

## APPENDIX A

### Exhibits

- A-1 PART A APPLICATION
- A-2 TOPOGRAPHICAL MAP/LOCATION MAP/ FACILITY DRAWING
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**EXHIBIT A-1**

PART A APPLICATION

## EXHIBIT A-1

### PART A APPLICATION

Information required under 40 CFR 270.13 (l) by item and location is listed below

<b>Item</b>	<b>Location</b>
Topographic Map extending one mile beyond the property boundaries of the source	Exhibit A-2: Maps 1 and 2
Map depicting the facility and each of its intake and discharge structures	Exhibit A-2: Map 3
Map depicting each hazardous waste treatment, storage, or disposal facilities.	Exhibit A-2: Map 3 Exhibit A-2: Map 4
Map depicting each well where fluids from the facility are injected underground	Not Applicable. The facility does not inject fluids underground
Map depicting those wells, springs, other surface water bodies, and public drinking wells listed in public records or otherwise known to the applicant within ¼ mile of the facility property boundary.	Exhibit A-2: Map 5 Exhibit C-3 Exhibit C-11



**10. Type of Regulated Waste Activity (at your site)**  
 Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities; Complete all parts 1-10.**

- |  |   |
|--|---|
| <p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <b>1. Generator of Hazardous Waste</b><br/>                 If "Yes", mark only one of the following - a, b, or c.</p> <p><input checked="" type="checkbox"/> a. LQG: Generates, in any calendar month, 1,000 kg/mo (2,200 lbs./mo.) or more of hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lbs./mo) of acute hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 100 kg/mo (220 lbs./mo) of acute hazardous spill cleanup material.</p> <p><input type="checkbox"/> b. SQG: 100 to 1,000 kg/mo (220 - 2,200 lbs./mo) of non-acute hazardous waste.</p> <p><input type="checkbox"/> c. CESQG: Less than 100 kg/mo (220 lbs./mo) of non-acute hazardous waste.</p> <p>If "Yes" above, indicate other generator activities in 2-4.</p> <p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <b>2. Short-Term Generator</b> (generate from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section.</p> <p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <b>3. United States Importer of Hazardous Waste</b></p> <p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <b>4. Mixed Waste (hazardous and radioactive) Generator</b></p> | <p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <b>5. Transporter of Hazardous Waste</b><br/>                 If "Yes", mark all that apply.</p> <p><input checked="" type="checkbox"/> a. Transporter</p> <p><input checked="" type="checkbox"/> b. Transfer Facility (at your site)</p> <p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <b>6. Treater, Storer, or Disposer of Hazardous Waste</b> Note: A hazardous waste Part B permit is required for these activities.</p> <p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <b>7. Recycler of Hazardous Waste</b></p> <p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <b>8. Exempt Boiler and/or Industrial Furnace</b><br/>                 If "Yes", mark all that apply.</p> <p><input type="checkbox"/> a. Small Quantity On-site Burner Exemption</p> <p><input type="checkbox"/> b. Smelting, Melting, and Refining Furnace Exemption</p> <p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <b>9. Underground Injection Control</b></p> <p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <b>10. Receives Hazardous Waste from Off-site</b></p> |
|--|---|

**B. Universal Waste Activities; Complete all parts 1-2.**

- Y  N **1. Large Quantity Handler of Universal Waste** (you accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste managed at your site. If "Yes", mark all that apply.
- |                                 |                          |
|---------------------------------|--------------------------|
| a. Batteries                    | <input type="checkbox"/> |
| b. Pesticides                   | <input type="checkbox"/> |
| c. Mercury containing equipment | <input type="checkbox"/> |
| d. Lamps                        | <input type="checkbox"/> |
| e. Other (specify) _____        | <input type="checkbox"/> |
| f. Other (specify) _____        | <input type="checkbox"/> |
| g. Other (specify) _____        | <input type="checkbox"/> |
- Y  N **2. Destination Facility for Universal Waste**  
 Note: A hazardous waste permit may be required for this activity.

**C. Used Oil Activities; Complete all parts 1-4.**

- Y  N **1. Used Oil Transporter**  
 If "Yes", mark all that apply.
- a. Transporter
- b. Transfer Facility (at your site)
- Y  N **2. Used Oil Processor and/or Re-refiner**  
 If "Yes", mark all that apply.
- a. Processor
- b. Re-refiner
- Y  N **3. Off-Specification Used Oil Burner**
- Y  N **4. Used Oil Fuel Marketer**  
 If "Yes", mark all that apply.
- a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
- b. Marketer Who First Claims the Used Oil Meets the Specifications

**D. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR Part 262 Subpart K**

❖ You can **ONLY** Opt into Subpart K if:

- you are at least one of the following: a college or university; a teaching hospital that is owned by or has a formal affiliation agreement with a college or university; or a non-profit research institute that is owned by or has a formal affiliation agreement with a college or university; AND
- you have checked with your State to determine if 40 CFR Part 262 Subpart K is effective in your state

Y  N

1. Opting into or currently operating under 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories. See the item-by-item instructions for definitions of types of eligible academic entities. Mark all that apply:

- a. College or University
- b. Teaching Hospital that is owned by or has a formal written affiliation agreement with a college or university
- c. Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Y  N

2. Withdrawing from 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories

**11. Description of Hazardous Waste**

**A. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001	D004	D005	D006	D007	D008	D009
D010	D011	D018	D019	D021	D022	D023
D024	D025	D026	D027	D028	D029	D030
D032	D033	D034	D035	D036	D037	D038
D039	D040	D041	D042	D043	F001	F002
F003	F004	F005				

**B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes.** Please list the waste codes of the State-Regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.

132	133	134	211	212	213	

**12. Notification of Hazardous Secondary Material (HSM) Activity**

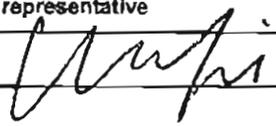
Y  N  Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 261.2(a)(2)(ii), 40 CFR 261.4(a)(23), (24), or (25)?

If "Yes", you must fill out the Addendum to the Site Identification Form: Notification for Managing Hazardous Secondary Material.

**13. Comments**

Multiple horizontal lines for entering comments.

**14. Certification.** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all owner(s) and operator(s) must sign (see 40 CFR 270.10(b) and 270.11).

Signature of legal owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Virgil Duffie, SVP & Asst. Secretary	11/12/12


 United States Environmental Protection Agency  
**HARDOUS WASTE PERMIT INFORMATION FORM**

1. Facility Permit Contact	First Name: Gary	MI: D	Last Name: Olsen
	Contact Title: Environmental Health and Safety Manager		
	Phone: (360) 944-0903	Ext.:	Email: Gary.Olsen@Safety-Kleen.com
2. Facility Permit Contact Mailing Address	Street or P.O. Box: 16540 SE 130th Avenue		
	City, Town, or Village: Clackamas		
	State: Oregon		
	Country: U.S.A	Zip Code: 97015	
3. Operator Mailing Address and Telephone Number	Street or P.O. Box: 16540 SE 130th Avenue		
	City, Town, or Village: Clackamas		
	State: Oregon	Phone: (360) 944-0903	
	Country: U.S.A	Zip Code: 97015	
4. Facility Existence Date	Facility Existence Date (mm/dd/yyyy): 5/23/2001		

**Other Environmental Permits**

Facility Type (Enter code)	B. Permit Number										C. Description
	A	8	1	7							
E	A	8	1	7							Air Pollution Control Permit
E	1	3	2	1	4						Hazardous Materials Permit
N	J	S	W	1	0	3	5	5			Stormwater - General Permit NVR050000

6. Nature of Business:  
 This facility includes a sales office, warehouse, a tank for storage of spent solvent and an area to bulk solvents into trucks. Products include small parts cleaning equipment, solvents, and other allied products. Safety-Kleen collects spent material from customers and accumulates the material into a storage tank, or in the container storage area.

**7. Process Codes and Design Capacities – Enter information in the Section on Form Page 3**

**A. PROCESS CODE** – Enter the code from the list of process codes below that best describes each process to be used at the facility. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in Item 8.

**B. PROCESS DESIGN CAPACITY** – For each code entered in Item 7.A; enter the capacity of the process.

- 1. AMOUNT** – Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
- 2. UNIT OF MEASURE** – For each amount entered in Item 7.B(1), enter the code in Item 7.B(2) from the list of unit of measure codes below that describes the unit of measure used. Select only from the units of measure in this list.

**C. PROCESS TOTAL NUMBER OF UNITS** – Enter the total number of units for each corresponding process code.

Process Code	Process	Appropriate Unit of Measure for Process Design Capacity	Process Code	Process	Appropriate Unit of Measure for Process Design Capacity
<b>Disposal</b>			<b>Treatment (Continued)</b>		
D79	Underground Injection Well Disposal	Gallons; Liters; Gallons Per Day; or Liters Per Day	T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; BTU Per Hour; Liters Per Hour; Kilograms Per Hour; or Million BTU Per Hour
D80	Landfill	Acre-feet; Hectares-meter; Acres; Cubic Meters; Hectares; Cubic Yards	T82	Lime Kiln	
D81	Land Treatment	Acres or Hectares	T83	Aggregate Kiln	
D82	Ocean Disposal	Gallons Per Day or Liters Per Day	T84	Phosphate Kiln	
D83	Surface Impoundment Disposal	Gallons; Liters; Cubic Meters; or Cubic Yards	T85	Coke Oven	
D99	Other Disposal	Any Unit of Measure Listed Below	T86	Blast Furnace	
<b>Storage</b>			T87	Smelting, Melting, or Refining Furnace	
S01	Container	Gallons; Liters; Cubic Meters; or Cubic Yards	T88	Titanium Dioxide Chloride Oxidation Reactor	
S02	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards	T89	Methane Reforming Furnace	
S03	Waste Pile	Cubic Yards or Cubic Meters	T90	Pulping Liquor Recovery Furnace	
S04	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards	T91	Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid	
	Drip Pad	Gallons; Liters; Cubic Meters; Hectares; or Cubic Yards	T92	Halogen Acid Furnaces	
S06	Containment Building Storage	Cubic Yards or Cubic Meters	T93	Other Industrial Furnaces Listed in 40 CFR 260.10	
S99	Other Storage	Any Unit of Measure Listed Below	T94	Containment Building Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTU Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million BTU Per Hour
<b>Treatment</b>			<b>Miscellaneous (Subpart X)</b>		
T01	Tank Treatment	Gallons Per Day; Liters Per Day	X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below
T02	Surface Impoundment	Gallons Per Day; Liters Per Day	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Metric Tons Per Hour; or Million BTU Per Hour	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Short Tons Per Day; BTU Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Short Tons Per Day; BTUs Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour	X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters
T80	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; or Million BTU Per Hour	X99	Other Subpart X	Any Unit of Measure Listed Below

Unit of Measure	Unit of Measure Code	Unit of Measure	Unit of Measure Code	Unit of Measure	Unit of Measure Code
Short Tons Per Hour	D	Cubic Yards	Y		
Short Tons Per Day	N	Cubic Meters	C		
Metric Tons Per Hour	W	Acres	B		
Metric Tons Per Day	S	Acre-feet	A		
Pounds Per Hour	J	Hectares	Q		
Kilograms Per Hour	X	Hectare-meter	F		
Million BTU Per Hour	X	BTU Per Hour	I		



9. Description of Hazardous Wastes - Enter Information in the Sections on Form Page 5

**EPA HAZARDOUS WASTE NUMBER** – Enter the four-digit number from 40 CFR, Part 261 Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261 Subpart D, enter the four-digit number(s) from 40 CFR Part 261, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

- B. ESTIMATED ANNUAL QUANTITY** – For each listed waste entered in Item 9.A, estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in Item 9.A, estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.
- C. UNIT OF MEASURE** – For each quantity entered in Item 9.B, enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure, taking into account the appropriate density or specific gravity of the waste.

**D. PROCESSES**

**1. PROCESS CODES:**

**For listed hazardous waste:** For each listed hazardous waste entered in Item 9.A, select the code(s) from the list of process codes contained in Items 7.A and 8.A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all listed hazardous wastes.

**For non-listed waste:** For each characteristic or toxic contaminant entered in Item 9.A, select the code(s) from the list of process codes contained in Items 7.A and 8.A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

**NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:**

1. Enter the first two as described above.
  2. Enter "000" in the extreme right box of Item 9.D(1).
  3. Use additional sheet, enter line number from previous sheet, and enter additional code(s) in Item 9.E.
- 2. PROCESS DESCRIPTION:** If code is not listed for a process that will be used, describe the process in Item 9.D(2) or in Item 9.E(2).

**NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER** – Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in Item 9.A. On the same line complete Items 9.B, 9.C, and 9.D by estimating the total annual quantity of the waste and describing all the processes to be used to store, treat, and/or dispose of the waste.
2. In Item 9.A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In Item 9.D.2 on that line enter "Included with above" and make no other entries on that line.
3. Repeat step 2 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.

**EXAMPLE FOR COMPLETING Item 9** (shown in line numbers X-1, X-2, X-3, and X-4 below) – A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operations. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES																
							(1) PROCESS CODES (Enter Code)					(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))											
X	1	K	0	5	4	900	P	T	0	3	D	8	0										
	2	D	0	0	2	400	P	T	0	3	D	8	0										
X	3	D	0	0	1	100	P	T	0	3	D	8	0										
X	4	D	0	0	2																		Included With Above

9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)															
Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES								
							(1) PROCESS CODES (Enter Code)				(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))				
	1	D	0	0	1	650	T	S	O	1	S	O	2		
	2	D	0	0	4										Included with above
	3	D	0	0	5										Included with above
	4	D	0	0	6										Included with above
	5	D	0	0	7										Included with above
	6	D	0	0	8										Included with above
	7	D	0	0	9										Included with above
	8	D	0	1	0										Included with above
	9	D	0	1	1										Included with above
1	0	D	0	1	8										Included with above
1	1	D	0	1	9										Included with above
1	2	D	0	2	1										Included with above
1	3	D	0	2	2										Included with above
1	4	D	0	2	3										Included with above
1	5	D	0	2	4										Included with above
1	6	D	0	2	5										Included with above
1	7	D	0	2	6										Included with above
1	8	D	0	2	7										Included with above
1	9	D	0	2	8										Included with above
2	0	D	0	2	9										Included with above
2	1	D	0	3	0										Included with above
2	2	D	0	3	2										Included with above
2	3	D	0	3	3										Included with above
2	4	D	0	3	4										Included with above
2	5	D	0	3	5										Included with above
2	6	D	0	3	6										Included with above
2	7	D	0	3	7										Included with above
2	8	D	0	3	8										Included with above
2	9	D	0	3	9										Included with above
3	0	D	0	4	0										Included with above
3	1	D	0	4	1										Included with above
3	2	D	0	4	2										Included with above
3	3	D	0	4	3										Included with above
3	4	F	0	0	1	152	T	S	O	1					
3	5	F	0	0	2										Included with above
3	6	F	0	0	3										Included with above



**Map**

Attach to this application a topographical map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all spring, rivers, and other surface water bodies in this map area. See instructions for precise requirements.

**11. Facility Drawing**

All existing facilities must include a scale drawing of the facility (see instructions for more detail).

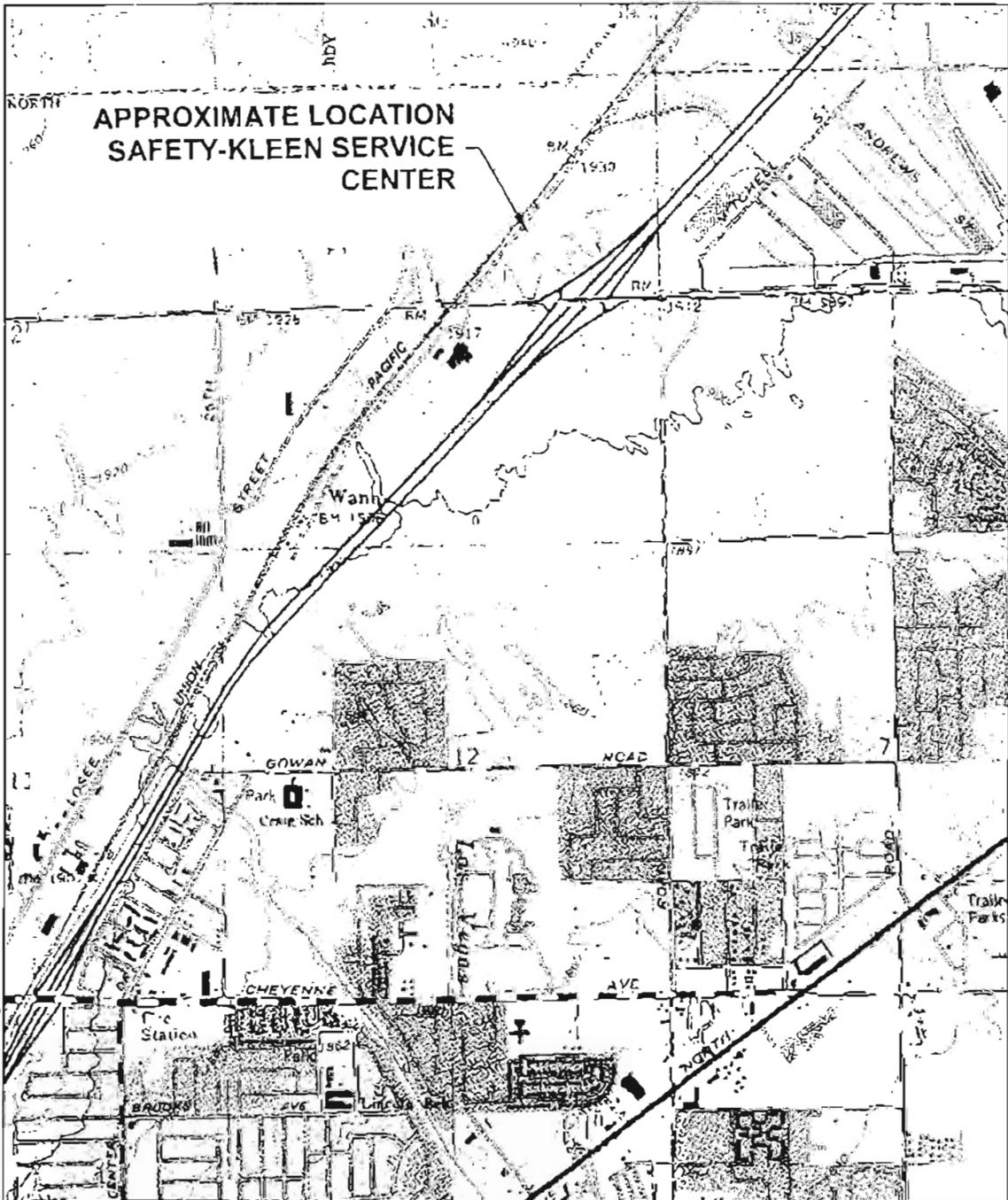
**12. Photographs**

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment, and disposal areas; and sites of future storage, treatment, or disposal areas (see instructions for more detail).

**13. Comments**

**EXHIBIT A-2**

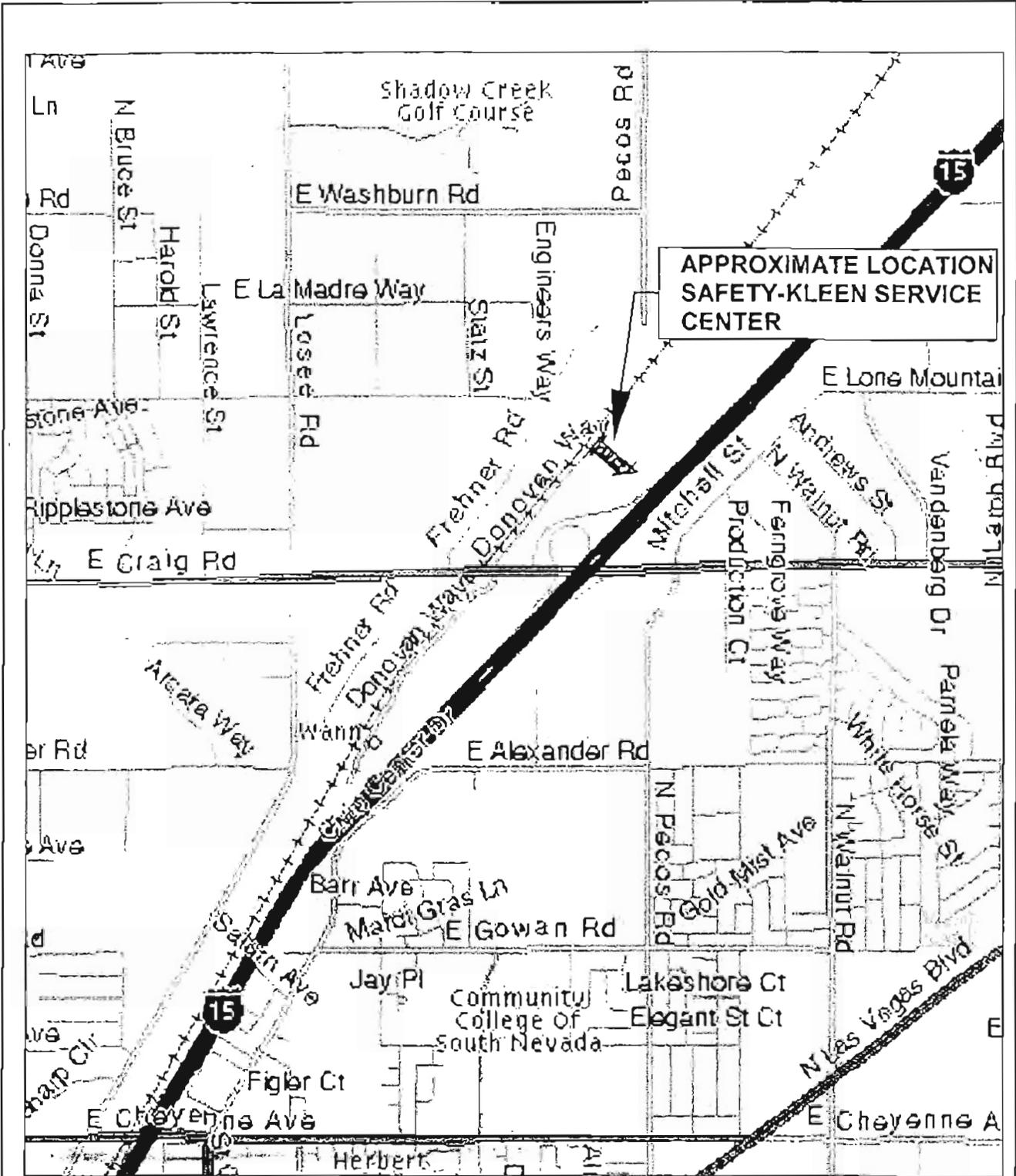
TOPOGRAPHICAL MAP / LOCATION MAP / FACILITY DRAWING



USGS 1967 (PHOTOREVISED 1984)



TOPOGRAPHIC MAP, SAFETY-KLEEN SYSTEMS, INC.  
SERVICE CENTER, NORTH LAS VEGAS, NEVADA

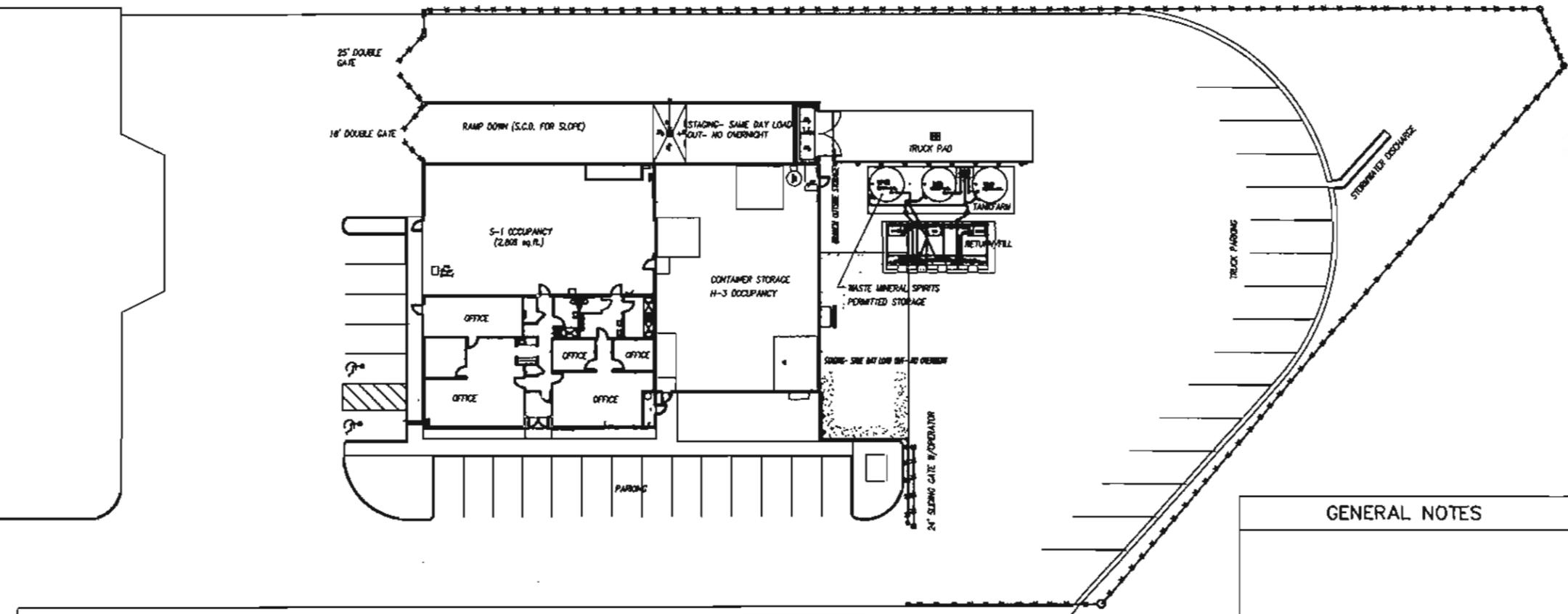


1999 MapQuest.com 1999 Navigation Technologies

AREA MAP, SAFETY-KLEEN SYSTEMS, INC. SERVICE CENTER, NORTH LAS VEGAS, NEVADA



DONOVAN WAY



GENERAL NOTES

PROPRIETARY STATEMENT

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF SAFETY-KLEEN CORP. AND IS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING AND THE INFORMATION CONTAINED THEREIN MUST NOT BE DUPLICATED, USED, DIVULGED, REPRODUCED, COPIED, DISCLOSED OR APPROPRIATED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN AS EXPRESSLY AUTHORIZED BY SAFETY-KLEEN CORP. THIS DRAWING MUST BE RETURNED PROMPTLY UPON REQUEST.

