal holiday activity at the facility increases above current minimal operations, the Control Officer may revise this condition as appropriate. *[NSR – ATC/OP Modification 10, Section III-B, Condition 15, (05/22/06)]*
- u. The permittee shall vent captured emissions from each emission unit subject to 40 CFR Part 63, Subpart AAAAA, equipped with an add-on air pollution control device through a closed system. Dilution air may be added to emission streams for the purpose of controlling temperature at the inlet to a fabric filter. *[40 CFR Part 63.7090(b), Table 2, Item 6]*
- v. The permittee shall ensure that all loaded trucks leaving the site, regardless of ownership, shall be properly covered or sealed to prevent visible emissions during hauling of materials. *[NSR – ATC/OP Modification 10, Section III-B, Condition 14 (05/22/06)]*

- w. The permittee shall not allow fugitive emissions from limestone screens, conveyors, and transfer points that commenced construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008, to exhibit an average opacity greater than 10%. This is applicable to the following EUs: BC-103 of EU: P103, BN226 of EU: P112, and all equipment associated with EUs: P106, P107, P109, P112, P114, P115, R117, R120, D101, D104, and D105. *[40 CFR Part 60.672, 40 CFR Part 60.675, and 40 CFR Part 60.11]*
- x. The permittee shall not allow fugitive emissions from limestone crushers that commenced construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008, to exhibit an average opacity greater than 15%. This is applicable to EU: CC201 of EU: P109. *[40 CFR Part 60.672, 40 CFR Part 60.675, and 40 CFR Part 60.11]*
- y. The permittee shall not allow fugitive emissions from limestone screens, conveyors, and transfer points that commenced construction, modification, or reconstruction after April 22, 2008, to exhibit an average opacity greater than 7%. This is applicable to D-BC-214 of EU: 104b and D-BC-8301 of EU: 104c. *[40 CFR Part 60.672, 40 CFR Part 60.675, and 40 CFR Part 60.11; Minor Revision Application 2/20/2019]*
- z. The permittee shall inspect water spray systems on each day that limestone processing operations are conducted. Water sprays shall be maintained in good operating condition and shall be used to control fugitive emissions. *[NSR – ATC/OP Modification 10, Section III-B, Condition 3 (05/22/06)]*
- aa. The permittee shall ensure that fugitive dust emissions from emission units not classified elsewhere exhibit an average opacity no greater than 20%, as determined by conducting observations in accordance with EPA Method 9. *[AQR 26.1.1]*
- bb. The permittee shall operate the diesel-powered generators with turbochargers and aftercoolers (EUs: SP7, O110, and TL3). *[NSR - ATC/OP Modification 10, Section III-B, Condition 23 (05/22/06)]*
- cc. The permittee shall comply with the following requirements for each nonemergency diesel engine (EUs: K102a, K202a, K302a, SP7, TL202, TL3, and QS101):
  - i. Change the oil and filter every 1,000 hours of operation or annually, whichever comes first. *[40 CFR Part 63.6602]*
  - ii. Inspect all air cleaners every 1,000 hours of operation or annually, whichever comes first. *[40 CFR Part 63.6602]*
  - iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. *[40 CFR Part 63.6602]*
  - iv. Minimize the time each engine spends at idle during startup and minimize the startup time to a period needed for safe loading of the engine, not to exceed 30 minutes. *[40 CFR Part 63.6625(h)]*
- dd. The permittee shall comply with the following requirements for each emergency diesel engine (EU: O110): *[40 CFR Part 63.6602]*
  - i. Change the oil and filter every 1,000 hours of operation or annually, whichever comes first.

- ii. Inspect all air cleaners every 1,000 hours of operation or annually, whichever comes first.
- iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
- ee. Any disturbed vacant area that is greater than 5,000 square feet and that is closed or idled for a period of 30 or more consecutive days shall be stabilized within 10 days following the cessation of active operations in that vacant area. Long-term stabilization includes, but is not limited to, one or more of the following: applying water to form a crust, applying palliatives, applying gravel, paving, denying unauthorized access, or any other effective control measure to prevent fugitive dust from becoming airborne. *[NSR – ATC/OP Modification 10, Section III-B, Condition 13 (05/22/06)]*
- ff. The permittee shall comply with the control requirements contained in this section. If there is inconsistency between standards or requirements, the most stringent standard or requirement shall apply. *[NSR – ATC/OP Modification 10, Revision 0, Section III-B, Condition 35 (05/22/06)]*
- gg. Control measures outlined in this permit, and other measures needed for maintaining dust control, shall be implemented 24 hours a day, 7 days a week. *[AQR 94.13(b)]*

#### **D. MONITORING**

1. The permittee shall monitor all processes for which an operational limit is established in Section III-C-2 or a record is required to be kept in Section III-F. *[Significant Revision Application, 2/8/2019]*
2. At least once every two weeks, the permittee shall conduct visual inspections of the exterior of each operating baghouse to ensure that it does not exhibit fugitive emissions or any measurable opacity. In addition, the visual inspection of baghouse stack emissions shall ensure that it does not exhibit an opacity that appears, on an instantaneous basis, to approach the applicable opacity limit. Should the inspection show that the baghouse is malfunctioning, repairs shall be completed within five working days of discovery of the malfunction. If repairs cannot be completed within five working days, the permittee shall advise the Control Officer in writing within 24 hours of making this determination. Should the malfunction cause the baghouse to release visible emissions over the opacity limit for the emission unit it controls, the permittee shall make repairs as soon as practicable, and shall comply with the applicable requirements of AQR 25 and all applicable federal requirements. *[NSR – ATC/OP Modification 10, Section III-B, Condition 7 (05/22/06)]*
3. The permittee shall conduct a monthly inspection of the following for each baghouse that operated during the prior month: (a) recording of the differential pressure across each baghouse except DC-01, DC-02, DC-03, and K4-DC-316; (b) verification of the pulse timing sequence; (c) inspection of the baghouse seals, cleaning system, and fan; and (d) external inspection of the hopper, ducting, and shell. If the inspection shows that maintenance is necessary, the permittee shall schedule and complete such maintenance within 10 working days. *[NSR – ATC/OP Modification 10, Section III-B, Condition 8 (05/22/06)]*
4. Within 60 days of issuance of this permit, the permittee shall submit an operations, maintenance, and monitoring (O&M) plan for each baghouse listed in Table III-A-2 (except baghouses subject to 40 CFR Part 63, Subpart AAAAA) for Control Officer approval. The O&M plan shall include for each baghouse, at a minimum, the operating pressure differential



range, the pulse timing sequence, and a schedule for installation of pressure gauges. If the most recent version of a baghouse O&M plan on file with DAQ has not changed since the prior submittal, the permittee is not required to resubmit the complete plan. Instead, the permittee shall submit a certification statement within 60 days of issuance of the permit stating that baghouse O&M plans have not been revised. *[AQR 12.5.2.6(d)(1)(C)]*

5. After completion of any performance tests conducted for one or more baghouses, the permittee may update the O&M plan to provide improved operational ranges for differential pressure. Any updates or amendments to the O&M plan must be submitted to the Control Officer for approval. Pending approval of the initial or amended plan, the permittee shall comply with the provisions of the submitted plan. *[AQR 12.5.2.6(d)(1)(C)]*
6. The permittee shall conduct a survey of visible emissions from all emission units in accordance with the following procedure: *[AQR 12.5.2.6(d)]*
  - a. Within 90 days of issuance of this permit, the permittee shall submit a visual observation plan to be approved by the Control Officer. The observation plan shall identify a central lookout station or multiple observation points, as appropriate, from where emission units shall be monitored. (When multiple observation points are used, all the emission units associated with each observation point shall be specifically identified within the observation plan.) If the most recent version of the visual observation plan on file with DAQ has not changed since the prior submittal, the permittee is not required to resubmit the complete plan. Instead, the permittee shall submit a certification statement within 60 days of issuance of the permit stating that the visual observation plan has not been revised.
  - b. A certified Method 9 observer shall conduct a biweekly (every two weeks) visual survey of visible emissions from all the emission units that are operating at the time of the survey in accordance with the observation plan.
  - c. If the observer sees a plume from an emission unit that instantaneously appears to exceed the applicable opacity standard, then the observer shall, if practicable, take a 6-minute Method 9 observation of the plume.
  - d. If the 6-minute opacity of the plume is less than the applicable opacity standard, the observer shall make a record of the following:
    - i. The location, date, and time of the observation; and
    - ii. The results of the Method 9 observation.
  - e. If the 6-minute opacity of the plume exceeds the applicable opacity standard, the permittee shall do the following:
    - i. Adjust or repair controls or equipment to reduce opacity to below the applicable standard;
    - ii. Report it as an excess emission in accordance with Section III.E.8 of this permit; and
    - iii. Conduct a 6-minute Method 9 observation reading within 48 hours of taking corrective action. The results of this observation, including date, time, and location, shall be recorded.

- f. Any changes to the observation plan originally approved by the Control Officer shall be made only with the prior approval of the Control Officer.
7. The permittee shall have a standard operating procedures (SOP) manual for baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include an inspection and preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions, if available, for routine and long-term maintenance. All baghouses shall be operated and maintained in accordance with their SOP and good air pollution control practices. *[NSR – ATC/OP Modification 10, Section III-B, Condition 6 (05/22/06)]*
8. At least once every two weeks, the permittee shall conduct visual inspections of emissions and the exterior of each operating bin vent to ensure that it does not exhibit fugitive emissions or any measurable opacity. In addition, the visual inspection of bin vent stack emissions shall ensure that emissions do not exhibit an opacity that appears, on an instantaneous basis, to approach the applicable opacity limit. Should the inspection show that the bin vent is malfunctioning, repairs shall be completed within five working days of discovery of the malfunction. If repairs cannot be completed within five working days, the permittee shall advise the Control Officer in writing within 24 hours of making this determination. Should the malfunction cause the bin vent to release visible emissions over the opacity limit for the emission unit it controls, the permittee shall make repairs as soon as practicable, and shall comply with the applicable requirements of AQR 25 and all applicable federal requirements. *[NSR – ATC/OP Modification 10, Section III-B, Condition 7 (05/22/06)]*
9. The permittee shall have an SOP manual for all bin vents that shall be made available to the Control Officer upon request. The procedures specified in the manual for maintenance shall, at a minimum, include an inspection and preventative maintenance schedule that is consistent with the bin vent manufacturer's specifications, if available, for routine and long-term maintenance. All bin vents shall be operated and maintained in accordance with their SOP and good air pollution control practices. *[NSR – ATC/OP Modification 10, Section III-B, Condition 6 (05/22/06)]*
10. For Kilns 1 through 4 (EUs: K102, K202, K302, and K402), the permittee shall inspect each capture/collection and closed vent system at least once each calendar year to ensure that each system is being operated in accordance with the procedures and requirements of the MACT OM&M plan required under Section III.D.11 of this permit. *[40 CFR Part 63.7113(f)]*
11. The permittee shall prepare and implement a written O&M plan for Kilns 1–4 (EUs: K102, K202, K302, and K402) and the processed stone handling facilities listed in Table III-E-1 under “Kiln Screen Running” and “Dolomite Handling” as being subject to 40 CFR Part 63, Subpart AAAAA (“MACT OM&M Plan”). Any subsequent changes to the plan must be submitted to the Control Officer for approval. Pending approval of the initial or amended plan, the permittee shall comply with the provisions of the submitted plan. Each plan must contain the following information:
- Process and control device parameters to be monitored to determine compliance, along with established operating limits or ranges, as applicable, for each emission unit.
  - A monitoring schedule for each emission unit.
  - Procedures for the proper operation and maintenance of each emission unit and each air pollution control device used to meet the applicable emission limitations and operating limits in Tables 1 and 2 of 40 CFR Part 63, Subpart AAAAA.

- d. Procedures for the proper installation, operation, and maintenance of monitoring devices or systems used to determine compliance, including:
    - i. Calibration and certification of accuracy of each monitoring device;
    - ii. Performance and equipment specifications for the sample interface, the parametric signal analyzer, and the data collection and reduction systems;
    - iii. Ongoing operation and maintenance procedures, in accordance with the general requirements of 40 CFR Part 63.8(c)(1), (3), and (4)(ii); and
    - iv. Ongoing data quality assurance procedures, in accordance with the general requirements of 40 CFR Part 63.8(d).
  - e. Procedures for monitoring process and control device parameters.
  - f. Corrective actions to be taken when process or operating parameters or add-on control device parameters deviate from the operating limits specified in Table 2 of 40 CFR Part 63, Subpart AAAAA, including:
    - i. Procedures to determine and record the cause of a deviation or excursion and the time the deviation or excursion began and ended; and
    - ii. Procedures for recording the corrective action taken, the time corrective action was initiated, and the time and date the corrective action was completed.
  - g. A maintenance schedule for each emission unit and control device that is consistent with the manufacturer's instructions and recommendations for routine and long-term maintenance. *[40 CFR Part 63.7100(d)]*
12. The permittee must develop a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in 40 CFR Part 63.6(e)(3). *[40 CFR Part 63.7100(e)]*
  13. The permittee shall monitor opacity from Process Stone Handling emission units (EUs: R108, R120, D104a, and D104c) in accordance with the following procedures: *[40 CFR Part 63.7121(e), Table 6, Item 1]*
    - a. Conduct a monthly one-minute visible emissions (VE) check of each affected source while the affected source is in operation.
    - b. If no VE are observed in six consecutive monthly checks, decrease the frequency of VE checking from monthly to semiannually; if VE are observed during any semiannual observations, resume VE observations on a monthly basis and maintain that schedule until no VE observations are observed in six consecutive monthly observations.
    - c. If no VE are observed during the semiannual observation, decrease the frequency of VE checking from monthly to annually; if VE are observed during any annual check, resume VE observations on a monthly basis and maintain that schedule until no VE observations are observed in six consecutive monthly observations.
    - d. If VE are observed during any VE observation, the permittee shall conduct a 6-minute EPA Reference Method 9 opacity test within one hour of any observation of VE, and the 6-minute opacity reading shall not exceed the opacity limits in Conditions III.C.1.e and III.C.1.f.

14. The permittee shall demonstrate continuous compliance with the PM emission standard of 0.12 lbs/tsf weighted average for Kilns 1 through 4 as follows: *[40 CFR Part 63.7112(f)]*
- a. Emissions shall be calculated at least once each month using the following calculation: *[40 CFR Part 63.7090, 63.7112(e)-(g); Table 1 to Subpart AAAAA]*
- $$E \text{ (lbs/tsf)} = \frac{\sum E_i P_i}{\sum P_i}$$
- where:
- E = Weighted average emission rate of particulate matter (PM) from all concurrently operating kilns expressed in units of lbs/ton stone feed;
- E<sub>i</sub> = The most recent performance test for PM emissions from kiln *i* in units of lbs/ton of stone feed;
- P<sub>i</sub> = Stone feed rate to kiln *i* in units of tons/hour.
15. As a Best Management Practice, the permittee shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following (EU: T101): *[AQR 12.5.2.6(d)]*
- a. Minimize gasoline spills;
- b. Clean up spills as expeditiously as practicable;
- c. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
- d. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
16. When solid fuel consisting of a blend of coal and coke is being burned in Kiln 1, Kiln 2, and/or Kiln 3, the Permittee shall take a sample of approximately one pound of the blended fuel at least once every two hours each day from each kiln burning blended fuel. One-pound samples shall be composited into 12-pound daily samples for each kiln burning blended fuel. Approximately three to five pounds from each kiln's daily 12-pound composite sample shall be composited into a weekly sample for that kiln. The weekly samples for each kiln shall be analyzed within one week of collection for sulfur content using appropriate ASTM methods. The average of the previous calendar month of the suppliers' batch assay results for sulfur content of coal or coke may be used to determine sulfur content when only one of these fuels is being burned. *[NSR - ATC/OP Modification 10, Section III-E, Condition 6 (05/22/06)]*
17. The permittee shall continue to calibrate, maintain, operate, and certify a continuous opacity monitoring system (COMS) to monitor and record the opacity of a representative portion of the gases discharged into the atmosphere from Kiln 4, in accordance with the requirements of 40 CFR Part 60, Subpart A, and 40 CFR Part 60.343, when Kiln 4 is operating. The span of the COMS shall be set at 40% opacity. The COMS shall have an alarm set at 15% opacity, and shall measure and average opacity in 6-minute block increments starting at the beginning of each hour. The COMS and corresponding data acquisition system shall include an automated data acquisition and handling system. The COMS shall record hours of COMS operation and COMS downtime. *[NSR - ATC/OP Modification 10, Section III-G, Condition 1 (05/22/06); 40 CFR Part 60, Subpart A; and 40 CFR Part 60.343]*

18. Any average opacity greater than 15% percent, as determined by the Kiln 4 COMS, may be considered an indication of a violation of the Kiln 4 opacity limits of this permit and may result in an enforcement action. For purposes of establishing whether or not the permittee has violated or is in violation of any such opacity standard, nothing herein shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether Kiln 4 would have been in compliance with such opacity standard if the applicable performance test had been performed. *[NSR – ATC/OP Modification 10, Section III-G, Condition 2 (05/22/06) and 40 CFR Part 60.342]*
19. If the COMS for Kiln 4 (EU: K402) is deemed to be malfunctioning or inoperable (including times when the COMS is taken offline for scheduled maintenance, calibration, etc.) while the kiln is operating, The permittee shall perform an EPA Method 9 Visible Emission Evaluation (VEE) by a certified VEE reader within three hours of discovery, unless normal operations are restored within the three hour period. The purpose of the Method 9 is to demonstrate compliance with Kiln 4 opacity limits in this permit. The VEE must be performed and documented for a minimum of three 6-minute periods. If a VEE cannot be conducted during daylight hours, then a VEE shall be completed by 8:00 a.m. immediately after the discovery, unless normal operations are restored prior to sunrise. In either instance, a VEE must be conducted every day thereafter, and any time Kiln 4 opacity appears to exceed 15%, until the COMS resumes normal operations. *[NSR – ATC/OP Modification 10, Section III-G, Condition 3 (05/22/06) as revised during Significant Revision Application 2/8/2020, and 40 CFR Parts 60.340, 60.341, 60.342, 60.343, and 60.344]*
20. If the COMS for Kilns 1–3 (EUs: K102, K202, and K302) are deemed to be malfunctioning or inoperable (including times when the COMS is taken offline for scheduled maintenance, calibration, etc.) while the kiln is operating, the permittee shall perform an EPA Method 9 VEE by a certified VEE reader within three hours of discovery, unless normal operations are restored within the three hour period. The purpose of the Method 9 is to demonstrate compliance with the applicable opacity limits for Kilns 1–3 in this permit. The VEE must be performed and documented for a minimum of three 6-minute periods. If a VEE cannot be conducted during daylight hours, then a VEE shall be completed by 8:00 a.m. immediately after the discovery, unless normal operations are restored prior to sunrise. In either instance, a VEE must be conducted every day thereafter, and any time the opacity for each EU appears to exceed 15%, until the COMS resumes normal operations. *[Condition added for clarification during Significant Revision Application (2/8/2020) and AQR 12.5.2.6(d)(1)(B)]*
21. The permittee shall meet the following operations and maintenance, quality control, and data reduction requirements for the COMS for Kilns 1–4:
  - a. Calibration Checks: The permittee shall check the zero (or low-level value between 0-20% of span value) and span (50-100% of span value) calibration drifts at least once daily in accordance with a written procedure prescribed by the manufacturer. *[40 CFR Part 63.8(c)(6)]*
  - b. Zero and span drift adjustments: *[40 CFR Part 63.8(c)(6)]*
    - i. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift exceeds two times the limits of the performance specifications in the relevant standard.

- ii. For systems using automatic zero adjustments, the optical and instrumental surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity.
  - iii. The optical and instrumental surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except with systems using automatic zero adjustments.
- c. System Checks: The permittee shall, as minimum procedures, apply a method for producing a simulated zero-opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. All procedures applied shall provide a system check of all analyzer internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity. *[40 CFR Part 63.8(c)(5) and 40 CFR Part 63.7113(g)(2)]*
- d. Minimum Frequency of Operation: Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, the permittee shall operate the COMS continuously, and shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period and one cycle of data recording for each successive 6-minute period. *[40 CFR Part 63.8(c)(4)(i)]*
- e. Data Reduction Procedures: *[40 CFR Part 63.8(g)]*
- i. The permittee shall reduce all data from the COMS to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period.
  - ii. The permittee shall not include data recorded during periods of unavoidable system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero and span adjustments in the data averages computed under the previous paragraph.
22. To demonstrate continuous, direct compliance with the Kiln 4 emissions limitations for NO<sub>x</sub>, CO, and SO<sub>2</sub>, as specified in Table III-C-2 of this permit, the permittee shall continue to calibrate, maintain, operate, and certify CEMS for NO<sub>x</sub>, CO, SO<sub>2</sub>, diluent gas, and stack exhaust gas on Kiln 4. The CEMS shall operate at all times Kiln 4 is in use except during malfunctions, maintenance, calibration, and repairs of the CEMS. The CEMS and corresponding data acquisition system shall include an automated data acquisition and handling system. All CEMS are subject to the provisions of 40 CFR Part 60, Subpart A, and 40 CFR Part 60, Appendices B and F, as applicable. The CEMS shall monitor and record at least the following data: *[NSR – ATC/OP Modification 10, Section III-G, Condition 4 (05/22/06); 40 CFR Part 60, Subpart A; and 40 CFR Part 60, Appendices B & F]*
- a. Exhaust gas concentration of NO<sub>x</sub>, SO<sub>2</sub>, CO, and diluent O<sub>2</sub>;
  - b. Exhaust gas flow rate;
  - c. Three-hour rolling averages for NO<sub>x</sub>, SO<sub>2</sub>, and CO concentrations;
  - d. Hourly and quarterly accumulated mass emissions of NO<sub>x</sub>, SO<sub>2</sub>, and CO;
  - e. Hours of CEMS operation; and
  - f. Dates and hours of CEMS downtime.



23. Any emissions greater than the NO<sub>x</sub>, SO<sub>2</sub>, and CO emissions limits in Table III-C-2, as determined by CEMS, may be considered a violation of the Kiln 4 emission limits of this permit and may result in enforcement action. For purposes of establishing whether or not the permittee has violated or is in violation of any such emissions standard during periods when CEMS is unavailable or not functioning properly, nothing herein shall preclude the use, including exclusive use, of any credible evidence or information relevant to whether a source would or would not have been in compliance with the applicable emission standard if the CEMS had been in operation and functioning properly. *[NSR – ATC/OP Modification 10, Section III-G, Condition 5 (05/22/06)]*
24. For each semiannual period, the permittee shall submit an excess emissions report if the duration of excess emissions equals or exceeds 1% of the total source operating time, or if the duration of CEMS malfunction or downtime equals or exceeds 5% of the total source operating time. *[NSR – ATC/OP Modification 10, Section III-G, Condition 6 (05/22/06)]*
25. The permittee shall conform to the applicable provisions of 40 CFR Part 60 for required periodic audit procedures and QA/QC procedures for CEMS and COMS. *[NSR – ATC/OP Modification 10, Section III-G, Condition 7 (05/22/06)]*
26. The permittee shall conduct Relative Accuracy Test Audits (RATA) and other periodic checks of the NO<sub>x</sub>, SO<sub>2</sub>, CO, and O<sub>2</sub> CEMS at least annually, as required by 40 CFR Part 60. *[NSR – ATC/OP Modification 10, Section III-G, Condition 8 (05/22/06)]*
27. The permittee shall demonstrate compliance with the provisions of 40 CFR Part 60, Subpart III, contained within this document through all of the following: *[40 CFR Parts 60.4209 and 60.4211]*
  - a. Operation of the diesel engines according to the manufacturer's written instructions or procedures developed by the permittee that are approved by the engine manufacturer;
  - b. Keeping records of the purchase of an engine certified according to 40 CFR Parts 89 & 94, OR keeping records of performance test results for each pollutant for a test conducted on a similar engine, OR keeping records of engine manufacturer data indicating compliance with emission standards, OR keeping records of control device vendor data indicating compliance with the emission standards, OR keeping records of an initial performance test used to demonstrate compliance with emission standards; and
  - c. Installation of a nonresettable hour meter.
28. Ambient Air Monitoring: The permittee shall continue to conduct ambient air monitoring for PM<sub>10</sub> and SO<sub>2</sub> in accordance with the following: *[AQR 12.5.2.6(d)]*
  - a. The monitor shall be located at a location preapproved by the Control Officer.
  - b. The sampling cycle for PM<sub>10</sub> shall determine 24-hour PM<sub>10</sub> concentrations, and shall be conducted on an every-six-day schedule.
  - c. The sampling cycle for SO<sub>2</sub> shall determine successive nonoverlapping three-hour block averages of SO<sub>2</sub> concentrations, starting at midnight each calendar day.

- d. The daily average concentration for each day of the sampling quarter, as well as quality control, preventive maintenance, and repair procedures, shall be included in the quarterly reports submitted to the Control Officer within 30 days of the end of each calendar quarter.
  - e. Failure to comply with at least one of the following is a violation of this permit condition:
    - i. QA/QC requirements of either “Supplemental Interim Guidance for Quality Assessment of Continuous PM<sub>10</sub> Analyzer” (EPA memorandum dated 11/3/1995) or the applicable provisions of 40 CFR Parts 50, 51, 52, and 53 and their associated appendices; or
    - ii. Reporting requirements of either DAQ’s guideline on ambient air monitoring or the applicable provisions of 40 CFR Parts 50, 51, 52, and 53 and their associated appendices.
  - f. Ambient air monitoring shall be subject to review by the Control Officer. The Control Officer may review the air quality impact and the impacts predicted by dispersion modeling, and determine if ambient air monitoring is still required.
  - g. The permittee shall report quality control, preventive maintenance, and repair procedures to the Control Officer as required by this permit.
29. The permittee shall operate the emergency generator (rental) (EU: O110) with a nonresettable hour meter and monitor the duration of operation for testing, maintenance, and nonemergency operation, and separately for emergencies. The nature of the emergency leading to emergency operation shall be documented. *[AQR 12.5.2.6(d)]*
30. The permittee shall demonstrate compliance with silt loading limits on paved and unpaved roads and paved and unpaved parking lots by sampling and recording the results of at least one sample taken from each of these areas quarterly. Where more than one sample is taken from an area in a quarter, compliance with the applicable silt loading limit shall be based on the average of the measured samples. If twelve consecutive quarterly silt loading measurements for a given area are less than 50% of the applicable silt loading limit, the permittee may reduce the frequency of future measurements for that area to annually upon prior notice to, and concurrence from, the Control Officer. If any subsequent annual measurement is more than 50% of the applicable silt loading limit, the frequency of future measurements for that area shall revert to quarterly. Annual measurements may resume if 12 consecutive quarterly samples are less than 50% of the applicable silt loading limit. *[NSR ATC Section IV-C, Condition 2 (01/16/2014)]*

## **E. TESTING**

1. Performance testing is subject to 40 CFR Part 60.8 (as amended), Subpart A, and *Clark County Department of Air Quality Source Testing Guidelines (9/19/2019)*. *[AQR 12.5.2.8(a)]*
2. The permittee shall conduct performance tests on all emission units listed in Table III-E-1 except EU: SP7. Performance tests shall be conducted initially and at intervals specified in Table III-E-1. *[NSR – ATC/OP Modification 10, Revision 0, Section III-B, Condition 31 (05/22/06); 40 CFR Part 60, Subparts OOO, HH, and Y; 40 CFR Part 63, Subpart AAAAA; and Minor Revision Application, 2/20/2019]*

**Table III-E-1: Emissions Units Subject to Testing Requirements**

EU	Description	Compliance Standard	NSPS/MACT Applicability	Applicable Test	Frequency
<b>Limestone Processing</b>					
P103	HO-101/PF101	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	BC-103				
	GR-101				
P103a	JC-102	Opacity ≤ 15%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
P106	VS-202	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	BC-104				
P107	VS-203	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
P109	BC-204	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	BC-225				Annually
P109a	CC-201	Opacity ≤ 15%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
P112	BN-226	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
P114	BC-205	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	BC-206				
	BC-207				
P115	BC-235	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	BC-237				
	BC-236				
<b>Kiln Screen Running</b>					
R108	BC-15, 16	Opacity ≤ 10%	40 CFR Part 63 Subpart AAAAA	Method 9	5 Years
	BE-01, 02				
	BC-17				
	BC-18				
	SB-01				
	SB-02				
	SB-03				
R117	BC-217	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	BC-224				
	VS-229				
R120	SB-04	Opacity ≤ 10%	40 CFR Part 63 Subpart AAAAA	Method 9	5 Years
	BC-230				
R120a	BC-231	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	Annually
<b>Kilns</b>					
K102	KN-01	Opacity ≤ 15% each kiln;	40 CFR Part 63 Subpart AAAAA	Method 9 and Method 5D	5 Years
K202	KN-02				

EU	Description	Compliance Standard	NSPS/MACT Applicability	Applicable Test	Frequency
K302	KN-03	PM: 0.12 lbs/ton of stone feed weighted average for all kilns (0.60 lbs/stone feed is applicable to EU: K402 only)	40 CFR Part 63 Subpart AAAAA and 40 CFR 60 Subpart HH		
K402	K4-KN-305				
<b>Solid Fuel Handling</b>					
F101	HO-40, 41	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	BC-40				
	BC-44				
	Loading				
	Unloading				
F104	CR-40 (C)	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	SC-44				
F106	BN-41	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	BC-41				
F108	CM-41 (C)	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
F110	SC-41	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	Reject Bin 1				
	Loadout				
F112	BN-42	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	BC-42				
F114	CM-42 (C)	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
F116	SC-42	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	Reject Bin 2				
	Load Out				
F118	BN-43	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	BC-43				
	CM-43 (C)				
F122	SC-43	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	Reject Bin 3				
	Load Out				
F125	K4-SC-402	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	K4-BN-404				
	K4-BN-406				
	K4-WF-408				
	K4-WF-409				
	K4-BC-410				

EU	Description	Compliance Standard	NSPS/MACT Applicability	Applicable Test	Frequency
F131	K4-CM-413 (C)	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
F132	K4-SC-419	Opacity ≤ 20%	40 CFR Part 60 Subpart Y	Method 9	5 Years
	Reject Bin 4				
	Load Out				
<b>Dolomite Handling</b>					
D101	D-BN-201	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	D-BC-202				
D104	D-BC-207	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
	D-VS-208				
D104a	D-BC-213	Opacity ≤ 10%	40 CFR Part 63 Subpart AAAAA	Method 9	5 Years
D104b	D-BC-214	Opacity ≤ 7%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
D104c	D-BC-8301	Opacity ≤ 7% Opacity ≤ 10%	40 CFR Part 60 Subpart OOO, 40 CFR Part 63 Subpart AAAAA	Method 9	5 Years
D105	D-BC-209	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	Annually
	D-BE-210				5 years
	D-BN-211				5 years
D106	D-BC-209E	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	5 Years
<b>Portable Screening Plant</b>					
SP3	Screen SP-3	Opacity ≤ 10%	40 CFR Part 60 Subpart OOO	Method 9	Annually
	Stacker Belt				5 years
	Stacker Belt				5 years
	Stacker Belt				5 years
<b>Internal Combustion Engines</b>					
SP7	218 hp Diesel Engine	CO < 230 ppmvd @ 15% O <sub>2</sub>	40 CFR Part 63 Subpart ZZZZ	ASTM D6522-00	Initial test only

- The permittee shall conduct testing on baghouses DC-30N, DC-8001, DC-5006, D-DC-4217, and at least one from each group of identical baghouses (DC-8002, DC-8003, and DC-8004 in one group; DC-5001–DC-5005 and DC-5007 in the other) to demonstrate compliance with the PM<sub>10</sub> emissions limits identified in Table III-A-2. Subsequent performance tests shall be conducted every five years. The permittee shall conduct initial performance testing on the baghouse within 180 days of commencement of unit operation. The differential pressure gauge(s) shall be installed, calibrated, and operational prior to conducting the performance test. [AQR 12.5.2.8(a)]

