



FAQs

AQR Section 120

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

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

Abbreviations:

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

Definitions: [AQR 120.3]

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

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

“Major Stationary Source” means any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant except[AQR 12.3.2(r)(1)]

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

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

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



What has changed?

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

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

Who will this affect?

Existing minor sources with NO_x and/or ozone emissions above 50 tons per year will be classified as major sources. Existing major sources will be reclassified to a higher nonattainment status.

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

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

What sources does AQR 120 apply to?

This new rule will apply to all stationary sources in HA 212 with the potential to emit 50 tons per year of NO_x and/or VOCs.

If EPA escalates other areas in Clark County to a higher classification, another notification will be issued.

What does AQR 120 do?

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

When do I have to submit a RACT demonstration?

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

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

Do I have any other options?

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

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

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

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

How do I submit a major source RACT demonstration?

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

What if I already have a minor source permit?

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

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