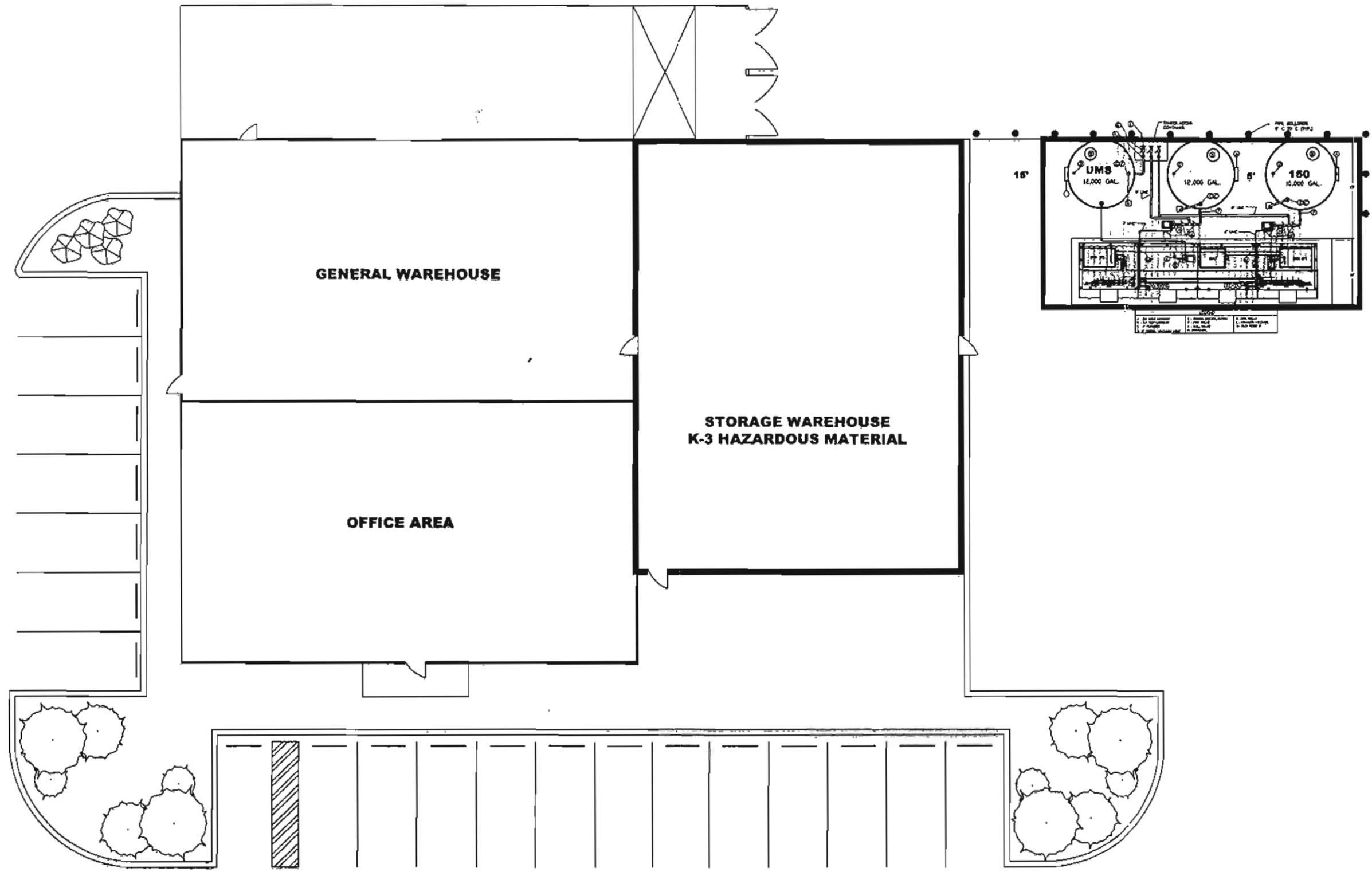


SITE PLAN

**SAFETY-KLEEN SYSTEMS, INC.**  
3400 LEGACY DR. CLUSTER B, BLDG. 3 PLANO, TX 75024 900-899-0740

NO.	DESCRIPTION	BY	CHK	APPR	DATE	SCALE	BY	CHK	APPR	DATE	REV. NO.
C	REVISED FENCING/BACK LOT	JEC	GO	GO	09/30/04	1"=20'-0"	JEC	GO	GO	10/19/04	C
B	REVISED WAREHOUSE LAYOUT	JEC	-	-	03/31/04		JEC	GO	GO	10/19/04	
A	RELEASED FOR INTERNAL REVIEW	JEC	-	-	10/19/04		JEC	GO	GO	10/19/04	
REVISIONS						SERVICE CENTER LOCATION	SC-DWG NUMBER				
						NORTH LAS VEGAS	7137-SP00-001				

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GENERAL NOTES:

x

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REV.	REVISION DESCRIPTION	MADE BY.	CHECKED BY	DATE

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UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN INCHES

LINEAR	X ±.03
	XX ±.01
	XXX ±.005
FRACTIONAL	±1/64
ANGULAR	±1/2°

TITLE  
LAS VEGAS  
GENERAL LAYOUT

SCALE: 1/16"=1' DATE: 05 JUN 98

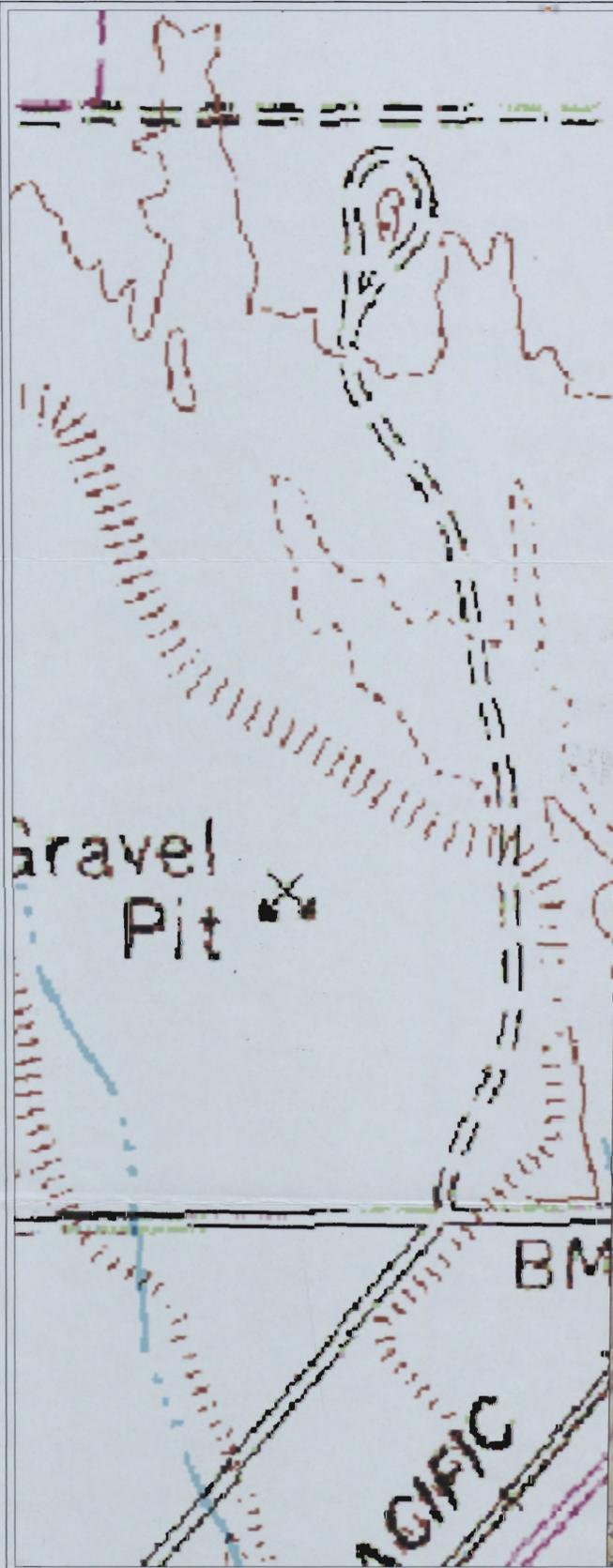
BY: OSL APPROVED: \_\_\_\_\_

DRAWING NUMBER  
**LV00001**

THIRD ANGLE  
PROJECTION

S.W.I.C. LTD

121 Exposition St.  
Denton, Texas 76205  
BUS (940) 566-1899  
FAX (940) 898-1035



Base map: U.S. Geological Survey, 1:24,000 Scale, 7.5 Minute Digital Raster Graphic Quadrangle, Las Vegas NE, Publication: 1970  
 Aerial Image: Source - Digital Globe, Photography Date - March 2009



QUADRANGLE LOCATION

NOTE:  
 SITE LEGAL DESCRIPTION - TOWNSHIP 20 SOUTH,  
 RANGE 61 EAST, SECTION 01



0 200' 400'

**Trihydro**  
 CORPORATION  
 1252 Commerce Drive  
 Laramie, Wyoming 82070  
 www.trihydro.com  
 (P) 307.745.7474 (F) 307.745.7729

SITE LOCATION MAP

**SAFETY-KLEEN SYSTEMS, INC. SERVICE CENTER  
 LAS VEGAS, NEVADA**

Drawn By: CJN Checked By: MJ Scale: 1" = 200' Date: 12/17/10 File: 116-AERIAL

**EXHIBIT A-3**

AIR PERMIT



# Department of Air Quality Management

500 S Grand Central Pky 1st Fl • PO Box 551776 • Las Vegas NV 89155-1776  
 (702) 455-5942 • Fax (702) 383-9994

Christine L. Robinson, Director  
 Catherine MacDougall, Assistant Director • Susan Selby, Assistant Director



## AUTHORITY TO CONSTRUCT/OPERATING PERMIT FOR A NONMAJOR WASTE SOLVENTS COLLECTION, STORAGE & TRANSFER, AND CLEAN SOLVENTS STORAGE & DISTRIBUTION FACILITY

Source: A817  
 Modification: 1

Company Name:	Safety Kleen Systems, Inc.
Facility Name:	Safety Kleen Systems, Inc.
Facility Address:	4582 Donovan Way Las Vegas, Nevada 89301
Airshed Name:	Las Vegas Valley
Hydrographic Basin Number:	212
Township, Range, Section:	T20S, R61E, Section 1
Address (Mailing/Billing):	P.O. Box 363608 North Las Vegas, Nevada 89030
Telephone Numbers:	Phone: (714) 429-4355 Fax: (714) 241-4359 Contact Person: Kimberly Colbert
Source SIC:	4212 - Local Trucking Without Storage/Hazardous Waste Collection Without Disposal, Other Waste Collection Without Disposal 4214 - Local Trucking with Storage/Local Specialized Freight Trucking with Storage
Description:	Issuance of an Operating Permit for the waste solvents collection, storage and transfer/clean solvents storage and distribution facility that is relocated from 1655 Stocker St., North Las Vegas to Donovan Way, Las Vegas, Nevada. The ATC Modification 1 was issued on June 5, 2002.
Issuance Date:	8-3-02

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## I ADMINISTRATIVE

1. Pursuant to the Clark County Air Quality Regulations (AQR) of the Clark County Department of Air Quality Management (DAQM), the Control Officer issues this Authority to Construct/Operating Permit (ATC/OP) with conditions.
2. This permit modifies, consolidates, supersedes, and replaces any ATC/OP certificates previously issued for this facility from date of issuance forward.
3. This ATC/OP or a copy shall be kept on-site.
4. This ATC/OP does not replace, supersede, or circumvent permitting requirements of any other regulatory agency. This ATC/OP and the requirements herein are based upon the Clark County regulations in place at the time of issuance. To the extent that there may be differences in the requirements of Clark County's regulations in place at the time of permit issuance and the federally-enforceable SIP requirements, DAQM has attempted to ensure that this ATC/OP satisfies both sets of requirements. DAQM believes that compliance with the terms and conditions of this ATC/OP satisfies all local, state, and federal air related requirements.
5. Pursuant to Section 4 of the AQR, the Control Officer or his representative may enter into the property, with or without prior notice at any reasonable time, for the purpose of establishing compliance with the AQR or this permit.
6. The conditions of this permit are severable. If any condition is found to be invalid, then such invalidity shall not affect any other conditions that can be given effect without the invalid condition(s).
7. Pursuant to Section 12 of the AQR, any physical change or any change in operation, which causes or has the potential to cause a net emission increase, shall obtain an ATC prior to such change.
8. No emission unit, other than those listed in the summary of emission units of this ATC/OP shall be installed, modified, or operated without an approved ATC issued by the DAQM.
9. Any changes in control or ownership of the facility shall require a transfer of the ATC/OP by the owner/operator to the new owner/operator upon approval by the Control Officer and payment of the required fees.
10. Pursuant to Section 43 of the AQR, this facility shall be operated in a manner such that odors will not cause a nuisance.
11. Violation of any conditions of this ATC/OP may subject the owner/operator to enforcement action that may include, but is not limited to, a Corrective Action Order, Notice of Violation, Compliance Schedule, Stop Order, or federal enforcement action.
12. The Control Officer reserves the right, upon reasonable cause, to modify existing conditions and impose additional new compliance, monitoring and control requirements.

## II EMISSION UNITS

### A LIST OF EMISSION UNITS

Table II-A-1: Summary of Emission Units

E.U. #	DESCRIPTION	SCC #	TYPE <sup>1</sup>
A01	Clean Solvent Storage and Distribution Process with: One (1) Double-walled aboveground storage tank, fixed roof, non-pressurized, quiescent tank, 12,000 gallons capacity for Safety-Kleen 105 Solvent One (1) Double-walled aboveground storage tank, fixed roof, non-pressurized, quiescent tank, 10,000 gallons capacity for Safety-Kleen 150 Solvent	40701613/ 40701614	P1
A02	Waste Solvent Collection/Storage and Transfer Process with: One (1) Double walled aboveground storage tank, fixed roof, non-pressurized, quiescent tank, 12,000 gallons capacity for used parts washer solvent	40701613/ 40701614	P1
A03	Return and Fill Station with two (2) Drum Washer Units	40880001	P1
A04	Tanker Loading/Unloading Area	40899995	P1
A05	Solvents Piping System including pump, valves & flanges	40880001	P1

<sup>1</sup> Type codes for billing: P1 = process equipment. Refer to AQR Section 18 for annual fee information.

### B EMISSION LIMITATIONS

1. The potential to emit (PTE) of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from waste and clean solvents collected, stored, transferred and distributed by the owner/operator is shown in Table II-B-1:

**Table II-B-1: PTE of the Facility**

E.U. #	Emission Process/Source	VOC Emissions			HAP Emissions		
		lbs/hr	lbs/day	tons/year	lbs/hr	lbs/day	tons/year
A01	Breathing Losses/ Working losses from AST <sup>2</sup> - Clean Solvents	0.16	1.65	0.21	0.02	0.17	0.02
A02	Breathing Losses/ Working losses from AST - Waste Solvents	0.09	0.90	0.12	0.01	0.10	0.01
A03	Return and Filling/Drum Washing	0.31	3.18	0.41	0.03	0.34	0.05
A04	Tanker Unloading/Loading	0.01	0.10	0.01	<0.01	0.01	<0.01
A05	Solvents Piping System	0.02	0.24	0.03	<0.01	0.03	<0.01
<b>TOTAL</b>		<b>0.59</b>	<b>6.07</b>	<b>0.78</b>	<b>0.08</b>	<b>0.65</b>	<b>0.10</b>

<sup>1</sup> HAP emissions are calculated using 10.6 percent of VOC emissions based on information submitted by the owner/operator.

<sup>2</sup> AST = Aboveground Storage Tank.

2. The actual emissions of VOC including HAP from the entire facility shall not exceed the allowable limitations shown in Table II-B-2:

**Table II-B-2: Allowable Emissions of Facility**

E.U. #	Source Description	lbs/hour		lbs/day		tons/year	
		VOC	HAP	VOC	HAP	VOC	HAP
A01	Breathing Losses/Working Losses from AST- Clean Solvents <sup>1</sup>	0.16	0.02	1.65	0.17	0.21	0.02
A02	Breathing Losses/Working Losses from AST- Waste Solvents <sup>2</sup>	0.09	0.01	0.90	0.10	0.12	0.01
A03	Emissions from Drum Washing <sup>3</sup>	0.18	0.02	1.85	0.20	0.24	0.03
	Emissions from Drum Filling <sup>4</sup>	0.13	0.01	1.33	0.14	0.17	0.02
A04	Emissions from Truck Filling <sup>5</sup>	0.01	<0.01	0.10	0.01	0.01	<0.01
A05	Fugitive Emissions from Pipelines, Pumps, Valves, & Flanges <sup>6</sup>	0.02	<0.01	0.24	0.03	0.03	<0.01
<b>TOTAL</b>		<b>0.59</b>	<b>0.08</b>	<b>6.07</b>	<b>0.65</b>	<b>0.78</b>	<b>0.10</b>

<sup>1</sup> Total VOC (lb/hr) = 0.0010 (lb mol/bbl-psia) x Mv (lb/lb mol) x Pva (psia) x Q (bb/yr) x kn x kp. This is based from the original application submitted on 07/17/01. Derived breathing loss factor for 16-gallon closed drum for lacquer thinner/paint wastes are referenced from the original permit application. Same factor is used for 30-gallon and SSPW tanks. Based on 10 hours/day; 260 days/year of operation.

<sup>2</sup> Emissions are calculated using EF = 0.17 lb/1000 gal-year from US EPA FIRE 6.22, SCC Code 40701613.

<sup>3</sup> Emissions from drum washing are per applicant's calculation which are submitted with the application.

<sup>4</sup> Emissions from drum filling are per applicant's calculation which are submitted with the application.

<sup>5</sup> Emissions from truck filling are per applicant's calculation which are submitted with the application.

<sup>6</sup> Fugitive emissions from pipelines, pumps, valves, and flanges are per applicant's calculation which are submitted with the application.

3. The PTE and allowable emission rates of the facility are summarized below:

PTE and Allowable Emission Rates	PM <sub>10</sub>	NOx	CO	SO <sub>2</sub>	VOC <sup>1</sup>	HAP
lbs/hour	0.00	0.00	0.00	0.00	0.59	0.06
lbs/day	0.00	0.00	0.00	0.00	6.07	0.65
tons/year	0.00	0.00	0.00	0.00	0.78	0.08

### III CONDITIONS

#### A PRODUCTION LIMITATIONS

1. Recycling of waste solvents shall not be allowed at this facility.
2. The facility shall be allowed to operate for ten hours per day, and 2,600 hours per year.
3. The amount of various waste solvents to be collected, stored, and transferred by the owner/operator at the return and fill station shall be limited 8,175 gallons per week or 425,100 gallons per year.
4. The amount of clean solvent dispensed from the 12,000 gallon-capacity aboveground storage tank (AST) shall be limited to 1,635 gallons per day or 425,100 gallons per year of Safety Kleen 105 solvent, and 1,000 gallons per day or 260,000 gallons per year of Safety Kleen 150 solvent.

#### B CONTROL REQUIREMENTS

1. Waste and clean solvents shall be collected, stored, transferred and distributed in such a manner that they will not evaporate, leak, escape or otherwise discharge into the ambient air so as to cause or contribute to air pollution; and where control methods are available to reduce effectively the contribution to air pollution from evaporation, leakage, or discharge as determined by the Control Officer, the installation and use of such control methods, devices or equipment shall be mandatory.
2. The aboveground storage tanks or other container for the storage of waste and clean solvents at the facility shall be designed so that all cover openings can be closed with no visible gaps, holes, cracks, or other open spaces into the interior of the tank.
3. The aboveground storage tanks shall be vented to the atmosphere through a control device (ConserVent System or equivalent) that is designed to operate with no detectable fugitive emissions when the device is in the closed position.

4. All waste and clean solvents shall be stored in OSHA-approved tanks that have been assessed for integrity and have a secondary containment system. The containers shall remain closed at all times except when the contents are discharged from the tanks or containers, or when necessary sampling or repair/maintenance is performed on the tank.
5. There shall be no visible holes, tears, or other openings in the seal or seal fabric of the tank reservoir or other container for the storage of petroleum liquids.
6. The aboveground storage tanks shall not be used for storage of any products with a Reid Vapor Pressure greater than 78 mm Hg (1.5 pounds per square inch absolute (psia)) under actual storage conditions.
7. The owner/operator shall not load any product having a Reid Vapor Pressure of 78 mm Hg (1.5 psia) or greater into any tank, truck, trailer, or tank car from the loading facility unless it is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation.
8. When loading is effected through the hatches of a truck or trailer with a loading arm equipped with a vapor collecting adaptor, pneumatic, hydraulic or other mechanical means shall be provided to ensure a vapor-tight seal between the adaptor and the hatch. The owner/operator shall operate in a manner to prevent the solvent and volatile compounds from discharging from the loading device when it is removed from the hatch of any tank truck or trailer, or to ensure complete drainage before such removal.
9. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically.
10. The loading shall be accomplished in such a manner that the mixture of vapor and air displaced from the delivery vessel will be vented only to the vapor control system.
11. All equipment shall be monitored and inspected for equipment leaks regularly. Equipment leaks must be repaired within 15 calendar days except for a leaking pressure relief device that must be repaired within five calendar days.
12. Before shipping all waste solvents from the facility for recycling, treatment, or disposal, the waste solvent containers shall be appropriately packaged, labeled, and marked.
13. Pursuant to Sec. 43 of the AQR, the owner/operator shall not cause, allow or permit the discharge of any substance that causes or contributes to an objectionable odor. An odor occurrence shall be deemed a violation when a complaint is received and substantiated within two hours by the Control Officer. The Control Officer shall deem the odor occurrence a violation if he/she is able to detect the odor twice within a period of one hour, if the odor is of such a nature as to cause a nuisance, and these detections being separated by at least 15 minutes.

14. The owner/operator shall not store any hazardous waste in tanks or containers for more than 365 days at the facility. A log that tracks the residence time of the hazardous wastes in tanks or containers shall be maintained at the facility.
15. The owner/operator must prepare a facility contingency plan in accordance with air quality regulations. The contingency plan must be designed to minimize hazards from fires, explosions, or any unplanned release of hazardous wastes or constituents. A copy of the contingency plan must be kept on site at all times to respond to emergencies.
16. All reasonable precautions shall be taken by the owner/operator to prevent and control generation of fugitive emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) in the facility.
17. The owner/operator must comply with the above control requirements. If there is inconsistency between standards or requirements, the most stringent standard or requirement shall apply.

#### **C LOCAL OFFSET REQUIREMENT**

Emission Reduction Credits are not required.

#### **D ON-SITE, AMBIENT AIR MONITORING**

On-site, ambient air monitoring is not required.