4. The permittee shall retest kilns that have had tests completed and demonstrated compliance with the MACT PM emission standard of 0.12 lbs/tsf. Retests shall be conducted within five years following each subsequent test. *[40 CFR Part 63.7111]*
5. If any rotary kiln fails to demonstrate the PM emissions standard of 0.12 lbs/tsf during a performance test, the permittee shall conduct subsequent performance testing on an annual basis. *[AQR 12.5.2. 8(a) and AQR 4.5]*
  - a. If the kiln demonstrates compliance with the standard for two consecutive years, the testing frequency may be increased to two years.
  - b. If the kiln demonstrates compliance with the standard during two consecutive biannual tests, the testing frequency may be returned to five years.
6. The permittee shall retest emission units that have had initial performance tests completed. Retests shall be conducted every five years to verify ongoing compliance with applicable emission limits. Repeat performance testing for any given emission unit for opacity may be a minimum of six minutes in duration and conducted in accordance with EPA Reference Method 9 in 40 CFR Part 60, Appendix A-4. *[AQR 12.5.2.8(a) and NSR – ATC/OP Modification 10, Condition III-F-2 (05/22/2006)]*
7. The permittee shall test emission units identified as BC-225 (EU: P109), BC-231 (EU: R120a), D-BC-209 (EU: D105), and Screen SP-3 (EU: SP3) annually. Repeat performance testing for any given emission unit for opacity may be a minimum of six minutes in duration and conducted in accordance with EPA Reference Method 9 in 40 CFR Part 60, Appendix A-4. *[AQR 12.5.2.8(a)]*
8. Visible emissions evaluations for emission units whose performance test consists of or includes opacity observations shall be conducted by a person or persons certified in EPA Method 9 at the time of the VEEs. *[NSR – ATC/OP Modification 10, Section III-F, Condition 3 (05/22/06)]*
9. The permittee of a new, modified, or reconstructed emission unit for which initial performance testing is required by Section III.E of this permit shall conduct an initial performance test within 60 days of achieving the maximum production rate at which the emission unit will be operated, but not later than 180 days after initial startup of the unit. The permittee shall demonstrate the emission unit's compliance with the applicable emission limitations established in the permit. *[40 CFR Part 60.8]*
10. The permittee shall submit performance and/or RATA test protocols, which include proposed test methods, anticipated test dates, reporting, and notification schedules, to the Control Officer for approval at least 45 days, but not more than 90 days, prior to the anticipated date of the performance test, except for Kilns 1–4 (EUs: K102, K202, K302, and K402) and the processed stone handling facilities listed in Table III-E-1 under “Kiln Screen Running” and “Dolomite Handling” as being subject to 40 CFR Part 63, Subpart AAAAA. *[NSR – ATC/OP Modification 10, Section III-F, Condition 4 (05/22/06)]*
11. The permittee shall submit protocols for Kilns 1–4 (EUs: K102, K202, K302 and K402) and the processed stone handling facilities listed in Table III-E-1 under “Kiln Screen Running” and “Dolomite Handling” as being subject to 40 CFR Part 63, Subpart AAAAA, at least 60 days before the test is scheduled to begin. Each performance test must be conducted under



the conditions specified in Table 4 of Subpart AAAAA. Except for opacity and VE observations, three separate test runs must be conducted for each performance test, and each test run must last at least 1 hour. *[AQR 13; 40 CFR Parts 63.7(b), 63.9(g), and 63.7112]*

12. Before operating the diesel-powered generator (EU: SP7), the permittee shall demonstrate compliance with a CO concentration limit of 230 ppmvd or less at 15% O<sub>2</sub>, in accordance with 40 CFR 63, Subpart ZZZZ. *[40 CFR Parts 63.6602, 6612, and 6595]*
13. The permittee shall submit a report describing the results of the performance test to the Control Officer and the EPA within 60 days of the end of the performance test. *[40 CFR Part 60, Subparts OOO, HH, and Y]*
14. The permittee shall submit a report describing the results of the performance test to the Control Officer within 60 days of the end of the performance test. *[40 CFR Part 63, Subpart AAAAA]*
15. The permittee shall submit performance test results documented in complete test reports that contain the following information for emission units subject to 40 CFR Part 63, Subpart AAAAA: (EUs: K102, K202, K302 and K402):
  - a. Brief description of the process and the air pollution control system;
  - b. Sampling location description(s);
  - c. Description of sampling and analytical procedures and any modifications to standard procedures;
  - d. Test results, including opacity;
  - e. Quality assurance procedures and results;
  - f. Records of operating conditions during the test, preparation of standards, and calibration procedures, as outlined in the test protocol;
  - g. Raw data sheets for field sampling and field and laboratory analyses;
  - h. Documentation of calculations;
  - i. All data recorded and used to establish operating limits; and
  - j. Any other information required by the test method. *[40 CFR Part 63.7112(h)]*

## **F. RECORDKEEPING**

1. The permittee shall maintain records on site that require semiannual reporting and include, at a minimum: *[NSR – ATC/OP Modification 10, Revision 0, Section III-H, Condition 7 (05/22/06); 40 CFR Part 63, Subpart AAAAA; Minor Revision Application, 11/25/2019]*
  - a. Monthly consecutive 12-month total of materials mined;
  - b. Monthly consecutive 12-month quantities of blasting materials (explosives) used;
  - c. Monthly consecutive 12-month number of holes drilled;
  - d. Monthly consecutive 12-month total to area blasted (in square feet);
  - e. Logs of recorded current and predicted weather when blasting occurs;

- f. Average daily throughputs for each of Kilns 1–3;
- g. Average daily throughputs for Kiln 4;
- h. Average daily consumption of coal and coke in each kiln;
- i. Monthly calculation of PM emissions from rotary kilns to demonstrate compliance with Section III-D-14 of this permit;
- j. Monthly calculation of each consecutive 12-month total of natural gas used by the Apex facility;
- k. The average calculated daily, and each monthly consecutive 12-month consumption of natural gas throughput in each kiln and by the atmospheric hydrator baghouse burner (EU: H105);
- l. Average daily, and each monthly consecutive 12-month throughput for the hydrate system;
- m. Average daily, and each monthly consecutive 12-month throughput for the portable screening plant;
- n. Hours of operation of the internal combustion engines (EUs: SP7, TL3, K102a, K202a, K302a, K402a, O110, TL202, and QS101);
- o. A record of the annual emissions calculated for each of the internal combustion units (EUs: SP7, TL3, K102a, K202a, K302a, K402a, O110, TL202, and QS101);
- p. Records of maintenance performed on each diesel-powered generator engine as defined in Conditions III.C.3.cc & dd (EUs: K102a, K202a, K302a, SP7, O110, TL3, TL202, and QS101);
- q. Throughput of gasoline in the 1,000-gallon gasoline tank (EU: T101);
- r. Monthly consecutive 12-month total VMT on paved and unpaved haul roads (EU: VPW);
- s. Results of ambient air monitoring;
- t. QA/QC requirements for on-site ambient air quality monitoring;
- u. Daily operating hours of Kiln 4;
- v. Times and duration of CEMS downtime or malfunction time on Kiln 4;
- w. Times and duration of periods of excess emissions, as determined by CEMS (reported as required by Section II-D-7 of this permit);
- x. Nature and probable cause of any CEMS downtime and corrective actions taken;
- y. Records of COMS data, including QA/QC results;
- z. Times and duration of COMS downtime;
- aa. Nature and probable cause of any COMS downtime and corrective actions taken;

- bb. The magnitude and duration of excess emissions, notifications, monitoring system performance, malfunctions, corrective actions taken, and other data required by 40 CFR Part 60 and the CEMS Quality Assurance Plan (reported as required by Section II-D-7 of this permit); and
  - cc. CEMS audit results or accuracy checks, as required by 40 CFR Part 60 and the CEMS Quality Assurance Plan.
2. The permittee shall maintain records on-site that include, at a minimum: *[NSR – ATC/OP Modification 10, Revision 0, Section III-H, Condition 7 (05/22/06) and 40 CFR Part 63, Subpart AAAAA]*
- a. Determinations of sulfur content of coal and coke for Kilns 1, 2, and 3, based on fuel analysis and supplier's data;
  - b. Records of the time, date, sample amount, and kiln number of the blended fuel samples required in Section III-F-2.a;
  - c. Determinations of sulfur contents of natural gas, based on suppliers' data;
  - d. Sulfur content of diesel fuel;
  - e. Cetane index or aromatic content (in percent by volume) of diesel fuel;
  - f. Increases in the total acreage of active and inactive open storage areas (EU: A01);
  - g. Records of dust control measures applied to paved surfaces areas within the plant, paved haul roads, unpaved haul roads, unpaved parking lots, and vacant areas;
  - h. Results of the quarterly silt loading sampling for paved roads, unpaved roads, and unpaved parking lots;
  - i. Inspection report for each baghouse and bin vent;
  - j. Detailed records of VMT on paved and unpaved haul roads that support the combined total VMT in Condition III-F-1.q (EU: VPW);
  - k. Results of baghouse and bin vent inspections for visible emissions and baghouse exteriors;
  - l. Results of monthly baghouse and bin vent inspections for baghouse mechanical performance;
  - m. SOP for baghouse and bin vent preventative maintenance;
  - n. Records of water spray system inspections;
  - o. Records that demonstrate training within the past 24 months of on-site personnel in EPA Method 9;
  - p. Results of any performance tests, COMS performance evaluations, and opacity and VE observations conducted within the previous five years, or whenever the last such tests, evaluations, or observations were conducted *[40 CFR Part 63.7132(a)(3)]*;
  - q. Emergency plan in the event of an air quality emergency, as required by AQR 70;

- r. Copy of each notification and report that was submitted as required by this section, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirements in 40 CFR Part 63.10(b)(2)(xiv) [40 CFR Part 63.7132(a)(1)];
  - s. Records of all COMS data, including records of installation, maintenance, and calibration [40 CFR Part 63.7132(c) Table 5, Item 4];
  - t. Records specified in 40 CFR Part 63.6(e)(3)(iii)–(v) related to startup, shutdown, and malfunction [40 CFR Part 63.7132(a)(2)];
  - u. Records of performance tests, performance evaluations, and opacity and VE observations, as required by 40 CFR Part 63.10(b)(2)(viii) [40 CFR Part 63.713(a)(3)];
  - v. Records that document the basis for initial 40 CFR Part 63, Subpart AAAAA applicability determination, as required under 40 CFR Part 63.7081 [40 CFR Part 63.7132(d)]; and
  - w. Results of annual air pollution control device inspections for compliance with the MACT OM&M plan. [40 CFR Part 63.7113(f)]
- 3. For all inspections, visible emission checks, and testing required under the monitoring section of this permit, logs, reports, and records shall include at least the date and time, the name of the person performing the action, the results or findings, and the type of corrective action taken (if required). [AQR 12.5.2.6(d)(2)]
  - 4. Records and data required by this OP to be maintained by the permittee may, at the permittee's expense, be audited at any time by a third party selected by the Control Officer. [NSR – ATC/OP Modification 10, Section III-E, Condition 1 (05/22/06) and AQR 4.2]
  - 5. All records and logs, or a copy thereof, shall be kept on-site for a minimum of five years from the date the measurement was taken or data was entered and shall be made available to the Control Officer upon request. [NSR – ATC/OP Modification 10, Section III-H, Conditions 1 & 2 (05/22/06) and 40 CFR Part 63.7133(a) & (b)]
  - 6. The Control Officer reserves the right to require additional records to verify compliance with this permit. [NSR – ATC/OP Modification 10, Section III-H, Condition 3 (05/22/06)]

## **G. REPORTING**

- 1. All report submissions shall be addressed to the attention of the Control Officer. [AQR 12.5.2.6(d)]
- 2. All reports shall contain the following: [AQR 12.5.2.4]
  - a. A certification statement on the first page, i.e., “I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate and complete”; and
  - b. A certification signature from a responsible official of the company and a date certification.
- 3. The permittee shall submit all of the notifications in 40 CFR Parts 63.6(h)(4) & (5), 63.7(b) & (c), 63.8(e), 63.8f(4), & 63.8f(6), and 63.9(a)–(j) that apply. [40 CFR Part 63.7130]

4. The permittee shall submit semiannual monitoring reports to the Control Officer. *[AQR 12.5.2.6(d)(4)(A)]*
5. The following requirements apply to semiannual reports: *[AQR 12.5.2.6(d)(4)(A)]*
  - a. The report shall include the records specified in Section III-F-1 of this permit;
  - b. The reports shall cover the semiannual reporting period from January 1–June 30 or from July 1–December 31;
  - c. The report shall be received by the Control Officer within 30 calendar days of the end of the semiannual calendar period.
6. Regardless of the date of issuance of this OP, the permittee shall comply with the schedule for report submissions outlined in Table III-G-1.

**Table III-G-1: Required Submission Dates for Various Reports**

Required Report	Applicable Period	Due Date
Semiannual report for 1 <sup>st</sup> six-month period	January, February, March, April, May, June	July 30 each year <sup>1</sup>
Semiannual report for 2 <sup>nd</sup> six-month period, any additional annual records required	July, August, September, October, November, December	January 30 each year <sup>1</sup>
Annual Compliance Certification Report	Calendar year	January 30 each year <sup>1</sup>
Annual Emissions Inventory Report	Calendar year	March 31 each year <sup>1</sup>
Annual Emissions Statement <sup>2</sup>	Calendar year	March 31 each year <sup>1</sup>
Excess Emission Notification	As required	Within 24 hours of first learning of excess emissions
Excess Emission Report	As required	Within 72 hours of Excess Emission Notification
Deviation Report	As required	With semiannual reports <sup>1</sup>
Excess Emissions that Pose a Potential Imminent and Substantial Danger	As required	Within 12 hours of the time permittee learns of the event
Performance Testing Protocol	As required	No less than 45 days, but no more than 90 days, before anticipated test date <sup>1</sup>
Performance Testing	As required	Within 60 days of end of test <sup>1</sup>
Production Report	Monthly	Within 30 days of reporting period end <sup>1</sup>

<sup>1</sup> Each report shall be received by Control Officer on or before the due date listed. If the due date falls on a Saturday, Sunday or a Federal or Nevada holiday, then the submittal is due on the next regularly scheduled business day.

<sup>2</sup> Required only for stationary sources that emit 25 tons or more of nitrogen oxide (NO<sub>x</sub>) and/or emit 25 tons or more of volatile organic compounds (VOC) during a calendar year.

7. The permittee shall, in addition to the annual compliance certification required in this section, submit semiannual compliance certification reports to the EPA Administrator and to the Control Officer detailing compliance status with 40 CFR Part 63, Subpart AAAAA requirements by January 31 for the reporting period July 1–December 31, and by July 31 for the reporting period January 1–June 30, of each year. *[40 CFR Part 63.7131]*
8. The permittee shall include the following information with the semiannual compliance certification: *[40 CFR Parts 63.7131(c), 63.7131(d), 63.7131(e)]*
  - a. Company name and address.

- b. Statement by the responsible official with that official's name, title, and signature certifying the truth, accuracy, and completeness of the content of the report.
- c. Date of the report, and beginning and ending dates of the reporting period.
- d. If the facility had a startup, shutdown, or malfunction during the reporting period and the permittee took actions consistent with the SSMP, the compliance report shall include the information in 40 CFR Part 63.10(d)(5)(i).
- e. If there were no deviations from any emission limitations (i.e., emission limit, operating limit, opacity limit, and VE limit) that apply to the facility, the compliance report shall include a statement that there were no deviations from the emission limitations during the reporting period.
- f. If there were no periods during which the continuous monitoring systems (CMS) were out of control, as specified in 40 CFR Part 63.8(c)(7), a statement that there were no periods during which the CMS were out of control during the reporting period. *[40 CFR Part 63.7131(a), Table 7, Item 2]*
- g. If there was a deviation from an emission limitation at an affected source where the permittee is not using a CMS to comply with the emission limitations, the compliance report shall contain the following information: *[40 CFR Part 63.7131(d)]*
  - i. The total operating time of each emission unit during the reporting period.
  - ii. Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.
- h. If there was a deviation from an emission limitation at an affected source where the permittee is using a CMS to comply with the emission limitations, the compliance report shall contain the following information: *[40 CFR Part 63.7131(e)]*
  - i. The date and time that each malfunction started and stopped.
  - ii. The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.
  - iii. The date, time and duration that each CMS was out of control, including the information in 40 CFR Part 63.8(c)(8).
  - iv. The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.
  - v. A summary of the total duration of the deviations during the reporting period and the total duration as a percent of the total affected source operating time during that reporting period.
  - vi. A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.
  - vii. A summary of the total duration of CMS downtime during the reporting period and the total duration of CMS downtime as a percent of the total emission unit operating time during that reporting period.



- viii. A brief description of the process units.
  - ix. A brief description of the CMS.
  - x. The date of the latest CMS certification or audit.
  - xi. A description of any changes in CMS, processes, or controls since the last reporting period.
9. The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit conditions, permit requirements, and requirements of applicable federal regulations. *[NSR – ATC/OP Modification 10, Section III-I, Condition 10 (05/22/06)]*
10. The permittee shall submit monthly production reports to the Control Officer no later than the 30<sup>th</sup> day of the month following the reporting period. *[APCHB Order on Appeal of Part 70 OP (10/15/2012)]*

**H. MITIGATION**

The source has no federal offset requirements. *[AQR 12.3.6]*

**I. ALTERNATE OPERATING SCENARIOS**

- 1. The permittee shall not exceed maximum horsepower ratings of 218 hp for EU SP7 and 80 hp for EU TL3. *[NSR – ATC/OP Modification 10, Table II-A-2 (5/22/06)]*
- 2. The permittee may replace EU SP7 and EU TL3 with smaller horsepower rating engines than specified in Condition III-I-1 by recording the following information in a log maintained at the permittee’s facility: *[AQR 12.5.2.6(j)]*
  - a. The emission unit being replaced and the date when the emission unit will be installed;
  - b. The horsepower rating, the year of construction, and a listing of the applicable requirements of the AQRs, 40 CFR Part 60, Subpart IIII, and 40 CFR Part 63, Subpart ZZZZ that apply to the new engine; and
  - c. The emissions factors and emissions rates expressed in units of pounds/hour of CO, NO<sub>x</sub>, VOC, SO<sub>2</sub>, and PM<sub>10</sub> of the replacement engine.

**IV. PERMIT SHIELD**

Compliance with the terms contained in this permit shall be deemed compliance with the following applicable requirements in effect on the date of permit issuance. *[AQR 12.5.2.9]*

**Table IV-1: Applicable Requirements Related to Permit Shield**

Citation	Title
40 CFR Part 60, Subpart Y	“Standards of Performance for Coal Preparation and Processing Plants”
40 CFR Part 60, Subpart HH	“Standards of Performance for Lime Manufacturing Plants”
40 CFR Part 60, Subpart OOO	“Standards of Performance for Nonmetallic Mineral Processing Plants”
40 CFR Part 60, Subpart IIII	“Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”

Citation	Title
40 CFR Part 63, Subpart ZZZZ	"National Emission Standards for Stationary Reciprocating Internal Combustion Engines"
40 CFR Part 63, Subpart AAAAA	"National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants"

## V. OTHER REQUIREMENTS

The permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a chlorofluorocarbon or hydrochlorofluorocarbon compound as a working fluid, unless such fluid has been approved for sale in such use by the EPA Administrator. The permittee shall keep records of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on-site. *[40 CFR Part 82]*

## APPENDIX

### A. OPACITY LIMITS

- The emission units itemized in Table A-1 are subject to the federal NSPS and NESHAP requirements of the identified applicable Subparts. *[40 CFR Part 60 Subparts A, Y, HH, and OOO and 40 CFR Part 63 Subpart AAAAA]*

**Table A-1: NSPS and NESHAP Applicability**

EU	Description	Applicable Subpart	Opacity Limits
P103	BC-103 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
P106	BC-104 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	VS-202 Screening Stone	Subpart A, Subpart OOO	10%
P107	VS-203 Screening Stone	Subpart A, Subpart OOO	10%
P109a	CC-201 Crushing Stone	Subpart A, Subpart OOO	15%
P109	BC-204 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-225 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
P112	BN-226 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
P114	BC-205 Closed Stone	Subpart A, Subpart OOO	10%
	BC-206 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-207 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-209 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-210 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
P115	BC-236 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-237 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-208 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-235 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-Coarse 2	Subpart A, Subpart OOO	10%

EU	Description	Applicable Subpart	Opacity Limits
R117	BC-217 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	BC-224 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
	VS-229 Screening Stone	Subpart A, Subpart OOO	10%
R120a	BC-231 Closed Stone Transfer Point	Subpart A, Subpart OOO	10%
R120	BC-230 Closed Stone Transfer Point	Subpart A, Subpart OOO, 40 CFR Part 63 Subpart AAAAA	10%
	SB-04 Closed Stone Transfer Point		10%
K402	K4-KN-305 Rotary Kiln 4	Subpart A, Subpart HH, 40 CFR 63 Subpart AAAAA	15%
D101	D-BN-201 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	D-BC-202 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
D104	D-BC-207 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	D-VS-208 Screening Stone	Subpart A, Subpart OOO	10%
D104a	D-BC-213 Open Stone Transfer Point	Subpart A, Subpart OOO, 40 CFR Part 63 Subpart AAAAA	10%
D104c	D-BC-8301 Open Stone Transfer Point	Subpart A, Subpart OOO, 40 CFR Part 63 Subpart AAAAA	7% 10%
D105	D-BC-209 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	D-BE-210 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
	D-BN-211 Open Stone Transfer Point	Subpart A, Subpart OOO	10%
D106	D-BC-209E	Subpart A, Subpart OOO	10%
F101	HO-40, 41 Fuel Transfer	Subpart A, Subpart Y	20%
	BC-40 Fuel Transfer	Subpart A, Subpart Y	20%
	BC-44 Fuel Transfer	Subpart A, Subpart Y	20%
	Loader Loading Fuel Transfer	Subpart A, Subpart Y	20%
	Loader Unloading Fuel Transfer	Subpart A, Subpart Y	20%
F104	CR-40 Fuel Crushing	Subpart A, Subpart Y	20%
	SC-44 Fuel Transfer	Subpart A, Subpart Y	20%
F106	BN-41 Bin Feeding	Subpart A, Subpart Y	20%
	BC-41 Fuel Transfer	Subpart A, Subpart Y	20%
F108	CM-41 Crushing Fuel	Subpart A, Subpart Y	20%
F109	SC-41 Fuel Transfer	Subpart A, Subpart Y	20%
	Reject Bin 1 Bin Feeding	Subpart A, Subpart Y	20%
	Reject Bin 1 Loadout Fuel Transfer	Subpart A, Subpart Y	20%
F112	BN-42 Bin Feeding	Subpart A, Subpart Y	20%
	BC-42 Fuel Transfer	Subpart A, Subpart Y	20%
F114	CM-42 Crushing Fuel	Subpart A, Subpart Y	20%

EU	Description	Applicable Subpart	Opacity Limits
F116	SC-42 Fuel Transfer	Subpart A, Subpart Y	20%
	Reject Bin 2 Bin Feeding	Subpart A, Subpart Y	20%
	Reject Bin 2 Loadout Fuel Transfer	Subpart A, Subpart Y	20%
F118	BN-43 Bin Feeding	Subpart A, Subpart Y	20%
	BC-43 Fuel Transfer	Subpart A, Subpart Y	20%
	CM-43 Crushing Fuel	Subpart A, Subpart Y	20%
F122	SC-43 Fuel Transfer	Subpart A, Subpart Y	20%
	Reject Bin 3 Bin Feeding	Subpart A, Subpart Y	20%
	Reject Bin 3 Loadout Fuel Transfer	Subpart A, Subpart Y	20%
F125	K4-SC-402 Fuel Transfer	Subpart A, Subpart Y	20%
	K4-BN-404 Bin Feeding	Subpart A, Subpart Y	20%
	K4-BN-406 Bin Feeding	Subpart A, Subpart Y	20%
	K4-WF-408 Fuel Transfer	Subpart A, Subpart Y	20%
	K4-WF-409 Fuel Transfer	Subpart A, Subpart Y	20%
	K4-BC-410 Fuel Transfer	Subpart A, Subpart Y	20%
F131	K4-CM-413 Fuel Crushing	Subpart A, Subpart Y	20%
F132	K4-SC-419 Fuel Transfer	Subpart A, Subpart Y	20%
	Reject Bin 4 Bin Feeding	Subpart A, Subpart Y	20%
	Reject Bin 4 Loadout Fuel Transfer	Subpart A, Subpart Y	20%

2. The emission units itemized in Table A-2 are subject to the requirements of AQR 26. *[AQR 26.1 and Table 6 of 40 CFR Part 63, Subpart AAAAA]*

**Table A-2: Section 26 and 40 CFR Part 63 Subpart AAAAA Applicability**

EU	Description	Subject to Subpart AAAAA?	Opacity Limits
Q101	Mining Ore (1945)	N	20%
	Mining Low Grade Ore/Overburden (1945)	N	20%
Q104	Drilling Ore (1945)	N	20%
QS101	Sprinkler Pump Diesel Engine (2001)	N	20%
P103	HO-101/PF-101 Open Stone Transfer Pt (1945)	N	20%
	GR-101 Open Stone Transfer Point (1945)	N	20%
	JC-102 Crushing Stone (1945)	N	20%
R101	BC-11 Closed Stone Transfer Pt (underground) (1957)	N	20%
	BC-12 Closed Stone Transfer Point (1968)	N	20%
	BC-13 Closed Stone Transfer Point (1968)	N	20%
	VS-04 Screening Stone (1968)	N	20%
R106	BC-14 Closed Stone Transfer Point (1968)	N	20%
	BN-05 Closed Stone Transfer Point (1968)	N	20%
	BN-05 Loadout Open Stone Transfer Pt (1968)	N	20%

EU	Description	Subject to Subpart AAAAAA?	Opacity Limits
R108	BC-15, 16 Closed Stone Transfer Point (1957)	Y	10%
	BE-01, 02 Closed Stone Transfer Point (1957)	Y	10%
	BC-17 Closed Stone Transfer Point (1968)	Y	10%
	BC-18 Closed Stone Transfer Point (1968)	Y	10%
	SB-01 Closed Stone Transfer Point (1957)	Y	10%
	SB-02 Closed Stone Transfer Point (1957)	Y	10%
	SB-03 Closed Stone Transfer Point (1968)	Y	10%
K102	PH-01 Closed Stone Transfer Pt (baghouse) (1957) 40 CFR Part 63 Subpart AAAAAA	Y	15%
	KN-01 Rotary Kiln 1 (baghouse DC-01) (1957) 40 CFR Part 63 Subpart AAAAAA	Y	15%
	CO-01 Cooler (baghouse DC-01) (1957) 40 CFR Part 63 Subpart AAAAAA	Y	15%
K102a	Auxiliary Kiln Drive Diesel Engine (1999)	N	20%
K104	SC-01 Lime Transfer (baghouse DC-20) (1957)	N	20%
	SC-02 Lime Transfer (baghouse DC-20) (1957)	N	20%
	BE-03 Lime Transfer (baghouse DC-20) (1991)	N	20%
K106	BN-06 Bin Feeding (1957)	N	20%
	BN-06 Loadout (1957)	N	20%
K110	SC-04 Dust Transfer (sealed) (1991)	N	20%
	SC-05 Dust Transfer (sealed) (1991)	N	20%
	SC-07 Dust Transfer (sealed) (1991)	N	20%
	SC-08 Dust Transfer (baghouse DC-01) (1972)	N	20%
	BE-06 Dust Transfer (sealed) (1985)	N	20%
	SC-15 Dust Transfer (sealed) (1985)	N	20%
K114	BN-09 Bin Feeding (baghouse DC-04) (1985)	N	20%
	BN-09 Loadout (baghouse DC-04) (1985)	N	20%
K202	PH-02 Closed Stone Transfer Pt (baghouse DC-02) (1957)	Y	15%
	KN-02 Rotary Kiln 2 (baghouse DC-02) (1957)	N	15%
	CO-02 Cooler (baghouse DC-02) (1957)	N	15%
K202a	Auxiliary Kiln Drive Diesel Engine	N	20%
K204	SC-02 Lime Transfer (baghouse DC-30N) (1957)	N	20%
	BE-04 Lime Transfer (baghouse DC-30N) (1991)	N	20%
K206	BN-07 Bin Feeding (1957)	N	20%
	BN-07 Loadout (1957)	N	20%
K208	SC-06 Dust Transfer (baghouse DC-02) (1991)	N	20%
	SC-09 (sealed) (1972)	N	20%
	SC-13 (sealed) (1972)	N	20%
	BE-07 (sealed) (1972)	N	20%
	SC-16 (sealed) (1972)	N	20%

EU	Description	Subject to Subpart AAAAAA?	Opacity Limits
K213	BN-10 Bin Feeding (baghouse DC-05) (1972)	N	20%
	BN-10 Loadout (baghouse DC-05) (1972)	N	20%
K215	DA-BN-502 Bin Feeding (bin vent DA-DC-507) (1994)	N	20%
	DA-SC-505 Dust Transfer (sealed) (1994)	N	20%
	DA-SC-506 Dust Transfer (sealed) (1994)	N	20%
K302	PH-03 Closed Stone Transfer Pt (baghouse DC-03) (1968)	Y	15%
	KN-03 Rotary Kiln 3 (baghouse DC-03) (1968)	Y	15%
	CO-03 Cooler (baghouse DC-03) (1968)	Y	15%
K302a	Auxiliary Kiln Drive Diesel Engine	N	20%
K304	SC-03 Lime Transfer (sealed) (1968)	N	20%
	SC-04 Lime Transfer (sealed) (1968)	N	20%
K306	BN-08 Bin Feeding (1968)	N	20%
	BN-08 Loadout (1968)	N	20%
K308	BN-18 Bin Feeding (baghouse DC-03) (1968)	N	20%
	SC-18 Dust Transfer (baghouse DC-03) (1968)	N	20%
	SC-18 Loadout (baghouse DC-03) (1968)	N	20%
	SC-11, 12 Dust Transfer (sealed) (1972)	N	20%
K402	K4-PH-302 Closed Stone Transfer Pt (baghouse) (1996)	Y	7%
	K4-CO-309 Cooler (baghouse K4-DC-340) (1996)	Y	15%
K402a	Auxiliary Kiln Drive Diesel Engine	N	20%
K404	K4-BC-501 Lime Transfer (1996)	N	20%
	K4-BE-502 Lime Transfer (1996)	N	20%
	K4-BC-503 Lime Transfer (baghouse DC-30N) (1996)	N	20%
	K4-BC-504 Lime Transfer (baghouse DC-30N) (1996)	N	20%
K408	K4-DBN-1 Bin Feeding	N	20%
	K4-DBN-2 Bin Feeding	N	20%
	K4-DBN-3 Bin Feeding	N	20%
	K4-DBN-4 Bin Feeding	N	20%
	K4-DBN-1 Load Out	N	20%
	K4-DBN-2 Load Out	N	20%
	K4-DBN-3 Load Out	N	20%
	K4-DBN-4 Load Out	N	20%
K410	Kiln Seal Dribble Chute Bin (bin feeding)	N	20%
	Kiln Seal Dribble Chute Bin (load out)	N	20%
K412	K4-SC-326 Dust Transfer (sealed) (1996)	N	20%
	K4-SC-327 Dust Transfer (sealed) (1996)	N	20%
	K4-SC-328 Dust Transfer (sealed) (1996)	N	20%
	K4-SC-329 Dust Transfer (sealed) (1996)	N	20%
K412	K4-BE-330 Dust Transfer (sealed) (1996)	N	20%



EU	Description	Subject to Subpart AAAAAA?	Opacity Limits
K417	K4-BN-508 Bin Feeding (bin vent K4-DC-509) (1996)	N	20%
	K4-BN-508 Bin Loadout (1996)	N	20%
K418	K4-SC-342 Dust Transfer (1996)	N	20%
L101	SC-24 Lime Transfer (1991)	N	20%
	SC-25 Lime Transfer (sealed) (1991)	N	20%
	BC-505/BC-20 Lime Transfer (baghouse DC-20) (1957)	N	20%
	BE-20 Lime Transfer (baghouse DC-20)(1957)	N	20%
L105	K4-BN-518 Bin Feeding (binvent K4-DC-519) (1996)	N	20%
	K4-SC-524 Lime Transfer (1996)	N	20%
L108	HM-20 Crushing Product (sealed) (1986)	N	20%
L110	VS-20 Screening Product (baghouse DC-20) (1957)	N	20%
	SI-02 Bin Feeding (baghouse DC-20) (1957)	N	20%
	SC-21 Lime Transfer (sealed) (1957)	N	20%
L112	SI-01 Bin Feeding (baghouse DC-20) (1957)	N	20%
	SC-23 Lime Transfer (sealed) (1957)	N	20%
	SC-26 Lime Transfer (sealed) (1957)	N	20%
L116	SI-06 Bin Feeding (baghouse DC-20) (1957)	N	20%
	SC-27 Lime Transfer (sealed) (1957)	N	20%
L118	SI-07 Bin Feeding (baghouse DC-20) (1957)	N	20%
	SC-28 Lime Transfer (baghouse DC-20) (1968)	N	20%
	SC-20 Dust Transfer (sealed) (1986)	N	20%
L201	K4-BC-506 Lime Transfer (baghouse DC-8001) (1968)	N	20%
	SC-30 Lime Transfer (baghouse DC-30N) (sealed) (1972)	N	20%
	SC-4029 Lime Transfer (baghouse DC-30N) (2014)	N	20%
	K4-BC-507 Lime Transfer (baghouse DC-20)(1968)	N	20%
	BE-30 Lime Transfer (1968)	N	20%
	BC-32 Lime Transfer (1968)	N	20%
L206	CR-30 Crushing Product (baghouse DC-36) (1968)	N	20%
	BE-31 Lime Transfer (baghouse DC-36) (1968)	N	20%
	VS-30 Screening Product (baghouse DC-36) (1968)	N	20%
L208	SI-04 Bin Feeding (enclosed) (1968)	N	20%
	SI-03 Bin Feeding (enclosed) (1957)	N	20%
	SI-08 Bin Feeding (enclosed) (1957)	N	20%
	SI-09 Bin Feeding (enclosed) (1968)	N	20%
	SI-10 Bin Feeding (baghouse DC-37)	N	20%
L209	SC-38 Lime Transfer (sealed) (1968)	N	20%
	SC-39 Lime Transfer (sealed) (1968)	N	20%
	SC-38A Lime Transfer (sealed) (1968)	N	20%
	SC-37 Lime Transfer (sealed) (1995)	N	20%

EU	Description	Subject to Subpart AAAAAA?	Opacity Limits
	SC-36 Lime Transfer (sealed) (1995)	N	20%
	SC-40 Dust Transfer (sealed) (1995)	N	20%
	SC-41 Dust Transfer (sealed) (1995)	N	20%
H101	SC-101 Hydrate Transfer (sealed) (1990)	N	20%
H102	Small Bin Feeding (enclosed) (1990)	N	20%
	SC-105 Hydrate Transfer (sealed) (1990)	N	20%
H105	MX-106 Hydrate Transfer	N	20%
	HY-107 Hydrator	N	20%
	SC-111 Hydrate Transfer	N	20%
H108	BE-113 Hydrate Transfer	N	20%
	VS-115 Screening Product	N	20%
	SC-117 Hydrate Transfer	N	20%
H109	CR-116 Crushing Product	N	20%
H110	SC-119 Hydrate Transfer	N	20%
H116	SC-118 Hydrate Transfer	N	20%
	BE-120 Hydrate Transfer	N	20%
	SC-121 Hydrate Transfer	N	20%
D201	D-HM-510 Crushing Product	N	20%
D202	D-SC-511 Lime Transfer	N	20%
	D-SC-512 Lime Transfer	N	20%
	D-SC-513 Lime Transfer	N	20%
	D-SC-514 Lime Transfer	N	20%
	D-SC-515 Lime Transfer	N	20%
D208	D-SC-516 Lime Transfer	N	20%
	D-BN-518, 519 Bin Feeding	N	20%
D211	D-BC-503 Lime Transfer	N	20%
	D-BN-504 Bin Feeding	N	20%
	D-SC-508 Lime Transfer	N	20%
O101	Ore Spillage Open Stone Transfer Point	N	20%
	Ore Spillage Reclaim	N	20%
	Ore Reclaim Unloading	N	20%
	Product Spillage Lime Transfer	N	20%
	Product Spillage Reclaim Lime Transfer	N	20%
	Product Reclaim Unloading	N	20%
O107	Kiln 1-3 Dump/Bypass Lime Transfer	N	20%
	Kiln 1-3 Dump/Bypass Reclaim Lime Transfer	N	20%
	Kiln 1-3 Dump/Bypass Unloading	N	20%
O110	Diesel-Powered Emergency Generator (rental) (maximum rating: 302 hp)	N	20%

EU	Description	Subject to Subpart AAAAAA?	Opacity Limits
SP1	Hopper Loading and Unloading	N	20%
	Conveyor Belt SP-2	N	20%
SP3	Screen SP-3	N	20%
	Stacker Belt	N	20%
	Stacker Belt	N	20%
	Stacker Belt	N	20%
SP7	218 hp Diesel-Fueled Generator	N	20%
TL1	Railcar Unloading (baghouse) (1999)	N	20%
TL3	80 hp Diesel-Fueled Generator (1999)	N	20%
A01	Quarry Areas (1945)	N	20%
	Limestone at Hopper (1945)	N	20%
	Fine Kiln-Feed Stockpile (1996)	N	20%
	Coarse Kiln-Feed Stockpile (1945)	N	20%
	Glass Flux Feed Stockpile (1996)	N	20%
	Kiln 4 Chat Stockpile (1996)	N	20%
	Chat Stockpile (1945)	N	20%
	Solid Fuel Stockpile – Coal (1975)	N	20%
	Solid Fuel Stockpile – Coke	N	20%
	Dolomite Stockpile (1995)	N	20%
	Fine Dolomite Stockpile (1998)	N	20%
	Coarse Dolomite Stockpile (1998)	N	20%
	Dolo at Hopper	N	20%
	Portable Screening Plant Stockpiles	N	20%
	Waste Lime Stockpile	N	20%
	Waste Flue Dust Stockpile	N	20%
V01	Unpaved Haul Roads	N	20%
V02	Paved Import/Shipping Roads	N	20%
V03	Unpaved Reject Material Removal Exit Road	N	20%
V04	Paved Lime Plant Roads	N	20%
V05	Unpaved Lime Plant Roads	N	20%
V06	Dozer Travel on Paved Road	N	20%
P112	BN-226 Loadout Open Stone Transfer Pt (1996)	N	20%
D105	D-BN-211 Loadout (1995)	N	20%
LD4	Loader Loading	N	20%
	Loader Unloading	N	20%

3. The PTE values listed in Table A-3 are the only enforceable limits. Thus, an exceedance of the calculation parameters (flow rate or grain loading) would not constitute a violation of the permit as long as the calculated emission rates, based on the measured flow rate and grain loading, are lower than the PTEs listed in the table.

