

Controlling Fugitive Dust at Stationary Sources FAQs

Sections 92 and 94 of the Clark County Air Quality Regulations were amended on August 3, 2021, to include control measures, emission standards, and soil stabilization standards for fugitive dust emissions from stationary sources. *[AQR 92.1(c) and AQR 94.1.1(a)]*

The revised regulations became effective on August 17, 2021. AQR 92.1(c) and 94.1.1(a) require that the control measures, emission standards, and stabilization standards therein be made enforceable by the terms and conditions of the stationary source permit.

Applicable permit conditions are included in stationary source permits if the department determines the stationary source does or may have unpaved parking lots, unpaved storage areas, emission units, or operations that could emit fugitive dust. These conditions are contained in the permit sections “Controls” and “Limitations.”

To help the regulated community comply with these new conditions, the Small Business Assistance Program has created this FAQ sheet.

Acronyms/Definitions/Titles:

AQRs	Clark County Air Quality Regulations
AQR Section 12.1	“Permit Requirements for Minor Sources”
AQR Section 92	“Fugitive Dust from Unpaved Parking Lots and Storage Areas”
AQR Section 94	“Permitting and Dust Control for Construction and Temporary Commercial Activities”
DAQ	Division of Air Quality
DCOP	Dust Control Operating Permit issued pursuant to AQR 94
DES	Department of Environment and Sustainability
Portable Permit	Portable synthetic minor permit or portable minor source permit issued pursuant to AQR 12.1
Stationary Permit	Stationary synthetic minor or stationary minor source permit issued pursuant to AQR 12.1, or major source Authority to Construct issued pursuant to AQR 12.4 and major source operating permit issued pursuant to AQR 12.5

Do these regulations apply to portable and stationary permits?

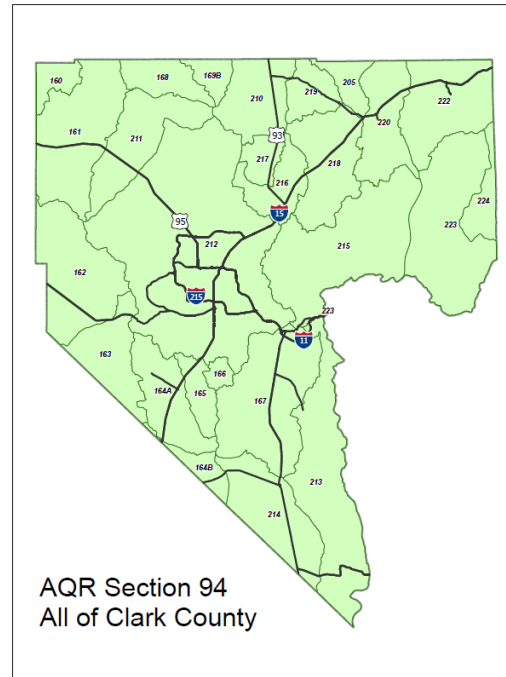
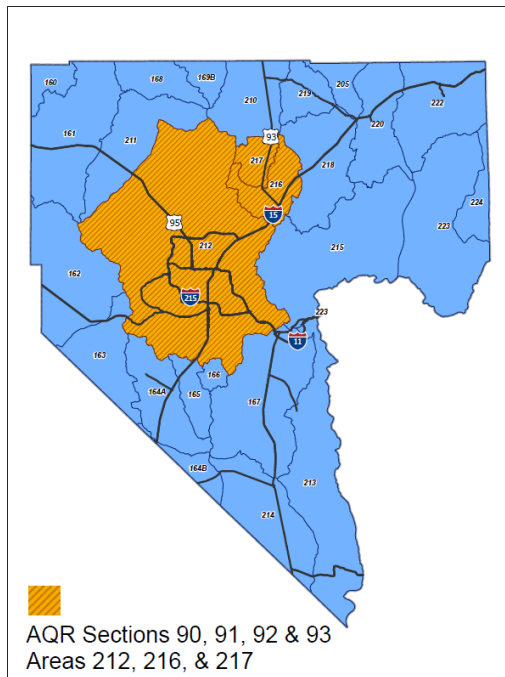
Yes. These regulations apply to all portable, minor, synthetic minor, and major stationary source permits that the department determines do or may have unpaved parking lots, unpaved storage areas, emission units, or operations that could emit fugitive dust.

How long before I have to comply with the new standards?

Compliance is required immediately and becomes enforceable when the department issues you the revised permit containing the applicable conditions.

Locations where standards apply:

AQR 92 standards apply only in Hydrographic Areas 212 (Las Vegas Valley) and 216 and 217 (Apex Valley).
AQR 94 standards apply throughout Clark County.



What are the control measures?