#### **E COMPLIANCE DEMONSTRATION**

1. Records demonstrating the VOC and HAP content of each VOC containing compound shall be kept on-site by the owner/operator and made available to DAQM upon request.
2. Pursuant to Section 25 of the AQR, any upset/breakdown or malfunction which causes emissions of regulated air pollutants in excess of any limits set by the AQR or by this permit, shall be reported to the Control Officer within one hour of the onset of such event.
3. The owner/operator shall perform a quarterly Reid vapor pressure analysis on a quarterly composite sample of the contaminated Safety Kleen 105 and Safety Kleen 150 waste solvents.
4. Records and data required by this permit to be maintained by owner/operator may, at the owner/operator's expense, be audited at any time by a third party selected by the Control Officer.

#### **F PERFORMANCE TESTING**

Performance testing is not required.

## **G RECORD KEEPING**

1. All records, logs, etc. shall be made available to DAQM during regular business hours.
2. All records, logs, etc., or a copy thereof, shall be kept on site for a minimum of five years from the date the measurement, or data was entered.
3. Various records, logs, etc., shall contain, at minimum:
  - a) hourly and daily operating time for emission units A01, A02, and A03;
  - b) amount of waste solvents collected, received and stored daily and annually in gallons;
  - c) type and amount of clean solvents received, stored and transferred daily and annually in gallons;
  - d) log of maintenance for the vapor control system on emission units A01 and A02;
  - e) Material Safety Data Sheet (MSDS) for Safety Kleen 105 and Safety Kleen 150 solvents; and
  - f) a copy of Safety Kleen's annual solvent recharacterization and the quarterly Reid vapor pressure analysis for Safety Kleen 105 and Safety Kleen 150 waste solvents.

## **H REPORTS AND REPORTING**

1. Each annual report shall be:
  - a) based on the calendar year;
  - b) submitted on or before January 30<sup>th</sup> of each year; and
  - c) addressed to the attention of Compliance Reporting Supervisor, DAQM.
2. Each annual report shall contain at a minimum, as the first page of text, a signed annual certification form (sample forms are available from DAQM).
3. Each report shall contain a summary of all items listed in Section III-G-3(a) through III-G-3(f).

## **I FEES**

1. Fees on all equipment and emissions are subject to AQR Section 18.
2. The fee schedule is adjusted annually based on the Consumer Price Index.

## **J OTHER REQUIREMENTS**

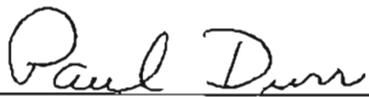
1. The owner/operator shall comply with provisions of applicable new rules promulgated by the U.S. Environmental Protection Agency pursuant to the Clean Air Act as amended and adopted by the DAQM.
2. After eight quarterly Reid vapor pressure analyses have been performed and compliance with conditions II-B (6) and (7) of this permit has been demonstrated, the owner/operator may request in writing that the frequency of the Reid vapor pressure analysis shall be reduced to an annual frequency.

## SIGNATURES

This ATC/OP Issued by:

  
**Signature:** Catherine R. MacDougall  
Assistant Director  
Clark County  
Department of Air Quality Management

8-3-02  
**Issuance Date:**

  
**Signature:** Paul Durr  
Acting Minor Sources Permitting Supervisor  
Clark County  
Department of Air Quality Management

7/2/02  
**Date:**

The requirements of this ATC/OP with its conditions are accepted and agreed to by the company as evidenced by the hereinafter signature of the authorized company representative.

  
**Signature:** Kimberly Colbert  
Senior Environmental Compliance Manager  
Safety Kleen Systems, Inc.

9/5/02  
**Date:**



# Department of Air Quality Management

500 S Grand Central Pky 1st Fl • PO Box 551776 • Las Vegas NV 89155-1776  
(702) 455-5942 • Fax (702) 383-9994

Christine L. Robinson, Director  
Catherine MacDougall, Assistant Director • Susan Selby, Assistant Director



August 16, 2002

Ms. Kimberly Colbert  
Safety-Kleen Systems, Inc.  
6000 88<sup>th</sup> Street  
Sacramento, CA 95828-1119

RE: Source ID# 817 Modification #1; Authority To Construct (ATC) /Operating Permit

Dear Ms. Colbert:

Enclosed is the original Authority To Construct (ATC)/Operating Permit for the above referenced facility. Please read, sign and **return the entire signed original ATC/Operating Permit** to me **by September 16, 2002**, after making a copy for your files. A self-addressed envelope is provided for your convenience.

Highlighted excerpts from the Air Quality Regulations are enclosed for your information.

Also, enclosed is our invoice totaling \$473.85 for your Operating Permit Issuance Fee and pro-rated 2002 Equipment Fees.

If you have any questions please call **Alfonso Yadao** at 702/455-5942.

Sincerely,

*Idamarie Roberts*

Idamarie Roberts  
Office Specialist, Permitting  
Air Quality Management

//r

Enclosures

H:\dal\Foml\trs\ATCtoOP\lr.doc

**CLARK COUNTY**  
**AIR QUALITY REGULATIONS**

**SECTION 18 - PERMIT AND TECHNICAL SERVICE FEES**

**18.1 OPERATING PERMIT Issuance Fees:**

18.1.1	OPERATING PERMIT issued pursuant to Section 16: This permit is issued for any new or MODIFIED STATIONARY SOURCE.	\$118.00
18.1.2	OPERATING PERMIT issued pursuant to Section 19: This permit is issued to any new or MODIFIED STATIONARY SOURCE subject to the PART 70 PROGRAM.	Free

**18.2 Annual EMISSIONS UNIT and Annual Permit Renewal Fees:**

These fees are assessed on each EMISSIONS UNIT and each OPERATING PERMIT each calendar year.

18.2.1	Each PROCESS EQUIPMENT, except as otherwise listed in this Section.	\$202.00
18.2.2	Each Storage Silo.	\$99.00
18.2.3	Each STATIONARY tank, reservoir, or other container exceeding 40,000 gallons capacity containing any petroleum product having a VAPOR pressure of 1.5 pounds per square inch absolute or greater at standard temperature and pressure.	\$270.00
18.2.4	Each GASOLINE storage tank equipped with STAGE I VAPOR Recovery or STAGE II VAPOR Recovery equipment at any GASOLINE Dispensing Facility including bulk plants but excluding bulk terminals.	\$56.00
18.2.5	Each Heated Asphalt Storage Tank.	\$50.30

18.2.6	Each STATIONARY Internal Combustion engine, including microturbines up to 2.5MW, that meets the definition of a STATIONARY SOURCE, except as required in Subsection 18.2.7 shall pay the following fee:									
	<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>35-350 HP</td> <td>351-800 HP</td> <td>801-1500 HP</td> <td>1501 HP and up</td> </tr> <tr> <td style="text-align: center;">\$292.00</td> <td style="text-align: center;">\$585.00</td> <td style="text-align: center;">\$1,170.00</td> <td style="text-align: center;">\$1,757.00</td> </tr> </table>	35-350 HP	351-800 HP	801-1500 HP	1501 HP and up	\$292.00	\$585.00	\$1,170.00	\$1,757.00	
35-350 HP	351-800 HP	801-1500 HP	1501 HP and up							
\$292.00	\$585.00	\$1,170.00	\$1,757.00							
18.2.7	Each STATIONARY Emergency Internal Combustion engine that has a brake horsepower rating greater than five hundred (500) that meets the definition of a STATIONARY SOURCE shall pay the following fee:									
	<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>500 to 1500 HP</td> <td>1501 HP and up</td> </tr> <tr> <td style="text-align: center;">\$202.00</td> <td style="text-align: center;">\$585.00</td> </tr> </table>	500 to 1500 HP	1501 HP and up	\$202.00	\$585.00					
500 to 1500 HP	1501 HP and up									
\$202.00	\$585.00									
18.2.8	Each FUEL BURNING EQUIPMENT not otherwise listed in this section that meets the definition of a STATIONARY SOURCE.	\$175.00								
18.2.9	Each stationary printing press.	\$334.00								
18.2.10	Each commercial surface coating operation, including spray booths. In the event that spray booths are not applicable or required, the fee will apply to the coating process, e.g., spray gun, dip tank.	\$334.00								
18.2.11	Each electrical generating or compressor turbine with a rating of 2.5 megawatts or larger based on ISO standard operating conditions at 67°F, excluding equipment fueled solely on gas generated within Clark County by the decomposition of garbage in a landfill.	\$3,511.00								
18.2.11.1	Megawatt Equivalent Fee: (Megawatt Equivalent) x (Fee)	\$118.00								
18.2.11.1.1	Each Megawatt Equivalent based on a facility total megawatt output of all electrical or compressor turbines with a rating of 2.5 megawatts or larger plus all supplemental duct firing units and/or supplemental Heat Recovery Steam Generators (HRSGs), excluding equipment fueled solely on hydrogen, multiplied by the permitted annual hours of operation and divided by 8,760 hours per year. Megawatt ratings shall be based on ISO Standard Operating Conditions at 67°F.									

18.2.11.2	Each supplemental duct firing unit and/or supplemental Heat Recovery Steam Generator (HRSG), excluding duct-firing equipment fueled solely on hydrogen, or on gas generated within Clark County by the decomposition of garbage in a landfill.	\$1,170.00
18.2.12	Nevada Department of Transportation (NDOT) subcontractors shall pay equipment fees at the time of permit issuance. The fees shall be for the duration of the project, prorated on a calendar quarter basis.	
18.2.13	Annual Permit Renewal Fees: If more than one fee schedule is applicable to a permit, the governing schedule shall be that which results in the higher fee.	
18.2.13.1	Each MAJOR STATIONARY SOURCE	\$5,853.00
18.2.13.2	Each COMPLEX SOURCE	\$4,683.00
18.2.13.3	Each SIGNIFICANT SOURCE	\$877.00
18.2.13.4	Baseline annual permit renewal applies to every permitted stationary source except those classified as MAJOR, COMPLEX, SIGNIFICANT, fee exempt, or covered in another section of the AQ Regulations.	\$58.00
18.2.14	Fee exempt	Free

**18.3 Dust Control Permit Fee:**

For CONSTRUCTION ACTIVITIES including Surface Grading and TRENCHING that are permitted pursuant to Section 17 or 94.

18.3.1	Dust Control Permit Fee - shall be determined on the number of acres or fraction thereof multiplied by the following: (Multiply fee by the sum of the whole number of acres plus 1.0 acre for any fraction of an acre.)	\$128.00
18.3.2	Dust Control Permit Modification Fee: The fee is related only to the processing of any dust control permit which is modified from the originally issued permit as per AQ Regulations. The modified permit will retain the expiration date of the original dust control permit.	\$29.20

- 18.3.2.1 Modification in combination with additional acres: The Dust Control Permit Fee shall also apply, limited to the new acres.
- 18.3.2.2 Modification in combination with additional acres where construction on the additional acreage commenced prior to submission of either a stand-alone Dust Control Permit or the Modification. The Dust Control Permit late fee shall apply.
- 18.3.4 Dust Control Class Card (Pursuant to Section 94): The dust control card will be valid for three years. \$35.20
- 18.3.5 Dust Control Permit Late Fee: This fee will be charged for any construction site which commences construction activity prior to submitting a complete dust permit application. This fee will be 1.5 times the Dust Control Permit Fee as specified in this Section. \$192.00 (per acre)
- 18.3.6 Dust Control Monitor: The minimum fee per person for DAQM Dust Control Monitor Class is \$500. The minimum fee for DAQM to hold a Dust monitoring training Class is \$5,000.00. Any individual or company requesting DAQM to conduct a Dust Control Monitor Class with less than 10 fee-paying trainees will be responsible for the balance of the cost between paying trainees and \$5,000.00.

**18.4 NSR [New Source Review and/or PSD] Application Review Fee:**

Technical Preconstruction Review of Proposed New or MODIFIED STATIONARY SOURCES requesting an AUTHORITY TO CONSTRUCT CERTIFICATE

- 18.4.1 NSR Application fee: All STATIONARY SOURCES \$302.00
- 18.4.2 Publication fee for Notice of Proposed Action: (if required) Direct Cost
- 18.4.2.1 Direct Cost shall mean the actual publication cost of the Notice of Proposed Action as invoiced by the newspaper.
- 18.4.2.2 Notice of Proposed Action shall be initiated after the CONTROL OFFICER receives full payment of all applicable fees from the applicant.

18.4.3	NSR Application Review fee:	
18.4.3.1	NSR POTENTIAL TO EMIT (TONS PER YEAR) fee shall be determined on annual total POTENTIAL TO EMIT for all REGULATED AIR POLLUTANTS multiplied by the following and rounded off to the nearest whole number:	\$54.20
18.4.3.2	NSR EMISSIONS UNIT fee shall be determined on the number of EMISSION UNITS multiplied by the following:	\$216.00
18.4.3.3	An AUTHORITY TO CONSTRUCT CERTIFICATE shall not be issued unless the CONTROL OFFICER has received full payment of all applicable fees.	
18.4.3.4	The NSR Application Review Fee for AUTHORITY TO CONSTRUCT applications submitted by the NDOT shall be based upon the following:	
18.4.3.4.1	NDOT maintains the permit for the pit as a single EMISSION UNIT and is charged for one EMISSION UNIT review fee (E1).	
18.4.3.4.2	Subcontractors applying for an OPERATING PERMIT pursuant to the NDOT ATC shall pay review fees based on EMISSION UNITS (E1) and tons of emissions (E2), but need not pay the Application Fee.	
18.4.3.5	VLP Relocation Fee: All ATTACHMENT-1 for a new operating location within Clark County.	\$29.20
18.4.3.6	Acid Rain Permit: Associated with the Requirements of Title IV of the 1990 Clean Air Act Amendments.	\$118.00

**18.5. PART 70 Application Review Fee:**

Technical Review of PART 70 Applications for New or Existing STATIONARY SOURCES

18.5.1	Application fee: MAJOR PART 70 STATIONARY SOURCES	Free
18.5.2	Application fee: NON-MAJOR PART 70 STATIONARY SOURCES	Free

18.5.3 Publication fee for Notice of Proposed Action (if required): Direct Cost

18.5.3.1 Direct Cost shall mean the actual publication cost of the Notice of Proposed Action as invoiced by the newspaper.

**18.6 Annual EMISSION Inventory and Emission Fee:**

18.6.1 Annual Emissions Inventory:

18.6.1.1 The Annual Emissions Inventory must be submitted to DAQEM by March 31 of each calendar year.

18.6.1.2 ACTUAL Calendar Year EMISSIONS will be determined by using emission factors consistent with permit conditions or performance testing (whichever is most recent), and documented emission control factors.

18.6.1.2.1 Each annual emission inventory shall be signed by a responsible official of the company attesting to the accuracy and completeness of the inventory.

18.6.2 Annual Emission Fee:

18.6.2.1 Failure by permit holder to submit an accurate and complete actual emissions inventory by March 31 of each calendar year will result in assessment of emission fees based on facility PTE.

18.6.2.1.1 In the event a PTE fee assessment is made and subsequently the actuals are discovered to be greater than the PTE, DAQEM shall collect the unpaid fees as determined by the difference in emissions between actual and PTE multiplied by the pollutant fee rate in force at the time of the discovery.

18.6.2.2 Emission Fees will be determined by DAQEM.

18.6.2.3 In addition to the Annual EMISSIONS UNIT Fee, each MAJOR STATIONARY SOURCE and each STATIONARY SOURCE subject to Federal Performance Standards, shall pay an Annual PART 70 EMISSION Fee.

- 18.6.2.4 The Annual PART 70 EMISSION Fee shall be based on the total number of tons of ACTUAL Annual EMISSIONS for all REGULATED AIR POLLUTANTS (rounded off to the nearest whole number).
- 18.6.3 ACTUAL Annual EMISSIONS shall mean the following:
- 18.6.3.1 Measured EMISSIONS for any EMISSIONS monitored by a continuous EMISSIONS monitoring system (CEMS) over the previous calendar year, or
- 18.6.3.2 Estimated EMISSIONS for any EMISSIONS calculated based on annual facility production over the previous calendar year.
- 18.6.4 Annual PART 70 EMISSION Fees:
- 18.6.4.1 Annual PART 70 EMISSION Fee shall be determined on the number of tons (to the nearest tenth of a ton) of all REGULATED AIR POLLUTANTS, except as provided in Subsection 18.6.4.2, multiplied by the following fee: \$44.80
- 18.6.4.2 For the Carbon Monoxide EMISSIONS portion, the Annual PART 70 EMISSION Fee shall be determined on the number of tons (to the nearest tenth of a ton) of Carbon Monoxide multiplied by the following fee: \$15.20
- 18.6.5 Exceptions:
- 18.6.5.1 The following shall not be subject to an Annual PART 70 EMISSION Fee:
- 18.6.5.1.1 Any CONSTRUCTION ACTIVITY permitted pursuant to Section 17 or Section 94 of the Regulations,
- 18.6.5.1.2 Any GASOLINE DISPENSING FACILITY permitted pursuant to Sections 12 and 52 of the Regulations
- 18.7 Certificate for ASBESTOS Removal:** **\$585.00**  
 Fee charged on all projects that require National EMISSION Standards for HAZARDOUS AIR POLLUTANTS (NESHAPS) notification.

**18.7.1 Post Abatement Inspection Fee:** \$292.00

Fee charged for post abatement inspection of all projects that require National Emission Standards for Hazardous Air Pollutants (NESHAPS) notification.

**18.7.2 Inspection For Ongoing Asbestos Removal Projects:** \$292.00/wk

Fee charged on a weekly basis for one inspection per week on all projects that require National Emission Standards for Hazardous Air Pollutants (NESHAPS) notification and which meet or exceed the regulated amounts of Regulated Asbestos-Containing Material (RACM).

**18.8 Certificate of Exemption (Initial):** \$292.00

HEARING BOARD Filing Fee (Non-refundable)  
(This fee is assessed one time for an exemption granted pursuant to Section 44 of the Regulations)

**18.9 Certificate of Exemption (Renewal):** \$118.00

Air Pollution Control HEARING BOARD Filing Fee (Non-refundable) (This fee is assessed for each subsequent exemption renewal granted pursuant to Section 44 of the Regulations)

**18.10 Transfer of a STATIONARY SOURCE OPERATING PERMIT from one person to another.** \$118.00

**18.11 Replacement of each lost or destroyed OPERATING PERMIT.** \$29.20

**18.12 Request for Hearing before the Air Pollution Control HEARING BOARD (fee is non-refundable):** \$140.00

Applicable to each Variance, Appeal or Compliance Schedule

**18.13 Any fees required pursuant to this Section may be waived for each qualifying EMISSIONS Unit owned and operated by local, State, and Federal government agencies.**

**18.14 Blasting Fee:** **\$118.00**

A one-time fee for each dust permit issued with a blasting permit.

**18.15 Implosion Fee** **\$11,709.00**

**18.16 Billing Procedures**

18.16.1 Fee(s) shall be due within thirty (30) days of billing date.

18.16.2 After forty-five (45) days from billing date, unpaid invoices shall be assessed a 10% late charge.

18.16.3 Failure to pay any fee within ninety (90) days may result in a Notice of Violation (NOV) which may impose additional penalties and enforcement action up to and including permit revocation.

**18.17 Reserved**

**18.18 STATIONARY SOURCE Inspection Fees**

The following STATIONARY SOURCE inspection fee schedule (Table 18.18) outlines the fees associated with re-inspections for all STATIONARY SOURCES, including various location permits (VLPs). These fees apply when a source fails an inspection, has an incomplete inspection, and requires re-inspection to determine compliance status or the inspector has to return to the source to verify completion/compliance status due to the fault of the source.

The initial and annual inspections are conducted with no charge (n/c) to the source.

Note: Only the highest applicable fee category shall apply for each source.

Table 18.18

STATIONARY SOURCE Inspections Fee Schedule					
Total POTENTIAL TO Emit (PTE)	DE MINIMUS PERMIT	Less than 5 tons	5 Tons or greater	NSPS / NESHAPS	MAJOR and COMPLEX
Initial/Annual (Included in annual fees)	0	* n/c	n/c	n/c	n/c
1st re-inspect	0	\$58.00	\$118.00	\$292.00 With Control Device = \$175.00	\$877.00
All subsequent re-inspects/per	0	\$118.00	\$234.00	\$585.00 With Control Device = \$352.00	\$1,757.00
* n/c = no charge					

**18.19 STATIONARY SOURCE Performance Testing Fees**

The following STATIONARY SOURCE performance test (P/T) fee schedule (Table 18.19) outlines the fees associated for all STATIONARY SOURCES, including various location activity permits (VLPs). These fees apply when the source is required to conduct a performance test to determine compliance status. The associated fees are on a per protocol basis and shall be invoiced for all performance test(s) which is/are outlined in each of the required performance test protocol.

Performance test fees include the protocol and final report review and covers any on-site time by DAQEM, if required.

Note: Only the highest applicable fee category shall apply for each source.

Table 18.19

STATIONARY SOURCE PerformanceTest (P/T) Fee Schedule					
TOTAL POTENTIAL TO EMIT (PTE)	DE MINIMUS PERMIT	Less than 5 tons	5 Tons or greater	NSPS / NESHAPS	MAJOR and COMPLEX
Initial/Annual P/T (includes protocol/report review) (per protocol submittal)	0	\$58.00	\$118.00	\$585.00	\$1,757.00
1st re-test (on-site, problems/delays)	0	\$58.00	\$118.00	\$292.00	\$877.00
All subsequent re-tests/per (on-site, problems/delays)	0	\$118.00	\$234.00	\$1,170.00	\$3,511.00

**18.20 CEMS/PEMS/RATA Fees**

The following STATIONARY SOURCE performance specification (PS) testing and continuous emissions monitoring system (CEMS) fee schedule (Table 18.20) outlines the fees associated for all STATIONARY SOURCES performance specification test (PS) and continuous emissions monitoring systems (CEMS), including predictive emissions monitoring systems (PEMS), and relative accuracy test audits (RATAs) where the source is required to conduct a performance test/audit to determine compliance status. The associated fees are on a per protocol basis and shall be invoiced for all performance tests/audits and include the QA/QC review for all CEMS/PEMS initial equipment review.

Performance specification (PS) test/audit fees include the protocol and final report review and covers any on-site time by DAQEM, if required.

Table 18.20

<b>STATIONARY SOURCE CEMS Performance Specification Tests (PS), PEMS, and RATA Fees</b>	
Initial CEMS Certification Test (includes protocol/report and QA/QC document review) (per protocol submittal)	\$1,757.00
1st re-test (on-site, problems/delays)	\$877.00
All subsequent re-tests/per (on-site, problems/delays)	\$1,757.00
Annual RATA/ PEMS (includes protocol/ report review) (per protocol submittal)	\$585.00
1st re-test (on-site, problems/delays)	\$292.00
All subsequent re-tests/per (on-site, problems/delays)	\$585.00

18.21 Effective each January 20, all Section 18 fee rates except for the following shall be adjusted according to the relative percent change from the previous calendar year in the Urban Consumer Price Index (CPI-U), which is published by the U. S. Department of Labor, Bureau of Labor Statistics:

Gasoline storage tank at GASOLINE DISPENSING FACILITIES  
Dust Control Monitor Certificate  
Hearing Request before HEARING BOARD

18.21.1 CPI Calculation Example:

Assume last years CPI average = 201.6  
Assume previous years CPI average = 195.3

The relative percent change (RPC) for current year is:

$$\text{RPC} = \left[ \frac{\text{Avg CPI}_{\text{last year}}}{\text{Avg CPI}_{\text{previous year}}} - 1 \right] * 100$$
$$\text{RPC} = \left[ \frac{201.6}{195.3} - 1 \right] * 100$$
$$\text{RPC} = 3.23\%$$

Assume current fee of a Permit is \$114.00  
New Fee = {Current fee x (1+RPC)}  
New Fee = \$114 \* 1.0323 = \$118

Note: Fees < \$50 are rounded to nearest \$0.10  
Fees > \$50 are rounded to nearest \$1.00

History: Amended: September 25, 1980; September 3, 1981; April 23, 1987; November 15, 1990; July 25, 1991; May 28, 1992; August 26, 1993; September 28, 1995; December 19, 1996; April 24, 1997; December 14, 2000; January 21, 2003; June 3, 2003; July 1, 2004; January 20, 2005; January 20, 2006; January 19, 2007

# CLARK COUNTY AIR QUALITY REGULATIONS

## SECTION 0 - DEFINITIONS

In the Regulations, defined words are CAPITALIZED.