Table A-3: Baghouses and Bin Vents Emissions Limits

Baghouse & Bin Vent ID	EU Description	Flow Rate		Outlet Loading (grains/dscf)	PTE PM <sub>10</sub>	PTE (tons/year)	
		acfm	dscfm		Lbs/hr	PM <sub>2.5</sub> <sup>1</sup>	PM <sub>10</sub>
DC-01	Kiln 1	50,000	31,475	0.0219	5.91	25.88	25.88
DC-02	Kiln 2	50,000	31,475	0.0219	5.91	25.88	25.88
DC-03	Kiln 3	70,000	44,466	0.0219	8.35	36.56	36.56
DC-04	Kiln Dust Load Out	2,000	1,856	0.0219	0.35	1.07	1.52
DC-05	Kiln Dust Load Out	2,000	1,856	0.0219	0.35	1.07	1.52
DC-20	North Lime Handling K104	10,000	9,282	0.0219	1.74	5.37	7.61
DC-30N	South Lime Handling	8,000	7,425	0.005	0.32	0.98	1.39
DC-37	South Lime Handling	400	371	0.0219	0.07	0.22	0.31
DC-36	South Lime Handling	10,000	9,282	0.0219	1.74	5.37	7.61
DC-109	Hydrator	12,000	8,256	0.0219	1.55	4.78	6.77
DA-DC-507	Dust Blend Bin Vent	1,060	984	0.0219	0.18	0.57	0.81
D-DC-505	Upset Bin Vent	1,000	928	0.0219	0.17	0.54	0.76
D-DC-520	Dolomitic bin Vent	3,000	2,784	0.0219	0.52	1.61	2.28
D-DC-526	Dolomitic Lime Handling	3,000	2,784	0.0219	0.52	1.61	2.28
K4-DC-316	Kiln 4	168,700	97,525	0.0120	10.06	44.10	44.10
K4-DC-340	Kiln 4 Cooler	13,000	9,846	0.0100	0.84	3.70	3.70
K4-DC-421	Kiln 4 Fuel Bins	1,000	928	0.0219	0.17	0.54	0.76
K4-DC-509	Kiln 4 Dust Bin Vent	1,000	928	0.0219	0.17	0.54	0.76
K4-DC-516	Filter receiver	1,200	1,114	0.0219	0.21	0.64	0.91
K4-DC-519	Start-up Bin	1,000	928	0.0219	0.17	0.54	0.76
DC-8001	5,000 ton Silo System/South Lime Handling	15,442	14,333	0.0100	1.23	3.80	5.38
DC-8002	5,000 ton Silo System	2,631	2,442	0.0100	0.21	0.65	0.92
DC-8003	5,000 ton Silo System	2,631	2,442	0.0100	0.21	0.65	0.92
DC-8004	5,000 ton Silo System	2,631	2,442	0.0100	0.21	0.65	0.92
DC-5001	South Lime Handling	4,690	4,353	0.0100	0.37	1.15	1.63
DC-5002	North Lime Handling	4,690	4,353	0.0100	0.37	1.15	1.63
DC-5003	South Lime Handling	4,690	4,353	0.0100	0.37	1.15	1.63
DC-5004	South Lime Handling	4,690	4,353	0.0100	0.37	1.15	1.63
DC-5005	North Lime Handling	4,690	4,353	0.0100	0.37	1.15	1.63
DC-5006	Hydrator	5,500	5,105	0.0100	0.44	1.35	1.92
DC-5007	South Lime Handling	4,690	4,353	0.0100	0.37	1.15	1.63

Baghouse & Bin Vent ID	EU Description	Flow Rate		Outlet Loading (grains/dscf)	PTE PM <sub>10</sub>	PTE (tons/year)	
		acfm	dscfm		Lbs/hr	PM <sub>2.5</sub> <sup>1</sup>	PM <sub>10</sub>
D-DC-4217	Pebble Lime Screening	6,714	6,215	0.0100	0.53	1.65	2.33
K2-DC-505N <sup>2</sup>	Kiln 2	1,200	1,114	0.015	0.14	0.44	0.63
K2-DC-506S <sup>2</sup>	Kiln 2	1,200	1,114	0.015	0.14	0.44	0.63
DC-CA-04	K304	5,000	4,641	0.003	0.12	0.52	0.52
D-DC-50122	PL107(a) – PL107 (c)	3,000	2,784	0.0219	0.52	2.29	2.29

<sup>1</sup>PM<sub>2.5</sub> emissions are estimated to be 71% of PM<sub>10</sub> concentration except DC-01, DC-02, DC-03, K4-DC-316 and K4-DC-340.

<sup>2</sup>K2-DC-505N and K2-DC-506S shall not operate simultaneously.

## B. Applicable Regulations

1. Nevada Revised Statutes, Chapter 445B.
2. The AQR sections listed in Table B-1.

**Table B-1: Applicable AQR Sections**

Citation	Title
AQR 00	"Definitions" (Amended 3/06/2012)
AQR 2	"Air Pollution Control Board" (Amended 12/20/2005)
AQR 4	"Control Officer" (7/01/2004)
AQR 5	"Interference with Control Officer" (7/01/2004)
AQR 6	"Injunctive Relief" (7/01/2004)
AQR 7	"Hearing Board and Hearing Officer" (Amended 7/01/2004)
AQR 8	"Persons Liable for Penalties – Punishment: Defense" (7/01/2004)
AQR 9	"Civil Penalties" (7/01/2004)
AQR 10	"Compliance Schedules" (7/01/2004)
AQR 12.0	"Applicability, General Requirements and Transition Procedures" (7/01/2010)
AQR 12.2	"Permit Requirements for Major Sources in Attainment Areas (Prevention of Significant Deterioration)" (Amended 3/06/2012)
AQR 12.3	"Permit Requirements for Major Sources in Nonattainment Areas" (7/01/2010)
AQR 12.4	"Authority to Construct Application and Permit Requirements for Part 70 Sources" (7/01/2010)
AQR 12.5	"Part 70 Operating Permit Requirements" (7/01/2010)
AQR 12.6	"Confidentiality" (7/01/2010)
AQR 12.7	"Emission Reduction Credits" (7/01/2010)
AQR 12.9	"Annual Emissions Inventory Requirement" (7/01/2010)
AQR 12.10	"Continuous Monitoring Requirement for Stationary Sources" (7/01/2010)
AQR 12.12	"Transfer of Permit" (7/01/2010)
AQR 12.13	"Posting of Permit" (7/01/2010)
AQR 13	"National Emission Standards for Hazardous Air Pollutants" (7/01/2010)

Citation	Title
AQR 14	"New Source Performance Standards" (7/01/2010)
AQR 18	"Permit and Technical Service Fees" (amended 2/10/2012)
AQRs 25.1 & 25.2	"Requirements for the Excess Emissions Caused by Upset/Breakdown and Malfunctions" (7/01/2010)
AQR 26	"Emissions of Visible Air Contaminants" (12/30/2008)
AQR 27	"Particulate Matter from Process Weight Rate" (7/01/2004)
AQR 28	"Fuel Burning Equipment" (7/01/2004)
AQR 40	"Prohibition of Nuisance Conditions" (7/01/2004)
AQR 41.1.2	"Fugitive Dust" (7/01/2004)
AQR 43	"Odors in the Ambient Air" (7/01/2004)
AQR 45	"Idling of Diesel Powered Motor Vehicles" (7/01/2004)
AQR 50	"Storage of Petroleum Products" (7/01/2004)
AQR 52	"Gasoline Dispensing Facilities" (SIP version) (7/24/1979)
AQR 70	"Emergency Procedures" (7/01/2004)
AQR 80	"Circumvention" (7/01/2004)
AQR 81	"Provisions of Regulations Severable" (7/01/2004)

3. Clean Air Act Amendments of 1990 (authority: 42 U.S.C. § 7401, et seq.)

4. The 40 CFR sections listed in Table B-2.

**Table B-2: Applicable 40 CFR Sections**

Citation	Title
40 CFR Part 52.21	"Prevention of Significant Deterioration (PSD)"
40 CFR Part 52.1470	"SIP Rules"
40 CFR Part 60, Subpart A	"Standards of Performance for New Stationary Sources (NSPS) – General Provisions"
40 CFR Part 60	Appendices A, B, and F
40 CFR Part 60, Subpart Y	"Standards of Performance for Coal Preparation Plants"
40 CFR Part 60, Subpart HH	"Standards of Performance for Lime Manufacturing Plants"
40 CFR Part 60, Subpart OOO	"Standards of Performance for Nonmetallic Mineral Processing Plants"
40 CFR Part 60, Subpart IIII	"New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines"
40 CFR Part 61, Subpart M	"Asbestos"
40 CFR Part 63, Subpart ZZZZ	"Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"
40 CFR Part 63, Subpart AAAAA	"Standards for Hazardous Air Pollutants for Lime Manufacturing Plants"
40 CFR Part 70	"Federally Mandated Operating Permits"
40 CFR Part 82	"Protection of Stratospheric Ozone"



## Attachment 2



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# **PART 70**

## **TECHNICAL SUPPORT DOCUMENT**

### **(STATEMENT of BASIS)**

**APPLICATION FOR:**  
**Operating Permit Minor Revision and Reopenings for Cause**

**SUBMITTED BY**  
Lhoist North America of Arizona Inc/Trinity Consultants

For  
Lhoist North America of Arizona Apex Plant  
Source: 3

**LOCATION:**  
12101 North Las Vegas Boulevard  
Las Vegas, Nevada 89165

SIC code 3274, "Lime Manufacturing"  
NAICS code 327410, "Lime Manufacturing"

January 6, 2022

## EXECUTIVE SUMMARY

Lhoist North America of Arizona (LNA) is a manufacturer of lime and lime products located approximately 20 miles north of the City of Las Vegas, Nevada. The mining and processing operations are situated in Hydrographic Area 216 (Garnet Valley), a section of the Apex Valley Airshed. The legal description of the source location is: portions of T18S, R63E, Sections 23 and 26 in Apex Valley, County of Clark, State of Nevada. The source falls under SIC code 3274, “Lime Manufacturing,” and NAICS code 327410, “Lime Manufacturing.”

Garnet Valley is designated as an attainment area for ozone (regulated through NO<sub>x</sub> and VOC), PM<sub>10</sub>, CO, and SO<sub>2</sub>. The LNA Apex Plant is a categorical source, as defined by AQR 12.2.2(j)(12). The LNA Apex Plant is a major stationary source for PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, CO, SO<sub>2</sub>, and HAP (HCl), and a minor source for total HAP and VOC. The plant is also identified as a source of greenhouse gases. The Apex operation includes mining and excavating, limestone handling and processing, solid fuel handling, lime storage silos, fuel storage tanks, and truck and railcar loading and transporting. Four rotary lime kilns are used to convert limestone to quicklime. These kilns can be fired by coal, coke, or natural gas.

Table 1 summarizes the source’s potential to emit each regulated air pollutant from all emission units addressed by this Part 70 Operating Permit.

**Table 1: Potential to Emit**

Pollutant <sup>1</sup>	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	HAPs <sup>2</sup>	HAP (HCl) <sup>2</sup>	GHG <sup>3</sup>
Tons/year	335.90	203.13	1,905.45	974.30	1,646.77	9.40	22.97	21.12	697,459
Major Source Thresholds (Title V)	100	100	100	100	100	100	10/25 <sup>1</sup>	-	-
Major Stationary Source Thresholds (PSD)	250	250	250	250	250	250	10/25 <sup>1</sup>	-	-

<sup>1</sup> The PTE in this table is for informational purposes only. The enforceable emission limits are listed in Section III-A of the permit.

<sup>2</sup> Major source threshold for HAPs is 10 tons for any individual hazardous air pollutant or 25 tons for the combination of all hazardous air pollutants.

<sup>3</sup> Metric tons per year, CO<sub>2</sub>e. GHG = greenhouse gas pollutants.

DAQ will continue to require sources to estimate their GHG potential to emit in terms of each individual pollutant (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, etc.). The TSD includes these PTEs for informational purposes.

This lime manufacturing operation is subject to 40 CFR Part 60, Subpart 000; 40 CFR Part 60, Subpart HH; 40 CFR Part 60, Subpart Y; 40 CFR Part 60, Subpart IIII; 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 63, Subpart AAAAA .

The engines subject to 40 CFR Part 60, Subpart IIII, satisfy the requirements of 40 CFR Part 63, Subpart ZZZZ, through compliance with 40 CFR Part 60, Subpart IIII.

DAQ has received delegated authority from the U.S. Environmental Protection Agency to implement the requirements of the Part 70 OP. Based on the information submitted by the applicant, supplemental information provided by the applicant, and a technical review performed by DAQ staff, the revisions to the Part 70 OP to Lhoist North America Apex Plant are proposed.

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## I. ACRONYMS

**Table I-1: List of Acronyms**

<b>Acronym</b>	<b>Term</b>
ANFO	ammonium nitrate-fuel oil
BACT	Best Available Control Technology
AQR	Clark County Air Quality Regulation
ATC	Authority to Construct
BLM	Bureau of Land Management
CF	control factor
CFR	Code of Federal Regulations
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
CD	control device
DAQ	Division of Air Quality
DES	Clark County Department of Environment and Sustainability
DOM	date of manufacture
EF	emissions factor
EPA	U.S. Environmental Protection Agency
EU	emission unit
g/dscm	gram per dry standard cubic meter
gr/dscf	grains per dry standard cubic feet
GHG	greenhouse gas
HAP	hazardous air pollutant
hp	horsepower
kW	kilowatts
NAAQS	National Ambient Air Quality Standard
NAICS	North American Industry Classification System
NO <sub>x</sub>	nitrogen oxide(s)
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in aerodynamic diameter
PM <sub>10</sub>	particulate matter less than 10 microns in aerodynamic diameter
PSD	prevention of significant deterioration
PTE	potential to emit
RACT	Reasonably Achievable Control Technology
SCC	Source Classification Code
SIC	Standard Industrial Classification
SO <sub>2</sub>	sulfur dioxide
SOP	standard operating procedure
TPH	tons per hour
UTM	Universal Transverse Mercator
VGf	vibrating grizzly feeder
VMT	vehicle miles traveled
VOC	volatile organic compound

## II. SOURCE INFORMATION

### A. GENERAL

Permittee: Lhoist North America of Arizona Inc  
Mailing Address: 12101 North Las Vegas Boulevard, Las Vegas, Nevada 89165  
Responsible Official: Sean Brennan, Plant Manager  
Phone Number: (702) 227-4935  
Source Location: 12101 North Las Vegas Boulevard, Las Vegas, Nevada 89165

### B. DESCRIPTION OF PROCESS

The Apex operation includes mining and excavating, limestone handling and processing, solid fuel handling, lime storage silos, fuel storage tanks, and truck and railcar loading and transporting. Four rotary lime kilns are used to convert limestone to quicklime. These kilns can be fired by coal, coke, or natural gas. Table II-B-1 lists the emission units affected by this permitting action.

**Table II-B-1: List of Emission Units and PM<sub>10</sub> / PM<sub>2.5</sub> PTE**

EU	Source EU Identifier	Process Description	Throughput (ton/yr)	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
<b>Dolomitic Lime Handling</b>							
D212	BE-03 to D-HM-510 <sup>N</sup>	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
<b>Solid Fuel Handling</b>							
F101	HO-40,41	Fuel Transfer	600,631	0.00031	0.0011	0.093	0.33
	BC-40 (sealed)	Fuel Transfer	600,631	0.00031	0.0011	0.093	0.33
	BC-44 <sup>M</sup>	Fuel Transfer	378,395 (8,760 hr/yr)	0.00031	0.0223 lb/hr	0.059	0.098
	Loader Loading	Fuel Transfer	156,160	0.00031	0.0011	0.024	0.086
	Loader Unloading	Fuel Transfer	156,160	0.00031	0.0011	0.024	0.086
<b>Total</b>						<b>0.29</b>	<b>0.93</b>
<b>Kiln 3</b>							
K309	D-SC-8306	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
	TBD <sup>2</sup>	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
	TBD <sup>2</sup>	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
	D-BE-8307	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
	TBD <sup>N</sup>	Lime Transfer	146,000	0.00031	0.0011	0.02	0.08
<b>Total</b>						<b>0.10</b>	<b>0.40</b>

EU	Source EU Identifier	Process Description	Throughput (ton/yr)	EF (lbs/ton)		PTE (tons/yr)	
				PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>
<b>Lime Screen System</b>							
PL105	Conveyor D-SC-4217 to Conveyor TBD <sup>2</sup>	Lime Transfer	146,000	0.00031	0.0011	0.023	0.08
	Conveyor TBD <sup>2</sup> to Crusher D-HM-510	Lime Transfer	146,000	0.00031	0.0011	0.023	0.08
<b>Total</b>						<b>0.05</b>	<b>0.16</b>

Note: The 'N' and 'M' superscripts denote new and modified emission units for this permitting action.

<sup>1</sup>Replacement of existing coal spout with spout equipped with dust collector. Annual throughput unchanged.

<sup>2</sup>Conveyors replaced with similar units. Annual throughput unchanged.

### C. PERMITTING HISTORY

Table II-C-1 lists permitting activities. It starts with the last Part 70 OP issued, but does not include the current action described in Section D.

**Table II-C-1: Permit History**

Issue Date	Description
10/10/2017	Part 70 permit issued (renewal)
12/11/2017	Minor revision
7/26/2017	502(B)10 Letter
7/14/2020	A significant revision and several minor revisions

### D. CURRENT PERMITTING ACTION

#### 1. Minor Revision Application Dated October 25, 2021

This action is a minor revisions to the Part 70 permit. The source is requesting the changes listed in Table II-D-1.

**Table II-D-1: Explanation of Requested Changes**

EU	Description of Action
D122	New lime transfer screw conveyor from BE-03 to D-HM-510. This addition of this unit results in an increase to source PTE.
F101	Replacement of existing coal spout (BC-44) with spout equipped with dust collector. The PTE is reduced due to the addition of the new dust collector.
K309	Replacement of belt conveyor D-BC-8308 with a new apron conveyor. The throughputs and emission factors remain unchanged, so PTE is unaffected.
	Replacement of belt conveyor D-BC-8004 with a new screw conveyor. The throughputs and emission factors remain unchanged, so PTE is unaffected.
	New screw conveyor between the new apron conveyor and D-SC-53105. This addition of this unit results in an increase to source PTE.
PL105	Replacement of conveyor D-SC-4220. The throughputs and emission factors remain unchanged, so PTE is unaffected.

## 2. Permit Change Referral Forms (PCRF)

Any member of the DES staff, who detects a problem or insufficiency with an operating permit, can submit a Permit Change Referral Form with suggestions to correct said problem. The changes made to the current permitting action as a result of these submittals are identified in Table II-D-2.

**Table II-D-2: Changes Resulting from DES Staff-Initiated Permit Change Referral Forms**

PCRF Date	Condition	Reason for Addition or Correction
10/14/2021	III-C-1(d)	Added "PM <sub>10</sub> " to clarify which regulated pollutant is addressed by the condition.
11/17/2021	III-E-1	Condition added to make reference to Clark County DAQ Source Testing Guidelines.
05/07/2021	III-F-1(p)	Added record keeping condition to correlate with diesel engine maintenance requirements mandated by 40 CFR Part 63, Subpart ZZZZ and specified in Section III-C of the permit. Corrected inconsistency of Permit condition III.E.6 (now III-E-7) which required annual opacity testing for EUs: P109, R120, D105, and SP3; while, Table III-E-1 required a five year performance testing frequency. Table III-E-1 changed to annual opacity testing for these units.
02/22/2021	Table III-E-1	Revised performance testing requirements of kilns to add clarity

## 3. Reopening for Cause Dated August 9, 2021: Emission Statement

The Department of Environment and Sustainability, Division of Air Quality (DAQ) has identified this source as possibly emitting 25 tons or more of actual emissions for oxides of nitrogen (NO<sub>x</sub>) and/or volatile organic compounds (VOCs) in any calendar year. Clark County was required to implement Section 182(a)(3)(B) of the Clean Air Act (CAA) which requires all ozone nonattainment areas to have in place a program that requires emissions statements from stationary sources of NO<sub>x</sub> and/or VOCs.

Section 12.9.1 of the Clark County Air Quality Regulations (AQRs) codifies this requirement for Clark County and states the following:

- a. The Responsible Official of each Stationary Source that emits 25 tons or more of NO<sub>x</sub> and/or VOC shall submit an Annual Emissions Statement (Statement) to the department for the previous calendar year.
- b. Pursuant to CAA Section 182, the Statement must include all actual emissions for all NO<sub>x</sub> and VOC emitting activities.
- c. The Statement shall be submitted to and received by the department on or before March 31 of each year or other date, upon prior notice by the Control Officer, and shall include a certification that the information contained in the Statement is accurate to the best knowledge of the individual certifying the Statement.

A condition requiring submittal of annual emission statement has been included in the permit.

## 4. Reopening for Cause Dated September 2, 2021: Fugitive Emissions

This source is an existing major source that has a Title V operating permit. The Division of Air Quality (DAQ) is revising the permit pursuant to Sections 12.5.2.15 of the Clark County Air

Quality Regulations (AQR), which maintain that the Control Officer may reopen and revise a permit “to assure compliance with the applicable requirements.” This permit is revised to include recently promulgated fugitive dust requirements for stationary sources.

AQR Sections 92 (Fugitive Dust from Unpaved Parking Lots and Storage Areas) and 94 (Permitting and Dust Control for Construction Activities) were recently revised to address fugitive dust at stationary sources. The revised regulations became effective on August 17, 2021. Subsections 92.1(c) and 94.1.1(a) require that the control measures and stabilization standards therein be made enforceable by the terms and conditions of the stationary source permit.

The source’s permit has been revised to include these fugitive dust requirements.

During the review of the draft permit, the permittee requested the removal of Condition III-C-3(k) from the permit (prohibition for the use of dry rotary brushes to clean trackout unless accompanied by water). The reason given was, utilizing water with the sweeper truck poses a safety risk. An exothermic reaction occurs when water is added to lime, which may result in a fire. DAQ staff had a discussion with the source on February 7, 2022 and decided to clarify the intent of the rule (AQR 94.14(a)(1)-(3), (b) and (c)). DAQ explained that the requirement for the addition of sufficient water is intended to address rotary brushes alone. The requirement for water can be avoided when a vacuum rotary brush is used. Condition III-C-3(k) has been revised to reflect this change.

**E. ALTERNATE OPERATING SCENARIO**

Not applicable to this permitting action.

**III. EMISSIONS INFORMATION**

**A. SOURCE-WIDE PTE**

The Lhoist North America Apex Plant is a major Title V source for PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, CO, SO<sub>2</sub>, and HAP (HCl) and a minor source for total HAP and VOC. The source is identified as major for greenhouse gases (GHGs).

**Table III-A-1: Source-wide PTE (tons per year)<sup>1</sup>**

Process Description	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	Total HAPs <sup>2</sup>	HAP (HCl) <sup>2</sup>	GHGs <sup>3</sup>
Material Handling and Transfer Operations	81.85	15.51							
Area Piles	18.26	2.78							
Baghouse Emissions	197.80	180.48							
Haul Roads	38.00	4.37							
Gaseous Emissions			1,905.45	974.30	1,646.77	9.40	22.97	21.12	697,459
<b>Total Emissions</b>	<b>335.90</b>	<b>203.13</b>	<b>1,905.45</b>	<b>974.30</b>	<b>1,646.77</b>	<b>9.40</b>	<b>22.97</b>	<b>21.12</b>	<b>697,459</b>

<sup>1</sup> The PTE in this table is for informational purposes only. The enforceable emission limits are listed in Section III-A of the permit.

<sup>2</sup> Major source thresholds for HAPs is 10 tons for any individual hazardous air pollutant or 25 tons for combination of all HAPs.

<sup>3</sup> Metric tons per year.

## B. ALLOWABLE EMISSIONS CALCULATIONS

All calculations for new and revised emission units, except BC-44, are shown in Table II-B-1. The emissions from the new coal spout (BC-44) are calculated using the dust collector flow rate and grain loading values as follows:

### Equation

$$\text{PTE (PM)} = \text{Flow Rate} * \text{Max Outlet Grain Loading} * 60 \text{ min/hr} \div 7,000 \text{ gr/lb} * 8,760 \text{ hr/yr} \div 2,000 \text{ lb/ton, where:}$$

Grain Loading = 0.0045 grains/dry standard cubic feet

Flow Rate = 1,800 dry standard cubic feet per minute

PM<sub>10</sub> is calculated to be 32.1 % of total PM

$$\begin{aligned} \text{PM}_{10} &= 0.0045 \text{ gr/dscf} * 1,800 \text{ dscfm} * 60 \text{ min/hr} \div 7,000 \text{ gr/lb} * 8,760 \text{ hr/yr} \div 2,000 \text{ lb/ton} * 0.321 \\ &= 0.10 \text{ ton/yr} \end{aligned}$$

## C. EMISSION INCREASE

Table III-C-1: Emission Increase

Description	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	HAP
Current Permitting Action	335.90	203.13	1,905.45	974.30	1,646.77	9.40	22.97
Permit Issued 07/14/2020	335.85	203.09	1,905.45	974.30	1,646.77	9.40	22.97
<b>Total NEI</b>	<b>0.05</b>	<b>0.04</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Minor NSR Significant Levels: AQR 12.1.1(j)</b>	<b>7.5</b>	<b>7.5</b>	<b>20</b>	<b>35</b>	<b>40</b>	<b>20</b>	

The calculated net emission increase for any pollutant does not exceed significance as per AQR 12.2 or 12.4. The proposed modifications do not meet any of the preconstruction review applicability criteria as outlined in AQR 12.4. Also, the proposed modification does not meet the significant revision criteria identified in AQR 12.5. Therefore, the changes proposed in this permitting action qualify for a minor revision of the operating permit.

## D. OPERATIONAL LIMITS

1. The new screw conveyor (EU: D212) shall be limited to 146,000 tons per any consecutive 12-month period.
2. The new screw conveyor added to EU: K309 (lime transfer from new apron conveyor to D-SC-53105) shall be limited to 146,000 tons per any consecutive 12-month period.

The throughputs for all other emission units remain unchanged.

## E. CONTROL TECHNOLOGY

There are no additional control requirements associated with this permitting action. All BACT and RACT requirements established with previous permitting actions remain enforceable.



## **F. MONITORING**

There are no additional monitoring requirements associated with this permitting action. All monitoring requirements established with previous permitting actions remain enforceable.

## **G. PERFORMANCE TESTING**

There are no performance test requirements associated with the proposed changes in this permitting action.

## **IV. REGULATORY REVIEW**

There are no additional local or federal regulations associated with this permitting action.

## **V. EMISSION REDUCTION CREDITS (OFFSETS)**

Not applicable to this permitting action.

## **VI. PUBLIC PARTICIPATION**

Pursuant to AQR 12.5.2.17, the Control Officer should provide for public notice, comment, and an opportunity for a hearing on initial permit issuances, significant revisions, reopenings for cause, and renewals in accordance with the procedures outlined in the regulation. Given the broad range of changes that can be addressed through a reopening of the permit, including those that typically do not require public participation, DAQ relied on the other criteria for public participation to ascertain whether it should be initiated for this reopening of the permit. As the updates addressed in this reopening qualify as neither an initial permit issuance nor a renewal of the Title V permit, the criteria for a significant permit revision was used to determine whether public participation is warranted. The changes addressed in this reopening of the permit do not meet any criterion for a significant revision that would otherwise require public participation. Instead, the changes addressed in this reopening introduce permit conditions that are more stringent than those in the current permit and should not be a matter of public objection. Therefore, considering the stringency of the new permit conditions, the cost of a public notice publication, and the delay in permit issuance relating to a public comment period, initiation of another public participation process cannot be adequately supported.

## **VII. MODELING**

Lhoist North America Apex Plant is a major source in Hydrographic Area 216 (Garnet Valley). Permitted emission units include four kilns, lime mining and processing. Since minor source baseline dates for PM<sub>10</sub> (December 31, 1980), NO<sub>2</sub> (January 24, 1991) and SO<sub>2</sub> (December 31, 1980) have been triggered, Prevention of Significant Deterioration (PSD) increment analysis is required.

DAQ modeled the source using AERMOD to track the increment consumption. The average of 2019 and 2020 actual emissions were used in the model. Stack data submitted by the applicant were supplemented with information available for similar emission units. Five years (2011 to 2015) of meteorological data from the McCarran Station were used in the model. U.S. Geological

Survey National Elevation Dataset terrain data were used to calculate elevations. Table VII-1 shows the location of the maximum impact and the potential PSD increment consumed by the source at that location. The impacts are below the PSD increment limits.

**Table VII-1: PSD Increment Consumption**

Pollutant	Averaging Period	Source's PSD Increment Consumption ( $\mu\text{g}/\text{m}^3$ )	Location of Maximum Impact	
			UTM X (m)	UTM Y (m)
SO <sub>2</sub>	3-hour	132.86 <sup>1</sup>	688700	4025000
SO <sub>2</sub>	24-hour	47.60 <sup>1</sup>	687800	4025200
SO <sub>2</sub>	Annual	2.53	688268	4027917
NO <sub>x</sub>	Annual	2.90	688178	4027917
PM <sub>10</sub>	24-hour	8.42 <sup>1</sup>	687987	4025356
PM <sub>10</sub>	Annual	0.38	686293	4025872

<sup>1</sup> Highest Second High Concentration

## VIII. ATTACHMENTS

None

## Attachment 3

**SECTION 94: PERMITTING AND DUST CONTROL FOR CONSTRUCTION AND  
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## 94.1 Applicability

Section 94 applies to all Construction and Temporary Commercial Activities that disturb or have the potential to disturb soils and that Emit or have the potential to Emit Particulate Matter into the atmosphere. It establishes the requirements to obtain and comply with a Dust Control Operating Permit and a Dust Mitigation Plan, and the procedures to maintain Dust control of these activities.