For unpaved parking lots and storage areas, the control measures are: [AQR 92.3.4]

- Pave, as defined in AQR Section 0.
- Apply alternative asphalt paving, as defined in AQR 92. The specifications can be found on the DES website.
- Uniformly apply and maintain clean gravel to a depth of two inches.
- Apply and maintain an alternative control measure with prior written approval from the Control Officer.

Emission and soil stabilization standards must be met and control measures must be implemented 24 hours a day, seven days a week. [AQR 94.13(b)]

What are the emission standards?

AQR 94 sets out the visible emission limits and standards for fugitive dust. [AQR 94.14]

- No person shall cause or allow the handling, transport, or storage of any material in a manner that allows dust to: [AQR 94.14(a)]
 - Exceed 20% opacity using the Time Averaged Method specified in AQR 94.15.2 or the Intermittent Emissions Method specified in AQR 94.15.3;
 - Exceed 50% opacity using the Instantaneous Method specified in AQR 94.15.4;
 - Allow a dust plume to extend more than 100 feet; or
 - Allow a dust plume to cross a property line.

- Stockpiles:
 - No stockpiles over eight feet high shall be located within 100 yards (300 feet) of occupied buildings unless approved in advance by the Control Officer. [AQR 94.14(g)] Requests should be submitted to Compliance or included in a permitting application.
 - Stockpiles over eight feet high located more 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. [AQR 94.14(g)]
- Trackout:
 - Do not let mud or dirt accumulate on a paved surface in patches more than 50 feet long or ¼ inch deep. [AQR 94.14(d)]
 - Trackout less than 50 feet in length or 0.25 inches in depth shall be cleaned immediately if it causes one or more of the following: [AQR 94.14(e)]
 - An exceedance of 20% opacity using the Time Averaged Method specified in AQR 94.15.2 or the Intermittent Emissions Method specified in AQR 94.15.3;
 - An exceedance of 50% opacity using the Instantaneous Method specified in AQR 94.15.4;
 - A dust plume that extends more than 100 feet, horizontally or vertically; or
 - A dust plume that crosses a property line.
 - Except as required above, all trackout—regardless of length and depth—shall be cleaned up by the end of the workday or evening shift. [AQR 94.14(f)]
 - Cleaning trackout means removing all accumulations of mud or dirt on curbs, gutters, sidewalks, or paved surfaces. [AQR 94.14(e)]
 - Regarding blower devices and rotary brushes:
 - The use of blower devices or dry rotary brushes for the removal of deposited mud, dirt, or rock from a paved surface is prohibited. [AQR 94.14(b)]
 - Rotary brushes may only be used when sufficient water is applied to limit visible emissions to the regulation standard. [AQR 94.14(c)]

What are the stabilization standards?

For unpaved parking lots and storage areas, the stabilization standards are: [AQR 92.4(a)]

- 20% opacity using the Opacity Test Method in AQR 92.6.1;
- 50% instantaneous opacity using the Instantaneous Method in AQR 92.6.2; or,
- 6% silt content using the Silt Content Test Method in AQR 92.6.3.

One or more of the following methods shall be implemented on all other disturbed soils to the extent necessary to pass the Drop Ball Test: [AQR 94.1.1(a) and 94.12(b)]

- Maintained in a sufficiently damp condition to prevent loose particles of soil from becoming dislodged.
- Crusted over by application of water.
- Completely covered with clean gravel, as defined in AQR 94.2.
- Treated with dust suppressant.
- Treated using another method approved in advance by the Control Officer.

How do I conduct a Drop Ball Test?

AQR 94.15.5, "Soil Crust Determination (Drop Ball Test)," provides step-by-step instructions on how to conduct a Drop Ball Test.

What is "opacity," and how do I know if I am in compliance?

The regulations require sources to do periodic visual emissions checks, but most sources do not have a certified Visible Emissions Evaluation (VEE) reader available the entire time they are operating. Rather than require every source to have certified staff, the department developed a guide to educate individuals on conducting visual emissions checks. This guide can be found on the DES website under [Air Quality Applications/Forms and Compliance Forms](#).

Are there additional recordkeeping requirements?

No.

Does this affect my annual report?

No. Excess emissions only have to be included in annual reports if a permittee has triggered the 24-Hour Excess Emission Notification Form and the 72-Hour Deviation Reporting Form.

However, if you are required to submit Major Part 70 Annual Compliance Certifications, you must certify compliance or intermittent compliance with all permit conditions.

Does this affect my annual billing?

No. Since no emission units have to be added to the permit, annual billing is not affected.

My facility is completely paved. Why are these conditions included in my permit?

These are standard permit conditions and local regulatory requirements. They provide information regarding requirements and standards, but if these do not apply, there is no additional burden. No action is required if you do not have unpaved parking lots, unpaved storage areas, emission units, or operations that could emit fugitive dust.

If you have additional questions, or need help selecting or completing forms, please contact the Small Business Assistance Program at 702-455-5942 or AQSBAP@ClarkCountyNV.gov.