In these Regulations, unless the context otherwise requires:

"ACT" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

"ACTUAL EMISSIONS" means the actual rate of EMISSIONS of a pollutant from an EMISSION UNIT, as determined in accordance with the following:

- (a) In general, ACTUAL EMISSIONS as of a particular date shall equal the average rate, in tons per year, at which the EMISSION UNIT actually emitted the pollutant during the two (2) year period which precedes the particular date and which is representative of normal source operation. The CONTROL OFFICER shall allow the use of a different time period upon determination that it is more representative of normal source operation. ACTUAL EMISSIONS shall be calculated using the EMISSION UNIT'S actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (b) The CONTROL OFFICER may presume that source specific ALLOWABLE EMISSIONS for an EMISSIONS UNIT are equivalent to the ACTUAL EMISSIONS of such EMISSION UNIT.
- (c) For any EMISSION UNIT, except as specified in (d), which has not begun normal operations on the particular date, ACTUAL EMISSIONS shall equal the POTENTIAL TO EMIT of such EMISSION UNIT on that date.
- (d) For an ELECTRIC UTILITY STEAM GENERATING UNIT (other than a new unit or the replacement of an existing unit) ACTUAL EMISSIONS of the unit following the physical or operational change shall equal the representative ACTUAL EMISSIONS of the unit, provided the source owner or operator maintains and submits to the CONTROL OFFICER on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an

EMISSIONS increase. A longer period, not to exceed ten (10) years, may be required by the CONTROL OFFICER if he determines such a period to be more representative of normal source post-change operations.

"ACTUAL INITIAL START-UP DATE" means the date when any new or Modified EMISSION UNIT within a new or Modified STATIONARY SOURCE COMMENCES operation for any reason.

"ADMINISTRATIVE CHANGE" means any change to an AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT that entails correction of typographical errors; changes to contact information (e.g., name, address, phone number, etc.) for any PERSON identified in the AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT; changes to informational aspects of the AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT.

"ADMINISTRATOR" means the ADMINISTRATOR of the federal Environmental Protection Agency (EPA) or the ADMINISTRATOR's designee.

"AFFECTED SOURCE" means a source that includes one or more AFFECTED UNITS that are subject to the acid rain requirements under Title IV of the ACT.

"AFFECTED STATES" means all STATES whose air quality may be affected that are located contiguous to or within 50 miles of Clark County, Nevada, including Arizona, California, and Utah. Any Indian Tribe located in Clark County or within 50 miles of the permitted source shall be considered an AFFECTED STATE.

"AFFECTED UNIT" means a unit that is subject to any requirement under Title IV of the ACT.

"AGGRIEVED PARTY" means only the Clark County Department of Air Quality and Environmental Management or the alleged violator with material interest in the action under consideration.

"AGRICULTURAL OPERATIONS" means the growing of crops for profit or the growing of crops for the purpose of providing life support to a considerable number of people, animals, or fowl.

"AIRPLANE REFUELING AREA" means a place capable of receiving, storing and dispensing one or more types of GASOLINE for consumption by airplanes.

"AIR POLLUTION" means the presence in the outdoor atmosphere of one or more air pollutants or any combination thereof in such quantity and duration as may tend to:

Injure human health or welfare, animal or plant life, or property;

Limit visibility or interfere with scenic, esthetic and historic values of the STATE;

Interfere with the enjoyment of life or property.

"AIR QUALITY AREA" means the AIRSHED REGIONS within Clark County, Nevada designated as a serious NONATTAINMENT AREA, moderate NONATTAINMENT AREA, MANAGEMENT AREA, or a PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA. The following table lists the AIR QUALITY AREAS for each Criteria Air Pollutant by AIR QUALITY PLANNING REGION:

AIR QUALITY AREAS for each Criteria Air Pollutant by AIR QUALITY PLANNING REGION					
	PM <sub>10</sub>	CO	VOC	NO <sub>x</sub>	SO <sub>2</sub> and Pb
Serious NONATTAINMENT AREA	LV	LV			
Moderate NONATTAINMENT AREA					
MANAGEMENT AREA	EV	EV	LV, EV, IV	LV, EV, IV	
PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA	IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA	LV, EV, IV, SI, JL, SH, GV, NH, PV, CV, MS, PR, ST, FF, IS, NT, TV, CW, MR, MW, CS, LM, VV, BA, GB, GA

"AIRSHED REGION" or "AIRSHED" means an area within Clark County, Nevada consisting of one HYDROGRAPHIC AREA as listed in the following table:

AIRSHED REGIONS within Clark County, Nevada		
AIR QUALITY PLANNING REGION	AIRSHED REGION	AIR QUALITY PLANNING REGION Abbreviation
Las Vegas Valley	HYDROGRAPHIC AREA 212	LV
Eldorado Valley	HYDROGRAPHIC AREA 167	EV
North Ivanpah Valley	HYDROGRAPHIC AREA 164A	IV
South Ivanpah Valley	HYDROGRAPHIC AREA 164B	SI
Jean Lake Valley	HYDROGRAPHIC AREA 165	JL
South Hidden Valley	HYDROGRAPHIC AREA 166	SH
Garnet Valley	HYDROGRAPHIC AREA 216	GV
North Hidden Valley	HYDROGRAPHIC AREA 217	NH
Paiute Valley	HYDROGRAPHIC AREA 214	PV
Colorado River Valley	HYDROGRAPHIC AREA 213	CV
Mesquite Valley	HYDROGRAPHIC AREA 163	MS
Pahrump Valley	HYDROGRAPHIC AREA 162	PR
South Three Lakes Valley	HYDROGRAPHIC AREA 211	ST
Frenchman Flat	HYDROGRAPHIC AREA 160	FF
Indian Springs Valley	HYDROGRAPHIC AREA 161	IS
North Three Lakes Valley	HYDROGRAPHIC AREA 168	NT
Tikapoo Valley	HYDROGRAPHIC AREA 169B	TV
California Wash	HYDROGRAPHIC AREA 218	CW
Muddy River Springs Area	HYDROGRAPHIC AREA 219	MR
Lower Meadow Valley Wash	HYDROGRAPHIC AREA 205	MW
Coyote Springs Valley	HYDROGRAPHIC AREA 210	CS
Lower Moapa Valley	HYDROGRAPHIC AREA 220	LM
Virgin River Valley	HYDROGRAPHIC AREA 222	VV
Black Mountains Area	HYDROGRAPHIC AREA 215	BA
Gold Butte Area	HYDROGRAPHIC AREA 223	GB
Greasewood Area	HYDROGRAPHIC AREA 224	GA

If a HYDROGRAPHIC AREA extends beyond the boundary of Clark County and the STATE of Nevada, only the portion that is within the boundary of Nevada is included in the definition of AIRSHED REGION.

"AIR QUALITY PLANNING REGION" means an area within Clark County, Nevada consisting of one HYDROGRAPHIC AREA, as listed in the definition of AIRSHED REGION, which is used for air quality planning purposes.

"ALLOWABLE EMISSIONS" means the EMISSIONS rate of a STATIONARY SOURCE calculated using the maximum rated capacity of the source (unless the source is subject to FEDERALLY

ENFORCEABLE limits which restrict the operating rate, hours of operation, or both) and the most stringent of the following:

- (a) The applicable standards as set forth in 40 CFR Parts 60, 61 and 63;
- (b) The applicable STATE Implementation Plan (SIP) EMISSIONS limitation, including those with a future compliance date; or
- (c) The EMISSIONS rate specified as a FEDERALLY ENFORCEABLE permit condition, including those with a future compliance date.

"AMBIENT AIR" means that portion of the atmosphere, external to buildings, to which the general public has access. Land owned or controlled by the STATIONARY SOURCE and to which public access is precluded by a fence, physical barriers, or other effective means as approved by the CONTROL OFFICER is exempted from the AMBIENT AIR.

"APEX VALLEY" means the geographical area that coincides with the boundary of HYDROGRAPHIC AREA 216 (also known as Garnet Valley) as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"APPLICABLE REQUIREMENT" means all of the following as they apply to EMISSION UNITS in a PART 70 SOURCE:

- (a) Any standard or requirement included in an applicable STATE Implementation Plan (SIP) approved by EPA or Federal Implementation Plan (FIP) promulgated by EPA under Title I of the ACT, including any revisions to an Implementation Plan promulgated in 40 CFR Part 52.
- (b) Any term or condition of any preconstruction permit.
- (c) Any requirement under Section 111 (New Source Performance Standards) of the ACT.
- (d) Any requirement under Section 112 (HAZARDOUS AIR POLLUTANTS) of the ACT.
- (e) Any standard or requirement of the regulations promulgated pursuant to Title IV (Acid Rain) of the ACT.
- (f) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) (Monitoring, Analysis and Compliance) of the ACT.
- (g) Any requirement relating to solid WASTE INCINERATION under Section 129 (Solid WASTE Combustion) of the ACT.

- (h) Any requirement for consumer or commercial products under Section 183(e) (Ozone) of the ACT.
- (i) Any requirement for tank vessels under Section 183(f) (Tank Vessel Standards) of the ACT.
- (j) Any standard or requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the ACT, unless the EPA determines that any such requirement need not be contained in a PART 70 PERMIT.
- (k) Any national AMBIENT AIR quality standard or increment or visibility requirement under Part C of Title 1 of the ACT, but only as it would apply to temporary sources permitted pursuant to Section 504(e) (Temporary Sources) of the ACT.

"APPLICATION AREA" means the area where surface coating is applied by spraying, dipping or flow-coating techniques.

"ASBESTOS" means one of several minerals from the serpentine or amphibole groups that readily separate into long flexible fibers suitable for use as an incombustible, non-conducting, or chemically resistant material.

"ATTACHMENT 1" means a supplementary application to be completed by the holder of a VARIOUS LOCATION PERMIT (VLP) and submitted to the CONTROL OFFICER or his/her representative each time the Permittee changes the work location of equipment and/or other accessories authorized under the VLP.

"AUTHORITY TO CONSTRUCT/OPERATING PERMIT AMENDMENT" means any change to an AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT that documents the following:

- (a) any change to AUTHORITY TO CONSTRUCT and/or OPERATING PERMIT that does not qualify as an ADMINISTRATIVE CHANGE or MODIFICATION or
- (b) the removal of any EMISSION UNIT.

"AUTHORITY TO CONSTRUCT CERTIFICATE" or "AUTHORITY TO CONSTRUCT" means that certificate issued, after review of a new or modified STATIONARY SOURCE, which constitutes approval to COMMENCE CONSTRUCTION or MODIFICATION of such source.

"BANKING" means, the procedures which allow the CONTROL OFFICER to collect, identify, track, store, and reserve EMISSION REDUCTION CREDITS for future air quality management use, including sale, transfer or demonstration of maintenance or progress towards attainment, subject to conditions set out in Sections 58 and 59.

"BASELINE" means the ACTUAL EMISSIONS of a source as determined by Section 12.

"BASELINE AREA" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the ACT in which the major source or major MODIFICATION establishing the NON-MAJOR SOURCE BASELINE DATE would construct or would have an air quality impact equal to or greater than 1 µg/m<sup>3</sup> (annual average) of the pollutant for which the minor source baseline date is established.

"BASELINE CONCENTRATION" means that ambient concentration level which exists in the BASELINE area at the time of the applicable NON-MAJOR SOURCE BASELINE Date. A BASELINE CONCENTRATION is determined for each REGULATED AIR POLLUTANT for which a BASELINE date is established and shall include:

- (a) The ACTUAL EMISSIONS representative of sources in existence on the applicable NON-MAJOR SOURCE BASELINE Date, except as provided below; and
- (b) The ALLOWABLE EMISSIONS of MAJOR STATIONARY SOURCES which COMMENCED CONSTRUCTION before the MAJOR SOURCE BASELINE Date but were not in operation by the applicable NON-MAJOR SOURCE BASELINE Date.
- (c) The following shall not be included in the BASELINE CONCENTRATION and will affect the applicable maximum allowable increase(s):
  - (1) ACTUAL EMISSIONS for any MAJOR STATIONARY SOURCE on which CONSTRUCTION COMMENCED after the MAJOR SOURCE BASELINE Date; and
  - (2) ACTUAL EMISSIONS increases and decreases at any STATIONARY SOURCE occurring after the NON-MAJOR STATIONARY SOURCE BASELINE Date.

"BASELINE EMISSIONS" means the lowest of actual, SIP-allowable or RACT-allowable EMISSIONS of a stationary source.

"BEGIN ACTUAL CONSTRUCTION" means in general, initiation of physical on-site CONSTRUCTION activities on an EMISSION UNIT which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and CONSTRUCTION of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

"BEST AVAILABLE CONTROL TECHNOLOGY" means an EMISSIONS limitation (including a visible EMISSION standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed STATIONARY SOURCE or MODIFICATION which the CONTROL OFFICER, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or MODIFICATION through application of production processes or available methods, systems, and techniques, including FUEL cleaning or treatment or innovative FUEL combustion techniques for control of such pollutant. In no event shall application of BEST AVAILABLE CONTROL TECHNOLOGY result in EMISSIONS of any pollutant which would exceed the EMISSIONS allowed by any applicable standard under 40 CFR Parts 60 and 61. If the CONTROL OFFICER determines that technological or economic limitations on the application of measurement methodology to a particular EMISSION UNIT would make the imposition of an EMISSIONS standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BEST AVAILABLE CONTROL TECHNOLOGY. Such standard shall, to the degree possible, set forth the EMISSIONS reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"BEST MANAGEMENT PRACTICES" means dust CONTROL MEASURES that are based on each project soil type, project activity, and phasing as required in the Section 94 Handbook. These practices shall be included in each Dust Control Permit and Dust Mitigation Plan and are established to meet the goal of reducing particulate EMISSIONS from CONSTRUCTION sites. Additionally, some practices are designed to address the economic and environmental purposes of reducing the amount of water to be used for dust control.

"BRITISH THERMAL UNIT" means that quantity of heat required to raise the temperature of one pound of water 1 degree F.

"BUILDING, STRUCTURE, FACILITY, OR INSTALLATION" means all of the pollutant-emitting activities that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel.

"BUILDING VENT" means an opening of a building through which there is mechanically induced air flow for the purpose of exhausting air carrying PARTICULATE MATTER EMISSIONS.

"CHEMICAL PROCESS" means a manufacturing operation in which one or more changes in chemical composition, chemical properties, or physical properties are involved.

"CLEARING AND GRUBBING" means the removal of tree stumps, shrubs, trash, and dirt piles before excavation of a site.

"COMBINED TANK CAPACITY" means all GASOLINE storage tanks at the GASOLINE STATION.

"COMBUSTIBLE REFUSE" means any WASTE material that can be consumed by combustion.

"COMMENCE" as applied to CONSTRUCTION of a STATIONARY SOURCE or MODIFICATION means that the owner or operator has all necessary preconstruction approvals or permits and either has:

- (a) Begun, or caused to begin, a continuous program of actual on-site CONSTRUCTION of the source, to be completed within a reasonable time; or
- (b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual CONSTRUCTION of the source to be completed within a reasonable time.

"COMMERCIAL AND RESIDENTIAL CONSTRUCTION" means CONSTRUCTION of structures intended to be utilized solely as personal dwellings, including but not limited to single family homes, duplexes, fourplexes, apartments, condominiums, town houses; CONSTRUCTION of institutional structures, schools, libraries, churches, hospitals, parks, office structures; shopping malls; residential streets within a subdivision; improvements to existing curbed paved roads; parking lots, parking lot structures; and CONSTRUCTION of underground utilities for sanitary sewer, water, electricity, natural GAS and communication.

"COMPLEX SOURCE" means, for purposes of annual permit renewal fees, any source with POTENTIAL TO EMIT greater than 25 tons per year for any REGULATED AIR POLLUTANT or 40 tons per year combination of REGULATED AIR POLLUTANTS, except VARIOUS LOCATION ACTIVITY PERMITS (VLPs)

"CONFIDENTIAL INFORMATION" means information or records which:

- (a) Relate to dollar amounts of production or sales;
- (b) Relate to processes or production unique to the OWNER or OPERATOR; or
- (c) If disclosed, would tend to affect adversely the competitive position of the OWNER OR OPERATOR.

"CONSTRUCTION" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or MODIFICATION of an EMISSION UNIT), which would result in a change in ACTUAL EMISSIONS.

"CONSTRUCTION ACTIVITY" means the following activities: COMMERCIAL AND RESIDENTIAL CONSTRUCTION, FLOOD CONTROL CONSTRUCTION, and HIGHWAY CONSTRUCTION as defined in Section 0.

"CONTROL MEASURE" means a technique, practice, or procedure used to prevent or minimize the generation, EMISSION, entrainment, suspension, and/or airborne transport of FUGITIVE DUST.

"CONTROL OFFICER" means the Air Pollution Control Officer appointed by the COUNTY MANAGER or his designee.

"DE MINIMUS PERMIT" (also "PERMITTING DE MINIMUS") means a permit issued to a source that has demonstrated necessary controls with the application of AIR POLLUTION CONTROL technology, limits on the hours of operation, or other effective controls to maintain a POTENTIAL TO EMIT that is less than the following limits:

Type of Air Pollutant	POTENTIAL TO EMIT (tons per year)
PM <sub>10</sub>	1.0
CO	2.0
VOC	2.0
NO <sub>x</sub>	2.0
SO <sub>2</sub>	1.0
Lead (Pb)	0.3
HAZARDOUS AIR POLLUTANT (HAP)	1.0
Particulate Matter	25.0
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	50.0
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0

"DESIGNATED REPRESENTATIVE" means a responsible PERSON or official authorized by the owner or operator of a unit to represent the OWNER or OPERATOR in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit. For sources subject to the acid rain program under Title IV of the ACT, "DESIGNATED REPRESENTATIVE" shall have the meaning defined in 40 CFR Part 72.

"DESIGNATED TRAIL" means any trail designated by a public agency for use by equestrians, hikers, bicycles, or other non-motorized forms of travel.

"DIESEL FUEL" means low viscosity oil normally used in compression ignition engines.

"DISPATCHABLE PEAK SHAVING" means a program by which Peak Shaving operations will be scheduled and controlled by the serving public utility to those times essential to maintain a reliable, area-wide, supply source of electrical energy.

"DISTURBED SURFACE AREA" means a portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the EMISSION of FUGITIVE DUST.

"DRAFT PERMIT" means the version of a permit for which the CONTROL OFFICER offers public participation and AFFECTED STATE review.

"DUST PALLIATIVE" means hygroscopic material, non-toxic chemical stabilizer or other DUST PALLIATIVE material which is not prohibited for ground surface application by the federal Environmental Protection Agency (EPA) or the Nevada Department of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing FUGITIVE DUST EMISSIONS. Water, solutions of water and chemical surfactants, and foam are not DUST PALLIATIVES for the purpose of these Regulations.

"DUST SUPPRESSANT" means water, hygroscopic material, solution of water and chemical surfactants, foam, non-toxic chemical stabilizer or any other DUST PALLIATIVE which is not prohibited for ground surface application by the federal Environmental Protection Agency (EPA) or the Nevada Department of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing FUGITIVE DUST EMISSIONS.

"EASEMENT" means the grant to a PERSON a right of use of a property given by the property owner for a specific purpose, or a prescriptive right as determined by a court of law.

"EASEMENT HOLDER" means any PERSON who owns, leases, operates, controls, or supervises an EASEMENT.

"ELECTRIC UTILITY STEAM GENERATING UNIT" means any steam electric generating unit that is constructed for the purpose of supplying more than one third (1/3) of its potential electric output capacity and more than twenty-five (25) MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"ELDORADO VALLEY" means the geographical area that coincides with the boundary of the HYDROGRAPHIC AREA 167 as reported in the Hydrographic Areas Map, prepared by the

Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"EMERGENCY" means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including Acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based EMISSION limitation under the permit, due to unavoidable increases in EMISSIONS attributable to the EMERGENCY. An EMERGENCY shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

"EMERGENCY STANDBY GENERATOR" means an internal combustion engine that powers an electric generator permanently installed on the users' property to provide electrical energy on an EMERGENCY and standby basis for life safety functions and general business functions during the loss of utility power and EMERGENCY situations. These functions include EMERGENCY lighting, ventilation and smoke control, elevators, exit lights, fire pumps, and other life safety functions as required by the Uniform Building Code and the Uniform Fire Code.

"EMERGENCY STANDBY DIESEL POWERED GENERATOR" means a diesel power electric generator permanently installed on the users' property to provide electrical energy on an EMERGENCY and standby basis for life safety functions and general business functions during the loss of utility power and EMERGENCY situations. These functions include EMERGENCY lighting, ventilation and smoke control, elevators, exit lights, fire pumps, and other life safety functions as required by the Uniform Building Code and the Uniform Fire Code.

"EMISSION" or "EMIT" means the release or the passing into the atmosphere of a REGULATED AIR POLLUTANT.

"EMISSION REDUCTION CREDIT (ERC)" means a unit of emission reduction, measured in tons per year, that has been applied for and accepted by the CONTROL OFFICER in accordance with the provisions of Section 52, Section 58, and Subsection 12.4 of previous air quality regulations (revision dates May 27, 1993 through May 24, 2001 inclusive).

- (a) A Subsection 12.4 ERC shall have a verifiable existence, and have a QUANTIFIABLE reduction in EMISSIONS. SUBSECTION 12.4 ERCs cannot be used to satisfy FEDERAL OFFSET REQUIREMENTS.
- (b) A Section 52 ERC shall represent a PERMANENT, QUANTIFIABLE and enforceable reduction in EMISSIONS. In addition, emission reductions shall have a verifiable existence. Section 52 ERCs cannot be used to satisfy FEDERAL OFFSET REQUIREMENTS. Section 52 ERCs may only OFFSET VOC EMISSIONS from GASOLINE DISPENSING FACILITIES.

- (c) A Section 58 EMISSION REDUCTION CREDIT (ERC) shall mean an emission reduction which has been applied for and accepted by the CONTROL OFFICER in accordance with provisions of Section 58. A Section 58 ERC shall represent a SURPLUS, PERMANENT, QUANTIFIABLE and FEDERALLY ENFORCEABLE reduction in EMISSIONS below a stationary source's BASELINE EMISSIONS. In addition, emission reductions shall have a verifiable existence. A Section 58 ERC shall be FEDERALLY ENFORCEABLE prior to issuance of the AUTHORITY TO CONSTRUCT/OPERATING PERMIT. A Section 58 ERC can be used to satisfy FEDERAL OFFSET REQUIREMENTS.

"EMISSION UNIT" means any part of a STATIONARY SOURCE that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT or any pollutant listed under Section 112(b) of the ACT.

- (a) Examples of EMISSION UNITS include but are not limited to the following: any process which can be assigned to a Source Classification Code (SCC), such as crushers, screens, conveyer belt systems, storage silos, stockpiles, boilers, heaters, mining operation, combustion turbines, kilns, haul roads within a permitted facility, and stationary engines with rating of at least 35 hp or 26 kilowatts.
- (b) The following are examples of emission units and may be subject to a fee pursuant to Section 18:

	EMISSION UNIT
1.	Stationary heated asphalt storage tank
2.	Combustion turbine
3.	Sand & gravel or hard rock crusher
4.	EMERGENCY STANDBY GENERATOR
5.	FUEL BURNING EQUIPMENT (i.e. boilers)
6.	Paved and Unpaved Roads
7.	GASOLINE storage tank
8.	Kiln
9.	Mechanical screen
10.	Mining operation
11.	PROCESS EQUIPMENT
12.	STATIONARY INTERNAL COMBUSTION ENGINE
13.	Stationary tank, reservoir, or other container
14.	Storage silo

"EMISSIONS ALLOWABLE UNDER THE PERMIT" means a FEDERALLY ENFORCEABLE permit term or condition determined at issuance to be required by an APPLICABLE REQUIREMENT that establishes an EMISSIONS limit (including a work practice standard) or a FEDERALLY

ENFORCEABLE EMISSIONS cap that the source has assumed to avoid an APPLICABLE REQUIREMENT to which the source would otherwise be subject.

"EPA" means the Environmental Protection Agency (EPA).

"ETHANOL" means an alcohol with the chemical formula  $\text{CH}_3\text{CH}_2\text{OH}$ . ETHANOL has been approved by EPA as an additive for unleaded GASOLINE for blends up to 10 percent by volume. Federal law allows a rebate from the federal GASOLINE sales tax, for GASOLINE containing a blend of 10 percent ETHANOL by volume. 100 grams of ETHANOL contains approximately 35 grams of combined oxygen.

"EXEMPT STATIONARY SOURCE" means a STATIONARY SOURCE with EMISSIONS, calculated without the application of AIR POLLUTION control technology or limits on the hours of operation or throughputs that are less than all of the following enumerated limits for all non-specified sources (those sources not listed as a "Specified STATIONARY SOURCE", as defined by STATIONARY SOURCE, subsection (a) of this Section):

Type of Air Pollutant	Uncontrolled Emissions (tons per year)
PM <sub>10</sub>	1.0
CO	2.0
VOC	2.0
NO <sub>x</sub>	2.0
SO <sub>2</sub>	1.0
Lead (Pb)	0.3
HAZARDOUS AIR POLLUTANT (HAP)	1.0
Particulate Matter	1.0
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0

"EXISTING EMISSION UNIT" means, unless otherwise specified in these Regulations, an EMISSION UNIT that COMMENCED CONSTRUCTION or MODIFICATION prior to August 25, 1971.