### 94.1.1 Items to Which the Regulation Does Not Apply

- (a) Operation of Emission Units or activities permitted under a Stationary Source Permit, with the specific exception that the Control Measures, Emission standards and soil stabilization standards in Sections 94.12 through 94.14 shall apply to the control of Fugitive Dust Emissions, and enforced by the terms and conditions of the Stationary Source Permit.
- (b) Normal Farm Cultural Practices and equestrian facilities that are in compliance with zoning requirements.
- (c) Emergency activities, as defined in Section 0, that may disturb the soil performed or ordered under a directive by any utility or government agency in order to prevent public injury or restore critical utilities to functional status.
- (d) Temporary Commercial Activities outside of Hydrographic Areas 212 (Las Vegas Valley), 216 (Garnet Valley), and 217 (Hidden Valley North).

## 94.2 Definitions

Unless the context requires otherwise, the following terms shall have the meanings set forth below for the purposes of Section 94. When a term is not defined, it shall have the meaning provided in Section 0 of the Clark County Air Quality Regulations (AQRs), Chapter 445B of the Nevada Revised Statutes, the federal Clean Air Act (42 U.S.C. 7401 et seq.), or common usage, in that order of priority.

“Best Available Control Measures” and “BACM” means those Control Measures that are the best available with current technology for reducing or eliminating the release of Particulate Matter into the atmosphere from Construction Activities. These include, but are not limited to, all measures listed as Best Management Practices and any other Control Measures required by the Control Officer.

“Best Management Practice” or “BMP” means methods that have been determined to be the most effective and practical means of preventing or reducing Emissions of Fugitive Dust as provided in Appendix 1 to this section.



“Clean Gravel” means a mineral or rock aggregate ranging in size from 0.25 to 3 inches on its longest dimension that is either natural or the product of a mineral processing operation and contains no more than 6% silt by weight.

“Common Control” means having power or control, directly or indirectly, of the management decisions of another Construction project by ownership, contract, or other means.

“Construction Activities” means the following activities: Commercial and Residential Construction, Flood Control Construction, and Highway Construction, as defined in Section 0. These activities may include, but are not limited to, the following:

- (1) Land clearing, Maintenance, change of grade, and land cleanup using machinery;
- (2) Soil and rock excavation or removal;
- (3) Soil or rock hauling (import/export);
- (4) Soil or rock crushing or screening;
- (5) Filling, compacting, and/or stockpiling;
- (6) Grading;
- (7) Explosive blasting;
- (8) Demolition;
- (9) Implosion;
- (10) Handling of building materials capable of entrainment in air (e.g., sand, cement powder);
- (11) Abrasive blasting;
- (12) Concrete, block, stone, asphalt, and tile cutting;
- (13) Mechanized Trenching;
- (14) Initial or replacement landscaping;
- (15) Driving vehicles on a Construction site;
- (16) Establishing and/or using staging areas, material storage areas, or unpaved parking areas in support of a Construction project;
- (17) Establishing and/or using unpaved access routes to or from a Construction project;

(18) Paving roadways and alleyways; and

(19) Flood control Maintenance.

“Contiguous” means being in actual contact along a boundary or a point. Properties that are separated by Public Roadways are considered in actual contact.

“Department” means the Clark County, Nevada, Department of Environment and Sustainability, and “DAQ” means the Department’s Division of Air Quality.

“Dust Control Operating Permit” and “Permit” mean a single Permit that authorizes the Permittee to perform soil-disturbing, Construction, demolition, or Temporary Commercial Activities that may result in Fugitive Dust becoming airborne.

“Dust Mitigation Plan” means an attachment to a Dust Control Operating Permit that lists all the Construction Activities that may occur and the BMPs that shall be used to mitigate Dust at a permitted site. Upon approval of the application, the Dust Mitigation Plan becomes an enforceable part of the Dust Control Operating Permit.

“Grading” means any excavation, filling, rough Grading, and/or stockpiling for the purpose of altering the natural ground surface or its elevation.

“Maintenance” means the upkeep or restoration of property to its intended use.

“Notice of Non-Compliance” means a document of notification intended to provide the findings that identify deficiencies through inspection where failure to comply with terms and conditions of the Permit or AQRs has been observed.

“Responsible Official” means the Person who is authorized by the Owner or Operator to oversee the Construction Activities related to the project, to sign all documents, and to make all decisions that:

- (1) Govern the operation at the Construction site;
- (2) Initiate and direct measures to assure compliance with air quality laws and regulations; and
- (3) Ensure actions are taken to gather complete and accurate information for permitting, recordkeeping, and reporting requirements.

“Temporary Commercial Activities” means activities that are limited to less than 90 days—including special events, holiday activities (e.g., pumpkin patches, Christmas tree lots), and festivals, including associated unpaved parking areas—and have the potential to disturb soils.

“Trackout” means soil, mud, or dirt on Paved surfaces, including curbs, gutters, and sidewalks, that has come from a Construction site or an unpaved access route onto the Paved surface.

### **94.3 Activities Exempt from Permitting**

All the following activities are required to control Dust, but are exempt from the requirement to obtain a Dust Control Operating Permit. However, soils shall be kept moist during all activities and crusted at the completion of the project.

- (a) Landscaping conducted by an individual(s) at their place of residence.
- (b) Emergency (as defined in Section 0) Maintenance activities conducted by government agencies on publicly maintained roads, road shoulders, rights-of-way, and public flood control facilities.
- (c) Weed and trash removal activities and Dust Palliative, Clean Gravel, or recycled asphalt product (for road shoulders only) applications conducted solely for the purpose of compliance with weed and/or trash abatement wherein no grade elevation changes, no soil or rock is imported or exported, and/or no cut and fill operations occur.
- (d) Application of Dust Palliatives, Clean Gravel, or other approved materials to stabilize soils and prevent Fugitive Dust to comply with Section 90 vacant land regulations wherein no grade elevation changes, no clearing and grubbing activities, and/or no cut and fill operations occur.

### **94.4 Permit Applications**

#### **94.4.1 Duty to Apply for a Dust Control Operating Permit**

- (a) Except as provided in Section 94.3, no Person shall commence any Construction Activities or Temporary Commercial Activities except in compliance with a Permit that authorizes such activities.
- (b) A Permit shall be required for any of the following:
  - (1) Construction Activities that disturb soils 0.25 acres or greater in overall area.
  - (2) Mechanized Trenching 100 feet or greater in total length.
  - (3) Mechanical demolition of any structure 1,000 square feet or greater.
  - (4) Temporary Commercial Activities 0.25 acres or greater in overall area.

#### **94.4.2 Complete Application**

- (a) Application for issuance, Renewal, or revision of a Permit shall be submitted on a form and in a manner prescribed by the Control Officer.
- (b) The Control Officer shall notify the Responsible Official if a Permit application is incomplete, and may request additional information that is needed.
- (c) If the Responsible Official fails to comply within 14 calendar days of the notice, the application may be denied and all applicable fees forfeited.

#### **94.4.3 Application Content**

- (a) All applications for a Dust Control Operating Permit shall include a Dust Mitigation Plan with appropriate Control Measures for every Construction Activity to be conducted. Other Control Measures that are at least as effective as approved Control Measures may be implemented with the approval of the Control Officer.
- (b) The application shall include a detailed supplement to the Dust Mitigation Plan for a Construction project 10 acres or more in area, Trenching activities one mile or greater in length, or structure demolition using implosive or explosive blasting techniques. A Permit for Temporary Commercial Activities is exempt from this requirement.
  - (1) The supplement shall be a written report and, at minimum, detail the project description, the area and schedule of the phases of land disturbance, the Control Measures, the contingency measures to be used for all Construction Activities, and a statement of the authority and training of personnel who will ensure compliance on-site.
  - (2) The supplement shall be signed by the Responsible Official.
- (c) An appropriate supplemental form shall be included with the application if the project includes explosive blasting.
- (d) The application shall identify the highest particulate Emission potential (PEP) for the total project area, identified from the Particulate Emission Potential Maps provided in Appendix 2 to this section. The PEP identified for the project shall be used to determine the BMPs for the Dust Mitigation Plan.
- (e) The application shall be signed by the Responsible Official.
- (f) The application, Dust Mitigation Plan, and related maps and forms shall become part of the Permit.

## 94.5 Permit Requirements

- (a) Any Person engaging in Construction Activities on a site having a Permit shall be subject to all conditions set forth in the Permit. Failure to comply with any condition set forth in the Permit shall be a violation of the AQRs.
- (b) Issuance or Renewal of each Permit shall require payment of the applicable Permit fee(s) in accordance with Section 18. A Permit for Temporary Commercial Activities is exempt from this requirement.
- (c) A complete copy of the current Permit must be kept on the project site at all times that Construction Activities occur and be made available upon request of the Control Officer.
- (d) Any additional Control Measure requirements resulting from adjudicated corrective orders by the Control Officer or Hearing Officer shall become a part of the Permit's Dust Mitigation Plan.
- (e) The Control Officer may waive Permit fees for public agency Maintenance projects performed by the agency's own employees.
- (f) No Person shall:
  - (1) Refuse access if the Control Officer requests entry for inspection and presents appropriate credentials.
  - (2) Obstruct, hamper or interfere with an inspection.
- (g) The Responsible Official shall:
  - (1) Ensure that all contractors, subcontractors, and other Persons on the Construction site abide by the conditions of the Permit and the AQRs.
  - (2) Supply complete copies of the Permit, including the Dust Mitigation Plan, to all project contractors and subcontractors.
  - (3) Ensure compliance with all Permit conditions until a Permit Closure form has been submitted to and approved by the Control Officer.
- (h) The Control Officer may determine when Construction projects that are under Common Control and are Contiguous may be required to obtain and operate under a single Permit.
- (i) The Control Officer may determine when more than one Construction Activity less than 0.25 acres in area or Trenching activities less than 100 feet, can be treated as a single activity and the Construction project is required to obtain a permit due to the properties being (1) under Common Control;

- (2) Contiguous; or (3) separated only by a roadway and cumulatively equal to or exceeding 0.25 acres.
- (j) A Permit shall be required for routine, public agency road Maintenance, road shoulder Maintenance, flood control facility Maintenance, and Maintenance activities that disturb soil and are capable of causing Fugitive Dust. Such Permits shall:
- (1) Require that records be maintained based upon written annual schedules of work for routine Maintenance activities;
  - (2) Include a Dust Mitigation Plan listing all the activities to be performed that may disturb the soil and BMPs for all these activities; and
  - (3) Include conditions requiring that miles and acres be quantified for Maintenance activities to be performed.
- (k) A Permit shall be valid for up to 365 days from the effective date of the Permit. A Permit issued for Temporary Commercial Activities shall be valid for up to 90 days from the effective date of the Permit.
- (l) If a Renewal application is submitted within 30 days prior to the Permit's expiration date, the effective date of the renewed Permit will reflect one day after the expiration date of the current Permit. If a Renewal application is submitted more than 30 days before the Permit's expiration date, the Permit's effective date will change to the new issuance date. If a Renewal application is submitted after the Permit's expiration date, the effective date of the renewed Permit will reflect one day after the expiration date of the current Permit. Applications submitted after the expiration of the Permit will be subject to a late fee.
- (m) A Permit issued for Temporary Commercial Activities is not renewable.
- (n) The Responsible Official shall:
- (1) Notify the Control Officer in writing within 10 days following the cessation of active operations on all or part of a Construction site when cessation will extend 30 days or longer. Stabilization shall also be implemented within 10 days, in accordance with BMP 11.
  - (2) Complete and submit a Dust Control Operating Permit Closure Form for approval to the Department within 10 days following the completion of a Construction project and/or expiration of the Dust Control Operating Permit. Prior to the submittal of the closure form, the Responsible Official shall:

- (A) Implement a control method for long-term stabilization, as described in BMP 11, on all disturbed areas that are not built out, landscaped or Paved.

#### **94.6 General and Administrative Standards**

- (a) New, renewed, or revised Permits shall not be issued to a Person having outstanding unpaid Department fees and/or penalties that have been adjudicated.
- (b) As part of the adjudication of the third Notice of Violation by the Hearing Officer, the Control Officer may, within any 180-day period and for the same project for which the Permit was issued, recommend suspension or revocation of the Permit.
  - (1) Upon the Hearing Officer issuing such order:
    - (A) All activities that are authorized by the Permit shall cease.
    - (B) The Hearing Officer Order shall be posted conspicuously on the property involved, stating the reasons and indicating the date of suspension and/or revocation.
    - (C) The suspension or revocation shall remain in effect until such time as rescinded by the Hearing Officer.
  - (2) Upon Hearing Officer approval:
    - (A) If suspended, the Permit may be reinstated.
    - (B) If revoked, an application for a new Permit must be submitted and fees paid in accordance with Section 18.
  - (3) The Permittee may file a written Notice of Appeal to the Hearing Board within 10 days of the date of the Hearing Officer's order, except as otherwise provided by law.
- (c) Any Person aggrieved by a decision of the Control Officer pursuant to this section may appeal in accordance with Section 7 of the AQRs.

#### **94.7 Notices of Non-Compliance and Notices of Violation**

- (a) Whenever the Control Officer finds that any provision of a Permit or Dust Mitigation Plan has been violated, the Control Officer may issue a Notice of Non-Compliance to the Responsible Official for the alleged violation in accordance with Section 4.3 of the AQRs. The notice shall specify:
  - (1) The Permit and/or plan provision(s) alleged to be violated;



- (2) The facts alleged to constitute the violation; and
  - (3) Direction to correct the observed non-compliance.
- (b) Regardless of whether a Notice of Non-Compliance has been issued, the Control Officer may issue a Notice of Violation upon determination that the Permittee has violated any provision(s) of the Permit, the Dust Mitigation Plan, or other Applicable Requirements. Such Notice of Violation shall be adjudicated in accordance with Section 7.3 of the AQRs.
- (c) Nothing herein prevents the Control Officer from making efforts to obtain voluntary compliance through warning, conference, or other appropriate means.

#### **94.8 Dust Control Monitor**

- (a) The Control Officer shall require a Dust Control Monitor for:
- (1) Any Construction project that has 50 acres or more of disturbed soil at any given time.
  - (2) Individually permitted projects that have less than 50 acres of disturbed soil at any given time when two or more projects are under Common Control, are Contiguous, and total 50 acres or more.
- (b) The Control Officer may require additional Dust Control Monitors due to the size of a project and/or non-compliance issues.
- (c) The requirement for a Dust Control Monitor shall not apply to a Construction project that meets all of the following:
- (1) The area of actively disturbed soil becomes less than 50 acres;
  - (2) The previously disturbed areas have been stabilized as required by BMP 11; and
  - (3) The Control Officer has verified and approved the stabilization.
- (d) A Dust Control Monitor cannot be assigned to more than one non-Contiguous permitted Construction site unless the Control Officer approves in advance.
- (e) The Responsible Official shall provide full authority to the Dust Control Monitor to ensure that effective Dust Control Measures are implemented. This Person's name must be included on the "Construction Site Dust Control Monitor" form and submitted with the Dust Control Operating Permit application, as applicable. The authority of the Dust Control Monitor shall include all of the following:

- (1) Conduct site inspections and monitor current monitoring activities on site;
  - (2) Deploy resources to maintain compliance with the Permit; and
  - (3) Be able to shut down or regulate Construction Activities to maintain compliance as needed.
- (f) The Dust Control Monitor shall be present and available at all times Construction Activities occur on the project site and shall devote the majority of his/her time specifically to managing Dust prevention and control on the site.
  - (g) The Dust Control Monitor may temporarily operate a water truck for monitoring and resolving Dust issues, but may not support Construction Activities unless approved by the Control Officer.
  - (h) No employee with responsibilities other than ensuring Dust Control Measures are implemented on a Construction site (such as a supervisor or foreman) may be assigned as the Dust Control Monitor.
  - (i) A Person shall be certified as a Dust Control Monitor upon complying with all of the following:
    - (1) Successfully completing the Clark County Air Quality Dust Control Monitor Class within the past three years.
    - (2) Successfully completing a course approved by the Control Officer and becoming certified in Visual Emissions Evaluation (VEE) within the past three years.

**94.9 Dust Control Monitor Recordkeeping**

- (a) On a site having a Dust Control Operating Permit, a written record of self-inspection shall be made at least twice each day on which soil- disturbing work is conducted. The "Record of Daily Dust Control" form, or other written record that provides at a minimum the same information, shall be completed.
- (b) Records of Construction site self-inspections shall be kept for a minimum of one year or for six months beyond project duration, whichever is longer. Self-inspection records shall include daily inspections for crusted or damp soil, Trackout conditions and cleanup measures, daily water usage, Dust Suppressant application records, etc.

#### **94.10 Clark County Air Quality Dust Control Class**

- (a) The following individuals are required to successfully complete the Dust Control Class:
  - (1) Construction site superintendent and all others designated as on-site representatives of the Permittee.
  - (2) All Construction supervisors and foremen of on-site contractors and subcontractors.
  - (3) Water truck and water pull driver(s) for each Construction project.
- (b) Each of the individuals listed in (a) above are required to attend and successfully complete the Dust Control Class at least once every three years.
- (c) The Control Officer may require any personnel affiliated with a permitted site to attend a Dust Control Class as a remedial or corrective measure.
- (d) A Permit issued for Temporary Commercial Activities is exempt from this requirement.

#### **94.11 Signage Requirements**

- (a) Projects required to obtain a Dust Control Operating Permit shall install signage prior to commencing Construction Activities.
  - (1) Exemptions from this requirement include:
    - (A) Projects with a duration of 14 calendar days or less.
    - (B) Permits issued for Temporary Commercial Activities.
- (b) The sign shall:
  - (1) Measure, at minimum, four feet wide by four feet high.
  - (2) Conform to the Department Guidance on the Design and Posting of Signage, as provided in Appendix 3 to this section. The signage must include current Permit information.
  - (3) Be located near the main entrance to the project, and be visible and legible to the public.

#### **94.12 Soil Stabilization Standards**

- (a) The Responsible Official shall ensure that all contractors, operators, and other Persons involved in Construction Activities employ effective Control Measures.

- (b) One or more of the following methods shall be implemented to maintain Dust control on all disturbed soils on Construction sites and staging areas to the extent necessary to pass the Drop Ball Test described in Section 94.15.5:
  - (1) Maintained in a sufficiently damp condition to prevent loose particles of soil from becoming dislodged.
  - (2) Crusted over by application of water.
  - (3) Completely covered with Clean Gravel.
  - (4) Treated with a Dust Suppressant.
  - (5) Treated using another method approved in advance by the Control Officer.

#### **94.13 Best Available Control Measures**

- (a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).
- (b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2).
- (c) All Construction Activities that contribute to Emissions, even when BACM is implemented, shall immediately cease when wind conditions cause Fugitive Dust:
  - (1) In excess of 20% Opacity using the:
    - (A) Time Averaged Method (Section 94.15.2); or
    - (B) Intermittent Emissions Method (Section 94.15.3).
  - (2) In excess of 50% Opacity using the Instantaneous Method (Section 94.15.4).
  - (3) Resulting in a Dust plume 100 yards in length.
- (d) Water trucks and water pulls shall continue to operate under these circumstances until wind conditions are such that the continued operation of this equipment poses a safety hazard.

#### **94.14 Emission Standards**

- (a) No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter to:
  - (1) Exceed 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.
  - (2) Exceed 50% Opacity using the Instantaneous Method.
  - (3) Allow a Dust plume to extend more than 100 feet.
  - (4) Allow a Dust plume to cross a property line.
- (b) The use of blower devices and dry rotary brushes for the removal of deposited mud, dirt, or rock from a Paved surface is prohibited.
- (c) Rotary brushes may only be used when sufficient water is applied to limit the visible Emissions consistent with the visible Emission standards in Section 94.14(a)(1), (2), or (3).
- (d) Mud or dirt shall not be allowed to accumulate on a Paved surface where Trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches.
- (e) Trackout, including Trackout less than 50 feet in length or 0.25 inches in depth, shall be cleaned immediately and maintained to eliminate Emissions of Fugitive Dust by removing all accumulations of mud or dirt on curbs, gutters, sidewalks, or Paved surfaces, that causes one or more of the following:
  - (1) An exceedance of 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.
  - (2) An exceedance of 50% Opacity using the Instantaneous Method.
  - (3) A Dust plume to extend more than 100 feet, horizontally or vertically.
  - (4) A Dust plume to cross a property line.
- (f) Except as required in 94.14(d) and (e), all Trackout shall be cleaned up by the end of the workday or evening shift regardless of length or depth.
- (g) No stockpiles over eight feet high shall be located within 100 yards of occupied buildings. Stockpiles over eight feet high located farther than 100 yards from occupied buildings must have a road bladed to the top to allow

water truck access or must demonstrate another means to provide effective Dust control at the top of the stockpile.

## **94.15 Test Methods**

### **94.15.1 Visual Determination of Emission Opacity from Sources of Visible Emissions**

- (a) Applicability: This method is applicable for determining the Opacity of Emissions from sources of visible Emissions.
  - (1) The Time Averaged Method requires averaging visible Emission readings over a specific time period to determine the Opacity of the Emissions. It is used for continuous Emissions sources.
  - (2) The Intermittent Emissions Method requires averaging a set number of visible Emissions readings to determine the Opacity of visible Emissions. It is used for intermittent Emissions sources.
  - (3) The Instantaneous Method sets an Opacity limit that shall not be exceeded at any time. It can be used with any Emissions source and is a non-federal requirement.
- (b) Principle: The Opacity of Emissions from a source of visible Emissions is determined visually by an observer with a current certification, approved by the Control Officer, as a qualified Visible Emissions Evaluator using EPA Method 9.
- (c) Procedures: A qualified Visible Emissions Evaluator shall use the procedures set forth in Sections 94.15.2, 94.15.3, and 94.15.4 for visually determining the Opacity of Emissions.

### **94.15.2 Time Averaged Method**

The procedure in this section is for evaluating and determining the Opacity of continuous Fugitive Dust Emissions by a qualified observer. Sources of these Emissions include activities that produce Emissions continuously during operations, such as earthmoving, Grading, and Trenching. Emissions from these types of activities are considered continuous even though the speed of the activity may vary and Emissions may be controlled to 100%, producing no visible Emissions, during parts of the operation. The qualified observer should do the following:

- (a) Position: Stand at a position at least 20 feet from the Fugitive Dust source to provide a clear view of the Emissions, with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining this stance, make Opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The

observer may follow the Fugitive Dust plume generated by mobile earthmoving equipment as long as the sun remains oriented in the 140° sector to the back. As much as possible, do not include more than one plume in the line of sight at one time.

- (b) Field Records: Record the site name, Fugitive Dust source type (e.g., earthmoving, Grading, Trenching), method of control used (if any), observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the Fugitive Dust source, color of the plume, and type of background of the visible Emission observation when Opacity readings are initiated and completed.
- (c) Observations: Make Opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Observe at a point just beyond where material is no longer being deposited out of the plume (normally three feet above the surface from which the plume is generated). The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For Fugitive Dust from earthmoving equipment, make Opacity observations at a point just beyond where material is not being deposited out of the plume (normally three feet above the mechanical equipment generating the plume).
- (d) Recording Observations: Record the Opacity observations to the nearest 5% every 15 seconds on an observational record sheet. Each momentary observation recorded represents the average Opacity of Emissions for a 15-second period. If multiple plumes exist at the time of an observation, do not record an Opacity reading; mark an "x" for that reading. If the equipment generating the plume travels outside the field of observation, resulting in an inability to maintain sun orientation within the 140° sector, or if the equipment ceases operating, mark an "x" for the 15-second interval reading. Readings identified as "x" shall be considered interrupted readings.
- (e) Data Reduction For Time-Averaged Method: For each set of 12 or 24 consecutive readings, calculate the appropriate average Opacity. Sets shall consist of consecutive observations; however, readings immediately preceding and following interrupted readings shall be deemed consecutive. In no case shall two sets overlap, resulting in multiple violations.

### 94.15.3 Intermittent Emissions Method



The procedure in this section is for evaluating and determining intermittent Fugitive Dust Emissions by a qualified observer. Sources of intermittent Fugitive Dust Emissions include activities that produce Emissions intermittently, such as screening, dumping, and stockpiling, where predominant Emissions are produced intermittently. The qualified observer should do the following:

- (a) Position: Stand at a position at least 20 feet from the Fugitive Dust source to provide a clear view of the Emissions, with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining this stance, make Opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. As much as possible, do not include more than one plume in the line of sight at one time.
- (b) Field Records: Record the site name, Fugitive Dust source type (e.g., pile, material handling, transfer, loading, sorting), method of control used (if any), observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the Fugitive Dust source, color of the plume, and type of background of the visible Emission observation when Opacity readings are initiated and completed.
- (c) Observations: Make Opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Observe at a point just beyond where material is no longer being deposited out of the plume (normally three feet above the surface from which the plume is generated). Make two observations per plume at the same point, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved.
- (d) Recording Observations: Record the Opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average Opacity of Emissions for a five-second period.
- (e) Repeat Sections 94.15.3(c) and (d) until a total of 12 consecutive Opacity readings have been recorded. This will occur once six intermittent plumes on which the observer is able to take proper readings have been observed. The 12 consecutive readings must be taken within the same period of observation, but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.

- (f) Average the 12 Opacity readings together. If the average Opacity reading equals 20% or lower, the source is in compliance with the averaged method Opacity standard described in this section.

#### 94.15.4 Instantaneous Method

This is a non-federal procedure for evaluation of Fugitive Dust Emissions. It provides a method for instantaneous determination of the Opacity of Fugitive Dust Emissions by a qualified observer. This method is a Clark County local requirement and has not been submitted as part of the Nevada State Implementation Plan. The qualified observer should do the following:

- (a) Position: Stand at a position at least 20 feet from the Fugitive Dust source to provide a clear view of the Emissions, with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining this stance, make Opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the Fugitive Dust plume generated by mobile earth-moving equipment as long as the sun remains oriented in the 140° sector to the back. As much as possible, do not include more than one plume in the line of sight at one time.
- (b) Field Records: Record the site name, Fugitive Dust source type (e.g., earthmoving, Grading, storage pile, material handling, transfer, loading, sorting), method of control used (if any), observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the Fugitive Dust source, color of the plume, and type of background of the visible Emission observation when Opacity readings are initiated and completed.
- (c) Observations: Make Opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Observe at a point just beyond where material is no longer being deposited out of the plume (normally three feet above the surface from which the plume is generated).
- (d) Recording Observations: Record the Opacity observations to the nearest 5%.

#### 94.15.5 Soil Crust Determination (Drop Ball Test)

- (a) Drop a steel ball with a diameter of 0.625 (5/8th) inches and a mass ranging from 0.56 to 0.60 ounces from a distance of one foot directly above the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the soil crust test method is conducted. ("Blowsand" is

defined as thin deposits of loose uncombined grains covering less than 50% of a project site that have not originated from the representative surface being tested.) If material that is not blowsand covers a visible crust, apply the test method in AQR Section 90.4.1.3 ("Determination of Threshold Friction Velocity") to the loose material to determine whether the surface is stable.

- (b) A sufficient crust is defined under the following conditions: once a ball has been dropped according to AQR Section 90.4.1.1, the ball does not sink into the surface, where it would be partially or fully surrounded by loose grains; and, upon removing the ball, the surface upon which it fell has not been pulverized, where loose grains would be visible.
- (c) Randomly select each representative disturbed surface for the drop ball test by using a blind "over the shoulder" toss of a throwable object (e.g., a metal weight with survey tape attached). Using the point of fall as the lower left hand corner, measure a 1-foot-square area. Drop the ball three times within the 1-foot by 1-foot square, using a consistent pattern across the survey area. The survey area shall be considered to have passed the Soil Crust Determination Test if the results meet the criteria of AQR Section 90.4.1.1(a) at least two out of the three times the ball was dropped. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site and repeat this procedure. If the results meet the criteria of AQR Section 90.4.1.1(a) in all the survey areas tested, the site shall be considered to have passed the Soil Crust Determination Test and shall be considered sufficiently crusted.
- (d) At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the soil crust test as often as necessary on each portion of the overall site using the random selection method set forth in AQR Section 90.4.1.1(b) for an accurate assessment.

## Appendix 1: BEST MANAGEMENT PRACTICES (BMPs)

BMPs are site-specific Dust Control Measures that are based on project soil type, specific Construction Activities, and project phases/stages. These practices are established to reduce particulate Emissions from Construction sites. Some practices are also designed to reduce the amount of water needed for Dust control.

### 1. Soil Type Categories

Soil types are classified into five categories—high, moderately high, moderately low, low, and slight—based on their PEP. The fifth category, “slight,” was created solely to identify areas of bedrock outcrops. PEP is determined by soil silt content (measured by the percent of soil that will pass through a 200-mesh sieve) and optimum moisture content (measured by the percent of moisture necessary to compact soils).

### 2. BMPs

The following sections list the current BMPs developed and approved for use in Clark County to mitigate Dust during Construction Activities. The BMPs are organized alphabetically by Construction Activity.

The control requirements of each Construction Activity category to be conducted on the project must be met through implementation of Control Measures. Within most Construction Activity categories, there are choices of Control Measures to select to meet control requirements. Control requirements are stated for each Construction Activity.

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

**Table 1: Soil Types**

<b>Particulate Emission Potential (PEP)</b>	<b>Control Measure</b>
<b>Low</b>	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
<b>Moderate Low</b>	Apply and mix water into soil and/or material until optimum moisture content is reached.
<b>Moderate High</b>	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
<b>High</b>	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

Control measures not currently listed in the BMPs may be proposed in a Dust Mitigation Plan. Such unlisted Control Measures will be reviewed by DAQ staff and may require additional information regarding their effectiveness. Any unlisted Control Measure must clearly meet the control requirements for an activity category.

DAQ will apply the following minimum criteria when evaluating any unlisted Control Measures a Permittee proposes to meet the control requirements for a BMP:

- a. The Control Measure technique is a new or alternative technology demonstrated to be equally or more effective in meeting the control requirement than existing Control Measures;
- b. Site logistics do not practically allow for implementation of a listed Control Measure as written (e.g., road width prevents truck entry or preexisting barriers limit the size or width of a gravel pad); or
- c. The Owner/Operator demonstrates that a listed Control Measure is technically infeasible due to site-specific or material-specific conditions such that implementation of the Control Measure will not provide a benefit in reducing Fugitive Dust (e.g., presoaking screened, washed rock when handling).

## **BMP 01 BACKFILLING (Filling area previously excavated or Trenched)**

### **01 Requirement**

- (a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.
  - (2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.
  - (3) Empty loader bucket slowly and minimize drop height from loader bucket.
  - (4) Ensure backfill material is moist or crusted at all times.
  - (5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)**

### **02 Requirements**

- (a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils and maintain in a stabilized condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.
- (c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.
- (d) Stabilize Particulate Matter in the surrounding area following blasting.
  - (1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

**Note:** Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

## **BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)**

### **03 Requirements**

- (a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

- (b) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (c) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.
- (d) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.
- (e) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.
- (f) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).
- (g) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.
- (h) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.
- (i) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Limit the blast area to what can be stabilized immediately following the blast.
  - (2) Limit disturbed areas by maintaining natural rock and vegetation.
  - (3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.
  - (4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.



**BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)**

**04 Requirement**

- (a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.
  - (2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.
  - (3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

**BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)**

**05 Requirement**

- (a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.
  - (1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.
- (b) At least one of the following must be used to clear forms, foundations, and slabs:
  - (1) Water spray.
  - (2) Sweeping and water spray.
  - (3) Industrial vacuum.

## **BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)**

### **06 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.
  - (1) Pre-water material before loading it into the crusher.
  - (2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.
  - (3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.
  - (4) Apply water to crushed material immediately following crushing.

**Note:** If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

## **BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)**

### **07 Requirement**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

- (b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water to cut depth and maintain surface soils in a stabilized condition.
  - (2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.
  - (3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.
  - (4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)**

### **08 Requirements**

- (a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.
- (b) An asbestos survey must be conducted on any facility before demolition can commence.
- (c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.
- (d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.
- (e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.
- (f) Implosion time must be preapproved by the Control Officer.
- (g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

- (1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.
  - (2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.
  - (3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.
- (h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
- (1) Restrict support equipment and vehicles to existing Paved and/or stable areas.
  - (2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.
- (1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.
  - (2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.
  - (3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.
  - (4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

**BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)**

**09 Requirements**

- (a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.
- (b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.
- (c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.
  - (1) Apply water to demolition debris during handling.
  - (2) Apply water to stabilize demolition debris immediately following demolition.
  - (3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.
- (e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

**BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)**

**10 Requirement**

- (a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

- (1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.
  - (2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.
  - (4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.
- (b) If interior block walls are planned, install walls as early as possible in the Construction project.

**BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)**

**11 Requirements**

- (a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:
- (1) Pave.
  - (2) Apply Clean Gravel.
  - (3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:
    - (A) Water, or
    - (B) Dust Palliative.
  - (4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:
    - (A) Water, or
    - (B) Dust Palliative.

- (b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.
  - (1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).
  - (2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).
  - (3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.
  - (4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.
- (c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.
  - (1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.
  - (2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.
  - (3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

**BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)**

**12 Requirement**

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.



**BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)**

**13 Requirement**

- (a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.
  - (3) Limit vehicle speeds to 15 mph on the work site.
  - (4) Maintain 3–6 inches of freeboard to prevent spillage.
  - (5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.
- (b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.
- (c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

**BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)**

**14 Requirement**

- (a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
- (b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

**BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)**

**15 Requirement**

- (a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water subgrade surfaces until optimum moisture content is reached.
  - (2) Maintain optimum moisture content in material while aggregate is being applied.
  - (3) Place tack coat on aggregate base.

**BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)**

**16 Requirement**

- (a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:
  - (1) Use water to control Dust.
  - (2) Use a vacuum to collect Dust.

**BMP 17 SCREENING (Screening of rock, soil, or Construction debris)**

**17 Requirements**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

- (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Apply sufficient water or a Dust Suppressant prior to screening.
  - (2) Drop material through the screen slowly; minimize drop height.
  - (3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.
  - (4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.
  - (5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

**Note:** If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

## **BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)**

### **18 Requirement**

- (a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
  - (3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.
  - (4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

## **BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)**

### **19 Requirement**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.
  - (1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.
  - (2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.
  - (3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.
  - (4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.
- (c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)**

### **20 Requirements**

- (a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.
  - (1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.
    - (A) Install wheel shakers if gravel pads are not effective in preventing Trackout. Clean wheel shakers regularly to maintain their effectiveness.
    - (B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.
    - (C) Alternative Trackout control devices may be used if approved by the Control Officer.
  - (2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.
- (b) Maintain Dust control and clean all Trackout from Paved surfaces.
  - (1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.
  - (2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:
    - (A) A Dust plume that extends more than 100 feet horizontally or vertically.
    - (B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.
    - (C) 50% instantaneous Opacity, pursuant to the AQRs.

- (3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.
- (4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.
- (5) The use of rotary brushes without water is prohibited.
- (6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

**BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)**

**21 Requirement**

- (a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.
  - (1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.
  - (2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.
  - (3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.
  - (4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.
  - (5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

**BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)**

**22 Requirement**

- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive

Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

- (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
- (1) Pre-water surface soils before Trenching.
  - (2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.
  - (3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

## **BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)**

### **23 Requirement**

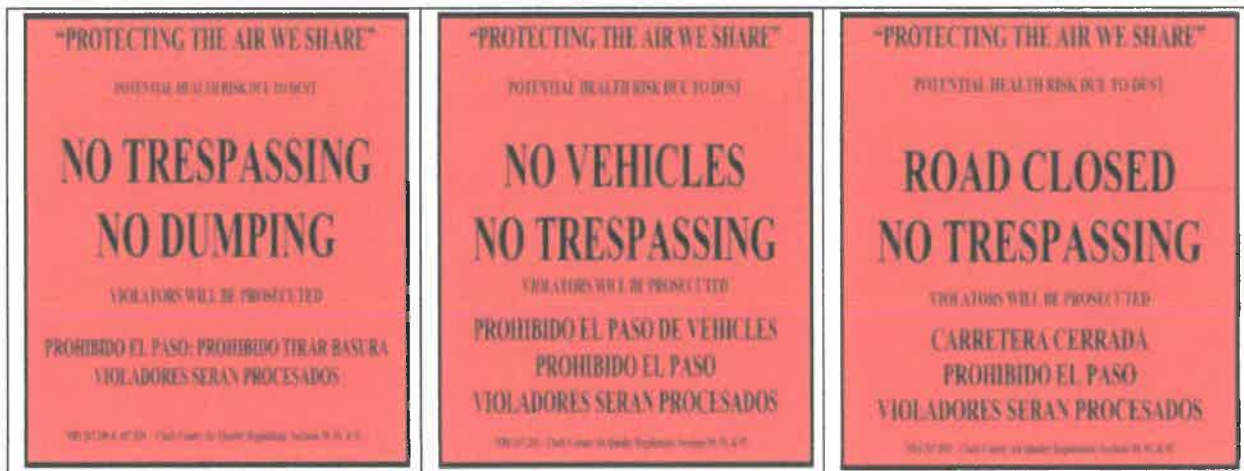
- (a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.
  - (1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.
  - (2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.
- (b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.
  - (1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.



- (2) Empty loader bucket slowly and minimize the drop height while dumping.

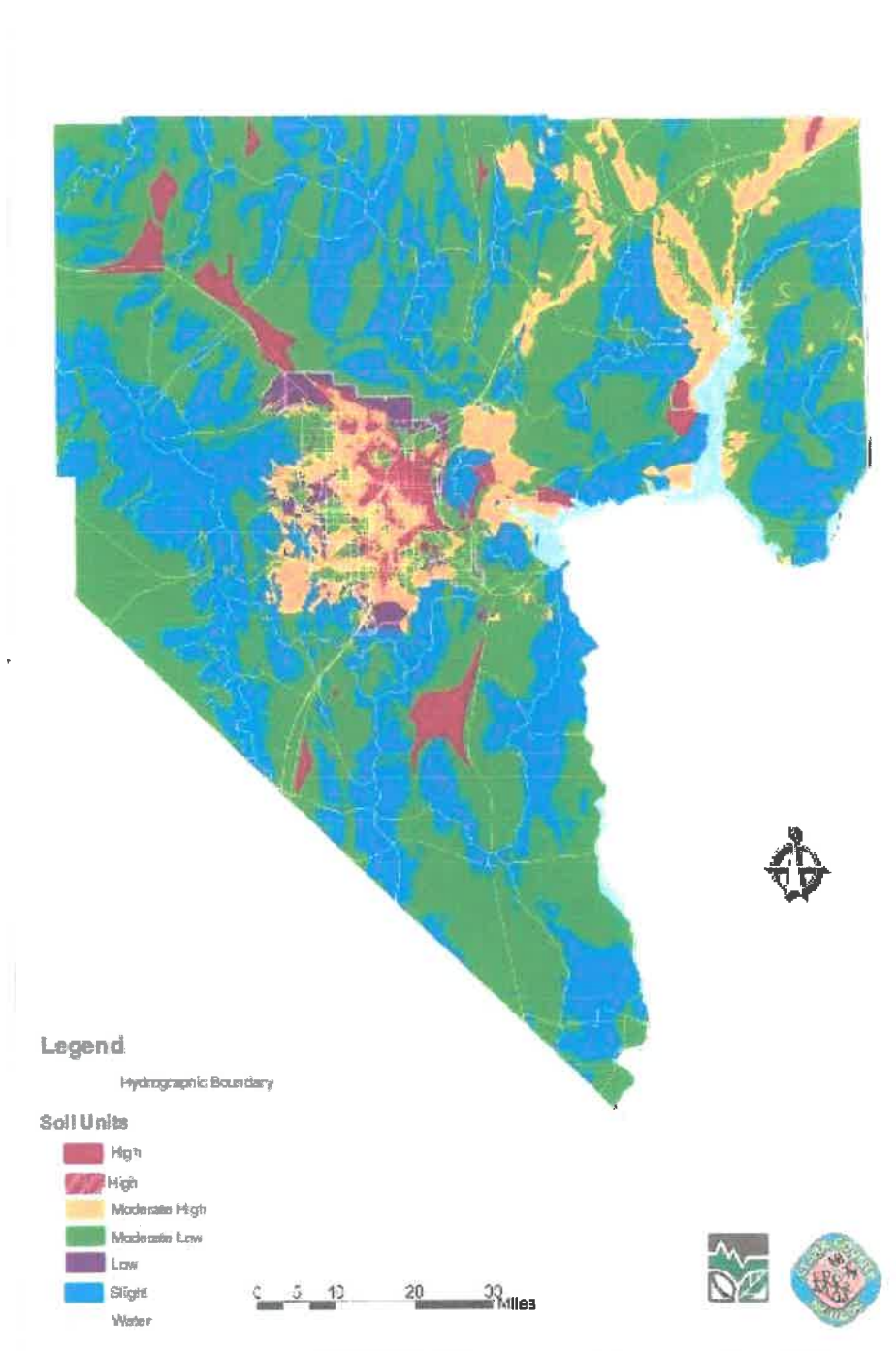
**Note:** The appropriate Control Measure for the project soil type must be selected from Table 1.

**Figure 1: Examples of Signage**

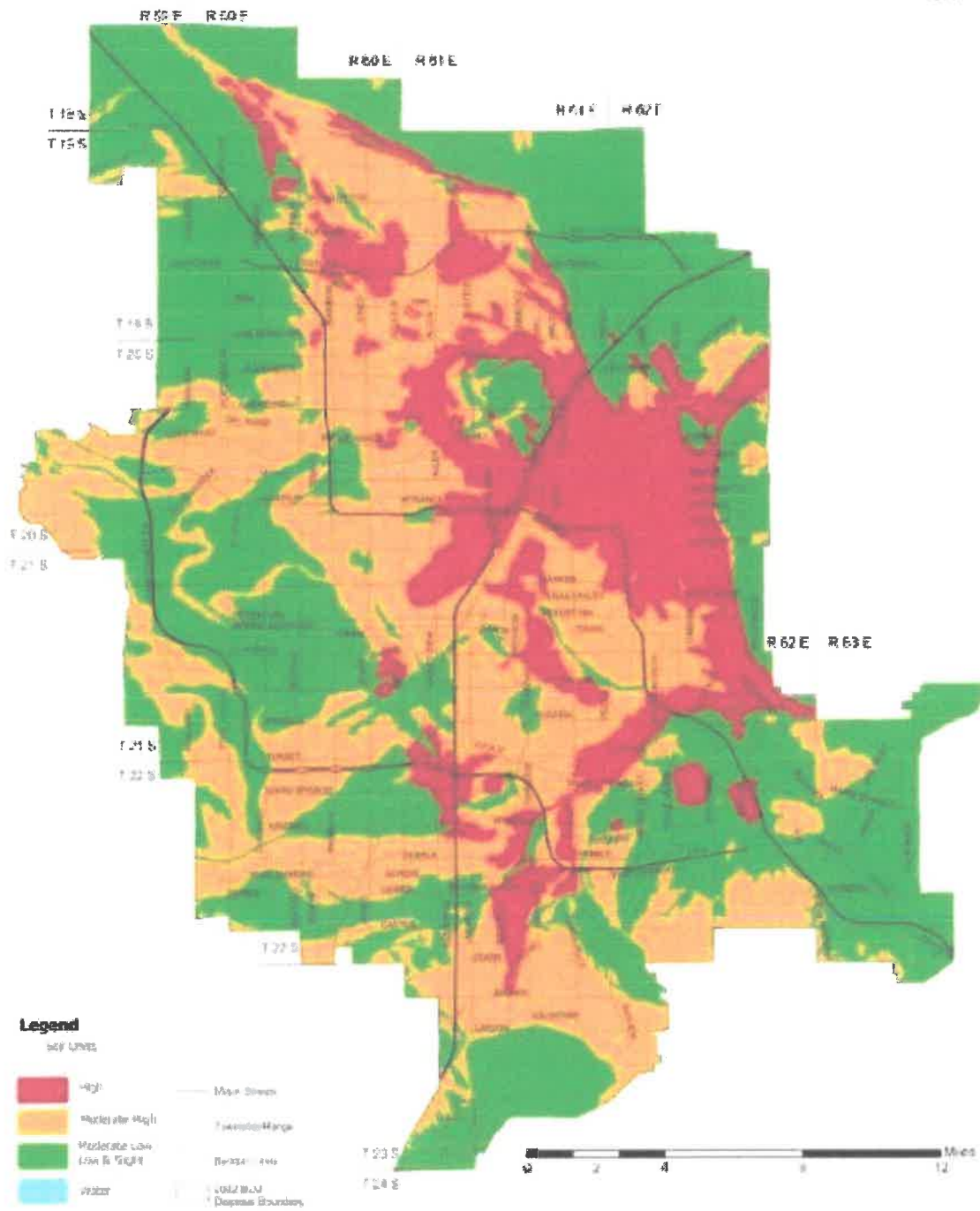


## Appendix 2: Particulate Emission Potential Maps

### COUNTY SOIL MAP



**LAS VEGAS VALLEY SOIL MAP**



### **Appendix 3: Guidance on Design and Posting of Dust Control Operating Permit Signage**

1. The signboard shall be constructed with materials capable of withstanding the harsh environment (e.g., strong winds, intense sunlight) of Clark County, have a minimum dimension of 4 feet by 4 feet, and be constructed with the following materials:
  - (a) ¾ inch AC laminated plywood board;
  - (b) Two 4 inch x 4 inch posts;
  - (c) Posts should be attached to the edges of the plywood board with a minimum of two carriage bolts on each post; and
  - (d) The front surface of the signboard should be painted in the contrasting colors of a white background with black lettering.

2. The signboard shall be installed and maintained in a condition such that members of the public can easily view, access, and read the sign at all times.

For all signs, DAQ recommends the following measures:

- (a) The lower edge of the sign board should be mounted at a minimum of 2 feet above the existing ground surface to facilitate ease of viewing;
  - (b) Posts should be set in a hole a minimum of 3 feet deep with concrete footings to prevent downing by high winds;
  - (c) On the construction site, the sign should be positioned so that it is not obstructed from public view from the primary street access point; and
  - (d) For construction projects that are developed in phases, the sign should be relocated to the area that is under active construction.
3. The signboard shall contain the following information:
  - (a) Project Name.
  - (b) Permittee Name.
  - (c) Phone Number of Person Responsible for Dust Control Matters.
  - (d) DAQ Dust Hotline Phone Number.
  - (e) Dust Control Operating Permit Number.
  - (f) Project Acreage.

(g) Dust Control Operating Permit Expiration Date.

4. The signboard shall be designed to the following alpha and numeric text dimensions (sign boards written in longhand are unacceptable).

1" UPPERCASE Letters	PROJECT NAME: <b>(Proj. Name)</b>	3 ½" Title Case <sup>1</sup> Bold Letters
1" UPPERCASE Letters	PERMITTEE: <b>(Your Name)</b>	3 ½" Title Case Bold Letters
1" Title Case Letters	Dust Control Matters Phone Number: <b>(Your Number)</b>	3" Bold Numbers
1" Title Case Letters	Clark County Department of Air Quality Phone Number: <b>385-DUST</b>	3 ½" Bold Numbers
1" Title Case Letters	DUST CONTROL Permit Number: <b>(Permit Number)</b>	3" Bold Numbers
1" Title Case Letters	PROJECT ACREAGE:      EXPIRATION Date: <b>(Prmt.Exp)</b>	3" Bold Numbers

1/16" Thickness Underline      ¼" Thickness Border

<sup>1</sup> "Title Case" means the first letter of a word is capitalized and subsequent letters are lowercase

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History: Initial Adoption: June 22, 2000  
 Amended: November 16, 2000; March 18, 2003; June 3, 2003; July 1, 2004; January 21, 2020;  
 August 3, 2021.

## Attachment 4

## SECTION 94: PERMITTING AND DUST CONTROL FOR CONSTRUCTION ACTIVITIES

### 94.1 Purpose.

94.1.1 The purpose of this section of the Air Quality Regulations is:

- (a) To limit the Emission of Particulate Matter into the ambient air by preventing, controlling, and mitigating Fugitive Dust from Construction Activities; and
- (b) To establish Fugitive Dust control standards for Clark County, define reasonable precautions for the prevention and control of Fugitive Dust from all Construction Activities and to establish thresholds for enforcement of these standard.

### 94.2 Applicability.

94.2.1 This section of the Air Quality Regulations applies to all Construction Activities that disturb or have the potential to disturb soils and that emit or have the Potential to Emit Particulate Matter into the atmosphere. This section covers the requirements for a Dust Control Permit and a Dust Mitigation Plan as well as the application procedures.

94.2.2 For the purpose of this regulation, Construction Activities include, but are not limited to, the following practices:

- (a) Land clearing, maintenance, and land cleanup using machinery;
- (b) soil and rock excavation or removal;
- (c) soil or rock hauling;
- (d) soil or rock crushing or screening;
- (e) filling, compacting, stockpiling and grading;
- (f) explosive blasting;
- (g) demolition;
- (h) implosion;
- (i) handling of building materials capable of entrainment in air (e.g., sand, cement powder);
- (j) abrasive blasting;
- (k) concrete, stone, and tile cutting;
- (l) mechanized Trenching;
- (m) initial landscaping;
- (n) operation of motorized machinery;



- (o) driving vehicles on a Construction site; and
- (p) establishing and/or using staging areas, parking areas, material storage areas, or access routes to or from a Construction site.

94.2.3 This regulation shall not apply to operation of Emission Units or activities permitted under any other section of the Air Quality Regulations, with the specific exception that any Construction Activities that occur at such facilities and the land area that Various Location Operating Permits are located on shall be subject to this regulation. In all permits issued under the Air Quality Regulations the provisions of this section shall be considered as part of a BACT determination.

94.2.4 This regulation shall not apply to Normal Farm Cultural Practices and existing equestrian facilities that are in compliance with zoning requirements.

94.2.5 This regulation shall not apply to emergency activities that may disturb the soil, conducted by any utility or government agency in order to prevent public injury or restore critical utilities to functional status.

### 94.3 Definitions.

94.3.1 For the purpose of this section of the Air Quality Regulations, terms listed in this subsection have the meanings ascribed.

94.3.2 Best Available Control Measures (BACM): means those Control Measures that are the best available with current technology for reducing or eliminating the release of Particulate Matter into the atmosphere from Construction Activities. These include but are not limited to all measures listed in the Construction Activities Dust Control Handbook as Best Management Practices, any control measure required by a Corrective Action Order, and any other Control Measures required by the Control Officer.

94.3.3 Construction Activities Dust Control Handbook: means the reference manual used to complete a Dust Control Permit and a Dust Mitigation Plan, and contains a listing of the Best Management Practices, copies of which are on file at the department.

94.3.4 Department: means the Clark County Nevada department responsible for the air quality programs.

94.3.5 Dust Mitigation Plan: means an attachment to a Dust Control Permit that lists all the Construction Activities that shall occur and the Best Management Practices that shall be used, to mitigate dust at a permitted site. Upon approval of the application the Dust Mitigation Plan becomes an enforceable part of the dust control permit.

- 94.3.6 Gravel: means a mineral or rock aggregate ranging in size from 0.25 inch to 3 inch on its longest dimension that is either natural or the product of a mineral processing operation and contains no more than 6% silt, by weight.
- 94.4 **Permits Required, Exemptions from Required Permit and Responsibility when Exempt.**
- 94.4.1 Prior to engaging in any Construction Activities, the property Owner and/or Operator, who is the owner's designee shall apply for and obtain a dust control permit from the department.
- 94.4.2 A dust control permit shall not be required for soil disturbing or Construction Activities less than 0.25 acre in overall area, mechanized Trenching less than one hundred (100) feet in length, or for mechanical demolition of any structure smaller than one thousand (1,000) square feet.
- 94.4.3 The following activities shall not require a dust control permit:
- (a) Landscaping by an individual at his/her place of residence;
  - (b) Emergency maintenance activities conducted by government agencies on publicly maintained roads, road shoulders, right-of-ways and on public flood control facilities; or,
  - (c) Weed removal or Dust Palliative application projects conducted solely for the purpose of compliance with weed abatement or vacant land dust control regulations, wherein no grade elevation changes, no soil or rock is imported or exported, or no cut and fill operations occur. Importing of gravel or rock for use as a Dust Palliative is allowed under this subsection.
- 94.5 **Permit Applications.**
- 94.5.1 Application for issuance or Renewal of a dust control permit shall be made on a form and in a manner prescribed by the Control Officer.
- 94.5.2 Each application shall be accompanied by payment of a fee in accordance with Section 18.
- 94.5.3 Public agency maintenance projects, performed by that agency's employees, may be eligible for a waiver of permit fees upon approval of the Control Officer.
- 94.5.4 All applications for a Dust Control Permit shall include a Dust Mitigation Plan with appropriate Control Measures from the Construction Activities Dust Control Handbook for every construction activity to be conducted. Other Control Measures that are at least as effective as Control Measures contained in the Construction Activities Dust Control Handbook may be implemented

provided they meet the criteria outlined in Section 2 of the introduction to the Best Management Practices section of the handbook and with the approval of the Control Officer.

- 94.5.5 An application for a Dust Control Permit for a Construction project ten (10) acres or more in area, for Trenching activities one (1) mile or greater in length, or for structure demolition using implosive or explosive blasting techniques, shall be required to submit a detailed supplement to the Dust Mitigation Plan. This supplement shall be in the form of a written report and shall, at minimum, detail the project description, the area and schedule of the phases of land disturbance, the Control Measures and the contingency measures to be used for all Construction Activities. This supplement shall become part of the Dust Control Permit as an enforceable permit condition.
- 94.5.6 An application for a Dust Control Permit that includes demolition of a structure One thousand (1,000) square feet or greater in area or explosive blasting of rock or soil, shall include the appropriate supplemental form that is provided in Attachment 1 of the Construction Activities Dust Control Handbook for each activity. These forms shall become part of the Dust Control Permit as an enforceable permit condition.
- 94.5.7 If an applicant elects not to use the Soil Maps in the Dust Control Handbook for the purpose of determining the appropriate Best Management Practices, and the application is for a Dust Control Permit for a construction project of fifty (50) acres or more in area, then the application shall contain an actual soils analysis of the entire project. The soils analysis shall use the appropriate ASTM test method to determine soil types. If the soils analysis identifies two or more soil types, the area of each soil type shall be shown on a map of the project. A copy of the map shall be included in the application for the Dust Control Permit. The soils analysis shall utilize at least one (1) sample taken from the top one (1) foot of soil for each soil type identified. The soils analysis shall use the appropriate ASTM test to determine the silt content and optimum moisture of the sample(s). The application for the Dust Control Permit shall contain the particulate Emission potential (PEP) for each soil type identified calculated from the results of the soils analysis and the Silt Content vs. Optimum Moisture Content Chart (figure 2) in the Construction Activities Dust Control Handbook. The choice of Best Management Practices for the Dust Mitigation Plan may be different for each soil type area, if not, the highest PEP identified on the project shall be used.
- 94.5.8 The application shall be signed by the property owner or the owner's designee as listed on the "Owner's Designee for Dust Control Permit for Construction Activities" form.

- 94.5.9 Upon approval, the completed Dust Control Permit application, Dust Mitigation Plan and related maps and forms shall become a part of the Dust Control Permit.
- 94.5.10 If the applicant is notified by the Control Officer that the Dust Control Permit application is incomplete and requests additional information and the applicant fails to provide the requested information within 30 days of such notice, the application will be terminated and all fees submitted will not be refundable.
- 94.6 **Dust Control Permit Requirements.**
- 94.6.1 Issuance or Renewal of each Dust Control Permit requires payment of a Dust Control Permit fee in accordance with Section 18.
- 94.6.2 A Dust Control Permit is to be granted subject to the right of inspection of such affected land without prior notice by the Control Officer.
- 94.6.3 The permit shall be granted subject to, but not limited to, the following conditions:
- (a) The permittee is responsible for ensuring that all persons abide by the conditions of the permit and these Regulations;
  - (b) The permittee is responsible for supplying complete copies of the Dust Control Permit including the Dust Mitigation Plan, to all project contractors and subcontractors; and,
  - (c) The permittee is responsible for all permit conditions, until a Certificate of Project Completion (form DCP 08 see Attachment 1) has been submitted by the permittee and approved by the Control Officer.
- 94.6.4 The signature of the Owner and/or Operator who is the Owner's designee on the Dust Control Permit shall constitute agreement to accept responsibility for meeting the conditions of the permit and for ensuring that Best Available Control Measures are implemented throughout the project site.

- 94.6.5 Requirements and conditions of the Dust Control Permit shall be made a part of the specifications of the Construction contract between the owner and prime contractor and contracts between the prime contractor and applicable subcontractors. Said contracts must provide a monetary allowance for any dust control options specified in the Dust Mitigation Plan. The amount of the allowance may be specified either by the Owner, competitively bid, or negotiated by and amongst the parties.
- 94.6.6 Projects less than 0.25 acres in area under common control that are either contiguous or separated only by a public or private roadway and that cumulatively equal or exceed 0.25 acre in area are also required to obtain a Dust Control Permit. These projects are required to meet all Dust Control Permit requirements based on cumulative area. All contiguous projects under common control may be required to obtain and operate under a single permit, at the discretion of the Control Officer.
- 94.6.7 A Dust Control Permit shall be required for routine, public agency road maintenance, road shoulder maintenance, flood control facility maintenance, and maintenance activities that disturb soil and are capable of causing Fugitive Dust. Such Dust Control Permits may be issued based upon written monthly, quarterly, semi-annual, or annual schedules of work for routine maintenance activities. Such permits shall include a Dust Mitigation Plan listing all activities to be performed that may disturb the soil, and shall include Best Management Practices for all these activities. Public agencies shall quantify miles and acres of maintenance activities to be performed under the conditions of the Dust Control Permit.
- 94.6.8 The permit holder shall notify the department in writing within ten (10) days following the cessation of active operations on all or part of a Construction site when cessation will extend thirty (30) days or longer.
- 94.6.9 A Dust Control Permit is valid for one calendar year from the date of issuance.
- 94.6.10 A complete copy of the Dust Control Permit shall be kept on the project site at all times that Construction Activities occur and made available upon request of the Control Officer.
- 94.7 **General and Administrative Standards.**
- 94.7.1 Anyone engaging in Construction Activities on a site having a Dust Control Permit shall be subject to all conditions set forth in that permit. Failure to comply with any condition set forth in the permit shall be in violation of this section of the Air Quality Regulations.
- 94.7.2 The Construction Activities Dust Control Handbook, excluding all attachments, is adopted and made a part of this section of the Air Quality

Regulation, as if it were fully set forth herein, except as amended by this regulation.

**94.7.3 Dust Control Permit: Restrictions on issuance; Suspension; Revocation; Requirement for Bond; Right to Appeal:**

94.7.3.1 Permits shall not be issued to an applicant having outstanding unpaid department fees and/or penalties, not under appeal.

94.7.3.2 If an Owner and/or Operator has three (3) Notices of Violation that have been adjudicated by the Hearing Officer at the same project for which the Dust Control Permit was issued, the Control Officer or his/her representative may suspend or revoke the permit. Upon suspension or revocation of a permit, all activities that are authorized by that permit shall cease. The Control Officer shall post notices of suspension or revocation conspicuously on the property involved. The notice shall state the reasons and indicate the date and time of suspension and/or revocation. The suspension or revocation shall remain in effect until such time as rescinded by the Control Officer. If the permit has been suspended, the permit may be reinstated. If revoked, a new permit will not be issued until an application is made and fees paid in accordance with Section 18 of these Regulations. The permittee shall have a right to hearing before the Hearing Officer within five (5) working days from date of issuance of the suspension or revocation. Alternatively, in such instances, the Control Officer may require compliance with Subsection 94.7.6 for all operators of earth moving or soil disturbing equipment.

94.7.3.3 If during any 180 day period an Owner and/or Operator has three (3) Notices of Violation that have been adjudicated by the Hearing Officer for the same Construction site, the Control Officer shall require the posting of a surety bond to ensure implementation of the mitigation measures set forth in the approved Dust Control Permit for the subject site. If an Owner and/or Operator has two (2) or more Notices of Violation that have been adjudicated by the Hearing Officer from the department for: failure to obtain a Dust Control Permit; failure to implement Best Management Practices; or failure to comply with a Corrective Action Order, the Control Officer may, as a condition of obtaining or maintaining a Dust Control Permit, issue a Corrective Action Order requiring the Owner and/or Operator to post a surety bond to ensure the implementation of the mitigation measures set forth in said Dust Control Permits.

The Owner and/or Operator shall provide the Control Officer the surety bond executed in a form acceptable to the Control Officer for the approved Dust Control Permit as the principal with a corporation authorized to transact surety business in the State of Nevada. The Owner and/or Operator shall condition the surety bond upon the faithful performance of all other conditions of the permit and faithful compliance with the provisions of these

Regulations. The surety bond shall remain in effect until the Construction Activity specified in the said Dust Control Permit is complete and the department closes the said Dust Control Permit. The amount of each bond required by this section shall equal the estimated cost of implementing the dust Control Measures set forth in the approved Dust Control Permit plus an additional 10% of the estimated cost to cover contingencies, as determined by the department.

94.7.3.4 Any Person aggrieved by a decision of the Control Officer pursuant to this section may appeal in accordance with Section 7 of these Regulations.

**94.7.4 Corrective Action Orders (CAO) and Notices of Violation (NOV).**

94.7.4.1 If it is found that any provision of Section 94, a Dust Control Permit, or a Dust Mitigation Plan has not been complied with, the Control Officer may issue a Corrective Action Order to any Owner and/or Operator or other person that they may be in violation of these Regulations and said finding shall be corrected within a specified period of time, dependent upon the scope and extent of the problem.

94.7.4.2 The failure to comply with the corrective measures of a Corrective Action Order within the specified period of time shall be a violation of this section of the Air Quality Regulations.

94.7.4.3 Regardless of whether a Corrective Action Order has been issued, the Control Officer may issue a Notice of Violation upon determination that the Owner and/or Operator is out of compliance with any provisions of this section of the Air Quality Regulations, a Dust Control Permit, a Dust Mitigation Plan, or upon the failure to comply with a previously issued Corrective Action Order.

94.7.4.4 The Control Officer, or his/her designee shall be further empowered to enter upon any said land where any loose soil or dust problem exists, and to take such remedial and corrective action as may be deemed appropriate to cope with and relieve, reduce, or remedy the loose soil, dust situation or condition, when the Owner and/or Operator fails to do so.

94.7.4.4.1 Any cost incurred in connection with any such remedial or corrective action by the department or any person acting for the department shall be reimbursed by the land Owner and/or Operator. If these costs are not reimbursed the Control Officer may request a lien be placed on the subject lands that shall remain in full force and effect until any and all such costs have been collected.



- 94.7.4.5 Any additional Control Measures prescribed by the Control Officer in a Corrective Action Order, issued to the holder of a Dust Control Permit, shall become a part of that permit's Dust Mitigation Plan.
- 94.7.5 **Dust Control Monitor.**
- 94.7.5.1 Any Construction project having 50 acres or more of actively disturbed soil at any given time shall be required by the Control Officer to have in place an individual designated as the Dust Control Monitor with full authority to ensure that dust Control Measures are implemented, including inspections, record keeping, deployment of resources, and shut-down or modification of Construction Activities as needed. This individual shall be listed on the Construction Site Dust Control Monitor form provided in Attachment 1 of the Construction Activities Dust Control Handbook.
- 94.7.5.2 A Dust Control Monitor shall also be required for individually permitted projects that have less than fifty (50) acres of actively disturbed soil if they are:
- (a) under common control and are either contiguous or separated by a public or private roadway and cumulatively have fifty (50) acres or more of actively disturbed soil; or
  - (b) under common control and not contiguous, but are contained within a common master-planned community and cumulatively have fifty (50) acres or more of disturbed soil.
- 94.7.5.3 The Dust Control Monitor shall be present at all times Construction Activities occur on the project site and shall devote the majority of his/her time specifically to managing dust prevention and control on the site.
- 94.7.5.4 The requirement for a Dust Control Monitor shall lapse when:
- (a) the area of actively disturbed soil becomes less than fifty (50) acres;
  - (b) the previously disturbed areas have been stabilized in accordance with the requirements of these Regulations; and,
  - (c) the stabilization has been approved and the acreage verified by the Control Officer.
- 94.7.5.5 A Dust Control Monitor shall be considered qualified when he/she has met the following minimum qualifications:
- (a) successfully completed the Basic Dust Control Class;
  - (b) successfully completed the Dust Control Monitor Class;
  - (c) two years of experience in the Construction industry; and,
  - (d) successfully completed a course that certifies him/her in Visual Emissions Evaluation (VEE) that has been approved or is conducted by the Control Officer.

94.7.5.6 For a Dust Control Monitor to maintain his/her certification he/she must successfully complete the Dust Control Monitor class at least once every three years.

**94.7.6 Dust Control Class.**

94.7.6.1 The Construction site superintendent or other designated on-site representative of the project developer and all Construction site supervisors and foremen shall be required to have successfully completed a Dust Control Class.

94.7.6.2 Water truck and water pull driver(s) for each Construction project shall be required to have successfully completed a ~~Clark County Department of Air Quality and Environmental Management~~ Dust Control Class.

94.7.6.3 All individuals required to attend and successfully complete the Dust Control Class shall do so at least once every three years.

94.7.6.4 Construction site workers and equipment operators, may be required to attend a Dust Control Class as a remedial or corrective measure.

**94.7.7 Signage Requirements.**

94.7.7.1 For each Dust Control Permit issued where the project site is less than or equal to ten (10) acres, or for Trenching projects between one hundred (100) feet and one (1) mile in length, or for demolition of a structure totaling one thousand (1,000) square feet or more, the permittee shall install a sign on the project site prior to commencing Construction activity that is visible to the public and measures, at minimum, four (4) feet wide by four (4) feet high, conforming to department policy on Dust Control Permit Design and Posting of Signage listed in Attachment 4 of the Construction Activities Dust Control Handbook.

94.7.7.2 For each Dust Control Permit issued where the project site is over ten (10) acres, or for Trenching projects aggregating one (1) mile or greater in length, the permittee shall install a sign on the project site prior to commencing Construction Activity and visible to the public and measures, at minimum, eight (8) feet wide by four (4) feet high, conforming to department policy on Dust Control Permit Design and Posting of Signage listed in Attachment 4 of the Construction Activities Dust Control Handbook.

94.7.7.3 Projects shorter than two (2) weeks in duration may request a waiver of the requirement of posting a Dust Control Permit Sign.