"EXISTING STATIONARY SOURCE" means, unless otherwise specified in these Regulations, any STATIONARY SOURCE that COMMENCED CONSTRUCTION or MODIFICATION prior to August 25, 1971.

"FEDERAL LAND MANAGER" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

"FEDERALLY ENFORCEABLE" means all limitations and conditions which are enforceable by the EPA, including those requirements developed pursuant to Title 40 Code of Federal Regulations (CFR) Parts 60, 61, and 63 requirements within any applicable STATE implementation plan, any permit requirements established pursuant to Title 40 CFR 52.21 or under regulations approved pursuant to Title 40 CFR Part 51, Subpart I, including OPERATING PERMITS issued under an EPA-approved program that is incorporated in the STATE implementation plan and expressly requires adherence to any permit and/or AUTHORITY TO CONSTRUCT issued under such program. This includes limitations and conditions contained in an OPERATING PERMIT issued under a program established and authorized by Title 40 CFR, Part 70.

"FINAL PERMIT" means the version of a PART 70 PERMIT issued by the CONTROL OFFICER that has completed all review procedures required by Subsections 19.5 and 19.6.

"FLOOD CONTROL CONSTRUCTION" means CONSTRUCTION of flood detention basins, flood diversion channels, box culverts, and excavations intended to capture or retain water.

"FREEBOARD RATIO" means the ratio determined by dividing the freeboard height (area above the cooling coils to the top of the tank) by the smaller of the length or width of the degreaser.

"FUEL" means any form of combustible matter (solid, liquid VAPOR, or GAS), excluding COMBUSTIBLE REFUSE.

"FUEL BURNING EQUIPMENT" means any device used for the burning of FUEL for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with any other materials.

"FUEL OIL" means a liquid or liquefiable petroleum product normally produced, manufactured, used, or sold for the purpose of creating useful heat.

"FUGITIVE DUST" means PARTICULATE MATTER, which is not collected by a capture system, which is entrained in the AMBIENT AIR and which is caused from human and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of these Regulations, FUGITIVE DUST does not include PARTICULATE MATTER emitted directly from the exhaust of MOTOR VEHICLES and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from pile drivers, and does not include EMISSIONS from process and combustion sources that are subject to other Sections of these Regulations.

"FUGITIVE EMISSIONS" means those EMISSIONS which could not reasonably pass through a STACK, chimney, vent, or other functionally equivalent opening.

"FUGITIVE GAS" means gaseous matter emitted from any source other than a vent or STACK.

"GARBAGE" means putrescible animal or vegetable refuse.

"GAS" means matter which has neither independent shape nor volume and tends to expand indefinitely.

"GASOLINE" means any petroleum distillate having a Reid VAPOR pressure of 4 pounds per square inch or greater.

"GASOLINE DISPENSING FACILITY" means a facility, except bulk distribution terminal, that is capable of receiving, storing, and dispensing to a MOTOR VEHICLE one or more grades of GASOLINE.

"GASOLINE STATION" means a place capable of receiving, storing, and dispensing one or more grades of GASOLINE for use in MOTOR VEHICLES.

"GENERAL PERMIT" means a Part 70 Permit that meets the requirements of Subsection 19.4.4

"HAZARDOUS AIR POLLUTANT" means any air pollutant listed pursuant to Section 112(b) of the ACT including the following list:

<b>CAS Number</b>	<b>Chemical Name</b>
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic Acid
107131	Acrylonitrile
107051	Allyl Chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	ASBESTOS
71432	Benzene (including Benzene from GASOLINE)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl Chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate(DEHP)

<b>CAS Number</b>	<b>Chemical Name</b>
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium Cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon Disulfide
56235	Carbon Tetrachloride
463581	Carbonyl Sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic Acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl Methyl Ether
126998	Chloroprene
1319773	Cresols/Cresylic Acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, Salts and Esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-Chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl Ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl Aniline (N,N-Dimethylaniline)
64675	Diethyl Sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl Aminoazobenzene
119937	3,3-Dimethyl Benzidine
79447	Dimethyl Carbamoyl Chloride

<b>CAS Number</b>	<b>Chemical Name</b>
68122	Dimethyl Formamide
57147	1,1-Dimethyl Hydrazine
131113	Dimethyl Phthalate
77781	Dimethyl Sulfate
534521	4,6-Dinitro-o-Cresol, and Salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-Epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl Acrylate
100414	Ethyl Benzene
51796	Ethyl Carbamate (Urethane)
75003	Ethyl Chloride (Chloroethane)
106934	Ethylene Dibromide (Dibromoethane)
107062	Ethylene Dichloride (1,2-Dichloroethane)
107211	Ethylene Glycol
151564	Ethylene Imine (Aziridine)
75218	Ethylene Oxide
96457	Ethylene Thiourea
75343	Ethylidene Dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-Diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric Acid
7664393	Hydrogen Fluoride (Hydrofluoric Acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic Anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl Bromide (Bromomethane)
74873	Methyl Chloride (Chloromethane)
71556	Methyl Chloroform (1,1,1-Trichloroethane)

<b>CAS Number</b>	<b>Chemical Name</b>
78933	Methyl Ethyl Ketone (2-Butanone)
60344	Methyl Hydrazine
74884	Methyl Iodide (Iodomethane)
108101	Methyl Isobutyl Ketone (Hexone)
624839	Methyl Isocyanate
80626	Methyl Methacrylate
1634044	Methyl Tert Butyl Ether
101144	4,4-Methylene Bis(2-Chloroaniline)
75092	Methylene Chloride (Dichloromethane)
101688	Methylene Diphenyl Diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-Methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic Anhydride
1336363	Polychlorinated Biphenyls (Aroclors)
1120714	1,3-Propane Sultone
57578	Beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene Dichloride (1,2-Dichloropropane)
75569	Propylene Oxide
75558	1,2-Propylenimine (2-Methyl Aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene Oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)

CAS Number	Chemical Name
7550450	Titanium Tetrachloride
108883	Toluene
95807	2,4-Toluene Diamine
584849	2,4-Toluene Diisocyanate
95534	o-Toluidine
8001352	Toxaphene (Chlorinated Camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl Acetate
593602	Vinyl Bromide
75014	Vinyl Chloride
75354	Vinylidene Chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including Arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds
0	Glycol Ethers
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine Mineral Fibers
0	Nickel Compounds
0	Polycyclic Organic Matter
0	Radionuclides (including Radon)
0	Selenium Compounds

"HEARING BOARD" means seven (7) members appointed by the Clark County Board of County Commissioners to perform the function set forth in the Nevada Revised Statutes and these Regulations.

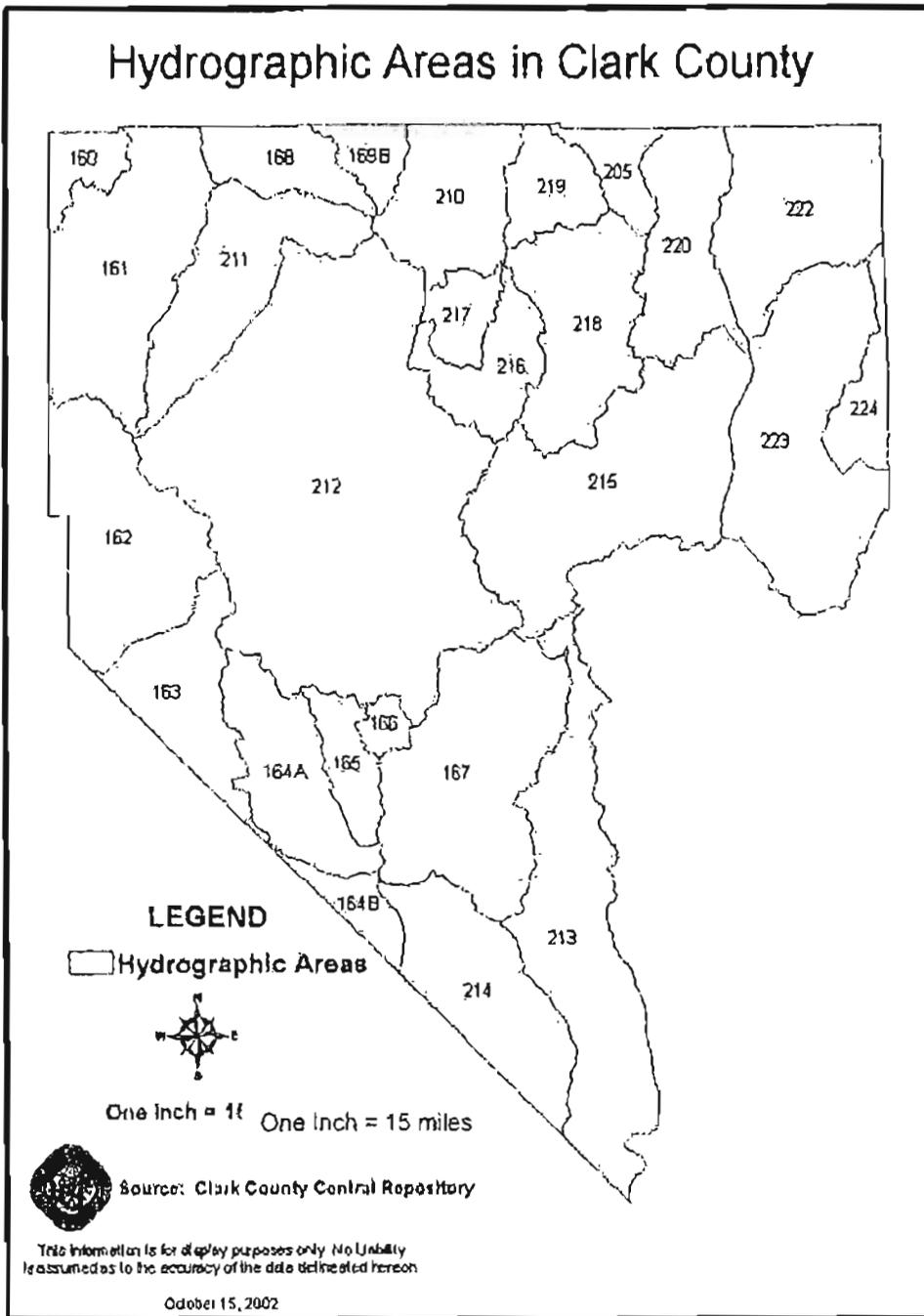
"HEARING OFFICER" means an individual(s) appointed or contracted by the Clark County Board of County Commissioners to perform the function set forth in the Nevada Revised Statutes and these Regulations.

"HIGHLY VOLATILE SOLVENT" means a solvent whose volatility is greater than 0.6 PSI at 100° F.

"HIGHWAY CONSTRUCTION" means CONSTRUCTION of roadway systems including; arterials, expressways, interstates, tunnels, overpasses, bridges, interchanges and airport runway improvements but not residential streets within a subdivision.

"HYDROGRAPHIC BASIN AREAS" or "HYDROGRAPHIC AREAS" means the areas within Clark County, Nevada as defined in the STATE OF NEVADA - Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. A hydrographic area may extend into adjacent county(s), but the hydrographic area will terminate at the state boundary. For quick reference the following map is provided that represents the HYDROGRAPHIC AREAS and AIR QUALITY PLANNING REGIONS within the Clark County boundary and exclude only the portion of the hydrographic area that is outside of the Nevada boundary:

# Hydrographic Areas in Clark County



"INCINERATOR" means a combustion device specifically designed for the destruction, by high temperature burning, of COMBUSTIBLE REFUSE and from which the solid residues contain little or no combustible material.

"IVANPAH VALLEY" means the geographical area that coincides with the boundary of the HYDROGRAPHIC AREA 164A (also known as North Ivanpah Valley) as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"LARGE APPLIANCES" means doors, cases, lids, panels and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

"LAS VEGAS VALLEY" means that geographical area that coincides with the boundary of the HYDROGRAPHIC AREA 212 as reported in the Hydrographic Areas Map, prepared by the Division of Water Resources, Rev. 9/71. An approximate map is contained in the definition of HYDROGRAPHIC AREAS.

"LEAK FREE" means a liquid leak of less than four drops per minute.

"LOW ORGANIC SOLVENT COATING" means coatings which contain less organic solvents than conventional coatings used by industry. Low organic coatings include water-borne, higher solids, electrodeposition and powders.

"LOWEST ACHIEVABLE EMISSION RATE" means for any source, the more stringent rate of EMISSIONS based on the following:

- (a) The most stringent EMISSIONS limitation that is contained in the STATE Implementation Plan of any STATE for such class or category of STATIONARY SOURCE, unless the owner or operator of the proposed STATIONARY SOURCE demonstrates that such limitations are not achievable; or
- (b) The most stringent EMISSIONS limitation which is achieved in practice by such class or category of STATIONARY SOURCES. This limitation, when applied to a MODIFICATION, means the lowest achievable EMISSIONS rate for the new or MODIFIED EMISSION UNITS within the STATIONARY SOURCE. In no event shall the application of the term permit a proposed new or MODIFIED STATIONARY SOURCE to EMIT any pollutant in excess of the amount allowable under an applicable new source standard of performance.

"MAJOR MODIFICATION" means

- (a) a MODIFICATION which results in a Net EMISSIONS Increase for any REGULATED AIR POLLUTANT at any MAJOR STATIONARY SOURCE equal to or exceeding the following amounts:

Air Pollutant	Emission Rate (tons per year)
PM <sub>10</sub>	15
CO	70
VOC	40
NO <sub>x</sub>	40
SO <sub>2</sub>	40
Lead	0.6
HAZARDOUS AIR POLLUTANT (HAP)	10
ASBESTOS	0.007
Beryllium	0.0004
Mercury	0.1
Vinyl Chloride	1.0
Fluorides	3.0
Sulfuric Acid Mist	7.0
Hydrogen Sulfide (H <sub>2</sub> S)	10
Total Reduced Sulfur (Including H <sub>2</sub> S)	10
Reduced Sulfur Compounds	10
Municipal WASTE Combustor Organics	0.0000035
Municipal WASTE Combustor Metals	15
Municipal WASTE Combustor Acid Gases	40
Particulate Matter	25
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	50
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)	1.0

- (b) or, at such time that a particular source or MODIFICATION becomes a MAJOR STATIONARY SOURCE or MAJOR MODIFICATION solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or MODIFICATION otherwise to EMIT a pollutant, such as a restriction on hours of operation, then the requirements of the Air Quality Regulations shall apply to the source or MODIFICATION as though CONSTRUCTION had not yet COMMENCED on the source or MODIFICATION.

"MAJOR PART 70 SOURCE" means any STATIONARY SOURCE or any group of STATIONARY SOURCES that are located on one or more contiguous or adjacent properties, and are under common control of the same PERSON (or PERSONS under common control) that EMITS or has the potential to EMIT:

(a) Any REGULATED AIR POLLUTANT equal to or exceeding the following:

Air Pollutant	MANAGEMENT AREA or NONATTAINMENT AREA Emission Rate (Controlled) (tons per year)	PSD AREA Emission Rate (Controlled) (tons per year)
PM <sub>10</sub>	70	100
CO	70	100
VOC	50	100
NO <sub>x</sub>	50	100
SO <sub>2</sub>		100
Lead (Pb)		0.6
HAZARDOUS AIR POLLUTANT (HAP)		10 each or 25 combined
Particulate Matter		100
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		100
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		1.0

(b) Or, except for radionuclides, ten (10) tons per year of any HAZARDOUS AIR POLLUTANT listed pursuant to Section 112(b) of the Clean Air Act or any combination of HAZARDOUS AIR POLLUTANTS exceeding twenty-five (25) tons per year or such lesser quantities as may be determined by the EPA. For radionuclides, "major source" shall have the meaning specified by the ADMINISTRATOR by rule.

For STATIONARY SOURCES subject to 40 CFR Part 60.670 (Subpart OOO-Standards of Performance for NON-METALLIC MINERAL Processing Plants), effective July 1, 1997, FUGITIVE EMISSIONS, not considered to be a HAZARDOUS AIR POLLUTANT, shall be included for purposes of determining whether a source is major.

For all other STATIONARY SOURCE categories, FUGITIVE EMISSIONS shall be included for the purposes of determining whether a source is major.

"MAJOR SOURCE BASELINE DATE" means the date after which ACTUAL EMISSIONS associated with CONSTRUCTION (i.e., physical changes or changes in the method of operation) at a MAJOR STATIONARY SOURCE affect the available Prevention of Significant Deterioration (PSD) Increment for a specific area (as defined in Subsection 12.2). The MAJOR SOURCE BASELINE DATE is:

Pollutant	Date
PM <sub>10</sub>	January 6, 1975
SO <sub>2</sub>	January 6, 1975
NO <sub>2</sub>	February 8, 1988

"MAJOR STATIONARY SOURCE" - see "STATIONARY SOURCE" definition

"MALFUNCTION" means an UPSET/BREAKDOWN which meets the guidelines specified in Section 25. The resulting excess EMISSIONS may not be a violation if certain conditions are met.

"MANAGEMENT AREA" means an AIR QUALITY AREA designated by the CONTROL OFFICER to be of special interest for specific pollutants due to the following: potential transport of a pollutant into a NONATTAINMENT AREA; an area with a high growth rate potential; an area with ambient air quality approaching the NAAQS or increment limit; an area previously designated as a NONATTAINMENT AREA that is presently designated as an Attainment Area; or per the request from a municipality. This designation is a preemptive measure to address an area that has a high probability of causing a NONATTAINMENT AREA designation or causing an exceedence of the National Ambient Air Quality Standard (NAAQS).

"MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)" with respect to the following source types means:

- (a) For EXISTING STATIONARY SOURCES, the EMISSION limitation reflecting the maximum degree of reduction in EMISSIONS of HAZARDOUS AIR POLLUTANTS (including a prohibition on such EMISSIONS, where achievable) that the CONTROL OFFICER, taking into consideration the cost of achieving such EMISSION reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such EMISSION standard applies. This limitation shall not be less stringent than the MACT Floor;
- (b) For new STATIONARY SOURCES, the EMISSION limitation which is not less stringent than the EMISSION limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in EMISSIONS of HAZARDOUS AIR POLLUTANTS (including a prohibition on such EMISSIONS, where achievable) that the ADMINISTRATOR, taking into consideration the cost of achieving such EMISSION reduction, and any non-air

quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such EMISSION standard applies.

"MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) FLOOR" with respect to the number of sources in a category or subcategory means:

- (a) For categories or subcategories of STATIONARY SOURCES with thirty (30) or more sources, the average EMISSION limitation achieved by the best performing twelve (12) percent of the existing sources in the United States (for which the ADMINISTRATOR has EMISSIONS information), excluding those sources that have, within eighteen (18) months before the EMISSION standard is proposed or within thirty (30) months before such standard is promulgated, whichever is later, first achieved a level of EMISSION rate or EMISSION reduction which complies, or would comply if the source is not subject to such standard, with the LOWEST ACHIEVABLE EMISSION RATE (LAER), applicable to the source category and prevailing at the time, in the category or subcategory;
- (b) For categories or subcategories of STATIONARY SOURCES with fewer than thirty (30) sources, the average EMISSION limitation achieved by the best performing five (5) sources in the United States (for which the ADMINISTRATOR has or could reasonably obtain EMISSIONS information), in the category or subcategory.

"METHYL TERTIARY BUTYL ETHER" means an ether with the chemical formula  $(\text{CH}_3)_3\text{C}(-\text{OCH}_3)$ . MTBE has been approved by EPA as an additive for unleaded GASOLINE for blends up to 15 percent by volume. 100 grams of MTBE contains approximately 19 grams of combined oxygen.

"MODIFICATION" means any physical change in or change in the method of operation of a STATIONARY SOURCE that would result in a NET EMISSIONS INCREASE for any REGULATED AIR POLLUTANT at such STATIONARY SOURCE, or would result in the EMISSION of any REGULATED AIR POLLUTANT into the atmosphere not previously emitted, or the addition of any EMISSION UNIT.

- (a) A physical change or change in the method of operation shall not include:
  - (1) Routine maintenance, repair and replacement, except RECONSTRUCTION.
  - (2) The use of an alternative FUEL or raw material by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C.A. 792 or any

superseding legislation) or by reason of a natural GAS curtailment plan in effect pursuant to the Federal Power Act (U.S.C. Title 16, Chapter 12).

- (3) The use of an alternative FUEL by reason of an order or rule under Section 125 of the ACT.
- (4) Use of an alternative FUEL at a steam-generating unit to the extent that the FUEL is generated from municipal solid WASTE.
- (5) Use of an alternative FUEL or raw material by the STATIONARY SOURCE which:
  - (i) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any FEDERALLY ENFORCEABLE permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Subpart I or 40 CFR 51.166; or,
  - (ii) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166.
- (6) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any FEDERALLY ENFORCEABLE permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21, or under regulations approved pursuant to 40 CFR Subpart I or 40 CFR 51.166.
- (7) Any change in ownership at a STATIONARY SOURCE.

"MODIFIED EMISSION UNIT" means any EMISSION UNIT which undergoes, as part of a MODIFICATION at a STATIONARY SOURCE, a physical change or change in method of operation that would result in an increase in EMISSIONS from such EMISSION UNIT.

"MOTOCROSS RACE COURSE" means a closed loop course established on improved or unimproved property upon which the actual track may be dirt, gravel, pavements or other surface encompassing an area of less than 50 acres.

"MOTOR VEHICLE" means every device in, upon or by which any PERSON or property is, or may be, transported or drawn upon a road or highway, except devices moved by human power or used exclusively upon stationary rails.

"MTBE" means METHYL TERTIARY BUTYL ETHER.

"MULTIPLE CHAMBER INCINERATOR" means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of COMBUSTIBLE REFUSE by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by GAS passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"NATURAL COVER" means any vegetation which exists on the property.

"NECESSARY PRECONSTRUCTION APPROVALS OR PERMITS" means those permits or approvals required under Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable STATE Implementation Plan.

"NET EMISSIONS INCREASE"

- (a) "NET EMISSIONS INCREASE" means the amount by which the sum of the following exceeds zero:
  - (1) Any increase in ACTUAL EMISSIONS from a particular physical change or change in method of operation at a STATIONARY SOURCE; and
  - (2) Any other increases and decreases in ACTUAL EMISSIONS at a source that are contemporaneous with the particular change, are otherwise creditable, and occurring between pollutant emitting activities and considered as part of the same industrial grouping and belonging to the same Major Group (i.e., which have the same two-digit code).
- (b) An increase or decrease in ACTUAL EMISSIONS is contemporaneous with the increase from the particular change only if it occurs between:
  - (1) The date five years before CONSTRUCTION on the particular change COMMENCES; and
  - (2) The date that the increase or decrease from the particular change occurs.
- (c) An increase or decrease in ACTUAL EMISSIONS is creditable only if the CONTROL OFFICER has not relied on it in issuing a permit and/or an AUTHORITY TO CONSTRUCT for the source under Air Quality Regulations, which permit is in effect when the increase in ACTUAL EMISSIONS from the particular change occurs.

- (d) An increase or decrease in ACTUAL EMISSIONS of sulfur dioxide, PM<sub>10</sub>, or nitrogen oxides which occurs before the applicable minor source BASELINE Date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- (e) An increase in ACTUAL EMISSIONS is creditable only to the extent that the new level of ACTUAL EMISSIONS exceeds the old level.
- (f) A decrease in ACTUAL EMISSIONS is creditable only to the extent that:
  - (1) The old level of ACTUAL EMISSIONS or the old level of ALLOWABLE EMISSIONS, whichever is lower, exceeds the new level of ACTUAL EMISSIONS;
  - (2) It is FEDERALLY ENFORCEABLE at and after the time that actual CONSTRUCTION on the particular change begins;
  - (3) The reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51 subpart I or the STATE has not relied on it in demonstrating attainment or reasonable further progress; and
  - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (g) An increase that results from a physical change at a source occurs when the EMISSION UNIT on which CONSTRUCTION occurred becomes operational and begins to EMIT a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period not to exceed 180 days.
- (h) The following examples are provided on how to calculate a NET EMISSIONS INCREASE (NEI):

Example 1

Given Information:

Increase in Production MODIFICATION -No change in Process

Source's existing POTENTIAL TO EMIT (PTE): 60 tons/year

Source's new POTENTIAL TO EMIT: 80 tons/year

Source's existing ACTUAL EMISSIONS (AE): 50 tons/year

$$NEI = (\text{new PTE}) - (\text{existing AE})$$

NEI = 80 - 50  
NEI = 30 tons per year

- ◆ In the situation of identical process with an increase in production MODIFICATION, the existing ACTUAL EMISSIONS and the new POTENTIAL TO EMIT must be calculated using the same EMISSION factors. The existing ACTUAL EMISSIONS are based on actual production over the appropriate period prior to application submission.