**94.7.8 Record Keeping.**

- 94.7.8.1 On a site having a Dust Control Permit a written record of self-inspection shall be made each day soil disturbing work is conducted. The "Record of Daily Dust Control" form provided in Appendix A of the Construction Activities Dust Control Handbook, or other written record that provides at a minimum the same information, shall be completed.
- 94.7.8.2 Records of Construction site self-inspections shall be kept for a minimum of one (1) year or for six (6) months beyond the project duration, whichever is longer. Self-inspection records include daily inspections for crusted or damp soil, trackout conditions and cleanup measures, daily water usage, Dust Suppressant application records, etc.
- 94.7.8.3 For Control Measures involving chemical or organic soil stabilization, records shall indicate the type of product applied, vendor name, label instructions for approved usage, and the method, frequency, concentration, and quantity of application.
- 94.8 Soil Stabilization Standards.**
- 94.8.1 All permittees, contractors, Owners, operators, or other persons involved in Construction Activities shall employ Control Measures as set forth in the Construction Activities Dust Control Handbook.
- 94.8.2 One or a combination of the following methods shall be used to maintain dust control on all disturbed soils on Construction sites and staging areas:
- (a) The soil shall be maintained in a sufficiently damp condition to prevent loose grains of soil from becoming dislodged when the disturbed soil is tested using the Drop Ball Test outlined in Subsection 94.12.5; or
  - (b) The soil shall be crusted over by application of water, as demonstrated by the Drop Ball Test outlined in Subsection 94, 12.5; or
  - (c) The soil shall be completely covered with clean gravel or treated with a Dust Suppressant approved by the Control Officer, to the extent necessary to pass a Drop Ball Test outlined in Subsection 94.12.5.
- 94.8.3 When a Construction site or part thereof becomes inactive for a period of thirty (30) days or longer, long-term stabilization shall be implemented within ten (10) days following the cessation of active operations.
- 94.8.4 Stockpiles located within one hundred (100) yards of occupied buildings shall not be constructed over eight (8) feet in height.
- 94.8.5 Stockpiles over eight (8) feet high shall have a road bladed to the top to allow water truck access or shall have a sprinkler irrigation system installed, used and maintained.

94.9 **Best Available Control Measures (BACM)**

94.9.1 Any person who engages in a Construction activity as defined in this regulation shall employ BACM for the purpose of dust control.

94.9.2 All Control Measures that are necessary to maintain soil stability as well those listed in an approved Dust Mitigation Plan, shall be implemented twenty four (24) hours a day, seven (7) days a week, until the permit is closed in accordance with Subsection 94.6.3(c).

94.9.3 In the event there are wind conditions that cause Fugitive Dust Emissions; in excess of 20% Opacity using the Time Averaged Method or Intermittent Emissions Method, in excess of 50% Opacity using the Instantaneous Method, or one hundred (100) yards in length from the point of origin, in spite of the use of Best Available Control Measures, all Construction Activities that may contribute to these Emissions shall immediately cease. Water trucks and water pulls shall continue to operate under these circumstances, unless wind conditions are such that the continued operation of watering equipment cannot reduce Fugitive Dust Emissions or that continued equipment operation poses a safety hazard.

94.9.4 If a Dust Control Permit is not required, the Owners, operators, or any other person involved in Construction Activities shall employ Best Management Practices, as set forth in the Construction Activities Dust Control Handbook and comply with the soil stabilization standards listed in Subsections 94.8 and Emissions standards listed in Subsection 94.11.

94.10 **Construction Activities Violations.**

94.10.1 Any of the following circumstances constitute a violation of the Clark County Air Quality Regulations:

- (a) Failure to obtain an approved Dust Control Permit before engaging in activities that disturb or have the potential to disturb soils and/or cause or have the potential to cause Fugitive Dust to enter the air.
- (b) Failure to obtain an approved Dust Control Permit for all areas subject to Construction Activities.
- (c) Conducting a Construction Activity as defined by Subsection 94.2 for which no specified control option is indicated in the approved Dust Control Permit or the Dust Mitigation Plan.
- (d) Failure to perform any duty to allow or carry out an inspection, entry, or monitoring activity required by the department.
- (e) Failure to renew or obtain a new permit, prior to a Dust Control Permit expiring, provided the site does not meet the exemption requirements for a Dust Control Permit as defined in Subsection 94.4.2.

- (f) Failure to implement any item that is listed as a “Requirement” in the Best Management Practices section of the Construction Activities Dust Control Handbook for an applicable Construction Activity.
- (g) Failure to implement any Best Management Practice listed in an approved Dust Control Permit / Dust Mitigation Plan.
- (h) Failure to maintain static (not actively worked) project soils with adequate surface crusting to prevent wind erosion as measured by test method “Soil Crust Determination (The Drop Ball Test)” in Subsection 94.12.5, or alternative Control Measures approved in the Dust Mitigation Plan.
- (i) Failure to comply with any record keeping requirements of this section.
- (j) Failure to maintain project haul routes or haul roads in a stable condition as measured by the Intermittent Emissions test method outlined in Section 94.12.3.
- (k) Failure to have a Dust Control Monitor in place, per Subsection 94.7.5, for a Construction project.
- (l) Allowing Fugitive Dust Emissions to exceed the standards set forth in Subsections 94.11.1 through 94.11.4.
- (m) Using a dry rotary brush or blower device without sufficient water to limit Emissions per Subsection 94.11.5.
- (n) Allowing mud or dirt to be tracked out onto a Paved road that exceed the standards set forth in Subsection 94.11.6.
- (o) Failure to comply with any other provision of this section.

**94.11 Emission Standards.**

- 94.11.1 No person shall cause or permit the handling, transporting, or storage of any material in a manner that allows visible Emissions of Particulate Matter to exceed: 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method; 50% Opacity using the Instantaneous Method. These test methods are set forth in Subsection 94.12.
- 94.11.2 No person shall cause or permit the handling, transporting, or storage of any material in a manner that allows a dust plume that extends one hundred (100) yards or more, horizontally or vertically, from the point of origin.
- 94.11.3 Where a Dust Control Permit is required and has not been issued or in the event Best Available Control Measures have not been fully implemented, no person shall cause or permit the handling, transportation, or storage of any material in a manner that exceeds the limits listed in any one of the following:

- (a) The limits set forth in Subsection 94.11.1; or
- (b) Allow a dust plume to extend more than one hundred (100) feet, horizontally or vertically, from the point of origin; or
- (c) Allow a dust plume to cross a property line.

94.11.4 Visible Emissions from abrasive blasting shall be limited to no more than an average of 40% Opacity for any period aggregating three (3) minutes in any sixty (60) minute period, utilizing the test method set forth in Subsection 94.12.

94.11.5 The use of dry rotary brushes and blower devices for removal of deposited mud/dirt trackout from a Paved road is prohibited, unless sufficient water is applied to limit the visible Emissions to an Opacity of not greater than: 20% Opacity using the Time Averaged Method or Intermittent Emissions Method; 50% Opacity using the Instantaneous Method. These test methods are set forth in Subsection 94.12. The use of rotary brushes without water is prohibited.

94.11.6 Mud or dirt shall not be allowed to be tracked out onto a Paved road where such mud or dirt extends fifty (50) feet or more in cumulative length from the point of origin or allow any trackout to accumulate to a depth greater than 0.25 inch. Notwithstanding the preceding, all accumulations of mud or dirt on curbs, gutters, sidewalks, or Paved roads including trackout less than fifty (50) feet in length and 0.25 inch in depth, shall be cleaned and maintained to eliminate emissions of Fugitive Dust. At a minimum all trackout must be cleaned up by the end of the workday or evening shift, as applicable.

## 94.12 Test Methods

94.12.1 Visual Determination of Opacity of Emissions from Sources of Visible Emissions.

**Applicability:** This method is applicable for the determination of the Opacity of Emissions from sources of visible Emissions the Time Averaged Method requires averaging of visible Emission readings over a specific time period to determine the Opacity of visible Emissions. The Time Averaged Method is applicable to continuous Emissions sources. The Intermittent Emissions Method requires averaging a set number of visible Emissions readings to determine the Opacity of visible Emissions. The Intermittent Emissions Method is applicable to intermittent Emissions sources. The Instantaneous Method sets an Opacity limit that shall not be exceeded at any time. The Instantaneous Method is applicable to any Emissions source and is a non-federal requirement.

**Principle:** The Opacity of Emissions of a source of visible Emissions is determined visually by an observer who has current certification approved

by the Control Officer, as a qualified Visible Emissions Evaluator, using US EPA Method 9.

Procedures: A qualified Visible Emissions Evaluator shall use the procedures set forth in Subsections 94.12.2, 94.12.3, and 94.12.4 for visually determining the Opacity of Emissions.

94.12.2 Time Averaged Method: These procedures is for evaluating continuous Fugitive Dust Emissions and are for the determination of the Opacity of continuous Fugitive Dust Emissions by a qualified observer. Continuous Fugitive Eust Emissions sources include activities that produce Emissions continuously during operations such as earthmoving, grading, and Trenching. Emissions from these types of continuous activities are considered continuous even though speed of the activity may vary and Emissions may be controlled to 100%, producing no visible emissions, during parts of the operation. The qualified observer should do the following:

- (a) Position: Stand at a position at least twenty (20) feet from the Fugitive Dust source in order to provide a clear view of the Emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make Opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the Fugitive Dust plume generated by mobile earth moving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, do not include more than one plume in the line of sight at one time.
- (b) Field Records: Record the name of the site, Fugitive Dust source type (e.g., earthmoving, grading, trenching), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the Fugitive Dust source, and color of the plume and type of background on the visible Emission observation when Opacity readings are initiated and completed.
- (c) Observations: Make Opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Make Opacity observations at a point just beyond where material is no longer being deposited out of the plume (normally three (3) feet above the surface from which the plume is generated). The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For Fugitive Dust from earthmoving equipment, make Opacity observations at a point just beyond where material is not being deposited out of the



plume (normally three (3) feet above the mechanical equipment generating the plume).

- (d) **Recording Observations:** Record the Opacity observations to the nearest 5% every fifteen (15) seconds on an observational record sheet. Each momentary observation recorded represents the average Opacity of Emissions for a fifteen (15) second period. If a multiple plume exists at the time of an observation, do not record an Opacity reading. Mark an "x" for that reading. If the equipment generating the plume travels outside of the field of observation, resulting in the inability to maintain the orientation of the sun within the 140° sector or if the equipment ceases operating, mark an "x" for the fifteen (15) second interval reading. Readings identified as "x" shall be considered interrupted readings.
- (e) **Data Reduction For Time-Averaged Method:** For each set of twelve (12) or twenty four (24) consecutive readings, calculate the appropriate average Opacity. Sets shall consist of consecutive observations, however, readings immediately preceding and following interrupted readings shall be deemed consecutive and in no case shall two sets overlap, resulting in multiple violations.

#### 94.12.3

**Intermittent Emissions Method:** This procedure is for evaluating intermittent Fugitive Dust Emissions: This procedure is for the determination of the Opacity of intermittent Fugitive Dust Emissions by a qualified observer. Intermittent Fugitive Dust Emissions sources include activities that produce Emissions intermittently such as screening, dumping, and stockpiling where predominant Emissions are produced intermittently. The qualified observer should do the following:

- (a) **Position:** Stand at a position at least twenty (20) feet from the Fugitive Dust source in order to provide a clear view of the Emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make Opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. As much as possible, do not include more than one plume in the line of sight at one time.
- (b) **Field Records:** Record the name of the site, Fugitive Dust source type (e.g., pile, material handling, transfer, loading, sorting), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the Fugitive Dust source, and color of the plume and type of background on the visible emission observation when Opacity readings are initiated and completed.

- (c) **Observations:** Make Opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Make Opacity observations at a point just beyond where material is no longer being deposited out of the plume (normally three (3) feet above the surface from which the plume is generated). Make two observations per plume at the same point, beginning with the first reading at zero (0) seconds and the second reading at five (5) seconds. The zero (0) second observation should begin immediately after a plume has been created above the surface involved.
- (d) **Recording Observations:** Record the Opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average Opacity of Emissions for a five (5) second period.
- (e) Repeat Subsection 94.12.3(c) of this regulation and Subsection 94.12.3(d) of this regulation until you have recorded a total of 12 consecutive Opacity readings. This will occur once six intermittent plumes on which you are able to take proper readings have been observed. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- (f) Average the 12 Opacity readings together. If the average Opacity reading equals 20% or lower, the source is in compliance with the averaged method Opacity standard described in this Section.

94.12.4

**Instantaneous Method:** This is a non-federal procedure for evaluation of Fugitive Dust Emissions: This procedure is for the instantaneous determination of the Opacity of Fugitive Dust Emissions by a qualified observer. This method is a Clark County local requirement and is not submitted as part of the applicable State Implementation Plan. The qualified observer should do the following:

- (a) **Position:** Stand at a position at least twenty (20) feet from the Fugitive Dust source in order to provide a clear view of the Emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make Opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the Fugitive Dust plume generated by mobile earth moving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, do not include more than one plume in the line of sight at one time.
- (b) **Field Records:** Record the name of the site, Fugitive Dust source type (e.g., earthmoving, grading, storage pile, material handling, transfer, loading, sorting), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position

relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the Fugitive Dust source, and color of the plume and type of background on the visible emission observation when Opacity readings are initiated and completed.

- (c) Observations: Make Opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. Make Opacity observations at a point just beyond where material is no longer being deposited out of the plume (normally three (3) feet above the surface from which the plume is generated).
- (d) Recording Observations: Record the Opacity observations to the nearest 5%.
- (e) Data Reduction for Instantaneous Regulations: Evaluate all observations for conformance with the instantaneous regulation.

#### 94.12.5 Soil Crust Determination (The Drop Ball Test):

- (a) Drop a steel ball with a diameter of 0.625 (5/8<sup>th</sup>) inch and a mass ranging from 0.56-0.60 ounce from a distance of one (1) foot directly above the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the soil crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50% of a project site that have not originated from the representative surface being tested. If material covers a visible crust, which is not blowsand, apply the test method in Subsection 90.4.1.3 (Determination of Threshold Friction Velocity) of this regulation to the loose material to determine whether the surface is stabilized.

A sufficient crust is defined under the following conditions: once a ball has been dropped according to Subsection 90.4.1.1 of this regulation, the ball does not sink into the surface, so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface upon which it fell has not been pulverized, so that loose grains are visible.

- (b) Randomly select each representative disturbed surface for the drop ball test by using a blind "over the shoulder" toss of a throwable object (e.g., a metal weight with survey tape attached). Using the point of fall as the lower left hand corner, measure a one (1) foot square area. Drop the ball three times within the 1-foot by 1-foot square survey area, using a consistent pattern across the survey area. The survey area shall be considered to have passed the Soil Crust Determination Test if at least two out of the three times that the ball was dropped, the results met the criteria in Subsection

90.4.1.1(a) of this regulation. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site, and repeat this procedure. If the results meet the criteria of Subsection 90.4.1.1(a) of this regulation for all of the survey areas tested, then the site shall be considered to have passed the Soil Crust Determination Test and shall be considered sufficiently crusted.

- (c) At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the soil crust test as often as necessary on each portion of the overall conditions of the site using the random selection method set forth in Subsection 90.4.1.1(b) of this regulation for an accurate assessment.

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**History: Initial adoption: June 22, 2000**

Amended: November 16, 2000; March 18, 2003; June 3, 2003; July 1, 2004; January 21, 2020.

## Attachment 5

**AGENDA**  
**MEETING OF THE**  
**CLARK COUNTY BOARD OF COMMISSIONERS**  
**9:05 AM                      TUESDAY, AUGUST 3, 2021**  
**COMMISSION CHAMBERS, GOVERNMENT CENTER**  
**500 SOUTH GRAND CENTRAL PARKWAY**  
**LAS VEGAS, NEVADA 89106**

**This meeting has been properly noticed and posted online at <https://clarkcountynv.gov/agendas> and Nevada Public Notice at <https://notice.nv.gov/> and in the following locations:**

CC Government Center 500 S. Grand Central Pkwy. Las Vegas, NV (Principal Office)

If you wish to speak on an item marked "For Possible Action" appearing on this agenda, please fill out a Public Comment Interest Card which is located in front of the Commission Chambers and submit the comment card to staff sitting in the Commission Chambers. If you wish to speak to the Board about items within its jurisdiction but not appearing as an "Action" item on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chair, or the Board by majority vote.

- Items on the agenda may be taken out of order.
- The Board of County Commissioners, Board of Trustees, and Licensing Board may combine two or more agenda items for consideration.
- The Board of County Commissioners, Board of Trustees, and Licensing Board may remove an item from the agenda or delay discussion relating to an item at any time.

Contracts, zoning matters, or ordinances that do not comply with the County's disclosure requirement as outlined in Section 10(2) of the County Ethics Policy are subject to being voided.

The main agenda is available on Clark County's website, [ClarkCountyNV.gov](http://ClarkCountyNV.gov). For copies of agenda items and supporting backup materials, please contact Cyndi Baroni, Agenda Coordinator, at (702) 455-3530, Clark County Manager's Office, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89106. This meeting will be broadcast live in the Las Vegas area. Clark County Television is available in the Las Vegas area on Channel 4/1004 on Cox cable and on CenturyLink on Channels 4 and 1004 as well as in Laughlin on Channel 14 via Suddenlink. Live streaming of CCTV programming is available at [www.ClarkCountyNV.gov](http://www.ClarkCountyNV.gov) and <https://www.youtube.com/ClarkCountyNV>. CCTV is also available in Boulder City on Channel 4 and in Moapa Valley on Digital Channel 50.3. For more information about the program schedule, please refer to <https://clarkcountynv.gov/CCTV4/> or contact CCTV Channel 4 at (702) 455-6890.

**SEC. 1. OPENING CEREMONIES****CALL TO ORDER**

1. Public Comment
2. Approval of Minutes of the Regular Meeting on July 6, 2021. (For possible action) (Available on the County website and in the County Clerk's Office, Commission Division)
3. Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items. (For possible action)

**SEC. 2. CONSENT AGENDA: Items No. 4 through No. 42****NOTE:**

- The Board of County Commissioners, Board of Trustees, and Licensing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- Consent Agenda - All matters in this sub-category are considered by the Board of County Commissioners, Board of Trustees, and Licensing Board to be routine and may be acted upon in one motion. Most agenda items are phrased for a positive action. However, the Board/Trustees may take other actions such as hold, table, amend, etc.
- Consent Agenda items are routine and can be taken in one motion unless a Commissioner/Trustee/Licensing member requests that an item be taken separately. The Chair will call for public comment on these items before a vote. For all items left on the Consent Agenda, the action taken will be staff's recommendation as indicated on the item.
- Items taken separately from the Consent Agenda by Commission/Trustees/Licensing members at the meeting will be heard following the Commissioners/County Manager's Recognition Section.

**Purchasing & Contracts**

4. Ratify and approve an Amendment to the Contract with Aramark Correctional Services, LLC, for RFP No. 602832-12, for Commissary Services for Clark County Detention Services; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)
5. Ratify and approve an Amendment to the Contract with Oracle America, Inc., for CBE No. 604130-16, for Software, Software Maintenance, Cloud Services and Hardware; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)
6. Authorize the Chair to sign an Amendment to the Interlocal Agreement with the Board of Regents, Nevada System of Higher Education, on behalf of the University of Nevada, Reno, for CBE No. 605613-20, for Desert Tortoise Connectivity Solutions Modeling; or take other action as appropriate. (For possible action)
7. Approve an Amendment to the Contract with Alta Science and Engineering, Inc., for RFP No. 605416-19, for Science Advisor Panel; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)
8. Approve an Amendment to the Contract with Great Basin Institute, for RFP No. 604885-18, for Boulder City Conservation Easement Desert Tortoise Telemetry and Health Assessments; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)



9. Ratify and approve an Amendment to the Contract with Great Basin Institute, for RFP No. 603847-15, for Desert Tortoise Range-Wide Monitoring; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)
10. Approve the award of Bid No. 605783-21, for Regional Justice Center Cooling Tower & Boiler Replacement to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends award to MMC Contractors West, Inc.; or take other action as appropriate. (For possible action)
11. Approve the award of Bid No. 605853-21, for Annual Requirements Contract for Traffic Signal Assemblies and Hardware to the sole bidder. Staff recommends award to McCain, Inc. for Package 1; and acceptance of withdrawal of the Bid received from Advanced Traffic Products, Inc. for Package 2; and the cancellation of Package 2; or take other action as appropriate. (For possible action)

**Town Services**

12. Note for the record the following Town Advisory Board (TAB) and/or Citizens Advisory Council (CAC) Minutes: Enterprise TAB - June 30, 2021; Laughlin TAB - June 8, 2021; Lone Mountain CAC - June 29, 2021; Paradise TAB - June 29, 2021; Spring Valley TAB - June 29, 2021; and Sunrise Manor TAB - July 1, 2021.

**Social Service**

13. Ratify the submission of the application for Youth Homelessness Demonstration Program (YHDP), serving as the Collaborative Applicant for the Southern Nevada Homelessness Continuum of Care to the U.S. Department of Housing and Urban Development, to develop and implement a coordinated community approach to preventing and ending youth homelessness; authorize the Administrator of Human Services or his designee to sign the grant documents; and accept any grant funds awarded or take other action as appropriate. (For possible action)
14. Ratify the submission of the grant application to the State of Nevada Department of Health and Human Services and the Division of Child and Family Services by Clark County Social Service to provide educational and training vouchers to former foster youth; authorize the creation of two (2) Part Time Hourly Management Assistants, or equivalent positions, contingent upon award from DCFS; authorize the Administrator of Human Services or his designee to sign the grant documents; and accept any grant funds awarded. (For possible action)

**Public Works**

15. Accept a quitclaim deed from CV Propco, LLC, a Nevada limited liability company, dedicating a portion of Assessor's Parcel Number 162-20-301-003 for the Harmon Avenue/Valley View Boulevard/Union Pacific Railroad Grade Separation project. (For possible action)

16. Approve and authorize the County Manager or her designee to sign a professional engineering services contract between Clark County and Poggemeyer Design Group, Inc. (Larry V. Carroll, Senior Managing Principal) for the Pyle Avenue between Las Vegas Boulevard and Bermuda Road and Starr Avenue between Las Vegas Boulevard and Bermuda Road project. (For possible action)
17. Approve and authorize the Chair to sign Supplemental No. 3 to the interlocal contract between Clark County and the Regional Flood Control District to increase total funds for the Flamingo Wash between the Union Pacific Railroad and Hotel Rio Drive project. (For possible action)
18. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1212 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Traffic Signal Improvements Program: Package 103 project. (For possible action)
19. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1217 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Badura Avenue between Tenaya Way and El Capitan Way project. (For possible action)
20. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1223 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Sandhill Road between Desert Inn Road and Sunset Road project. (For possible action)
21. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1224 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Spencer Street between Russell Road and Twain Avenue project. (For possible action)
22. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1264 among Clark County, Regional Transportation Commission of Southern Nevada, City of Las Vegas, City of North Las Vegas, and City of Henderson to increase total funds for the Regional Bikeway and Sidewalk Inventory project. (For possible action)
23. Approve and authorize the Chair to sign Interlocal Contract No. 1285 between Clark County and Regional Transportation Commission of Southern Nevada for the Off-Street Shared Use Path Maintenance - Clark County Fiscal Year 2022-2026 project. (For possible action)
24. Approve and authorize the Chair to sign Interlocal Contract No. 1286 between Clark County and Regional Transportation Commission of Southern Nevada for the Safety Upgrades Program - Clark County project. (For possible action)
25. Approve and authorize the Chair to sign Interlocal Contract No. 1290 between Clark County and Regional Transportation Commission of Southern Nevada for engineering for Entity Non-Project Specific Expenses - Clark County Fiscal Year 2022-2026. (For possible action)

26. Approve and authorize the Chair to sign Interlocal Contract No. 1296 among Clark County, Regional Transportation Commission of Southern Nevada, City of Las Vegas, City of North Las Vegas, City of Henderson, City of Boulder City, and City of Mesquite for the project to design infrastructure for removal of underground existing utilities within Clark County limits on Maryland Parkway between Russell Road and Flamingo Road. (For possible action)
27. Approve and authorize the Chair to sign Interlocal Contract No. 1297 among Clark County, Regional Transportation Commission of Southern Nevada, City of Las Vegas, City of North Las Vegas, City of Henderson, City of Boulder City, and City of Mesquite for Trail Maintenance Volunteer Coordination - Fiscal Year 2022-2024. (For possible action)

### **Real Property Management**

28. Approve and authorize the Director of Real Property Management or her designee to grant a ±24 square feet easement to Cox Communications Las Vegas, Inc. on Assessor's Parcel Number 139-33-305-023 and sign any other documents as necessary to complete the transaction. (For possible action)
29. Approve and authorize the Director of Real Property Management or her designee to sign Property Marketing Agreements with Commercial Real Estate Exchange, Inc. for marketing and online auction services of fifteen (15) Department of Aviation individual sale units comprised of single or multiple parcels, to be sold at public auction; or take other action as appropriate. (For possible action)
30. Approve and authorize the Chairman to sign the Resolutions of Intent to Sell Real Property at Public Auction providing for the sale of ± 250.69 acres of vacant Clark County owned real property in fifteen (15) individual sale units comprised of single or multiple parcels, specifying the minimum prices and terms of the sales, and setting a public 48-hour online auction for September 20, 2021 through September 22, 2021, with the final acceptance or rejection of any bids to take place at the next regularly scheduled meeting of the Board of County Commissioners on October 5, 2021. (For possible action)

### **Budget & Finance**

31. In accordance with NRS 244.210 and 354.220 through 354.250, approve, adopt, and authorize the Chair to sign a resolution to authorize refunds as shown on Exhibit "A. " (For possible action)
32. Approve, adopt and authorize the Chair to sign a resolution designating marijuana fees in excess of \$12 million collected by the Business License Department to address criminal justice programs, assistance to those impacted by marijuana laws, combat marijuana purchases from unlicensed sellers, and immigration defense. (For possible action)

- 33. Approve and authorize the Board of County Commissioners, the Clark County Water Reclamation District Board of Trustees, and the Board of Hospital Trustees of University Medical Center of Southern Nevada to submit the quarterly economic condition reports to the State of Nevada Department of Taxation pursuant to NRS 354.6015 and NAC 354.559 for Clark County. (For possible action)

**General Administration**

- 34. Approve and authorize the Chair to sign the correction of the 2018-2019 thru 2020-2021 Secured and the 2020-2021 Unsecured Assessment Roll AR-0803-21-15 and order the corrections to be made. (For possible action)
- 35. Accept a \$10,000 Wi-Fi donation from Cox Communications in support of the July 9, 2021 Job Fair hosted by Clark County Commissioners Jim Gibson, Tick Segerblom, and Marilyn Kirkpatrick. (For possible action)
- 36. Approve and authorize the Chair to sign a cooperative agreement on the allocation of recoveries in the resolution or partial resolution of opioid-related litigation. (For possible action)
- 37. Grant a request by the County Manager for a residency waiver for one (1) full time clerical position in the Office of the Constable, Laughlin Township. (For possible action)
- 38. Approve an update to the Clark County Cultural District Designation Policy. (For possible action)
- 39. Approve the allocation of \$250,000 annually of the Wedding Tourism funds to the County Clerk to be used for the promotion of wedding tourism. (For possible action)
- 40. Approve the Local Law Enforcement Advisory Committee (LLEAC) project allocation recommendations and submission of the grant application for the FY-2021 Justice Assistance Grant (JAG) from the U.S. Department of Justice, Bureau of Justice Assistance, by Clark County Social Service on behalf of the County, as fiscal agent, and City of Las Vegas, in the amount of \$834,481 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and authorize the County Manager or her designee to execute any necessary agreements and accept all grant funds awarded. (For possible action)
- 41. Approve and authorize the Board of County Commissioners to receive the report of donations accepted by the Eighth Judicial District Court Fiscal Services Department from the July 1, 2020 through June 30, 2021 for the use and benefit of the Specialty Courts program. (For possible action)
- 42. Approve and authorize the Chair to ratify and accept the annual budget for Master's System to the State of Nevada, Welfare Division, Department of Human Resources, by the Eighth Judicial District Court, to provide services for the Child Support Enforcement Program for the period from July 1, 2021 through June 30, 2022 and to accept any funds awarded. (For possible action)

**END CONSENT AGENDA**

**SEC. 3. COMMISSIONERS' / COUNTY MANAGER'S RECOGNITION**

43. Present a proclamation to Martha Floyd and her team at the Southern Nevada Regional Housing Authority for their outstanding work in organizing the Home Buyer Expo during national Homeownership Month.

**SEC. 4. ITEMS TAKEN SEPARATELY FROM CONSENT AGENDA****SEC. 5. PUBLIC HEARINGS - 10 AM**

44. Conduct a public hearing to approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulation Section 92 ("Fugitive Dust from Unpaved Parking Lots and Storage Areas") to include an alternative to asphalt paving, add a testing method and opacity standard, and revise wording for clarity; repeal and adopt a new Section 94 ("Permitting and Dust Control for Construction and Temporary Commercial Activities") to reorganize and to add definitions, best management practices, and authority to permit temporary commercial activities; repeal the Section 94 Construction Activities Dust Control Handbook; provide for other matters properly related thereto; and authorize the Director to submit the revisions to Sections 92 and 94, excluding subsection 94.4.2(a), and all related documentation to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action)
45. Conduct a public hearing to approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulation Section 44 to allow the Control Officer to issue certificates of exemption for certain mulberry and olive trees in lieu of the Hearing Board, require genetic testing, and inspect related facilities and repeal and adopt a new Section 45 to update requirements for idling diesel vehicles; and provide for other matters properly related thereto. (For possible action)

**END PUBLIC HEARINGS****SEC. 6. INTRODUCTION OF ORDINANCES**

**This item is for introduction only. A date and time will be set for a public hearing. No public comments will be heard at this time.**

46. Introduce an ordinance to amend Clark County Code Title 6, Chapter 6.36, and Title 7, Chapter 7.20 to revise definitions; update the Code; allow for auctions to be held at resort hotels; and providing for other matters properly related thereto; and set a public hearing. Commission District: All (For possible action)

**SEC. 7. BUSINESS ITEMS**

47. Identify emerging issues to be addressed by staff or by the Board at future meetings; receive updates on the activities of the various regional boards and commissions; and direct staff accordingly.

48. Appoint Rich Tanasi as an additional individual to serve as Ombudsman in the Police Fatality Public Fact-finding Review Process; or take further action as appropriate. (For possible action)
49. Appoint 15 qualified individuals to serve on the Clark County Asian-American Pacific Islanders Community Commission for a term ending June 30, 2023, from the list of following applicants: Incumbents: Dorinda Burnet, Arun Gupta, Daniel Lee, Allen Mallari, Arlene Markthepharack, Rica Tamura, Craig Valdez, Renato “Sonny” Vinuya, and Sharifa Wahab; New Applicants: Terry Chi, Son Dao, Leora Mae Dumanlang, Christian Giovanni, Ashok Goyal, David Kim, Amy Koo, Ga Geong Lee, Hieu V. Lee, Gail McIntosh, June Monroe, Dat Nguyen, Swadeep Nigam, Elgin Sampal, Sanje Sedera, Neeka Simpson, Edelweiss Solano, Hardeep “Dee” Sull, and Andrew Wong. (For possible action)
50. Designate the Chairperson and Vice-Chairperson of the Clark County Asian-American Pacific Islanders Community Commission for a term ending June 30, 2023. (For possible action)
51. Receive a presentation from the State of Nevada Treasurer, Zach Conine, on the State’s plan for a community engagement tour focused on how the Pandemic has affected Nevadans and how Nevada can spend its share of the Coronavirus State and Local Fiscal Recovery Fund to mitigate those effects. (For possible action)
52. Receive a presentation and approve a resolution to urge Congress to protect Sunrise Mountain, Frenchman Mountain and Rainbow Gardens. (For possible action)
53. Receive a report from Tennille Pereira, Chairwoman of the 1 October Memorial Committee, on the status of the committee’s efforts to date. (For possible action)
54. Discuss authorizing \$10 million to promote vaccines and vaccinations, including paying \$100 per person to those who get vaccinated. (For possible action)
55. Receive an update on COVID-19 vaccination and testing efforts for Clark County employees. (For possible action)
56. Receive a report from Management Partners about the various outreach efforts conducted to determine the priorities for the Clark County Fiscal Recovery Funds; direct staff regarding the initial Recovery Plan to be submitted to Treasury; or take any other action deemed appropriate. (For possible action)
57. Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter, and pursuant to NRS Chapter 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly. (For possible action)

## PUBLIC COMMENTS

### Comments by the General Public

A period devoted to comments by the general public about matters relevant to the Board's/Trustees' jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please SPELL your last name for the record. If any member of the Board/Trustees wishes to extend the length of a presentation, this will be done by the Chair, or the Board/Trustees by majority vote.

**All comments by speakers should be relevant to Board/Trustees action and jurisdiction.**

**ZONING AND SUBDIVISIONS    Wednesday, August 4, 2021, 9:00 a.m.**

**Separate Agenda**

THE REGULAR JOINT MEETINGS OF THE CLARK COUNTY BOARD OF COMMISSIONERS, THE CLARK COUNTY WATER RECLAMATION BOARD OF TRUSTEES, THE UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES, AND THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD HELD ON THE FIRST AND THIRD TUESDAYS OF EACH MONTH, ARE VIDEO-TAPED BY CLARK COUNTY TELEVISION (CCTV). THIS MEETING WILL BE BROADCAST LIVE IN THE LAS VEGAS AREA. CLARK COUNTY TELEVISION IS AVAILABLE IN THE LAS VEGAS AREA ON CHANNEL 4/1004 ON COX CABLE AND ON CENTURYLINK ON CHANNELS 4 AND 1004 AS WELL AS IN LAUGHLIN ON CHANNEL 14 VIA SUDDENLINK. LIVE STREAMING OF CCTV PROGRAMMING IS AVAILABLE AT [WWW.CLARKCOUNTYNV.GOV](http://WWW.CLARKCOUNTYNV.GOV) AND [WWW.YOUTUBE.COM/CLARKCOUNTYNV](http://WWW.YOUTUBE.COM/CLARKCOUNTYNV). CCTV IS ALSO AVAILABLE IN BOULDER CITY ON CHANNEL 4 AND IN MOAPA VALLEY ON DIGITAL CHANNEL 50.3. FOR MORE INFORMATION ABOUT THE PROGRAM SCHEDULE, PLEASE REFER TO [HTTPS://CLARKCOUNTYNV.GOV/CCTV4/](https://CLARKCOUNTYNV.GOV/CCTV4/) OR CONTACT CCTV CHANNEL 4 AT (702) 455-6890.