#### Example 2

Given Information:

New Process MODIFICATION

Source's existing POTENTIAL TO EMIT (PTE): 60 tons/year

Source's new POTENTIAL TO EMIT: 65 tons/year

Source's existing ACTUAL EMISSIONS (AE): 50 tons/year

NEI = (new PTE) - (existing AE)

NEI = 65 - 50

NEI = 15 tons per year

- ◆ In the situation of new process MODIFICATION, the existing ACTUAL EMISSIONS and the new POTENTIAL TO EMIT must be calculated using the most recently updated EMISSION factors. The existing ACTUAL EMISSIONS are based on actual production over the appropriate period prior to application submission.

"NONATTAINMENT AREA" means that area which has been designated as nonattainment for the National AMBIENT AIR Quality Standards by the Environmental Protection Agency.

"NON-MAJOR SOURCE BASELINE DATE" means the earliest date after the TRIGGER DATE on which a MAJOR STATIONARY SOURCE or MAJOR MODIFICATION submits a complete Prevention of Significant Deterioration (PSD) permit application to the CONTROL OFFICER. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

- (a) The area in which the proposed source or MODIFICATION would construct is designated as attainment or unclassifiable under Section 170(d) of the ACT for the pollutant on the date of its complete application under Air Quality Regulations approved pursuant to 40 CFR § 51.166; and
- (b) In the case of MAJOR STATIONARY SOURCE, the pollutant would be emitted in significant amounts, or, in the case of a MAJOR MODIFICATION, there would be a significant NET EMISSIONS INCREASE of the pollutant.

"NON-METALLIC MINERAL" means any of the following minerals or any mixture of which more than fifty percent (50%) by weight is any of the following minerals:

- (a) Crushed and Broken Stone, including Limestone, Dolomite, and Sandstone;
- (b) Sand and Gravel;
- (c) Clay, including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay;
- (d) Rock Salt;
- (e) Gypsum;
- (f) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate;
- (g) Pumice;
- (h) Gilsonite;
- (i) Talc and Pyrophyllite;
- (j) Boron, including Borax, Kernite, and Colemanite;
- (k) Barite;
- (l) Fluorspar;
- (m) Feldspar;
- (n) Diatomite;
- (o) Perlite;
- (p) Vermiculite;
- (q) Mica; and
- (r) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

"NON-METALLIC MINERAL PROCESSING PLANT" means any combination of equipment that is used to batch, screen, convey, crush, grind, or treat any NON-METALLIC MINERAL.

"NON-ROAD EASEMENT" means an easement not utilized by the EASEMENT HOLDER, or others with the permission of the EASEMENT HOLDER, for travel by MOTOR VEHICLE more often than 12 times within any 12 month period.

"NORMAL FARM CULTURAL PRACTICE" means all activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

"NUISANCE" means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the reasonable or comfortable enjoyment of life or property.

"ODOR" means those qualities of matter that make it perceptible to the olfactory senses of man.

"OFF-ROAD VEHICLE" means any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motor buggies.

"OFFSET" means to compensate for an emission increase by decreasing emissions at a specified ratio. EMISSION REDUCTION CREDITS (ERCs) are redeemed for the purpose of satisfying an OFFSET requirement found in an AUTHORITY TO CONSTRUCT CERTIFICATE or OPERATING PERMIT. The OFFSET shall be applied for and accepted by the CONTROL OFFICER pursuant to the conditions found in Section 59.

- (a) "FEDERAL OFFSET REQUIREMENT" means an offset requirement that is found in the Clean Air Act (CAA) and amendments thereof. The FEDERAL OFFSET REQUIREMENTS are found in Section 59.
- (b) "LOCAL OFFSET REQUIREMENT" means an offset requirement that is not federally mandated. The LOCAL OFFSET REQUIREMENTS are found in Section 59 of the Clark County Air Quality Regulations.

"OPACITY" means the degree to which EMISSIONS reduce the transmission of light and obscure the view of an object in the background and is measured in terms of percent of obscuration.

"OPEN AREAS AND VACANT LOTS" means any of the following described in Subsections (a) through (e) below. For the purpose of this Regulation, vacant portions of residential or

commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant OPEN AREA or VACANT LOT.

- (a) An unsubdivided or undeveloped tract of land.
- (b) A subdivided lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.
- (c) An undeveloped or partially developed lot..
- (d) NON-ROAD EASEMENTS.
- (e) Unpaved parts of controlled access freeway right-of-ways, except those portions subject to Section 93 requirements.

"OPEN FIRE" means any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a STACK or chimney.

"OPERATING PERMIT" means a document issued and signed by the CONTROL OFFICER authorizing, with conditions, the operation of a STATIONARY SOURCE of any REGULATED AIR POLLUTANT.

"OWNER AND/OR OPERATOR" means for the purposes of Sections 90 through 94, any PERSON who owns, leases, operates, maintains, controls, or supervises a FUGITIVE DUST source subject to the requirements of these Regulations.

"OXYGENATED GASOLINE" means GASOLINE blended with a component or components containing Oxygen, generally an alcohol or an ether.

"PART 70 PERMIT" means any permit or group of permits covering a PART 70 SOURCE that is issued, renewed, amended, or revised pursuant to Section 19.

"PART 70 PERMIT MODIFICATION" means a revision to a PART 70 PERMIT that meets the requirements of Subsection 19.5.5.

"PART 70 PERMIT REVISION" means any Part 70 Permit MODIFICATION or administrative permit amendment defined in Section 19.

"PART 70 PROGRAM" means a program approved by the EPA under Title 40 CFR, Part 70.

"PART 70 SOURCE" means any source subject to the permitting requirements of Title 40 CFR, Part 70, or any source subject to federal performance Standards including the following list:

- (a) Any **Industrial Steam Generating Unit** COMMENCING CONSTRUCTION, MODIFICATION or RECONSTRUCTION after June 19, 1984 that has a heat input capacity exceeding 100 million Btu/hour (40 CFR §60 Subpart Db).
- (b) Any **Small Industrial Steam Generating Unit** COMMENCING CONSTRUCTION, MODIFICATION or RECONSTRUCTION after June 9, 1989 that has a heat input capacity exceeding 10 million Btu/hour but less than or equal to 100 million Btu/hour (40 CFR §60 Subpart Dc).
- (c) Any **INCINERATOR** COMMENCING CONSTRUCTION or MODIFICATION after August 17, 1971 with a charging rate exceeding 50 tons per day (40 CFR §60 Subpart E).
- (d) Any **Portland Cement Plant** COMMENCING CONSTRUCTION or MODIFICATION after August 17, 1971 (40 CFR §60 Subpart F).
- (e) Any **Hot Mix Asphalt Facility** COMMENCING CONSTRUCTION or MODIFICATION after June 11, 1973 (40 CFR §60 Subpart I).
- (f) Any **Volatile Organic Liquid Storage Vessel** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after July 23, 1984 with a storage capacity exceeding 10,568 gallons (40 CFR §60 Subpart Kb).
- (g) Any **Secondary Lead Smelter** COMMENCING CONSTRUCTION or MODIFICATION after June 11, 1973 that has a pot furnace with a charging capacity exceeding 550 pounds (40 CFR §60 Subpart L).
- (h) Any **Sewage Treatment Plant** that combusts WASTES containing more than 10 percent sewage sludge (dry basis) or each **INCINERATOR** that charges more than 1 ton of sewage sludge (dry basis) per day that COMMENCED CONSTRUCTION or MODIFICATION after June 11, 1973 (40 CFR §60 Subpart O).
- (i) Any **Primary Copper Smelter** COMMENCING CONSTRUCTION or MODIFICATION after October 16, 1974 (40 CFR §60 Subpart P).
- (j) Any **Primary Zinc Smelter** COMMENCING CONSTRUCTION or MODIFICATION after October 16, 1974 (40 CFR §60 Subpart Q).
- (k) Any **Primary Lead Smelter** COMMENCING CONSTRUCTION or MODIFICATION after October 16, 1974 (40 CFR §60 Subpart R).

- (l) Any **Coal Preparation Plant** COMMENCING CONSTRUCTION or MODIFICATION after October 24, 1974 that processes more than 200 tons per day (40 CFR §60 Subpart Y).
- (m) Any **Grain Elevator** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after August 3, 1978 with a storage capacity exceeding 2.5 million U.S. bushels (40 CFR §60 Subpart DD).
- (n) Any **Metal Furniture Surface Coating Facility** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after November 28, 1980 that uses over 1015 gallons of coating (as applied) per year (40 CFR §60 Subpart EE).
- (o) Any **Stationary Gas Turbine** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after October 3, 1977 with a heat input at peak load exceeding 10.1 million Btu/hour (40 CFR §60 Subpart GG).
- (p) Any **Lime Manufacturing Plant** COMMENCING CONSTRUCTION or MODIFICATION after May 3, 1977 (40 CFR §60 Subpart HH).
- (q) Any **Lead-Acid Battery Manufacturing Plant** COMMENCING CONSTRUCTION or MODIFICATION after January 14, 1980 that produces or has the design capacity to produce in 24 hours a quantity of batteries that contain an amount of lead exceeding 6.5 tons (40 CFR §60 Subpart KK).
- (r) Any **Metallic Mineral Processing Plant** COMMENCING CONSTRUCTION or MODIFICATION after August 24, 1982 (40 CFR §60 Subpart LL).
- (s) Any **Automobile or Light Truck Assembly Plant Utilizing Surface Coating Operations** that COMMENCED CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after October 5, 1979 (40 CFR §60 Subpart MM).
- (t) Any **Phosphate Rock Plant** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after September 21, 1979 that has a maximum plant production capacity exceeding 4 tons per hour (40 CFR §60 Subpart NN).
- (u) Any **Graphic Arts Facility Utilizing Publication Rotogravure Printing** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after October 28, 1980 (40 CFR §60 Subpart QQ).
- (v) Any **Facility Manufacturing Pressure Sensitive Tape and Label Materials** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after December 30, 1980 that utilizes a VOC input exceeding 49.6 tons per year (40 CFR §60 Subpart RR).

- (w) Any **Facility that performs Industrial Surface Coating of LARGE APPLIANCES** that COMMENCED CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after December 24, 1980 (40 CFR §60 Subpart SS).
- (x) Any **Facility that performs Metal Coil Surface Coating** that COMMENCED CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 5, 1981 (40 CFR §60 Subpart TT).
- (y) Any **Asphalt Processing Plant and Asphalt Roofing Plant** that COMMENCED CONSTRUCTION or MODIFICATION after November 18, 1980 (40 CFR §60 Subpart UU).
- (z) Any **Synthetic Organic Chemical Manufacturing Facility** COMMENCING CONSTRUCTION or MODIFICATION after January 5, 1981 that has a production design capacity exceeding 1102.3 tons per year (40 CFR §60 Subpart VV).
- (aa) Any **Bulk GASOLINE Terminal** COMMENCING CONSTRUCTION or MODIFICATION after December 17, 1980 that has a throughput exceeding 19997.8 gallons per day (40 CFR §60 Subpart XX).
- (bb) Any **Polymer Manufacturing Facility with VOC EMISSIONS** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after September 30, 1987 that has a production design capacity exceeding 1102.3 tons per year (40 CFR §60 Subpart DDD).
- (cc) Any **Rotogravure Printing Facility Utilizing Flexible Vinyl and Urethane Coating and Printing** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 18, 1983 (40 CFR §60 Subpart FFF).
- (dd) Any **Petroleum Dry Cleaning Plant** COMMENCING CONSTRUCTION or MODIFICATION after December 14, 1982 with a manufacturers' total rated dryer capacity equal to or exceeding 84 pounds. Exception: A plant consuming less than 4700 gallons that has a dryer installed between December 14, 1982 and September 21, 1984 is not subject to the PART 70 requirements (40 CFR §60 Subpart JJJ).
- (ee) Any **NON-METALLIC MINERAL PROCESSING PLANT** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after August 31, 1983 (40 CFR §60 Subpart OOO).
- (ff) Any **Magnetic Tape Coating Facility** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 22, 1986 (40 CFR §60 Subpart SSS).

- (gg) Any **Facility Performing Industrial Surface Coating of Plastic Parts for Business Machines** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after January 8, 1986 (40 CFR §60 Subpart TTT).
- (hh) Any **Mineral Processing Plant Utilizing Calciners and Dryers** (40 CFR §60 Subpart UUU).
- (ii) Any **Facility Utilizing Polymeric Coating of Supporting Substrates** COMMENCING CONSTRUCTION, MODIFICATION, or RECONSTRUCTION after April 30, 1987 (40 CFR §60 Subpart VVV).
- (jj) Any **STATIONARY SOURCE that processes Beryllium, Beryllium Oxide or any Alloy** containing more than 5% Beryllium by weight (40 CFR §61 Subpart C).
- (kk) Any **STATIONARY SOURCE that processes Mercury, including Mercury ore or the use of Mercury chlor-alkali cells** to produce chlorine GAS and alkali metal hydroxide (40 CFR §61 Subpart E).
- (ll) Any **STATIONARY SOURCE that processes Vinyl Chloride**, including polymerized vinyl chloride (40 CFR §61 Subpart F).
- (mm) Any **STATIONARY SOURCE that processes ASBESTOS** (40 CFR §61 Subpart M).
- (nh) Any **STATIONARY SOURCE utilizing Perchloroethylene** at a Dry Cleaning Facility, (40 CFR §63 Subpart M).

"PARTICULATE MATTER" means any material except uncombined water that exists in a finely divided form as a liquid or solid at referenced conditions of 25° C and 760 mm mercury.

"PAVE" means the application and maintenance of asphalt, concrete, or other similar material on a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).

"PERMIT FOR CONSTRUCTION ACTIVITIES" means a permit required by Sections 17 and 94 of these Regulations. It is issued for CONSTRUCTION ACTIVITY including surface grading and trenching.

"PERMANENT" means, an emission reduction which is FEDERALLY ENFORCEABLE for the life of a corresponding increase in EMISSIONS. For federal EMISSION REDUCTION CREDITS (ERCs), emission reductions for a STATIONARY SOURCE are permanent if the reductions are FEDERALLY ENFORCEABLE and the reductions occur over the duration of the ERC rule and for as long as they are relied upon in a Clark County SIP.

"PERSON" means United States of America, the STATE OF NEVADA, any individual, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.

"PM<sub>10</sub> NONATTAINMENT AREA" means that area which has been designated as nonattainment for the National AMBIENT AIR Quality Standards for PM<sub>10</sub> by the EPA and which coincides with the area designated as HYDROGRAPHIC BASIN 212, (approximated by the attached map).

"PM<sub>10</sub>" means PARTICULATE MATTER, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers.

- (a) Any HAZARDOUS AIR POLLUTANT (HAP), considered to be PARTICULATE MATTER less than or equal to ten (10) micrometers, shall be subject to the more stringent requirements in the Regulations.

"POTENTIAL TO EMIT" means the maximum capacity of an EMISSION UNIT to EMIT any REGULATED AIR POLLUTANT under its physical and operational design. Any physical or operational limitation on the capacity of the EMISSION UNIT to EMIT any REGULATED AIR POLLUTANT, including AIR POLLUTION control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on EMISSIONS is FEDERALLY ENFORCEABLE.

"PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA" means an AIRSHED REGION that is subject to the PSD PROGRAM.

"PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM" means a major source preconstruction permit program that has been approved by the EPA and incorporated into the plan to implement the requirements of 40 CFR, Part 51, §51.166 or the program in 40 CFR Part 52, §52.21. Any permit issued under such a program is a major NSR permit.

"PRIME COAT" means the first film of coating applied in a two-coat operation.

"PROCESS EQUIPMENT", as it relates to the annual EMISSION UNIT fees billing, means any equipment, including portable equipment, used for storing, handling, conveying, processing or changing any materials whatsoever, but excluding that equipment specifically defined elsewhere in these Regulations.

"PROCESS WEIGHT" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid FUELS charged will be considered as part of the PROCESS WEIGHT, but liquid and gaseous FUELS and combustion air will not. "PROCESS WEIGHT per Hour" will be derived by dividing the

total PROCESS WEIGHT by the number of hours in one complete operation thereof, excluding any time during which the equipment is idle.

"PROPOSED PERMIT" means the version of a permit that the CONTROL OFFICER proposes to issue and forward to the EPA for review.

"PSD" means Prevention of Significant Deterioration

"PUBLIC ROAD" means the OWNER AND/OR OPERATOR is a governmental entity, who has accepted ownership of the road through a formal action of the governing board; and, who has also accepted maintenance responsibilities for the road through a separate action of its governing board or designee. All other roads are private.

"QUANTIFIABLE" means an emission reduction that can be reliably and replicably measured or determined.

"RECLAIMED WATER" means WASTE water that, as a result of appropriate treatment, is suitable for subsequent beneficial use. RECLAIMED WATER does not meet the STATE of Nevada standards for potable water.

"RECONSTRUCTION" means the replacement of components of an existing facility to such an extent that:

- (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
- (2) It is technologically and economically feasible to meet the applicable standards set forth in 40 CFR Part 60.

"REGISTRY" or "BANK" means a public record of the ownership, creation, deposit, use, sale of or transfer of ERCs/credits.

"REGULATED AIR POLLUTANT" means any pollutant subject to:

- (a) A standard under Section 111 of the ACT,
- (b) or any pollutant subject to a standard promulgated under Section 112 of the ACT, including any pollutant emitted in major amounts by a source subject to 112(j) and any pollutant that is regulated under Section 112(g),
- (c) or any Class I and Class II substances subject to a standard promulgated under or established by Title VI of the ACT,

(d) and any of the following substances that are regulated pursuant to Section 12:

- (1) Ammonia
- (2) Ammonium Particles
- (3) ASBESTOS
- (4) Beryllium and compounds
- (5) Bromine
- (6) Carbon Monoxide (CO)
- (7) Chlorine
- (8) Chlorine Dioxide
- (9) Fluorides
- (10) Germanium Tetrahydride
- (11) Hydrogen Bromide
- (12) Hydrogen Chloride
- (13) Hydrogen Cyanide
- (14) Hydrogen Selenide
- (15) Hypochlorous Acid
- (16) Hypochlorite Particles
- (17) Lead (Pb)
- (18) Mercury
- (19) Nitrate Particles
- (20) Nitric Acid
- (21) Nitrogen Oxides (NO<sub>x</sub>)
- (22) Osmium Tetroxide
- (23) Ozone
- (24) PARTICULATE MATTER
- (25) PARTICULATE MATTER-10 (PM<sub>10</sub>)
- (26) Perchloryl Fluoride
- (27) Reduced Sulfur Compounds
- (28) Silicon Tetrahydride
- (29) Sulfuric Acid Mist
- (30) Sulfur Dioxide (SO<sub>2</sub>)
- (31) Sulfur Trioxide or VAPOR phase Sulfuric Acid
- (32) Sulfuryl Fluoride
- (33) Total Reduced Sulfur (including H<sub>2</sub>S)
- (34) Tellurium Compounds
- (35) Vinyl Chloride
- (36) VOLATILE ORGANIC COMPOUNDS (VOC)

"RENEWAL" means the process by which a permit is reissued at the end of its term.

"REPRESENTATIVE OF ALLEGED VIOLATOR" means an employee of the alleged violator or a licensed legal and/or technical representative of the alleged violator or an individual authorized in writing to represent the alleged violator.

"RESPONSIBLE OFFICIAL" means one of the following:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other PERSON who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such PERSON if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (2) The delegation of authority to such representative is approved in advance by the permitting authority.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (c) For a municipality, STATE, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes relating to Section 19, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional ADMINISTRATOR of EPA).
- (d) For AFFECTED SOURCES:
  - (1) The DESIGNATED REPRESENTATIVE in so far as actions, standards, requirements, or prohibitions under Title IV of the ACT or the regulations promulgated thereunder.
  - (2) The DESIGNATED REPRESENTATIVE for any other purposes under Section 19.

"ROAD EASEMENT" means an EASEMENT utilized by the EASEMENT HOLDER, or others with the permission of the EASEMENT HOLDER, for travel by MOTOR VEHICLE. In the case of a ROAD EASEMENT the owner AND/OR operator is the EASEMENT HOLDER.

"SECONDARY EMISSIONS" means EMISSIONS which occur as a result of the CONSTRUCTION or operation of a MAJOR STATIONARY SOURCE or MAJOR MODIFICATION, but do not come from the MAJOR STATIONARY SOURCE or MAJOR MODIFICATION itself.

"SECTION 502(B)(10) CHANGES" means changes that contravene an express permit term. Such changes do not include changes that would violate APPLICABLE REQUIREMENTS or contravene FEDERALLY ENFORCEABLE permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

"SECTION 58 ERC BANK CERTIFICATE" means, a document issued by the CONTROL OFFICER pursuant to the provisions of section 58 that acknowledges a quantity of ERCs/credits to the registered owner of such certificate.

"SIGNIFICANT SOURCE" means, for purposes of annual permit renewal fees, any source with POTENTIAL TO EMIT greater than 10 tons per year for any single REGULATED AIR POLLUTANT, except VARIOUS LOCATION ACTIVITY PERMITS (VLPs)

"SINGLE COAT" means a single film of coating applied directly to the material being coated omitting the prime application.

"SLOW CURING (SC)" means a cutback asphalt generally using a low volatility FUEL OIL as a solvent.

"STACK" means a STACK, chimney, flue, duct or other opening for purposes of carrying smoke, dust, GAS, VAPOR or ODOR into the open air.

"STAGE I" means GASOLINE VAPOR recovery during transfer of GASOLINE from GASOLINE delivery vehicles to stationary tanks used for re-fueling MOTOR VEHICLES.

"STAGE II" means GASOLINE VAPOR recovery during MOTOR VEHICLE re-fueling operations from stationary tanks.

"STATE" means any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

"STATIONARY SOURCE" means any BUILDING, STRUCTURE, FACILITY OR INSTALLATION that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT and any pollutants listed pursuant to Section 112(b) of the ACT, which is not exempt (i.e., categorically exempt activities and exempt STATIONARY SOURCES). A CONSTRUCTION ACTIVITY that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT and all pollutants listed pursuant to Section 112(b) of the ACT is not a STATIONARY SOURCE. A STATIONARY SOURCE is composed of all of the EMISSION UNITS located on one or more contiguous or adjacent

properties under control of the same PERSON or PERSONS under common control. In addition, the following source categories qualify as a STATIONARY SOURCE:

- (a) Specified STATIONARY SOURCES can not be exempted:
- (1) GASOLINE DISPENSING FACILITIES  
(Type of Air Pollutant: VOC)
  - (2) Drycleaners  
(Type of Air Pollutant: Perchloroethylene)
  - (3) NON-METALLIC MINERAL PROCESSING FACILITIES  
(Type of Air Pollutant: PM<sub>10</sub>)
  - (4) FUEL BURNING EQUIPMENT with a maximum heat input rate equal to or exceeding one (1) million (MM) Btu per hour.
  - (5) Commercial Surface Coating Operations including spray paint booths  
(Type of Air Pollutant: VOC)
  - (6) Hard and Decorative Chromium Electroplating and Chromium Anodizing Operations  
(Type of Air Pollutant: Chromium)
  - (7) Industrial Process Cooling Towers, subject to Subsection 20.1.10 (which limits chromium EMISSIONS)  
(Type of Air Pollutant: Chromium & PM<sub>10</sub>)
  - (8) Sterilization Facilities  
(Type of Air Pollutant: Ethylene Oxide)
  - (9) Synthetic Organic Chemical Manufacturing Facilities  
(Type of Air Pollutant: Organic HAZARDOUS AIR POLLUTANTS)
  - (10) Facilities utilizing Halogenated Solvents for Cleaning
  - (11) Stationary Internal Combustion Engine that has a brake horsepower rating equal to or exceeding 35 horsepower, or 26 kilowatts, except for EMERGENCY STANDBY GENERATORS.
  - (12) EMERGENCY STANDBY GENERATOR or Emergency Fire Pump that has a rating equal to or exceeding 35 horsepower or 26 kilowatts.
- (b) MAJOR STATIONARY SOURCE:

- (1) Any STATIONARY SOURCE is considered Major if it EMITS or has a total POTENTIAL TO EMIT, including any NET EMISSIONS INCREASE due to MODIFICATION, for any REGULATED AIR POLLUTANT equal to or exceeding the following amounts:

Air Pollutant	MANAGEMENT AREA OF NONATTAINMENT AREA Emission Rate (Controlled) (tons per year)	PSD AREA Emission Rate (Controlled) (tons per year)
PM <sub>10</sub>	70	100
CO	70	100
VOC	50	100
NO <sub>x</sub>	50	100
SO <sub>2</sub>		100
Lead (Pb)		0.6
HAZARDOUS AIR POLLUTANT (HAP)		10 each or 25 combined
Particulate Matter		100
Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		100
TOXIC CHEMICAL SUBSTANCE (TCS), excluding Particulate Matter and Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds)		1.0

For purposes of determining whether a source is major, FUGITIVE EMISSIONS shall be included for all STATIONARY SOURCES.

- (2) or, at such time that a particular source or MODIFICATION becomes a MAJOR STATIONARY SOURCE or Major MODIFICATION solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or MODIFICATION otherwise to EMIT a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to Air Quality Regulations shall apply to the source or MODIFICATION as though CONSTRUCTION had not yet COMMENCED on the source or MODIFICATION.
- (c) NON-MAJOR STATIONARY SOURCE. Excluding EXEMPT STATIONARY SOURCE, ANY STATIONARY SOURCE is considered Non-Major if it has a total POTENTIAL

TO EMIT, including any NET EMISSIONS INCREASE due to MODIFICATION, for all REGULATED AIR POLLUTANTS less than the EMISSION rates listed in (b)(1).

"SURPLUS" means, an emission reduction that has not been relied on in any air quality program related to any Clark County STATE Implementation Plan (SIP), that is not a Clark County SIP requirement, that is not a requirement of a STATE air quality program that has been adopted but not in a Clark County SIP, is not credited in any federal reasonable further progress or other milestone demonstration, is not a requirement of a consent degree, is not a requirement of a federal rule that focuses on reducing criteria air pollutants or their precursors, and has not already been credited in any other air quality program. Double-counting of an emission reduction is prohibited.

"TEMPORARY STATIONARY SOURCE" means a STATIONARY SOURCE, as defined in Section 0, with POTENTIAL TO EMIT EMISSIONS less than the Major Source threshold for any REGULATED AIR POLLUTANT with a maximum operational lifetime of no more than three hundred sixty-five (365) continuous days at one specific location.

"TOP COAT" means the final film of coating applied to a two-coat operation.

"TOP OFF" means to attempt to dispense GASOLINE to a MOTOR VEHICLE FUEL tank after a VAPOR recovery dispensing nozzle has shut off automatically. The filling of those vehicle tanks which, because of the nature and configuration of the fill pipe, causes premature shut off of the dispensing nozzle, and which are filled only after the seal between the fill pipe and the nozzle is broken, shall not be considered topping off.

"TOPSOIL" means the layer of the soil, which by its humus content supports vegetation. It is usually the top six inches of soil but may extend to deeper depth.

"TOTAL SUSPENDED PARTICULATES" (TSP) means PARTICULATE MATTER as measured by the method described in Appendix B in Chapter 40, Part 50, Code of Federal Regulations.

"TOXIC CHEMICAL SUBSTANCE (TCS)" means any of the following air pollutants:

- (a) Ammonia
- (b) Ammonium Particles
- (c) Bromine
- (d) Chlorine
- (e) Chlorine Dioxide
- (f) Fluorides (except hydrogen fluoride)
- (g) Germanium Tetrahydride
- (h) Hydrogen Bromide
- (i) Hydrogen Sulfide
- (j) Hypochlorite Particles

- (k) Hypochlorous Acid
- (l) Municipal Solid WASTE Landfill Emissions (measured as nonmethane organic compounds) => 50 tpy, per 40 CFR, § 51.166, (23)(i)
- (m) Municipal WASTE Combustor Organics => 0.00000555 tpy per 40 CFR, § 51.166, (23)(i)
- (n) Municipal WASTE Combustor Metals => 15 tpy, per 40 CFR, § 51.166, (23)(i)
- (o) Municipal WASTE Combustor Acid Gases => 40 tpy, per 40 CFR, § 51.166, (23)(i)
- (p) Nitrate Particles
- (q) Nitric Acid
- (r) Osmium Tetroxide
- (s) Particulate Matter => 25 tpy, per 40 CFR, § 51.166, (23)(i)
- (t) Perchloryl Fluoride
- (u) Reduced Sulfur Compounds
- (v) Silicon Tetrahydride
- (w) Sulfuric Acid Mist
- (x) Sulfur Trioxide or VAPOR phase Sulfuric Acid
- (y) Sulfuryl Fluoride
- (z) Tellurium Compounds
- (aa) Total Reduced Sulfur (including H<sub>2</sub>S) and
- (bb) Pollutants regulated under Title VI of the ACT

"TRENCH" means a long and narrow excavation at least two (2) feet deep made for the purpose of installing or removing utility service lines (pipes, casing, conduits, cable, etc.). This includes main line and lateral spurs.

"TRIGGER DATE" means the date after which a NON-MAJOR SOURCE BASELINE DATE may be established for a BASELINE AREA. The TRIGGER DATE:

Pollutant	Date
PM <sub>10</sub>	August 7, 1977
SO <sub>2</sub>	August 7, 1977
NO <sub>2</sub>	February 8, 1988

"UNPAVED PARKING LOT" means any area of 5,000 square feet or larger that is not PAVED and that is used for parking, maneuvering, or storing MOTOR VEHICLES; material handling and storage yards; or vehicle and equipment storage yards.

"UPSET/BREAKDOWN" means:

- (a) Any sudden failure of AIR POLLUTION control equipment or PROCESS EQUIPMENT which results in EMISSIONS of air pollutants, or
- (b) A shutdown of AIR POLLUTION control equipment or PROCESS EQUIPMENT which has not been scheduled for twenty-four (24) hours in advance, after notification to CONTROL OFFICER, and which results in EMISSIONS of air pollutants.

"VACANT LOT" (See definition of OPEN AREAS AND VACANT LOTS).

"VAPOR" means the gaseous phases of a substance that at normal temperature and pressures is a liquid or solid.

"VAPOR CONTROL SYSTEM" means a device or combination of devices into which VAPORS are passed before being vented into the atmosphere.

"VAPOR TIGHT" means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source with a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds determined at least three meters upwind from any equipment to be inspected and which is uninfluenced by any specific EMISSION permit unit.

"VARIOUS LOCATIONS ACTIVITY" or "VARIOUS LOCATIONS PERMIT (VLP)" means a TEMPORARY STATIONARY SOURCE with a POTENTIAL TO EMIT less than the EMISSIONS listed pursuant to Subsection 12.1.3.1(a)(5), which is comprised of any portable facility, portable equipment, portable engine, or CONSTRUCTION ACTIVITY that is associated with NON-METALLIC MINERAL PROCESSING, hot mix asphalt production, concrete production, or other temporary operation that EMITS or has the POTENTIAL TO EMIT any REGULATED AIR POLLUTANT and all pollutants listed pursuant to Section 112(b) of the ACT. A VARIOUS LOCATIONS ACTIVITY or VLP is composed of all of the EMISSION UNITS located on one or more contiguous or adjacent properties under control of the same PERSON or PERSONS under common control.

"VOLATILE ORGANIC COMPOUND (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

- (a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:
  - (1) methane;
  - (2) ethane;

- (3) methylene chloride (dichloromethane);
- (4) 1,1,1-trichloroethane (methyl chloroform);
- (5) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- (6) trichlorofluoromethane (CFC-11);
- (7) dichlorodifluoromethane (CFC-12);
- (8) chlorodifluoromethane (HCFC-22);
- (9) trifluoromethane (HFC-23);
- (10) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- (11) chloropentafluoroethane (CFC-115);
- (12) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- (13) 1,1,1,2-tetrafluoroethane (HFC-134a);
- (14) 1,1-dichloro 1-fluoroethane (HCFC-141b);
- (15) 1-chloro 1,1-difluoroethane (HCFC-142b);
- (16) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (17) pentafluoroethane (HFC-125);
- (18) 1,1,2,2-tetrafluoroethane (HFC-134);
- (19) 1,1,1- trifluoroethane (HFC-143a);
- (20) 1,1-difluoroethane (HFC-152a);
- (21) parachlorobenzotrifluoride (PCBTF);
- (22) cyclic, branched, or linear completely methylated siloxanes;
- (23) acetone;
- (24) perchloroethylene (tetrachloroethylene);
- (25) 3,3- dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (26) 1,3-dichloro-1,1,2,2,3- pentafluoropropane (HCFC-225cb);
- (27) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (28) difluoromethane (HFC-32); ethylfluoride (HFC-161);
- (29) 1,1,1,3,3,3- hexafluoropropane (HFC-236fa);
- (30) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (31) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (32) 1,1,1,2,3-pentafluoropropane (HFC- 245eb);
- (33) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (34) 1,1,1,2,3,3- hexafluoropropane (HFC-236ea);
- (35) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (36) chlorofluoromethane (HCFC-31);
- (37) 1 chloro-1-fluoroethane (HCFC-151a);
- (38) 1,2- dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (39) 1,1,1,2,2,3,3,4,4-nonafluoro-4- methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);
- (40) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3- heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>);
- (41) 1-ethoxy-1,1,2,2,3,3,4,4- nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);
- (42) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3- heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);
- (43) methyl acetate and perfluorocarbon compounds which fall into these classes:

- (44) methyl acetate and perfluorocarbon compounds which fall into these classes:
- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- (b) Any HAZARDOUS AIR POLLUTANT (HAP), considered to be a VOLATILE ORGANIC COMPOUND (VOC), shall be subject to the more stringent requirements in the Regulations.

"WASTE" means useless, unneeded or superfluous matter, or discarded or excess material.

History: Amended: July 9, 1987; November 17, 1988; January 25, 1990; May 27, 1993; November 18, 1993; August 25, 1994; June 1995; May 23, 1996; September 26, 1996; December 19, 1996; January 23, 1997; April 24, 1997; January 22, 1998; April 23, 1998; June 22, 2000; November 16, 2000; May 24, 2001; November 20, 2001; December 4, 2001; June 3, 2003; July 1, 2004; October 7, 2004.

**EXHIBIT A-4**

STORMWATER – GENERAL PERMIT NVR 050000

Re: Stormwater General Permit NYR050000

Confirmation Number: ISW-10355

Project Name: Safety-Kleen Systems, Inc

Date: 3/25/2011

**Owner**

Safety-Kleen Systems, Inc

Mr. David Huntsman

4582 Donovan Way

North Las Vegas, NV 89081

**Operator**

Safety-Kleen Systems, Inc

Mr. David Huntsman

4582 Donovan Way

North Las Vegas, NV 89081

Renewal: Yes (Old Site ID - 296)

\* If this is a Renewal Application, NO filing fee is required.

Submission of this Electronic Notice of Intent constitutes notice that the Permittee identified in this request intends to be authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued for storm water discharges in the State of Nevada and has or will comply with the following:

1. The Permittee will comply with all applicable permit conditions,
2. The Permittee understands that implementation of the Storm Water Pollution Prevention Plan, which is required under by the General Permit will begin at the time the permittee commences work on the project identified in Section I of this application,
3. The Permittee understands that failure to submit the required \$200.00 fee and this signed Section Certification within 30 days of the electronic submittal will result in failure for eligible coverage under the General Permit; and,
4. That Nevada Administrative Code (NAC) 445A.268 Section (5)(b) reads, in part, that a Permittee (discharger) who is covered under a general permit shall pay to the Director a nonrefundable fee of \$200 not later than July 1 of each year that the discharger is covered under that permit.

To Terminate coverage of the Nevada NPDES General Permit for Stormwater Discharges, the Permittee must submit a Notice of Termination ("NOT") form when their facilities no longer have any stormwater discharges associated with Industrial activity as defined in the Nevada's General Stormwater Permit or EPA regulations at 40 CFR 122.26, or when they are no longer the operator of the site.

Please mail the filing fee of \$200.00 along with this notice to:

Stormwater Coordinator 3173  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249

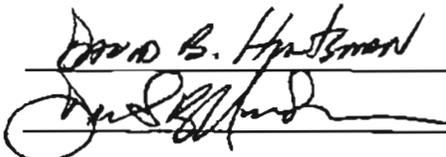
Should you have any questions, please call Bonnie Hartley at (775) 687-9430.

**NOI Certification Statement**

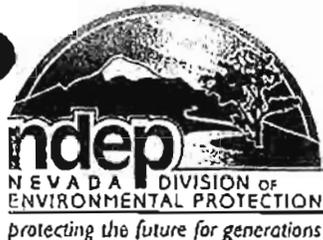
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I also confirm that a storm water pollution prevention plan (SWPPP) has been completed, will be maintained at the project site from the start of construction activities, and that the SWPPP will be compliant with any applicable local sediment and erosion control plans. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.

Owner or Operator Name (Please Print):

Signature (Please use a Non-Black Ink Color):

  
\_\_\_\_\_

✓ 19W 00955 - new # issued 3/25/11  
No expiry date as long as dues are paid.



# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

## Stormwater General Permit NVR050000

In compliance with the provisions of the Federal Clean Water Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes, eligible dischargers who have submitted a Notice of Intent, filing fee, and have a Stormwater Pollution Prevention Plan(s) completed, implemented and maintained on the Permittee's site location in accordance with this permit, are authorized to discharge

### Stormwater Associated with Industrial Activity

#### To Waters of the United States

in accordance with the conditions set forth in Parts I through IV hereof.

This permit shall become effective on September 22, 2008.

This permit and the authorization to discharge shall expire at midnight September 21, 2013.

Signed this 22nd day of September, 2008.

Steve McGoff, P.E.  
Staff Engineer III  
Bureau of Water Pollution Control

## **PART I. SPECIFIC PERMIT CONDITIONS**

### **I.A PERMIT COVERAGE**

- I.A.1 **Objective.** The objective of this general permit is to control and reduce pollution to Waters of the U.S. from stormwater discharges associated with industrial activity through the use of **Best Management Practices** (“BMPs”).
- I.A.2 **Stormwater Discharge Associated with Industrial Activity** is defined at 40 CFR §122.26(b)(14). This subject is discussed in more detail in Part I.A.5.b of this general permit.
- I.A.3 **Waters of the U.S.** is defined at 40 CFR §122.2. This definition and other definitions pertinent to this permit can be found in Appendix A. Discharges to storm drain systems that in turn discharge to Waters of the U.S. are considered to be discharges to Waters of the U.S. The **U.S. Environmental Protection Agency** (“EPA”) has delegated responsibility to the State of Nevada to implement the **National Pollutant Discharge Elimination System** (“NPDES”) program authorized by the **Clean Water Act** (“CWA”). The NPDES permits regulate discharges to Waters of the U.S., which include surface Waters of the State. Nevada issues NPDES permits for discharges, including stormwater runoff, to surface waters, including lakes, streams, dry washes and storm drains.
- I.A.4 **Best Management Practice** is defined by 40 CFR §122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In addition the term shall include erosion and sediment controls, stormwater conveyance, stormwater diversion, treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.
- I.A.5 **Eligibility, Request for Inclusion, Continuation of Coverage**
- I.A.5.a **Eligibility:** This general permit authorizes Stormwater Discharges Associated with Industrial Activity to Waters of the U.S. as defined by certain sectors within 40 CFR §122.26(b)(14).

- I.A.5.b Stormwater Discharges Associated with Industrial Activity for this permit is defined as:**
- I.A.5.b.(i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (x) in this section);
- I.A.5.b.(ii) Facilities classified as **Standard Industrial Classifications (“SIC”)** 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- I.A.5.b.(iii) Facilities classified as SIC 11 through 14 (mineral industry) including active or inactive mining operations (except for certain areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1), or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- I.A.5.b.(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of **Resource Conservation and Recovery Act (“RCRA”)**;
- I.A.5.b.(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- I.A.5.b.(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery re-claimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 and 5093;

- I.A.5.b.(vii) Steam electric power generating facilities, including coal handling sites;
- I.A.5.b.(viii) Transportation facilities classified as SIC 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (b)(14) (i)-(vi) or (viii)-(ix) of this section are associated with industrial activity;
- I.A.5.b.(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA; and,
- I.A.5.b.(x) Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.
- I.A.5.c This permit does not authorize stormwater discharges from the following:**
- I.A.5.c.(i) Mineral Industry Facilities defined within SIC code 10 under Category III of 40 CFR §122.26(b)(14). These discharges are authorized under Permit NVR300000; or
- I.A.5.c.(ii) Construction activity defined under Category (x) of 40 CFR §122.26(b)(14). These discharges are authorized under Permit NVR100000.
- I.A.5.d Request for Inclusion**
- I.A.5.d.(i) Eligible dischargers seeking authorization to discharge under this general permit shall electronically submit a completed **Notice of Intent** (“NOI”). The NOI can be found on the Nevada Division of Environmental Protection’s (“NDEP” or “the Division”) stormwater website at: [http://ndep.nv.gov/bwpc/storm\\_ind03.htm](http://ndep.nv.gov/bwpc/storm_ind03.htm). A completed NOI

confirmation page with an original signature by a qualified individual as discussed in Part IV.B and the applicable filing fee shall be submitted to NDEP. Provisional authorization begins 24 hours after a completed NOI is submitted electronically to NDEP. Following review of the NOI, NDEP may either: determine the NOI is complete and confirm coverage by providing a notification and an approval; determine the NOI is incomplete and deny coverage until a completed NOI is submitted; or deny coverage and require an application for an individual permit be submitted. Application deadlines are as follows:

- I.A.5.d.(i).(a)            **Existing Industrial Facilities** - Facilities that are authorized under the existing NPDES permit for discharges associated with industrial activity shall submit a renewal NOI within ninety (90) days following the effective date of this permit to continue coverage under this new general permit.
- I.A.5.d.(i).(b)            **New Industrial Facilities** - An NOI shall be submitted electronically at least twenty-four (24) hours before a discharge of stormwater associated with industrial activity occurs. The site is covered provisionally under this permit once the NOI has been received electronically by NDEP and until approval of the permit by NDEP.
- I.A.5.d.(i).(c)            **New Owner or Operator** - Permit coverage may not be transferred. When the ownership of a facility changes, the new owner or operator of the facility shall submit an NOI at least 10 calendar days before the change in ownership. In conjunction with the filing of the NOI by the new owner or operator, the previous owner or operator shall submit a **Notice of Termination ("NOT")** at least ten (10) days before the change in ownership. Operators are defined as individuals that have the day-to-day operational control of those activities at the facility necessary to ensure compliance with the **Stormwater Pollution Prevention Plan ("SWPPP")** requirements or other permit conditions.

**I.A.5.e            Terminating Coverage**

- I.A.5.e.(i)            A Permittee may terminate coverage under this general permit by providing an NOT on a form approved by NDEP. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to NDEP. If NDEP provides for an electronic submission of an NOT during the term of this permit, authorization to discharge terminates twenty-four (24) hours following receipt of the electronic NOT form by NDEP. An NOT shall be submitted either:

- I.A.5.e.(i).(a) Within ten (10) days after the facility ceases discharging stormwater associated with industrial activity;
- I.A.5.e.(i).(b) Obtains coverage under an individual permit;
- I.A.5.e.(i).(c) Obtains coverage under an alternative general permit; or
- I.A.5.e.(i).(d) Within ten (10) days before transfer of ownership or responsibility of the facility.

**I.A.5.f Authorization**

- I.A.5.f.(i) Eligible dischargers shall be included in this permit effective upon the authorization date.
- I.A.5.f.(ii) The authorization date shall be:
  - I.A.5.f.(ii).(a) The date the NOI and filing fee are received and approved by NDEP, or
  - I.A.5.f.(ii).(b) The effective date of this general permit for all holders of expired general permit NVR050000 that have submitted a new NOI for continued coverage under this permit.
- I.A.5.f.(iii) An authorization letter will be sent to the general permit holder stating the authorization date. Special conditions may be included.
- I.A.5.f.(iv) During the period beginning on the authorization date and lasting until permit coverage is terminated, the Permittee is authorized to discharge:
  - I.A.5.f.(iv).(a) Stormwater associated with industrial activity(ies) to Waters of the U.S. in accordance with the requirements of the SWPPP and the conditions of this permit.

**I.A.5.g Miscellaneous Non-Stormwater Discharges:**

- I.A.5.g.(i) Permittees authorized under this general permit may be authorized for certain miscellaneous non-stormwater discharges if those discharges are not significant contributors of pollutants. Such discharges may include: discharges from fire hydrant flushing; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushing; routine external building wash down which does not contain detergents; pavement wash water where spills or leaks of

toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated groundwater or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. BMPs shall be implemented if needed to minimize impacts from these discharges. Non-stormwater discharges that are significant contributors of pollutants shall be eliminated or authorized under a separate NPDES permit. Although fire-fighting drainage may contain significant pollutant concentrations, the frequency of occurrence is low and the discharge is hereby authorized out of necessity.

**I.A.5.h Requirement for Individual Permit:**

I.A.5.h.(i) NDEP may require the holder of a permit to apply for and obtain an individual permit in accordance with Nevada Administrative Code (“NAC”) 445A.269.

**I.A.5.i NOI Requirements**

I.A.5.i.(i) The minimum information required on a NOI shall consist of:

I.A.5.i.(i).(a) The facility name and mailing address of the facility filing for permit coverage;

I.A.5.i.(i).(b) The name, phone number and email address of the person responsible for implementing the SWPPP and complying with the terms of this general permit;

I.A.5.i.(i).(c) The county where the facility is located and the primary SIC code that best describes the industrial activity of the facility;

I.A.5.i.(i).(d) The name of the receiving water for the stormwater discharge;

I.A.5.i.(i).(e) Location for viewing the SWPPP, including the address and the contact information for the person responsible for implementing the SWPPP and complying with the terms of this general permit;

I.A.5.i.(i).(f) Information about the owner of the facility including the company name and mailing address of the facility and information about the owner including name, mailing address, phone number and the legal status of the owner (e.g. federal, state, tribal, private or public entity);

I.A.5.i.(i).(g) Information about the operator, including the company name and mailing address of the facility and information about the operator

including name, mailing address, phone number and the legal status of the operator (e.g. federal, state, tribal, private or public entity);

- I.A.5.i.(i).(h) Information where the annual billing/invoicing should be sent;
- I.A.5.i.(i).(i) Information about additional contacts;
- I.A.5.i.(i).(j) The opportunity to apply for a No-Exposure Exclusion. This is discussed in more detail in Part II.B.1.n.(iii) of this general permit; and
- I.A.5.i.(i).(k) A certification that a SWPPP has been developed and implemented according to the provisions of this permit.

**I.A.5.j Notice of Change (“NOC”) Requirements**

- I.A.5.j.(i) If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in an NOI, the correct information shall be provided to the Division in an NOC within fourteen (14) days after discovery of the omission. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) an NOC shall be submitted within 14 days of the change.

**I.A.5.k NOT requirements**

- I.A.5.k.(i) The minimum information required on an NOT consists of:
  - I.A.5.k.(i).(a) Information requesting whether the operations associated with the permit have been terminated in accordance with applicable permit conditions;
  - I.A.5.k.(i).(b) Stormwater general permit number (ISW-xxxx);
  - I.A.5.k.(i).(c) Date the project was completed or terminated;
  - I.A.5.k.(i).(d) Facility operator information including name, mailing address, city, state, zip code and phone number;
  - I.A.5.k.(i).(e) Facility/site location information including name, physical address, city, state, zip code and phone number; and,
  - I.A.5.k.(i).(f) Certification statement signed and dated by the Permittee. The certification statement states:

“I certify under penalty of law that all stormwater discharges associated with industrial activity from the identified facility that was authorized by this general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial activity to Waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.”

**I.A.5.1 Address for Submittals:**

I.A.5.1.(i) All NOIs, NOCs, NOTs, filing fees and any other information required by this permit or NDEP shall be submitted to the following address:

Stormwater Coordinator  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
901 S. Stewart St., Suite 4001  
Carson City, NV 89701

**PART II. STORMWATER POLLUTION PREVENTION PLAN**

**II.A GENERAL REQUIREMENTS**

II.A.1 The Permittee shall prepare and implement a SWPPP that complies with the terms of this permit for the permitted facility before submitting an NOI for permit coverage. The SWPPP does not need to be submitted to NDEP for review. If a SWPPP was prepared under the previous general permit, the permittee shall review and update it to meet all provisions of this new general permit prior to submitting a renewal NOI. All SWPPPs shall include BMPs, economically reasonable and appropriate in light of current industry practices that have been selected, designed, installed, implemented and maintained in accordance with good engineering practices to prevent or minimize all pollutants in your stormwater discharge, as well as any more stringent measures necessary to meet any water quality provisions of Part II.B.1.f, Part II.B.1.g and Part IV.A.3 of this general permit. NDEP does not currently require the Permittee to use a registered professional engineer or other qualified professional to prepare the SWPPP.

However, the person preparing the SWPPP shall be qualified to ensure all the requirements of the SWPPP are met.