THE COUNTY CLERK KEEPS THE OFFICIAL RECORD OF ALL PROCEEDINGS OF THE COUNTY COMMISSION, THE CCWRD BOARD OF TRUSTEES, THE UMC HOSPITAL BOARD OF TRUSTEES, AND THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD. IN ORDER TO MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL PROCEEDINGS, ANY PHOTOGRAPH, MAP, CHART, OR ANY OTHER DOCUMENT USED IN ANY PRESENTATION TO THE BOARD/TRUSTEES SHOULD BE SUBMITTED TO THE COUNTY CLERK. IF MATERIALS ARE TO BE DISTRIBUTED TO COMMISSIONERS/TRUSTEES, PLEASE PROVIDE SUFFICIENT COPIES FOR DISTRIBUTION TO THE COUNTY MANAGER, COUNTY COUNSEL, AND COUNTY CLERK.

WHEN OPEN TO THE PUBLIC, THE CLARK COUNTY COMMISSION CHAMBERS ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. WITH TWENTY-FOUR (24) HOUR ADVANCE REQUEST, A SIGN LANGUAGE INTERPRETER MAY BE MADE AVAILABLE (PHONE: (702) 455-3530 OR TDD (702) 385-7486) OR RELAY NEVADA TOLL FREE (800) 326-6868, TT/TDD. ASSISTIVE LISTENING DEVICES ARE AVAILABLE UPON REQUEST AT THE STAFF TABLE.

## Attachment 6





A **BIG Thank You**  
For Helping Move  
Clark County from  
PM<sub>10</sub> Non-Attainment

- ▶ ***We are Currently in Maintenance Status for the PM<sub>10</sub> SIP***
  - ▶ ***This requires continuing compliance with the 90 Series Rules.***
  - ▶ ***We are focusing on Section 92 & 94 in the rulemaking.***
  - ▶ ***Sections 90, 91 and 93 will be looked at soon...***



# Why Are We Making Changes Now??

- ▶ **NEW** Temporary Commercial Activities (Section 94)
- ▶ **NEW** Added the Best Management Practices as an Appendix to Section 94
- ▶ **Added** more definitions
- ▶ **Revised** the outdated language regarding Stationary Sources with fugitive dust emissions
- ▶ **Removed** the Dust Control Handbook
- ▶ **Removed** references to Corrective Order, replaced with Notices of Non-Compliance
- ▶ **Removed** recordkeeping requirements **except** for projects requiring Air Quality Monitors



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# AQR Section 94

**Permitting & Dust Control  
for Construction Activities  
and**

**Temporary Commercial Activities**



# What Has Changed ??

- ▶ **NEW** Temporary Commercial Activities (Section 94)
  - ▶ Activities limited to less than 90 days will need permits.
    - ▶ Special Events
    - ▶ Holiday Events: Pumpkin Patches, Christmas Tree Lots
    - ▶ Festivals
- ▶ **REVISED** the outdated language regarding Stationary Sources having fugitive dust emissions
- ▶ **Added** more definitions
- ▶ **Eliminated** the Dust Control Handbook
- ▶ **NEW** Added the Best Management Practices as an Appendix to Section 94



# And ??

- ▶ **ADDED** the Responsible Official to oversee compliance with the permit, start to finish
- ▶ **Restructured** the rule into a Permitting Rule Format
- ▶ **Reformatted** for easier reading
- ▶ **Removed** references to Corrective Order, replaced with Notices of Non-Compliance
- ▶ **Removed** recordkeeping requirements **except** for projects requiring Air Quality Monitors



# Revised language for Fugitive Dust at Stationary Sources

- ▶ *The 2004 version of Section 94 required that construction activities that occur at stationary sources would be considered as part of the BACT determination required by the stationary source rules.*
- ▶ *In 2010, the stationary source rules were rewritten, resulting in the removal of BACT from the minor stationary source program.*
- ▶ **This revision addresses this unintended change by requiring the appropriate control measures and emission standards be enforced in the terms and conditions of the permit.**





# New Rule Structure

- ▶ **Applicability**
- ▶ **Definitions**
- ▶ **Activities Exempt from Permitting**
- ▶ **Permit Applications**
- ▶ **Permit Requirements**
- ▶ **General & Administrative Standards**
- ▶ **Notice of Non-Compliance & Notices of Violation**
- ▶ **Dust Control Monitor**
- ▶ **Dust Monitor Records**
- ▶ **Clark County Air Quality Dust Control Class**
  - ▶ *continued*



# New Rule Structure

continued...

- ▶ **Signage Requirements**
- ▶ **Soil Stabilization Standards**
- ▶ **Best Available Control Measures**
- ▶ **Emission Standards**
- ▶ **Test Methods**
  
- ▶ **Appendix 1: Best Management Practices (BMP)**
  - ▶ **Table 1: Soil Types**
  - ▶ **Examples of Signage**
- ▶ **Appendix 2: Particulate Emission Potential Maps**





## 94.2 Definitions

- ▶ **Best Available Control Measures (BACM)**
- ▶ **Best Management Practice (BMP)**
- ▶ **Clean Gravel** - 0.25 to 3 inches with no more than 6% silt
- ▶ **Common Control** – direct/indirect control of management decisions
- ▶ **Construction Activities** – List of 22 activities
- ▶ **Contiguous** – contact along boundary or a point.
- ▶ **Department** – DES and DAQ
- ▶ **Dust Control Operating Permit** – Single permit to perform construction activities that result in fugitive dust
- ▶ **Dust Mitigation Plan** – Enforceable part of permit



## 94.2 Definitions

continued...

- ▶ **Grading** – altering the natural ground surface or elevation
- ▶ **Maintenance** – Upkeep or restoration to its intended use
- ▶ **Notice of Non-Compliance** – Document of notification that identifies deficiencies through inspection of failure to comply with permit.
- ▶ **Responsible Official** – Person authorized to oversee all construction activities related to the project and sign all documents.
- ▶ **Trackout** – soil, mud or dirt on paved surfaces that come from a construction site
- ▶ **Temporary Commercial Activities** – Activities limited to less than 90 days



## 94.4 Permit Applications

- ▶ Cannot commence any construction activities without a permit that authorizes such activities.
- ▶ A permit is required for any of the following:
  - ▶ Construction activities that disturb soils 0.25 acres or greater in overall area.
  - ▶ Mechanized trenching 100 feet or greater in total length.
  - ▶ Mechanical demolition of any structure 1,000 square feet or greater.
  - ▶ Temporary commercial activities 0.25 acres or greater in overall area.



# 94.5 Permit Requirements

- ▶ Person cannot engage in construction activities without a permit.
- ▶ Inspectors to have access for inspection purposes with appropriate credentials.
- ▶ Responsible Official shall:
  - ▶ Ensure contractors, subcontractors and other persons abide by conditions in permit.
  - ▶ Provide copies of permit and Dust Mitigation Plan to all project contractors and subcontractors.
  - ▶ Ensure compliance at site until Permit Closure form is submitted and approved by the Control Officer.
  - ▶ Notify the Control Officer in writing within 10 days following cessation of all operations when cessation will extend 30 days or longer.

# 94.5 Permit Requirements

continued...

- ▶ Control Officer to determine:
  - ▶ When projects under common control & contiguous are to be under a single permit.
  - ▶ Construction <0.25 acres or trenching <100 ft can be treated as a single project required to obtain a permit due to properties being under common control, contiguous, or separated only by a roadway.
- ▶ **No stockpiles over 8 feet high to be within 100 yards of occupied buildings.** Stockpiles over 8 feet high located beyond 100 yards to have road bladed to top to allow water truck access, or other effective dust control.
- ▶ A permit is valid for up to 365 days from permit effective date. A Temporary Commercial activities permit is valid up to 90 days from permit effective date.

# 94.5 Permit Requirements

continued...

- ▶ Renewal applications:
  - ▶ to be submitted no sooner than 30 days prior to permit expiration date.
  - ▶ Received prior to 30 days before permit expiration, the permit's effective date will change to the new permit issuance date.
  - ▶ Received late are subject to late fee.
- ▶ A complete copy of current permit to be kept on site at all times construction activities occur and be made available to the Control Officer upon request.
- ▶ Additional control measure requirements resulting from adjudicated corrective orders to become part of the permit's Dust Mitigation Plan.





## 94.6 General and Administrative Procedures

- ▶ New, renewed, or revised permit will not be issued to a person having outstanding unpaid Department fees, and/or penalties that have been adjudicated.
- ▶ As part of the adjudication of the 3<sup>rd</sup> Notice of Violation by the Hearing Officer, within any 180-day period and for the same project for which the permit was issued, the Control Officer may recommend suspension or revocation of the permit.
- ▶ Any person aggrieved by a decision of the Control Officer pursuant to this section may appeal in accordance with Section 7 of the AQRs.

## 94.8 Dust Control Monitor

- ▶ A person is certified as a Dust Control Monitor upon complying with all of the following.
  - ▶ Successfully complete the Dust Control Monitor class within the past 3 years.
  - ▶ Successfully complete an approved course and becoming certified in Visual Emissions Evaluation (VEE) within past 3 years.
- ▶ The Dust Control Monitor must have full authority to ensure dust control measures are implemented for any construction project that has 50 acres or more disturbed soil at any given time. The authority shall include all of the following:
  - ▶ Conduct site inspections and monitor current activities.
  - ▶ Deploy resources to maintain compliance with the permit.
  - ▶ Be able to shut down or regulate construction activities to maintain compliance as needed.





## 94.8 Dust Control Monitor

continued...

- ▶ The Control Officer may require additional Dust Control Monitors due to the size of a project and/or non-compliance issues.
- ▶ A Monitor cannot be assigned to more than one non-contiguous permitted site unless the Control Officer approves in advance.
- ▶ The Monitor must be present and available at all times construction activities occur on the site and devote the majority of his/her time specifically to managing dust prevention and control on the site.
- ▶ The Monitor may temporarily operate a water truck for monitoring and resolving dust issues, but may not support construction activities unless approved by Control Officer.



## 94.9 Dust Control Monitor Recordkeeping

- ▶ A written record of self-inspection shall be made at least twice each day on that soil disturbing work is conducted. The “Record of Daily Dust Control” form can be used.
- ▶ Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and cleanup measures, daily water usage, dust suppressant application records, etc.
- ▶ Construction site self-inspections shall be kept for a minimum of one year or for six months beyond the project duration, whichever is longer.
- ▶ **Notice: Daily recordkeeping is no longer required unless your site requires a Dust Control Monitor.**



# 94.10 Clark County Air Quality Dust Control Class

- ▶ The following persons are required to attend and successfully complete the Class at least once every three years:
  - ▶ The construction site superintendent and all others designated as onsite representatives of the permittee.
  - ▶ All construction supervisors and foremen of on-site contractors and subcontractors.
  - ▶ Water truck and water pull driver(s) for each construction project.
- ▶ The Control Officer may require any personnel affiliated with a permitted site to attend a Dust Control Class as a remedial or corrective measure.



# 94.11 Signage Requirements

- ▶ All projects are required to install signage prior to commencing construction activities that measures, at minimum, four feet wide by four feet high.
  - ▶ **Projects limited to 14 days or less by their permit are exempt from this requirement.**
- ▶ The sign must conform to the Department guidance on Dust Control Operating Permit design and posting of signage provided on the Department website.
- ▶ The sign shall be located near the main entrance to the project, and be visible and legible to the public.



# 94.12 Soil Stabilization Standards

- ▶ The Responsible Official shall ensure all contractors, operators, and other persons involved in construction activities in construction activities employ effective control measures.
- ▶ One or more of the following methods shall be implemented to maintain dust control on all disturbed soils on construction sites and staging areas:
  - ▶ Maintained in a sufficiently damp condition.
  - ▶ Crusted over by application of water.
  - ▶ Completely covered with clean gravel.
  - ▶ Treated with a dust suppressant.
  - ▶ Treated using another method approved in advance by the Control Officer.



# 94.13 Best Available Control Measures

- ▶ Any person who engages in a construction activity, with or without a permit, shall employ BACM and comply with soil stabilization (Section 94.12) and emissions standards (Section 94.14).
- ▶ Control measures that are listed in the approved permit, and other measures as needed for the purpose of maintaining dust control, shall be implemented 24 hours a day, seven days a week, until the permit is closed in accordance with Section 94.5(e).



# 94.13 Best Available Control Measures

- ▶ All construction activities that contribute to emissions, even when BACM is implemented, shall immediately cease when wind conditions cause fugitive dust:
  - ▶ Using the Time Averaged Method:
    - ▶ In excess of 20% opacity.
  - ▶ Using the Instantaneous Method:
    - ▶ In excess of 50% opacity.
    - ▶ Resulting in a dust plume 100 yards in length.





# 94.14 Emission Standards

- ▶ No person conducting construction activities, with or without a permit, shall cause or allow visible emissions of particulate matter to:
  - ▶ Exceed 20% opacity using the Time Averaged Method or Intermittent Method.
  - ▶ Exceed 50% opacity using the Instantaneous Method.
  - ▶ Allow a dust plume to extend more than 100 feet.
  - ▶ Allow a dust plume to cross a property line.
- ▶ The use of blower devices and dry rotary brushes for the removal of deposited mud/dirt from a paved surface is prohibited.
- ▶ Rotary brushes may only be used when sufficient water is applied to limit the visible emissions consistent with the visible emissions standard.



# 94.14 Emission Standards

continued...

- ▶ Mud or dirt not allowed to accumulate on a paved surface where trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches.
- ▶ Trackout to be cleaned immediately and maintained by removing all accumulations of mud or dirt that causes one or more of the following:
  - ▶ A dust plume to extend more than 100 feet, horizontally or vertically, or across a property line.
  - ▶ An average of 20% opacity for any period aggregating 3-minutes in any 60-minute period.
  - ▶ 50% instantaneous opacity.
  - ▶ All trackout shall be cleaned up by the end of the workday or evening shift.



# 94.15 Test Methods

- ▶ Visual Determination of Emission Opacity
  - ▶ Time Averaged Method
  - ▶ Intermittent Emissions Method
  - ▶ Instantaneous Method
- ▶ Soil Crust Determination (Drop Ball Test)



# Best Management Practices (BMP)

- ▶ Backfilling
- ▶ Blasting – Abrasive
- ▶ Blasting – Soil and Rock
- ▶ Clearing and Grubbing
- ▶ Clearing Forms, Foundations and Slabs
- ▶ Crushing
- ▶ Cut and Fill
- ▶ Demolition – Implosion
- ▶ Demolition – Mechanical//Manual
- ▶ Disturbed Soil
- ▶ Long-term Stabilization
- ▶ Dust Palliative
- ▶ Importing/Exporting of Bulk Material
- ▶ Landscaping
- ▶ Subgrade Preparation for Paving
- ▶ Saw/Cutting Materials
- ▶ Screening
- ▶ Staging Areas
- ▶ Stockpiling
- ▶ Trackout prevention and cleanup
- ▶ Traffic
- ▶ Trenching
- ▶ Truck Loading



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## AQR Section 92

### Fugitive Dust from Unpaved Parking Lots and Storage Areas



# What Has Changed ??

- **NEW** Definition for “Alternative Asphalt Paving”
- **NEW** Definition for “Existing Unpaved Parking Lot(s) and Storage Area(s)”
- **Added** clarifying language to identify what is *New vs Existing*.
- **Added** the Instantaneous Method for determining opacity with its 50% opacity standard

# Questions??



## Contact:

Richard Beckstead  
4701 W Russell Rd, Ste 200  
Las Vegas, NV 89118  
702.455.1611

[Beckstead@ClarkCountyNV.gov](mailto:Beckstead@ClarkCountyNV.gov) or

[AQRegulations@ClarkCountyNV.gov](mailto:AQRegulations@ClarkCountyNV.gov)

## Attachment 7





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# Air Quality Regulation (AQR) Updates

## AQR Section 92 & AQR Section 94





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## AQR Section 92

# Fugitive Dust from Unpaved Parking Lots and Storage Areas

3

## Revised Rule Applicability

### *AQR Section 92.1*

Applies to:

- ▶ 5,000 square feet or larger  
*(moved from AQR Section 0)*
- ▶ Located in the Las Vegas Valley or Apex Valley, and any other area that becomes subject to  $PM_{10}$  nonattainment and is not regulated by AQR Section 94

4

## Revised Rule Applicability

### *AQR Section 92.1*

### **UPDATED**

Stationary sources will be required to use the control measures and stabilization standards to control fugitive dust emissions, enforced by the terms and conditions of the stationary source permit.

5

## New Definitions

### *AQR Section 92.2*

***UPDATED*** Existing unpaved parking lot(s) and(or) storage area(s) means parking and storage areas that existed prior to January 1, 2003, ..., and are in compliance with all applicable state and local regulations and codes, including those related to land use and zoning.

6

## New Definitions

### *AQR Section 92.2*

***NEW***

**Alternative asphalt paving** means the application of milled recycled asphalt pavement material in accordance with Department specifications that are preapproved in writing by the Control Officer.



7

## New Stabilization Standards *AQR Section 92.4*

***NEW***

50% opacity based on the  
instantaneous method  
described in AQR 92.6.1.2.



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## AQR Section 94

# Permitting & Dust Control for Construction Activities and Temporary Commercial Activities

9

## Revised Rule Applicability

### *AQR Section 94*

- ▶ **NEW** Temporary commercial activities 0.25 acres or more in overall area (applies within HA 212, 216, and 217)
- ▶ **UPDATED** Stationary sources will be required to use the control measures and stabilization standards to control fugitive dust emissions, enforced by the terms and conditions of the stationary source permit.



# Revised Definitions

## *AQR Section 94.2*

### **UPDATED** Construction Activities

- ▶ Initial or replacement landscaping
- ▶ Paving roadways and alleyways
- ▶ Flood control Maintenance

### **NEW** Temporary Commercial Activities

- ▶ Less than 90 days and disturb soil
- ▶ Examples: pumpkin patches, festivals

## Revised Definitions

### *AQR Section 94.2*

***NEW***

**Responsible Official** who is authorized to oversee the activities related to the project, sign documents, ensure contractors, subcontractors and other persons abide by conditions in permit, and ensure compliance at site until permit closure form is submitted and approved by the Control Officer

# Revised Permit Requirements

## *AQR Section 94.5*

### *NEW and UPDATED*

- ▶ Any additional control measure requirements resulting from adjudicated corrective orders shall become part of the permit's Dust Mitigation Plan
- ▶ A permit is valid for up to 365 days  
Temporary Commercial Activities permit is valid for up to 90 days

# Revised Permit Requirements

## *AQR Section 94.5*

### ***NEW***

- ▶ Temporary Commercial Activities permits are not renewable
- ▶ Control Officer to determine when projects under common control and contiguous will be under a single permit

## Revised Administrative Standards

### *AQR Section 94.6*

#### **NEW**

- ▶ New, renewed, or revised permit will not be issued to a person having outstanding unpaid Department fees, and/or penalties that have been adjudicated.
- ▶ The Control Officer may recommend suspension or revocation of a permit if a 3<sup>rd</sup> Notice of Violation is adjudicated by the Hearing Officer within any 180-day period for the same project.

## Revised Dust Control Monitor

### *AQR Section 94.8*

#### **NEW**

- ▶ Control Officer may require additional monitors due to size and noncompliance
- ▶ Cannot be assigned to more than one non-contiguous site unless approved in advance by the Control Officer
- ▶ Monitors may temporarily operate a water truck to resolve dust issues



## Revised Recordkeeping *AQR Section 94.9*

### *REMOVE*

Recordkeeping requirements **except** for projects requiring Dust Control Monitors (50+ acres)

### *NEW*

Sites requiring Dust Control Monitors must conduct self-inspections at least twice each day



# Revised Dust Control Class

## *AQR Section 94.10*

### **UPDATED**

- ▶ Construction site superintendents, designated on-site representatives, water truck and pull drivers, **and supervisors and foreman of on-site contractors and subcontractors** must attend dust class
- ▶ Permits issued for Temporary Commercial Activities are exempt from the Dust Control Class requirement

# Revised Signage Requirements

## *AQR Section 94.11*

**REMOVE** 8 foot by 4 foot sign requirement for larger projects

**NEW**

- ▶ All projects must install 4 foot by 4 foot signs
- ▶ Temporary Commercial Activities and projects lasting less than 14 calendar days are exempt

19

# Revised Emission Standards

## *AQR Section 94.14*

### *UPDATED*

- ▶ Emissions from trackout are held to the same standards as all other activities

# Best Management Practices

## *AQR Section 94 Appendix*

### *NEW and UPDATED*

- ▶ Added appendix to pull essential portions of the Construction Activities Dust Control Handbook into the regulations including:
  - ▶ Best Management Practices (BMPs)
  - ▶ Particulate Emission Potential (PEP)
  - ▶ Maps and signage guidance
- ▶ Repealed Dust Control Activities Handbook

21

# Before





22

# After



# Questions??

## Contact:

23

Richard Beckstead  
4701 W Russell Rd, Ste 200  
Las Vegas, NV 89118  
702.455.1611

[Beckstead@ClarkCountyNV.gov](mailto:Beckstead@ClarkCountyNV.gov) or  
[AQRegulations@ClarkCountyNV.gov](mailto:AQRegulations@ClarkCountyNV.gov)



## Attachment 8

# Board of County Commissioners

CLARK COUNTY, NEVADA

MARILYN K. KIRKPATRICK  
Chair  
JAMES B. GIBSON  
Vice Chair  
JUSTIN JONES  
WILLIAM MCCURDY II  
ROSS MILLER  
MICHAEL NAFT  
TICK SEGERBLOM

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COMMISSION CHAMBERS, GOVERNMENT CENTER  
500 SOUTH GRAND CENTRAL PARKWAY  
LAS VEGAS, NEVADA 89106  
TUESDAY, AUGUST 3, 2021

The Board of County Commissioners of Clark County, Nevada met in joint regular session, in full conformity with law and bylaws of said Boards, at the regular place of meeting in the Commission Chambers, Government Center, Las Vegas, Clark County, Nevada on Tuesday, the 3rd day of August, 2021 at the hour of 9:00 a.m. The meeting was called to order at 9:31 a.m. by Chair Kirkpatrick and on roll call, the following members were present, constituting all of the members thereof.

## CALL TO ORDER

### CHAIR AND COMMISSIONERS:

Marilyn Kirkpatrick  
Jim Gibson  
Justin Jones  
William McCurdy II  
Ross Miller  
Michael Naft  
Tick Segerblom

### Also Present:

Yolanda T. King, County Manager  
Laura Rehfeldt, Deputy District Attorney  
Catherine Jorgenson, Deputy District Attorney  
Lynn Marie Goya, County Clerk  
Jewel Gooden, Assistant Clerk, BCC  
Robin Delaney, Deputy Clerk

### ITEM NO. 1. Public Comment

At this time, Chair Kirkpatrick asked if there were any persons present wishing to be heard on any items listed on the agenda as posted.

SPEAKER(S): Present

Margaret Ann Coleman spoke regarding vaccinations, COVID-19, and homelessness.

Ed Euhling spoke regarding Item No. 39; the Las Vegas Convention and Visitors Authority, and R & R Advertising.

Christina Kettler, Judy Leslie, Mindy Robinson, Travis Ebarb, Marty Waldman, Pam Bennetts, Heather Sidman, Marco Montenegro, Stephanie Kinsley, Jody Starkey, Darby Lee Burns, Rhonda Rau, Alton Tai, Natalie Reda, Joanna Gorman, Rene Campos, Jason Nellis, Duncan Morris, Brian Cook, Donna DeCarolis, Lisa Winburn, Helen Osequera, and Heidi Hardy all spoke in opposition to the mask mandate, Agenda Item No. 51 and/or Agenda Item No. 54.

John Johnson spoke regarding Item No. 51 covering the American Rescue Plan and the lack of funds or programs for the reformation of the criminal justice system.

Daphne Lee spoke regarding Item No. 54; and the number of residents who might be naturally immune to COVID-19.

Gina Giambra spoke regarding the school system, and another possible shutdown.

James Butler, Jr. spoke regarding elections, and mail-in voting.

Valerie Jimenez spoke in opposition to the mask mandate, and regarding the use of Hydroxychloroquine.

Emmett Gates spoke regarding Item No. 51, and the possible creation of Arts programs from ARPA funds.

Melissa Hunt regarding the separation of powers, and in opposition to vaccines and the mask mandate.

Susan Proffitt spoke regarding a recent neighborhood meeting held at the Pearson Community Center; in opposition to Agenda Item No. 54; and spoke regarding various remedies to COVID-19.

Mack Miller commented regarding revenues, taxes, and another possible shutdown.

Stanley Washington commented regarding ex-felons and the voting process.

Tashika Lawson spoke regarding Item No. 51 and grant applications; a recent meeting held at the Westside Community Center, and regarding the mask mandate.

Martin Walker spoke regarding Item No. 51 and to focus a portion of the funds on homeowner assistance, and to implementing broadband into underserved areas of the County, and spoke regarding a recent neighborhood meeting held at the Pearson Community Center.

Frances Deane spoke regarding conventions, tourisms, and in opposition to the mask mandate.

Jim Blockey spoke regarding the history of the Liberal Party, and in opposition to the mask mandate.

Robert Copley spoke regarding deaths attributed to COVID-19 per CDC guidelines; and in opposition to the mask mandate.

Suzette Petillo spoke regarding medical malpractice, eugenics, and in opposition to the mask mandate.

Matt Bessett spoke regarding treason and sedition, and in opposition to the mask mandate.

Mike Hazard spoke regarding PCR tests for SARS-CoV-2, and statistics provided by the Southern Nevada Health District with regards to COVID cases, hospitalizations, and deaths.

Christine Barrello spoke in opposition to Item No. 54 and to the mask mandate, and commented on medical supplements, and dehydration.

Erik Price spoke in opposition to the mask mandate and commented on the spread of the Delta Variant.

Charles Veal spoke in opposition to Item No. 54, spoke regarding Item No. 35 and Item No. 53, and spoke in support of Item No. 8.

Angelina Ferrino spoke in support of Agenda Item No. 54.

Bianca Garnes spoke in opposition to Agenda Item No. 55.

There being no other persons present wishing to be heard on any items on the agenda as posted, Chair Kirkpatrick closed the public comments.

#### ITEM NO. 2.

Approval of Minutes of the Regular Meeting on July 6, 2021. (For possible action) (Available on the County website and in the County Clerk's Office, Commission Division)

**ACTION:** It was moved by Commissioner Justin Jones that the minutes of the regular meeting of July 6, 2021 be approved.

**Voting Aye:** Marilyn Kirkpatrick  
Jim Gibson  
Justin Jones  
William McCurdy II  
Ross Miller  
Michael Naft  
Tick Segerblom  
**Voting Nay:** None  
**Absent:** None  
**Abstain:** None

ITEM NO. 3. Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson that the agenda be approved, with Item No. 32 being heard separately.

**Voting Aye:** Marilyn Kirkpatrick  
Jim Gibson  
Justin Jones  
William McCurdy II  
Ross Miller  
Michael Naft  
Tick Segerblom  
**Voting Nay:** None  
**Absent:** None  
**Abstain:** None

### **Purchasing & Contracts**

ITEM NO. 4. Ratify and approve an Amendment to the Contract with Aramark Correctional Services, LLC, for RFP No. 602832-12, for Commissary Services for Clark County Detention Services; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)  
[Attachment] [P602832-12 Disclosure](#)  
[Attachment] [P602832-12 Amendment](#)

ITEM NO. 5. Ratify and approve an Amendment to the Contract with Oracle America, Inc., for CBE No. 604130-16, for Software, Software Maintenance, Cloud Services and

Hardware; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [C604130-16 Disclosure](#)

[Attachment] [C604130-16 Amendment](#)

ITEM NO. 6.

Authorize the Chair to sign an Amendment to the Interlocal Agreement with the Board of Regents, Nevada System of Higher Education, on behalf of the University of Nevada, Reno, for CBE No. 605613-20, for Desert Tortoise Connectivity Solutions Modeling; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [C605613-20 Amendment](#)

ITEM NO. 7.

Approve an Amendment to the Contract with Alta Science and Engineering, Inc., for RFP No. 605416-19, for Science Advisor Panel; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [P605416-19 Disclosure](#)

[Attachment] [P605416-19 Amendment](#)

ITEM NO. 8.

Approve an Amendment to the Contract with Great Basin Institute, for RFP No. 604885-18, for Boulder City Conservation Easement Desert Tortoise Telemetry and Health Assessments; and authorize the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [P604885-18 Disclosure](#)

[Attachment] [P604885-18 Amendment](#)

ITEM NO. 9.

Ratify and approve an Amendment to the Contract with Great Basin Institute, for RFP No. 603847-15, for Desert Tortoise Range-Wide Monitoring; and authorize

the Chief Financial Officer or her designee to sign the Amendment; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [P603847-15 Disclosure](#)

[Attachment] [P603847-15 Amendment](#)

ITEM NO. 10. Approve the award of Bid No. 605783-21, for Regional Justice Center Cooling Tower & Boiler Replacement to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends award to MMC Contractors West, Inc.; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [B605783-21 Disclosure](#)

ITEM NO. 11. Approve the award of Bid No. 605853-21, for Annual Requirements Contract for Traffic Signal Assemblies and Hardware to the sole bidder. Staff recommends award to McCain, Inc. for Package 1; and acceptance of withdrawal of the Bid received from Advanced Traffic Products, Inc. for Package 2; and the cancellation of Package 2; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [B605853-21 Disclosure](#)

### **Town Services**

ITEM NO. 12. Note for the record the following Town Advisory Board (TAB) and/or Citizens Advisory Council (CAC) Minutes: Enterprise TAB - June 30, 2021; Laughlin TAB - June 8, 2021; Lone Mountain CAC - June 29, 2021; Paradise TAB - June 29, 2021; Spring Valley TAB - June 29, 2021; and Sunrise Manor TAB - July 1, 2021.

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.



- [Attachment] [Staff Report](#)
- [Attachment] [Enterprise 063021.pdf](#)
- [Attachment] [Laughlin 060821.pdf](#)
- [Attachment] [Lone Mountain 062921.pdf](#)
- [Attachment] [Paradise 062921.pdf](#)
- [Attachment] [Spring Valley 062921.pdf](#)
- [Attachment] [Sunrise Manor 070121.pdf](#)

**Social Service**

ITEM NO. 13. Ratify the submission of the application for Youth Homelessness Demonstration Program (YHDP), serving as the Collaborative Applicant for the Southern Nevada Homelessness Continuum of Care to the U.S. Department of Housing and Urban Development, to develop and implement a coordinated community approach to preventing and ending youth homelessness; authorize the Administrator of Human Services or his designee to sign the grant documents; and accept any grant funds awarded or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

- [Attachment] [Staff Report](#)
- [Attachment] [YHDP Narrative](#)

ITEM NO. 14. Ratify the submission of the grant application to the State of Nevada Department of Health and Human Services and the Division of Child and Family Services by Clark County Social Service to provide educational and training vouchers to former foster youth; authorize the creation of two (2) Part Time Hourly Management Assistants, or equivalent positions, contingent upon award from DCFS; authorize the Administrator of Human Services or his designee to sign the grant documents; and accept any grant funds awarded. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

- [Attachment] [Staff Report](#)
- [Attachment] [CCSS ETV - Sections A, B, C Appl Narrative and Proposed Bud](#)

**Public Works**

ITEM NO. 15. Accept a quitclaim deed from CV Propco, LLC, a Nevada limited liability company, dedicating a portion of Assessor's Parcel Number 162-20-301-003 for the Harmon Avenue/Valley View Boulevard/Union Pacific Railroad Grade Separation project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved..

[Attachment] [Staff Report](#)

[Attachment] [QuitclaimDeed CV Propco APN 162-20-301-003 Harmon VlyVw](#)

ITEM NO. 16.

Approve and authorize the County Manager or her designee to sign a professional engineering services contract between Clark County and Poggemeyer Design Group, Inc. (Larry V. Carroll, Senior Managing Principal) for the Pyle Avenue between Las Vegas Boulevard and Bermuda Road and Starr Avenue between Las Vegas Boulevard and Bermuda Road project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [ContractOrg Poggemeyer Design Group Pyle&Starr](#)

ITEM NO. 17.

Approve and authorize the Chair to sign Supplemental No. 3 to the interlocal contract between Clark County and the Regional Flood Control District to increase total funds for the Flamingo Wash between the Union Pacific Railroad and Hotel Rio Drive project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Supp 3 Contract RFCD FlamingoWashUPRRHotelRioDr](#)

ITEM NO. 18.

Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1212 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Traffic Signal Improvements Program: Package 103 project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Supp 1 Contract RTCSN 1212 TrafficSignalImprovProg103](#)

ITEM NO. 19.

Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1217 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Badura Avenue between Tenaya Way and El Capitan Way project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Supp 1 Contract RTCSN 1217 BaduraTenayaElCapitan](#)

ITEM NO. 20. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1223 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Sandhill Road between Desert Inn Road and Sunset Road project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Supp 1 Contract RTCSN 1223 SandhillDesertInnSunset](#)

ITEM NO. 21. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1224 between Clark County and Regional Transportation Commission of Southern Nevada to increase total funds for the Spencer Street between Russell Road and Twain Avenue project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Supp 1 Contract RTCSN 1224 SpencerRussellTwain](#)

ITEM NO. 22. Approve and authorize the Chair to sign Supplemental No. 1 to Interlocal Contract No. 1264 among Clark County, Regional Transportation Commission of Southern Nevada, City of Las Vegas, City of North Las Vegas, and City of Henderson to increase total funds for the Regional Bikeway and Sidewalk Inventory project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Supp 1 Contract RTCSN-Multi-Entities1264 RegionalBikewaySi](#)

ITEM NO. 23. Approve and authorize the Chair to sign Interlocal Contract No. 1285 between Clark County and Regional Transportation Commission of Southern Nevada for the Off-Street Shared Use Path Maintenance - Clark County Fiscal Year 2022-2026 project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Interlocal Contract RTCSN 1285 Off-StreetSharedUsePathMaint](#)

ITEM NO. 24. Approve and authorize the Chair to sign Interlocal Contract No. 1286 between Clark County and Regional Transportation Commission of Southern Nevada for

the Safety Upgrades Program - Clark County project. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Interlocal Contract RTCSN 1286 SafetyUpgradesProgramClarkC](#)

ITEM NO. 25.

Approve and authorize the Chair to sign Interlocal Contract No. 1290 between Clark County and Regional Transportation Commission of Southern Nevada for engineering for Entity Non-Project Specific Expenses - Clark County Fiscal Year 2022-2026. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Interlocal Contract RTCSN 1290 EntityNon-ProjectSpecificExps](#)

ITEM NO. 26.

Approve and authorize the Chair to sign Interlocal Contract No. 1296 among Clark County, Regional Transportation Commission of Southern Nevada, City of Las Vegas, City of North Las Vegas, City of Henderson, City of Boulder City, and City of Mesquite for the project to design infrastructure for removal of underground existing utilities within Clark County limits on Maryland Parkway between Russell Road and Flamingo Road. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Interlocal Contract RTCSN-Multi-Entity 1296 UndergroundExisti](#)

ITEM NO. 27.

Approve and authorize the Chair to sign Interlocal Contract No. 1297 among Clark County, Regional Transportation Commission of Southern Nevada, City of Las Vegas, City of North Las Vegas, City of Henderson, City of Boulder City, and City of Mesquite for Trail Maintenance Volunteer Coordination - Fiscal Year 2022-2024. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Interlocal Contract RTCSN-Multi-Entity 1297 TrailMaintVolCoo](#)

### **Real Property Management**

ITEM NO. 28.

Approve and authorize the Director of Real Property Management or her designee to grant a ±24 square foot easement to Cox Communications Las Vegas, Inc. on Assessor's Parcel Number 139-33-305-023 and sign any other documents

as necessary to complete the transaction. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [CLV Cox Easement Backup](#)

ITEM NO. 29.

Approve and authorize the Director of Real Property Management or her designee to sign Property Marketing Agreements with Commercial Real Estate Exchange, Inc. for marketing and online auction services of fifteen (15) Department of Aviation individual sale units comprised of single or multiple parcels, to be sold at public auction; or take other action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Agenda back up](#)

[Attachment] [AGT - SU1 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU2 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU3 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU4 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU5 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU6 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU7 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU8 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU9 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU10 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU11 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU12 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU13 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU14 CREXi PMA final-2021-07-19](#)

[Attachment] [AGT - SU15 CREXi PMA final-2021-07-19](#)

ITEM NO. 30.

Approve and authorize the Chairman to sign the Resolutions of Intent to Sell Real Property at Public Auction providing for the sale of ± 250.69 acres of vacant Clark County owned real property in fifteen (15) individual sale units comprised of single or multiple parcels, specifying the minimum prices and terms of the sales, and setting a public 48-hour online auction for September 20, 2021 through September 22, 2021, with the final acceptance or rejection of any bids to take place at the next regularly scheduled meeting of the Board of County Commissioners on October 5, 2021. (For possible action)



**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Agenda backup](#)

[Attachment] [ROI - SU1 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU2 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU3 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU4 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU5 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU6 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU7 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU8 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU9 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU10 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU11 2021 Q3 Auction 2021-07-19](#)

[Attachment] [ROI - SU12 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU13 2021 Q3 Auction final 2021-07-19](#)

[Attachment] [ROI - SU14 2021 Q3 Auction final - 2021-07-19](#)

[Attachment] [ROI - SU15 2021 Q3 Auction final - 2021-07-19](#)

## Budget & Finance

ITEM NO. 31. In accordance with NRS 244.210 and 354.220 through 354.250, approve, adopt, and authorize the Chair to sign a resolution to authorize refunds as shown on Exhibit "A. " (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation (including the adoption of Resolution R-8-3-21-1) be approved.

[Attachment] [Staff Report](#)

[Attachment] [Agenda resolution 8-3-21](#)

[Attachment] [Agenda back up 8-3-21](#)

ITEM NO. 32. Approve, adopt and authorize the Chair to sign a resolution designating marijuana fees in excess of \$12 million collected by the Business License Department to address criminal justice programs, assistance to those impacted by marijuana laws, combat marijuana purchases from unlicensed sellers, and immigration defense. (For possible action)

**DISCUSSION:** Following introduction of the item, Commissioner Segerblom advised of using tax dollars to rectify injustices which were enacted due to the illegality of cannabis over the years; provided an opportunity for the community to voice issues in criminal justice issues; and to develop a program to address the

ideas submitted.

Commissioner McCurdy advised that once the resolution was approved, District D would facilitate opportunities for residents to offer input on how the dollars could be allocated.

**ACTION:** It was moved by Commissioner Tick Segerblom and carried by unanimous vote that the recommendation (including the adoption of Resolution R-8-3-21-2) be approved.

<b>Voting Aye:</b>	Marilyn Kirkpatrick Jim Gibson Justin Jones William McCurdy II Ross Miller Michael Naft Tick Segerblom
<b>Voting Nay:</b>	None
<b>Absent:</b>	None
<b>Abstain:</b>	None

ITEM NO. 33. Approve and authorize the Board of County Commissioners, the Clark County Water Reclamation District Board of Trustees, and the Board of Hospital Trustees of University Medical Center of Southern Nevada to submit the quarterly economic condition reports to the State of Nevada Department of Taxation pursuant to NRS 354.6015 and NAC 354.559 for Clark County. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [Q4 FY21 Clark County quarterly economic report.pdf](#)

[Attachment] [CCWRD Q4 FY 2021 QES County](#)

### General Administration

ITEM NO. 34. Approve and authorize the Chair to sign the correction of the 2018-2019 thru 2020-2021 Secured and the 2020-2021 Unsecured Assessment Roll AR-0803-21-15 and order the corrections to be made. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.



[Attachment] [Staff Report](#)

[Attachment] [AR-0803-21-15.pdf](#)

[Attachment] [AR-0803-21-15 ownership.pdf](#)

ITEM NO. 35. Accept a \$10,000 Wi-Fi donation from Cox Communications in support of the July 9, 2021 Job Fair hosted by Clark County Commissioners Jim Gibson, Tick Segerblom, and Marilyn Kirkpatrick. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

ITEM NO. 36. Approve and authorize the Chair to sign a cooperative agreement on the allocation of recoveries in the resolution or partial resolution of opioid-related litigation. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [One Nevada Agreement on Opioid Recoveries.pdf](#)

ITEM NO. 37. Grant a request by the County Manager for a residency waiver for one (1) full time clerical position in the Office of the Constable, Laughlin Township. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

ITEM NO. 38. Approve an update to the Clark County Cultural District Designation Policy. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [2021 Cultural District Application.pdf](#)

[Attachment] [Red Line Changes- Application.pdf](#)

[Attachment] [2021 Clark County Cultural District Designation Policy.pdf](#)

[Attachment] [Red Line Changes to the Cultural District Policy.pdf](#)

ITEM NO. 39. Approve the allocation of \$250,000 annually of the Wedding Tourism funds to the County Clerk to be used for the promotion of wedding tourism. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

ITEM NO. 40. Approve the Local Law Enforcement Advisory Committee (LLEAC) project allocation recommendations and submission of the grant application for the FY-2021 Justice Assistance Grant (JAG) from the U.S. Department of Justice, Bureau of Justice Assistance, by Clark County Social Service on behalf of the County, as fiscal agent, and City of Las Vegas, in the amount of \$834,481 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and authorize the County Manager or her designee to execute any necessary agreements and accept all grant funds awarded. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [BCC 080321 - LLEAC Recommendations for Application - List](#)

ITEM NO. 41. Approve and authorize the Board of County Commissioners to receive the report of donations accepted by the Eighth Judicial District Court Fiscal Services Department from the July 1, 2020 through June 30, 2021 for the use and benefit of the Specialty Courts program. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

ITEM NO. 42. Approve and authorize the Chair to ratify and accept the annual budget for Master's System to the State of Nevada, Welfare Division, Department of Human Resources, by the Eighth Judicial District Court, to provide services for the Child Support Enforcement Program for the period from July 1, 2021 through June 30, 2022 and to accept any funds awarded. (For possible action)

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation be approved.

[Attachment] [Staff Report](#)

[Attachment] [UIFSA FY22 Award Letter](#)

ITEM NO. 43. Present a proclamation to Martha Floyd and her team at the Southern Nevada Regional Housing Authority for their outstanding work in organizing the Home Buyer Expo during national Homeownership Month.

**DISCUSSION:** Commissioner Segerblom presented a proclamation to Martha Floyd and her staff at the Southern Nevada Regional Housing Authority for their work organizing the Home Buyer Expo; and spoke of the various programs available to aid with those wishing to purchase a home.

**ACTION:** No action was taken by the Board.

[Attachment] [Staff Report](#)

ITEM NO. 44.

Conduct a public hearing to approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulation Section 92 (“Fugitive Dust from Unpaved Parking Lots and Storage Areas”) to include an alternative to asphalt paving, add a testing method and opacity standard, and revise wording for clarity; repeal and adopt a new Section 94 (“Permitting and Dust Control for Construction and Temporary Commercial Activities”) to reorganize and to add definitions, best management practices, and authority to permit temporary commercial activities; repeal the Section 94 Construction Activities Dust Control Handbook; provide for other matters properly related thereto; and authorize the Director to submit the revisions to Sections 92 and 94, excluding subsection 94.4.2(a), and all related documentation to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action)

DOCUMENT(S) Submitted:

1. Air Quality Regulations (AQR) Updates (23 pages) submitted by Staff

DISCUSSION: Following introduction of the item, Marci Henson, Director of Environment and Sustainability, advised that the amendments for Section 92 and Section 94 were essential to help maintain compliance with Particulate Matter 10 under the Clean Air Act.

Chair Kirkpatrick opened the public hearing and asked if there were any persons present wishing to be heard on the matter.

SPEAKER(S): None

There being no persons present wishing to be heard on the matter, Chair Kirkpatrick closed the public hearing.

Responding to a question from Commissioner Kirkpatrick, Ms. Henson agreed that a workshop to review the upcoming changes would be beneficial for all.

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4877) be approved.

<b>Voting Aye:</b>	Marilyn Kirkpatrick Jim Gibson Justin Jones William McCurdy II Ross Miller Michael Naft Tick Segerblom
<b>Voting Nay:</b>	None
<b>Absent:</b>	None

**Abstain:** None

ITEM NO. 45. Conduct a public hearing to approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulation Section 44 to allow the Control Officer to issue certificates of exemption for certain mulberry and olive trees in lieu of the Hearing Board, require genetic testing, and inspect related facilities and repeal and adopt a new Section 45 to update requirements for idling diesel vehicles; and provide for other matters properly related thereto. (For possible action)

DISCUSSION: Following introduction of the item, Marci Henson, Director of Environment and Sustainability, advised that the request to amend Section 44 was made by the Hearing Board; the resolution to repeal and adopt a new Section 45 was to define the idling rule of diesel-powered vehicles; and provided clarification to the rules and the exceptions of the section.

Chair Kirkpatrick opened the public hearing and asked if there were any persons present wishing to be heard on the matter.

SPEAKER(S): Present

Charles Veal spoke regarding the requirements for idling vehicles and inquired if the restrictions would affect the owner of a vehicle or was it a clean air-type initiative; and spoke about diesel exhaust fluid which was added to engines to curb the negative environmental impact but had the opposite effect.

There being no other persons present wishing to be heard on the matter, Chair Kirkpatrick closed the public hearing.

Ms. Henson advised that the resolution was a rule change that provided definitions for what the limitations for idling were for certain engines, the circumstances for allowing idling, where idling could take place, for how long; and no requirements were being made for fuel additives.

**ACTION:** It was moved by Commissioner Jim Gibson and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4878) be approved.

**Voting Aye:** Marilyn Kirkpatrick  
Jim Gibson  
Justin Jones  
William McCurdy II  
Ross Miller  
Michael Naft  
Tick Segerblom

**Voting Nay:** None

**Absent:** None

**Abstain:** None

ITEM NO. 46. Introduce an ordinance to amend Clark County Code Title 6, Chapter 6.36, and Title 7, Chapter 7.20 to revise definitions; update the Code; allow for auctions to be held at resort hotels; and providing for other matters properly related thereto; and set a public hearing. Commission District: All (For possible action)

DISCUSSION: Commissioner Kirkpatrick introduced the proposed ordinance, entitled, and summarized as indicated on the ATTACHED agenda item (Bill No. 8-3-21-1).

**ACTION:** There being no objections, Chair Kirkpatrick set the matter for public hearing on August 17, 2021 at 10:00 a.m.

Meeting went into Recess

Meeting Reconvened

[Attachment] [Staff Report](#)

[Attachment] [Intro Ord Auctions at Resort Hotels](#)

ITEM NO. 47. Identify emerging issues to be addressed by staff or by the Board at future meetings; receive updates on the activities of the various regional boards and commissions; and direct staff accordingly.

DISCUSSION: Following introduction of the item, Commissioner McCurdy spoke of issues at a meeting that was set to discuss the American Rescue Plan, advised that the meeting was going to be rescheduled and the information would be posted on the various social media platforms; a health fair was held in conjunction with the Southern Nevada Housing Authority; a back-to-school backpack giveaway was scheduled for August 5, 2021 at the Walnut Recreation Center; a movie-in-the-park was scheduled at the Pearson Community Center for August 14, 2021; further advised of the rising costs of rent due to the expiration of the federal eviction moratorium, and requested that the Board address the issue in the coming weeks.

Commissioner Naft spoke regarding a back-to-school kickoff at the Enterprise Library scheduled for August 4, 2021; in Laughlin, Business License employees met with several businesses and discussed the various types of business licenses, with another session to be held on August 4, 2021 at the Laughlin Regional Government Center; and spoke regarding issues surrounding recently held events at Allegiant Stadium.

Commissioner Jones advised that the Regional Transportation Commission (RTC) would be expanding various service routes, and spoke of events, entitled Reconnect, that were being held all week leading up to the new expanded service; with the assistance of the Legal Aid Center, an Eviction Forum was held at Windmill Library; on August 2, 2021, a groundbreaking ceremony was held for the new Southwest Ridge Park; joined with Vegas Wish and Vegas Veterans Hockey Team for a back-to-school drive for special needs children; partnered with the Las Vegas Metropolitan Police Spring Valley Area Command for a backpack drive at Cashman Park; joined with Senator Marilyn Dondero-Loop in

speaking to residents regarding ARPA Funds, traveled to Sandy Valley and Good Springs to obtain a perspective from the rural communities; and invited Mason Van Houweling, CEO of University Medical Center (UMC) to speak regarding the pandemic.

Mason Van Houweling, CEO of UMC, and Chair-Elect of the Nevada Hospital Association provided an update on vaccinations and hospitalizations in Southern Nevada; advised that there were 4,686 licensed hospital beds but 5,194 beds were in operation for various reasons, not just pandemic-related; there were 1,095 COVID admissions in Clark County Hospitals with the average age of 55-57; 97% of patients were unvaccinated; and provided reasons why residents were not going to the hospital.

Responding to questions from the Board, Mr. Van Houweling spoke regarding hospital staff and vaccinations and advised that 73% of UMC employees had been vaccinated; explained how patients were categorized as COVID patients, and the criteria used in listing the virus as a cause or underlying cause of death on a death certificate; further advised of audits performed on patient records to ensure proper reporting and categorizations of causes of death; spoke regarding the cost per patient, and the demographic of those who were hospitalized for the virus; and advised that the Divert Schedule would be provided to the Board for review.

Commissioner Segerblom advised of attending the reopening of Vickie's Diner with Commissioner McCurdy; a school fair was held at Paradise Recreation Center; Empowerment Art event was held at Parkdale Recreation Center; and attended town halls meetings with Commissioner Gibson and Commissioner McCurdy to discuss APRA funds.

Commissioner Gibson advised of attending a town hall at the downtown senior center in Henderson with Henderson Mayor March to discuss COVID and rent increases that affected many of the senior population; met with the landlord who, after review, stated a rent increase would not go forward, and thanked Nevada HAND for their assistance.

Commissioner Kirkpatrick requested a moment of silence be observed to honor Nevada Highway Patrol trooper Micah May who was killed in the line of duty.

Commissioner Kirkpatrick advised of participating in the Friends and Family for a Metro function; thanked the Commissioners for supporting Opioid Awareness Day; spoke regarding Pathway from Poverty and advised crime had been reduced by 28%; a back-to-school fair was scheduled for August 6, 2021 with assistance from Gentleman by Choice; a back-to-school swim party was scheduled for August 7, 2021 with assistance from Councilman Scott Black; Summer Fun 2021 was scheduled at the Desert Breeze Park on August 7, 2021 for those children who were mentally challenged; advised that the OHV Advisory Committee requested blanket permission to start a cleanup campaign of various trails, and staff advised of preparing a resolution to present to the Board in September to

include additional items above the advisory aspect that had focused on the Lands Bill; during a Nevada NACO meeting, discussed with Nevada Department Of Transportation (NDOT) on the status of projects and costs, and requested that NDOT present a update to the Board; and further advised that the Nevada NACO Conference would be held in Fallon next month.

**ACTION:** No action was taken by the Board

[Attachment] [Staff Report](#)

ITEM NO. 48. Appoint Rich Tanasi as an additional individual to serve as Ombudsman in the Police Fatality Public Fact-finding Review Process; or take further action as appropriate. (For possible action)

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the appointment of Rich Tanasi as an additional individual to serve as Ombudsman in the Police Fatality Public Fact-finding Review Process) be approved.

<b>Voting Aye:</b>	Marilyn Kirkpatrick Jim Gibson Justin Jones William McCurdy II Ross Miller Michael Naft Tick Segerblom
<b>Voting Nay:</b>	None
<b>Absent:</b>	None
<b>Abstain:</b>	None

ITEM NO. 49. Appoint 15 qualified individuals to serve on the Clark County Asian-American Pacific Islanders Community Commission for a term ending June 30, 2023, from the list of following applicants: Incumbents: Dorinda Burnet, Arun Gupta, Daniel Lee, Allen Mallari, Arlene Markthepharack, Rica Tamura, Craig Valdez, Renato “Sonny” Vinuya, and Sharifa Wahab; New Applicants: Terry Chi, Son Dao, Leora Mae Dumanlang, Christian Giovanni, Ashok Goyal, David Kim, Amy Koo, Ga Geong Lee, Hieu V. Lee, Gail McIntosh, June Monroe, Dat Nguyen, Swadeep Nigam, Elgin Sampal, Sanje Sedera, Neeka Simpson, Edelweiss Solano, Hardeep “Dee” Sull, and Andrew Wong. (For possible action)

**DISCUSSION:** There being no objections, Item No. 49 was heard in conjunction with Item No. 50.



priorities for strategic enhancement; provided a background on the plan; outlined various steps starting today with a 75-day listening tour around the State to collect input and community feedback; and further advised that the funds had to be allocated by December 31, 2024 and spent by December 31, 2026.

Responding to questions from the Board, Mr. Conine advised that the State's consultants would collaborate with the local consultants; Phase II would be bring housing groups together to discuss affordable housing; a database sorted by subject matter of ideas presented would be available to the public; funds would be listed on the Federal Funds Information for States (FFIS) website, which was government specific and not available to the public; Arts and Culture funds could be allocated under Tourism and Economic Development; and the County's report should be categorical regarding the programs receiving funds.

Mr. Conine continued and spoke regarding small business issues and solutions, various food assistance services, the grants process under Assembly Bill 445, the timing criteria used for disbursing funds, the Interim Finance Committee (IFC) process, and that the State was committed to an exceptionally transparent and collaborative process.

**ACTION:** No action was taken by the Board.

[Attachment] [Staff Report](#)

[Attachment] [Meeting Handout 080321 BCC Item No. 51.pdf](#)

ITEM NO. 52.

Receive a presentation and approve a resolution to urge Congress to protect Sunrise Mountain, Frenchman Mountain and Rainbow Gardens. (For possible action)

DOCUMENT(S) Submitted:

1. Protect Our Natural Resources (15 pages) Submitted by Senator James Ohrenschall

**DISCUSSION:** Following introduction of the item, Senator James Ohrenschall, District 21, advised of sponsoring Senate Joint Resolution 10 requesting Congress to increase protection of the public lands, including and adjacent to Sunrise Mountain, Frenchman Mountain and Rainbow Gardens; the 44,000 acres of land managed by the Bureau of Land Management was the site of multiple geological wonders; and advised of recreational opportunities comparable to those at Red Rock Canyon and the Grand Canyon.

Dr. Stephen Rowland, Professor Emeritus, Department of Geology, University of Nevada Las Vegas, advised that the area included more than twice the history of the earth than was exposed by the Grand Canyon; spoke of vandalism and graffiti on the sites; and how the designations could enhance Nevada's reputation as a mecca for outdoor recreation and education.

Michael Dias advised that the site deserved safe walking trails, and parking areas with interpretive plaques that could not be destroyed by vandals.

Responding to questions from the Board, Dr. Rowland explained the Great Unconformity, and advised that it represented 1.2 billion years of geologic time; was located on the west face of Frenchman Mountain; outreach had been made to the area's representative and the two State's senators and would speak with Congressman Horsford during the August recess.

Commissioner Kirkpatrick requested that recreation be added to the resolution; encouraged a redesign of Lake Mead Road; and requested a map of the area to ensure that the gypsum caves were not encompassed as part of the Las Vegas Metropolitan Police Training Facility.

Dr. Rowland advised that the training facility was nowhere near the gypsum caves.

Commissioner Segerblom advised that the resolution would be pulled so that additional language could be added; a map would be provided; and further advised that the revised resolution would be placed on the agenda for a future meeting.

Commissioner Kirkpatrick requested that the project remain part of the Bureau of Land Management and not be placed under the National Park Service.

**ACTION:** No action was taken by the Board.

[Attachment] [Staff Report](#)

[Attachment] [Meeting Handout 080321 BCC Item No. 52 Resolution.pdf](#)

[Attachment] [Meeting Handout 080321 BCC Item No. 52.pdf](#)

ITEM NO. 53.

Receive a report from Tennille Pereira, Chairwoman of the 1 October Memorial Committee, on the status of the committee's efforts to date. (For possible action)

DOCUMENT(S) Submitted:

1. The 1 October Memorial Committee (5 pages) Submitted by Tennille K. Pereira, Esq.

DISCUSSION: Following introduction of the item, Tennille Pereira, Director of VSRC Vegas Strong Resiliency Center, provided a timeline of the activities starting in October 2019 through proposed activities through January 2022; and advised that, due to the pandemic, community engagement increased when the memorial meetings moved online.

Commissioner Gibson spoke regarding a comment made during Public Comment on money that had been raised; advised that two elected officials had separately created donation accounts, and at no time were the collected funds from those accounts under the control of the County.

Responding to questions from the Board, Ms. Pereira advised that two surveys provided a wealth of information and clarified any questions the committee might

have; for the memorial, a private owner offered a couple of acres located directly across from a church on the northeast corner; the donated land held significance as triage had been set up on the site and survivors had ran there for safety, focus groups wanted a reference to country and country music; ground breaking could commence in 2022, the five year anniversary, but the process was not going to be rushed; and spoke regarding the housing of the artifacts and where they might be stored.

**ACTION:** No action was taken by the Board.

[Attachment] [Staff Report](#)

[Attachment] [OCTOBER SURVEY, TIMELINE](#)

[Attachment] [Meeting Handout 080321 BCC Item No. 53.pdf](#)

ITEM NO. 54.

Discuss authorizing \$10 million to promote vaccines and vaccinations, including paying \$100 per person to those who get vaccinated. (For possible action)

DISCUSSION: Following introduction of the item, Commissioner Segerblom spoke regarding various ways to interest people to get vaccinated; and advised that some of the hotels were paying employees.

Commissioner Jones advised of a recent article in the New York Times which surveyed unvaccinated people and some incentives to get vaccinated; the proposal should be considered, and requested staff to examine what could be an effective incentive(s); since low vaccinations were not limited to Clark County, commented about partnering with the State in the Vax Nevada Days campaign, and if the campaign, which was more of a lottery, was being effective or would a cash payment be more compelling.

Commissioner Naft questioned how the program would be implemented, and if it would apply to those who received a first shot, a second shot, or a booster shot; and wondered if people might put off getting a vaccination until a cash payment program was in place.

Commissioner Gibson advised of experience with UMC on the government side with this type of program; suggested that staff, in reviewing the outline of a program, inform the Board on the appropriation and prioritization of \$10 million dollars for such a program; and further advised that, in as much as an increase in COVID would severely impact needed convention and tourism dollars for the County, the health and safety of residents was paramount.

Commissioner Kirkpatrick advised that conventioners were questioning what the County was doing to combat the spread of COVID; \$10 million dollars was excessive, so other options should be examined; and requested that Commissioner Segerblom speak to the regional groups and the Southern Nevada Health District for suggestions and ideas.

Commissioner Segerblom agreed to further research the matter and will bring a proposal in front of the Board at a later date.

**ACTION:** No action was taken by the Board.

**[Attachment]** [Staff Report](#)

ITEM NO. 55.

Receive an update on COVID-19 vaccination and testing efforts for Clark County employees. (For possible action)

**DOCUMENT(S) Submitted:**

1. Proposal to Encourage Increased County Employee Vaccinations (1 page) submitted by staff.

**DISCUSSION:** Following introduction of the item, Commissioner Jones advised that staff met with employees and the Collective Bargaining Units to discuss various options regarding vaccinations and testing efforts.

Yolanda King, County Manager, advised of the continuation of sending the message regarding the importance of vaccinations to employees, providing vaccination site information to employees and residents, and providing paid time off for those employees who go to get vaccinated during work hours; proposed two options to encourage vaccinations for employees: (1) Mandate vaccinations for all employees; there could be legal concerns regarding the ability to mandate and would need to determine the consequences of not complying, or (2) Allow employees to volunteer vaccination status to Risk Management; if an employee did not submit proof of vaccination, the employee would submit a negative test to Risk Management before being allowed to work; the second option would be burdensome on part-time employees due to the lack of insurance coverage; testing requirements were discussed; would prefer employees utilize County sponsored vendor/sites for testing; frequency of testing; and three to four weeks would be needed to implement a program.

Commissioner Naft advised of supporting Option Two as it had become the standard for other employers; ADA and religious opt-out was important; Option Two was voluntary; further advised that Fortune 500 companies who wanted to book conventions were inquiring what the County was doing to diminish the spread of the virus; and if supported by the Board, would the mandate extend to other entities that the Board serves as trustees.

Commissioner Segerblom wanted to ensure that the Service Employees International Union (SEIU) would be included in discussions.

Commissioner Kirkpatrick advised of not being opposed to Option Two; provided direction to staff to review options for part-time employees; estimated three weeks to implement the program; and inquired as to what Dr. Fermin Leguen would see as the threshold number, 70% or 80%.

Commissioner Jones recommended, in terms of direction to staff, Option Two and advised that the option would apply to full-time employees; an effective date of September 1, 2021 would allow employees to get vaccinated; and advised that

other entities, other jurisdictions, tradeshow, etc. were interested in the outcome of the item.

Ms. King advised that staff would research options for part-time employees, including testing, availability, and costs; if the concerns could be mitigated, then all part-time staff should also adhere to Option Two.

Laura Rehfeldt, Deputy District Attorney, advised that if staff were directed to pursue an option, an action item would be required before the option could be implemented, to which Commissioner Jones advised staff to return with the action item for the August 17, 2021 meeting.

**ACTION:** No action was taken by the Board.

Meeting went into Recess

Meeting Reconvened

[Attachment] [Staff Report](#)

[Attachment] [Meeting Handout 080321 BCC Item No. 55.pdf](#)

ITEM NO. 56.

Receive a report from Management Partners about the various outreach efforts conducted to determine the priorities for the Clark County Fiscal Recovery Funds; direct staff regarding the initial Recovery Plan to be submitted to Treasury; or take any other action deemed appropriate. (For possible action)

DOCUMENT(S) Submitted:

1. Clark County American Rescue Plan Act (69 pages) submitted by Management Partners

DISCUSSION: Following introduction of the item, Andrew Belknap, Senior Vice-President for Management Partners, spoke regarding development of the American Rescue Plan Act (ARPA); the plan had to be filed with the U.S. Treasury on August 31, 2021 and should include how monies received had been spent, and how the money would be spent going forward; discussed the explosive growth in population and the challenges of such growth; and spoke regarding the many strengths of the County.

Byron Marshall, consultant with the National Forum of Black Public Administrators, provided information on the Qualified Census Tracts (QCT) which targeted the hardest hit communities; and advised that there were approximately one hundred QCTs in the Las Vegas Valley, Laughlin, and Overton.

Responding to a question from Commissioner Gibson, Kevin Schiller, Assistant County Manager, advised that the area median gross income for a family of four was approximately \$60,000 per year.

Mr. Marshall continued and advised that QCTs were present in all Commission Districts but largely in District B, D, E, and G. Districts A, B, and F contained QCTs in outlying areas; the hardest hit communities were the poorest

communities; provided the seven factors used in the development of the County's ARPA Framework; spoke of Federal requirements, the State of Nevada Strategy, and the County's priorities.

Responding to a question from Commissioner Kirkpatrick regarding the definition of affordable housing, Mr. Marshall advised that the term encompassed everything from workforce housing to senior housing to those who were 30% or above of the median income.

Mr. Belknap continued and detailed the potential project/program submittals received; the proposals had an aggregated estimated cost of approximately \$2.1 billion dollars, and roughly split between non-profits/others and government entities; public health and household assistance/economic relief lead the total number of requests received; would work with the existing Outside Agency Grants (OAG) program to move along those applications from Non-Profit/Private Programs requesting \$100,000 or less; the County received 151 funding requests from County departments and other public agencies; some programs and projects could be rolled out in 90 days or less but most, especially the larger ones would require more time; many infrastructure and water/sewer projects had an alternative route to funding; provided information for allocation planning, targeted funding, and recommended weighting criteria; and outlined the next steps for the remainder of August.

Responding to a question from Commissioner Segerblom, Mr. Belknap provided the recommended target funding of the \$440 million dollars and advised that the broad categories could be used as a catalyst for pursuing other ARPA funds and State ARPA monies.

Yolanda King, County Manager, advised that the top three priorities were affordable housing, mental health services, and homelessness; requested direction from the Board regarding the allocation of funds; and further advised that additional time would be needed to go through and determine, based upon the pre-applications received, how to allocate those dollars; and the weighted criteria could be discussed at a later date.

Discussion continued regarding the prioritization of categories; percentages; allocation of funds; the establishment of ranges for target funding; consideration of community needs assessments that had been previously submitted; results of the surveys and written input; affordable housing; the eviction crisis; immediate assistance to small business owners; aligning with the criteria from the State and other counties around the country; and devoting resources for those programs that could be implemented in the next 90 days.

Mr. Schiller spoke regarding certain programs funded by previous CARES funding, Assembly Bill 309, or indigent social service; the County had program alignment within the ARPA categories; and percentages would change based on surveys.



Mr. Belknap advised that pre-applications and public surveys were currently open, and staff concurred; the site could remain open for another week; and advised that the document to be sent to the U.S. Treasury would not change by the end of August but any direction provided by the Board would be helpful.

Commissioner Kirkpatrick advised that the target funding based on survey top priorities provided guidance for moving forward; and directed staff to add the next report under the Business Items section of the August 17, 2021 agenda

**ACTION:** No action was taken by the Board.

[Attachment] [Staff Report](#)

[Attachment] [Meeting Handout 080321 BCC Item No. 56.pdf](#)

ITEM NO. 57.

Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter, and pursuant to NRS Chapter 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly. (For possible action)

**ACTION:** No closed session was held; and no action was taken by the Board.

[Attachment] [Staff Report](#)



## PUBLIC COMMENTS

### Comments by the General Public

At this time, Chair Kirkpatrick asked if there were any persons present wishing to be heard on any items not on the agenda as posted.

SPEAKER(S): Present

Susan Proffitt spoke regarding the Red Rock Conservation Area; Item No. 52 and funding; and opposition to vaccines.

Marty Waldman spoke regarding election fraud and electronic monitoring of elections.

Pam Bennetts spoke in opposition to vaccines.

Stanley Washington spoke regarding the upcoming August 13, 2021 special meeting; tourism; and a non-profit company start-up.

Yvonne Crosby spoke regarding County liability for a vaccine mandate; and the preservation of electronic evidence.

Bianca Garnes spoke regarding respect; the time limit set for public comment; and opposition to the vaccine.

There being no further business to come before the Board at this time, at the hour of 5:01 p.m., Chair Kirkpatrick recessed the meeting to the hour of 9:00 a.m. Wednesday, August 4, 2021 for the Zoning agenda.

APPROVED:

/s/ Marilyn K. Kirkpatrick  
MARILYN K. KIRKPATRICK, CHAIR

ATTEST:

/s/ Lynn Marie Goya  
LYNN MARIE GOYA, COUNTY CLERK