- II.A.2 A copy of the confirmation page from the NOI submittal and the permit approval letter received from NDEP shall be included in the SWPPP.
- II.A.3 In general, the SWPPP shall:
- Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the permitted facility;
  - Describe and ensure implementation of practices the Permittee will use to eliminate or reduce all pollutants in stormwater discharges from the permitted facility;
  - Ensure compliance with the terms and conditions of this permit;
  - Include all necessary measures to ensure that the discharge complies with all water quality provisions of Part II.B.1.f, Part II.B.1.g and Part IV.A.3 of this permit.
  - The SWPPP shall be prepared in accordance with good engineering practice and shall consist of project information, BMPs that will be used at the site, an inspection and maintenance program, presence of non-stormwater discharges and BMPs for such discharges, and a description of any permanent stormwater controls.
- II.A.4 Each of the plan elements in the SWPPP shall be revised as necessary to maintain accuracy if there are changes in design, components, or process if the SWPPP is found to be insufficient.
- II.A.5 The Permittee shall review and amend the SWPPP as appropriate whenever there is: construction or a change in design, operation or maintenance at the permitted facility such that these situations have a significant impact on the discharge, or potential for discharge, of pollutants from the permitted facility; whenever a routine inspection or compliance evaluation determines deficiencies in any of the BMPs; whenever an inspection by a local or State inspector determines that modifications to the SWPPP are necessary; whenever there is a spill, leak or other release from the permitted facility; or any time there is an unauthorized discharge from the permitted facility.
- II.A.6 Modifications to a SWPPP shall be made within fourteen (14) calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs shall be initiated before the next storm event if possible, but no later than sixty (60) calendar days after discovery, or as otherwise provided or approved by NDEP. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

II.A.7 The Permittee shall be required to make SWPPPs available upon request by NDEP or the State or local agency approving sediment and erosion plans, or stormwater management plans; local government officials; or the operator of a **municipal separate storm sewer system ("MS4")** receiving discharges from the site. If requested by the aforementioned parties, the Permittee shall provide the SWPPP prior to the time of an on-site inspection. Also, a copy of the SWPPP shall be provided to any member of the public who makes such a request in writing. **Confidential Business Information ("CBI")** may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWPPP not justifiably considered CBI shall be provided to the public upon written request.

II.A.8 The Permittee shall establish a **pollution prevention team ("PPT")** and list the staff members (either by name or title) that comprise the facility's stormwater PPT. The PPT is responsible for assisting the facility manager in developing, implementing, maintaining, revising and ensuring compliance with the permitted facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed in the SWPPP. Each member of the stormwater PPT shall have ready access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

## II.B SPECIFIC REQUIREMENTS

II.B.1 The SWPPP shall include the following minimum elements:

### II.B.1.a Facility Identification:

II.B.1.a.(i) Facility Name;

II.B.1.a.(ii) Facility Location: Address, City, State, Zip Code, and County;

II.B.1.a.(iii) Permittee: Company or agency mailing address and phone number;

II.B.1.a.(iv) Contact information: Name, street address, city, state, zip code, and phone number; and,

II.B.1.a.(v) Person(s) responsible for implementation of plan and complying with the terms of this permit.

**II.B.1.b Facility Characteristics**

- II.B.1.b.(i) Provide a description of the nature of the industrial activities at the permitted facility.
- II.B.1.b.(ii) Provide an estimate of the percent of impervious surface at the facility using the following formula:
- $((\text{Area of Roofs} + \text{Area of Pavement and Other Impervious Surfaces}) / \text{Total Area of the Facility}) \times 100$
- II.B.1.b.(iii) Provide average annual precipitation for your locale. This information can be obtained from almanacs or the closest airport. Note which months or seasons are usually the wettest and include such details as expected rainfall and storm intensity (e.g. wet season: November – March; typical amount: 0.5 – 2 inches over 2 hours)
- II.B.1.b.(iv) Identify actual and potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the facility;
- II.B.1.b.(v) Establish BMPs that will prevent or minimize pollution in stormwater discharges from the facility and ensure compliance with the terms and conditions of this general permit;
- II.B.1.b.(vi) Describe how the selected practices and controls are appropriate for the facility and how each will effectively prevent or lessen pollution;
- II.B.1.b.(vii) Discuss how the BMPs relate to each other such that together they comprise an integrated, facility-wide approach for pollution prevention in stormwater discharges. The discussion may include references to literature or site-specific performance information on the selected controls and practices to demonstrate the appropriateness of each.

**II.B.1.c General Location Map**

- II.B.1.c.(i) Provide a general location map (e.g., a U.S. Geological Survey quadrangle map), with enough detail to identify the location of the facility and the receiving waters.

**II.B.1.d Site Map**

- II.B.1.d.(i) A site map(s) shall be developed that depicts the following:
- II.B.1.d.(i).(a) The size of the property in acres;

- II.B.1.d.(i).(b) Location and extent of significant structure and impervious surfaces;
- II.B.1.d.(i).(c) The location of each outfall covered by the permit;
- II.B.1.d.(i).(d) An outline of the drainage area and direction of flow (use arrows) that is within the facility's boundary and that contributes stormwater to each permitted outfall;
- II.B.1.d.(i).(e) Locations of connections or discharges to an MS4, including ditches, pipes and swales;
- II.B.1.d.(i).(f) Locations of all structures (e.g. buildings, garages, storage tanks);
- II.B.1.d.(i).(g) Listing and location of all existing source and structural control BMPs that are designed to reduce pollution in stormwater runoff;
- II.B.1.d.(i).(h) Location of any process wastewater treatment units (including ponds);
- II.B.1.d.(i).(i) Location of a bag house and other air treatment units exposed to precipitation or runoff;
- II.B.1.d.(i).(j) Location of surface water bodies (including wetlands) within one (1) mile of the facility, including all receiving waters for the stormwater discharge from the facility;
- II.B.1.d.(i).(k) Location of vehicle and equipment maintenance areas and/or cleaning areas;
- II.B.1.d.(i).(l) Location of physical features of the site that may influence stormwater runoff or contribute a dry weather flow;
- II.B.1.d.(i).(m) Location of processing areas; storage areas; material loading/unloading areas; fueling stations; access roads, rail cars and tracks; and other locations where significant materials are exposed to precipitation or runoff;
- II.B.1.d.(i).(n) Locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants. An evaluation of how the quality of the stormwater running onto the facility impacts the stormwater discharges from the facility;
- II.B.1.d.(i).(o) Identify any storage piles containing salt used for road de-icing or other commercial or industrial purposes; and
- II.B.1.d.(i).(p) The site map shall show the flow of stormwater runoff from each of

these locations so that the final outfall where the discharge leaves the facility's boundary is apparent.

**II.B.1.e Non-Stormwater Discharges**

II.B.1.e.(i) All non-stormwater discharges discussed in Part I.A.5.g.(i) that qualify for permit coverage shall be identified in the SWPPP. The SWPPP shall describe the discharge points and appropriate BMPs for these non-stormwater discharges.

II.B.1.e.(ii) A survey of potential non-stormwater sources shall be conducted and documented at a minimum of once per calendar year.

II.B.1.e.(iii) The on-site storm sewer system shall be tested or inspected (e.g. screened for dry weather flows) for the presence of non-stormwater flows at a minimum of once per quarter.

II.B.1.e.(iv) Procedures shall be evaluated and implemented to eliminate any potential sources that are discovered and not permitted.

II.B.1.e.(v) The SWPPP shall ensure that non-stormwater sources are not combined with stormwater discharges from the facility, and are not allowed to enter the separate storm sewer system, unless they are authorized by the Division.

II.B.1.e.(vi) Non-stormwater discharges to Waters of the U.S. that are not authorized by an NPDES permit are unlawful and shall be eliminated.

**II.B.1.f Receiving Waters**

II.B.1.f.(i) The SWPPP shall include the name(s) of all surface waters that receive discharges from the facility. If the facility discharges through any MS4, the permittee shall identify the MS4 operator(s), and the receiving water to which the MS4 discharges.

**II.B.1.g Discharges to Water Quality Impaired Waters**

II.B.1.g.(i) When discharges to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by NDEP's Bureau of Water Quality Planning, the permittee must investigate whether discharges from the permittee's site will contribute significantly to any 303(d) listing. When the permittee discharges into a water body with an established Total Maximum Daily Load ("TMDL"), the permittee shall comply with all

applicable TMDL requirements. Information concerning the 303(d) list can be found on the following NDEP website:  
<http://ndep.nv.gov/bwqp/303dlist.htm>. For a list of TMDLs approved by EPA please refer to the following NDEP website:  
<http://ndep.nv.gov/bwqp/tmdl.htm>.

- II.B.1.g.(ii) When a TMDL has not been established as described in the previous section, the permittee must include a section in the SWPPP describing the condition for which the water has been listed. The SWPPP must also include a demonstration that the BMPs that are selected for implementation will be sufficient to ensure that the discharges will not cause or contribute to an exceedance of an applicable State water quality standard. The SWPPP shall document any consultation with state authorities on water quality impairment-related requirements and activities.

**II.B.1.h Description of Potential Pollutants and Sources**

- II.B.1.h.(i) The description of potential pollutant sources shall identify each area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials and activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; intermediate products; by-products, final products and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal or conveyance of any raw material, intermediate product, final product and waste product. For each area identified, the description shall include, at a minimum:

- II.B.1.h.(i).(a) **Activities in the area.** A narrative description shall be developed to describe all activities (e.g. material storage, equipment fueling and cleaning, cutting steel beams) and potential sources of pollutants that may reasonably be expected to add pollutants to stormwater discharges or that may result in dry weather discharges from the storm sewer system.

- II.B.1.h.(i).(b) **Pollutants.** For each identified activity above, list the associated pollutant(s) or pollutant constituent(s) (e.g. crankcase oil, zinc, sulfuric acid, cleaning solvents). The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to stormwater in the three (3) years prior to the date the permittee prepared or amended the SWPPP. The list shall include any hazardous

substances or oil at the facility, and any materials stored in drums, barrels, tanks, and similar containers;

II.B.1.h.(i).(c)

**Spills and Leaks.** The permittee shall identify where potential spills and leaks could occur that would contribute pollutants to stormwater discharges and the corresponding outfalls. The permittee shall document in the SWPPP all significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas or that drained to a stormwater conveyance in the three (3) years prior to the date the permittee prepared or amended the SWPPP.

Significant spills and leaks include, but are not limited to: releases of oil or hazardous substances in excess of quantities that are reportable under CWA §311 (see 40CFR 110.6 and 40 CFR 117.21) or Section 102 of the **Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”)**. Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements. This permit does not relieve the Permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

II.B.1.h.(i).(d)

The above information shall be updated within fourteen (14) days following a significant change in the types of materials that are exposed to precipitation or runoff, or significant changes in material management practices that may affect the exposure of materials to precipitation or runoff.

II.B.1.i

**Certification Concerning the Presence of Non-Stormwater Discharges**

II.B.1.j.(i)

The SWPPP shall include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-stormwater, and that all unauthorized discharges have been eliminated. The certification shall be signed in accordance with Part IV.B.1 of this permit and shall include:

II.B.1.i.(i).(a)

Documentation of how the evaluation was conducted, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges (i.e. identification of unauthorized discharge(s) origin and composition results of any testing), dates of evaluations or tests, and the points in the separate storm sewer system that were observed during the investigation;

- II.B.1.i.(i).(b) A list of the outfalls or onsite drainage points that were directly observed during the test;
- II.B.1.i.(i).(c) The action(s) taken to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was rerouted to sanitary, or an NPDES permit application was submitted for a cooling water discharge; and
- II.B.1.i.(i).(d) The investigation for non-stormwater discharges shall be completed and the certification shall be prepared and made readily available for review by authorized NDEP personnel upon request.
- II.B.1.i.(ii) Failure to Certify:
- II.B.1.i.(ii).(a) If a part of the on-site storm sewer system can not be reasonably accessed to complete the evaluation, certification shall be provided for the remainder of the system.
- II.B.1.i.(ii).(b) Notice of this deficiency shall be provided to NDEP within one hundred eighty (180) days after the NOI is submitted.
- II.B.1.i.(ii).(c) Facilities that contribute non-stormwater discharges to an MS4 shall provide notice of this deficiency to NDEP and the MS4.
- II.B.1.i.(ii).(d) The notice shall include an explanation of why the evaluation could not be performed and a list of all known potential, non-permitted, non-stormwater sources that could not be included in the certification.

**II.B.1.j Stormwater Control Measures**

- II.B.1.j.(i) The permittee shall implement BMPs for all areas identified in Part II.B.1.d to prevent or minimize pollutants in stormwater discharges from the facility. The permittee shall also take all reasonable steps to control or address the quality of discharges from your site that may not originate at the permitted facility. In the SWPPP describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater. The permittee shall describe the stormwater runoff management practices, i.e., permanent structural BMPs for the facility in the SWPPP. These are typically used to divert, infiltrate, reuse, contain or otherwise reduce pollutants in your discharges. Such BMPs may be required by local authority. Structural BMPs associated with wetlands may require a separate permit under section 404 of the CWA before installation. Flow velocity dissipation devices shall be

placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions. Discharge velocities shall be controlled to the extent necessary to prevent the destruction of the natural physical characteristics of receiving waters by erosion. Velocity dissipation devices may be constructed at discharge points or along channels and other stormwater collection areas that lead to outfalls. Management alternatives to minimize runoff, such as limiting impervious cover, may also be considered.

II.B.1.j.(ii)

Consider the following when selecting BMPs:

- Preventing stormwater from coming into contact with polluting materials is much more effective than trying to remove pollutants from stormwater;
- BMPs generally must be used in combination with each other for most effective water quality protection;
- The type and quantity of pollutants, including their potential to impact receiving water quality;
- Minimizing impervious areas at the facility will reduce runoff and improve groundwater recharge and stream base flows in local streams (taking into account the potential for groundwater contamination);
- Flow attenuation by use of open vegetated swales and natural depressions;
- Diverting flow from areas of materials handling, storage or use;
- Conservation or restoration of riparian buffers;
- Infiltration of runoff onsite, (including bio-retention cells, green roofs, and pervious pavement); and
- Treatment interceptors (e.g., swirl separators and sand filters).

II.B.1.j.(i)

The permittee shall implement appropriate BMPs to prevent and minimize pollutants in stormwater discharges from the facility, unless the permittee demonstrates that such controls are not relevant to discharge (e.g., there are no storage piles containing salt) from the facility. The permittee shall keep abreast of new BMPs or new applications of existing BMPs for the most effective means of achieving water quality protection, and include these in your SWPPP as appropriate.

II.B.1.k

**Erosion and Sedimentation Controls**

II.B.1.k.(i)

A section within the SWPPP shall be developed to address soil erosion. Erosion prevention measures and controls shall be evaluated and implemented as necessary to reduce soil erosion in areas of the facility that

have ongoing erosion or potential for soil erosion. The following controls shall be evaluated, at a minimum: soil stabilization through vegetative cover; contouring slopes; paving; and installation of structural controls.

**II.B.1.l Structural Controls**

II.B.1.l.(i) Physical structures shall be evaluated annually and installed along with other pollution prevention measures and controls, as necessary, to reduce pollutants in stormwater discharges. Examples of structural controls that may be utilized include vegetated swales, oil/water separators, settling ponds, and other physical structures.

**II.B.1.m Maintenance Program for Structural Controls**

II.B.1.m.(i) A section within the SWPPP shall be developed to establish a maintenance program for stormwater structural controls. Oil/water separators, catch basins, sediment ponds, grass swales, berms, and other structural controls shall be inspected on a regular basis.

II.B.1.m.(ii) Maintenance frequencies shall be established for each of the controls at intervals that ensure effective operation. Mechanical equipment that is part of a structural control, such as a stormwater pump, shall be inspected at least one (1) time per year and maintained when necessary to prevent failures that could result in a discharge of pollutants. This section of the SWPPP shall identify qualified personnel to conduct inspections and establish inspection and maintenance schedules and state the justification for the frequency of the inspection and maintenance schedules. Records shall document the estimated volumes of solids removed from catch basins, sediment ponds, and other similar control structures, and that the solids have been properly disposed of in accordance with applicable federal, state and local law.

**II.B.1.n Good Housekeeping Measures**

II.B.1.n.(i) A section within the SWPPP shall be developed to ensure areas of the facility that contribute or potentially contribute pollutants to stormwater discharges (e.g. areas around trash dumpsters, storage areas, loading docks, and outdoor processing areas) are maintained in a clean and orderly manner; and,

II.B.1.n.(ii) Good housekeeping measures shall include measures to eliminate or reduce exposure of garbage and refuse materials to precipitation or runoff prior to their disposal. The permittee shall include a schedule for regular

pickup and disposal of waste materials , along with quarterly inspections for leaks and conditions of drums, tanks and containers; and

II.B.1.n.(iii) To the extent practicable, locate industrial materials and activities inside, or protect them with storm-resistant coverings to prevent exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). **Note: If the permittee is able to eliminate exposure at all industrial areas, the facility may be eligible for the “No Exposure” exclusion and not need to have a permit (see 40 CFR 122.26(g) and the *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on “No Exposure” of Industrial Activities to Stormwater* found at [www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater)).**

II.B.1.n.(iv) The good housekeeping measures shall be incorporated as a part of the employee training program.

#### II.B.1.o Spill Prevention and Response Measures

II.B.1.o.(i) A section within the SWPPP shall be developed and implemented to prevent spills and to provide for adequate spill response. This section shall:

II.B.1.o.(i).(a) Identify areas where spills could contribute pollutants to stormwater discharges;

II.B.1.o.(i).(b) Develop and implement procedures to minimize or prevent contamination of stormwater from spills (e.g. training equipment operators to inspect for leaks each day during operation of equipment; installation of secondary containment structures around liquid storage tanks and drums; installation of overflow prevention devices on pumps and tanks; modification of material handling techniques; and routine inspection of drums, tanks and other containers);

II.B.1.o.(i).(c) Require drums, tanks, and other containers to be clearly labeled and properly sealed or closed;

II.B.1.o.(i).(d) Require that hazardous waste containers that require special handling, storage, use, and disposal be clearly marked;

II.B.1.o.(i).(e) Develop and implement specific spill prevention and clean up techniques;

- II.B.1.o.(i).(f) Make the Spill Prevention and Response Measures document available to facility personnel materials and equipment necessary for spill clean up;
- II.B.1.o.(i).(g) Develop and maintain an inventory of spill cleanup materials and equipment; and
- II.B.1.o.(i).(h) Incorporate these measures as a part of the employee training program.

**II.B.1.p Miscellaneous/Additional BMPs**

- II.B.1.p.(i) A section within the SWPPP shall be developed to establish any other miscellaneous and/or additional BMPs not previously mentioned in other sections of the SWPPP to reduce the discharge and potential discharge of pollutants in stormwater. Development of BMPs shall be based on the activities and potentials for contamination that are identified in Part II.B.1.h of this general permit, "Description of Potential Pollutants and Sources;"
- II.B.1.p.(ii) The permittee shall have a preventive maintenance program in the SWPPP that discusses regular inspecting, testing, maintaining and repairing of all industrial equipment and systems to avoid situations that may result in leaks, spills and other releases. These measures are in addition to specific BMP maintenance as required under Part II.B.1.q (Maintenance of BMPs);
- II.B.1.p.(iii) Material handling and storage to minimize exposure of industrial materials shall be considered and included, where feasible;
- II.B.1.p.(iv) The permittee shall implement controls to ensure that no solid materials, including floatable debris, are discharged to Waters of the U.S., except as authorized by a permit issued under section 404 of the CWA;
- II.B.1.p.(v) The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized; and
- II.B.1.p.(vi) The introduction of raw, final or waste materials to exposed areas shall be minimized.
- II.B.1.p.(vii) For storage piles of salt or piles containing salt used for de-icing or other commercial or industrial purposes, the permittee shall enclose or cover these piles to prevent exposure to precipitation. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing

materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to Waters of the U.S. or discharges from the piles are authorized and controlled under another NPDES permit.

**II.B.1.q Maintenance of BMPs**

II.B.1.q.(i) All BMPs the permittee identifies in its SWPPP shall be maintained in effective operating condition. If site inspections required by Part III identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. BMPs shall be maintained or replaced when the BMP reached fifty (50) percent of its operating capacity. If maintenance prior to the next anticipated storm event is impracticable, maintenance shall be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP shall be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

**II.B.1.r Employee Training Program and Employee Education**

II.B.1.r.(i) A section within the SWPPP shall be developed to establish a training program. Training shall be provided to all employees who are responsible for implementing or maintaining activities identified in the SWPPP. Employee training shall include, at a minimum:

II.B.1.r.(i).(a) Proper material management and handling practices for specific chemicals, fluids, and other materials used or commonly encountered at the facility;

II.B.1.r.(i).(b) Spill prevention methods;

II.B.1.r.(i).(c) The location of materials and equipment necessary for spill clean up;

II.B.1.r.(i).(d) Spill clean up techniques;

II.B.1.r.(i).(e) Proper spill reporting procedures; and

II.B.1.r.(i).(f) Familiarization with good housekeeping measures, BMPs, and goals of the SWPPP.

II.B.1.r.(iii) The schedule for employee training sessions shall be developed based on pollutant potential, employee turnover rate, and may include other factors.

- II.B.1.r.(iv) Training shall be conducted at least one (1) time per year and records of training activities shall be maintained in the SWPPP.
- II.B.1.r.(v) Education shall be provided at least once every five (5) years to those employees at the facility that are not directly responsible for implementing or maintaining activities identified in the SWPPP, and that do not participate in the employee training program. At a minimum, these employees shall be informed of the basic goal of the SWPPP.

**II.B.1.s Records**

- II.B.1.s.(i) Records for each element in Part II.B.1.j of "Stormwater Control Measures" shall be included and maintained as an attachment to the SWPPP. Records shall document and describe maintenance activities, inspections, spills, discharge quality, employee training activities, employee education activities, SWPPP updates/modifications, and other events relative to each element.

**PART III. Inspections and Compliance Monitoring**

**III.A.1 Periodic Inspections**

- III.A.1.a Qualified personnel, who are familiar with the industrial activities performed at the facility, shall conduct periodic inspections to determine the effectiveness of the Good Housekeeping Measures, Spill Prevention and Response Measures, Erosion Control Measures, Maintenance Program for Structural Controls, BMPs, and the Employee Training Program.
- III.A.1.b Periodic inspections shall be conducted on a frequency of once per quarter, at a minimum, relating to Specific Requirements for Industrial Activities.
- III.A.1.c The inspections shall be documented through the use of a checklist that is developed to include each of the controls and measures that are evaluated. The checklists shall be included in the SWPPP.
- III.A.1.d When revisions or additions to the SWPPP are recommended as a result of inspections, a summary description of these proposed changes shall be attached to the inspection checklist within fourteen (14) days. The summary shall identify any necessary time frames required to implement the proposed changes. The Permittee shall make the identified revisions as soon as practicable, but not later than sixty (60) calendar days after

discovery of the deficiency, or as otherwise provided or approved by NDEP.

### **III.A.2 Quarterly Visual Monitoring**

III.A.2.a Stormwater discharges from each outfall authorized by this general permit shall be visually examined on a quarterly basis. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term to ensure consistency. Monitoring shall be conducted during daylight hours, samples shall be examined in a well lit area, and findings shall document observations of color, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Any noticeable odors shall also be noted. Some examinations, such as an examination for odor and foam, may necessarily be conducted immediately following collection of the sample. All examinations shall be performed within a time frame that ensures the sample is representative of the discharge.

III.A.2.b Records of quarterly visual monitoring shall include the date and time samples were collected and examined, names of personnel that collected and examined the samples, the nature of the discharge (e.g., runoff, snow melt), the magnitude of the storm that was sampled and the length of time since the last storm with a magnitude of at least 0.1 inch, and the visual quality of the stormwater discharge.

### **III.A.3 Comprehensive Site Compliance Evaluation**

#### **III.A.3.a Description**

III.A.3.a.(i) The comprehensive site compliance evaluation is a required site inspection and an overall assessment of the effectiveness of the current SWPPP. This evaluation is in addition to other routine inspections required by the permit (e.g. inspections of good housekeeping measures, structural controls, and for identification of non-stormwater sources). This evaluation may, however, substitute for a periodic inspection if it is conducted during the regularly scheduled period for the periodic inspection.

#### **III.A.3.b General Requirements**

III.A.3.b.(i) The evaluation shall be conducted at least once per year by either one or more qualified employees or designated representatives, who are familiar with the industrial activities performed at the facility and the elements of the SWPPP. The evaluation shall include:

- III.A.3.a.(i).(a) Inspection of all areas identified in the Inventory of Exposed Materials section of the SWPPP;
- III.A.3.a.(i).(b) Inspection of all structural controls, including the maintenance and effectiveness;
- III.A.3.a.(i).(c) Inspection of all non-structural controls including BMP effectiveness, good housekeeping measures, and spill prevention;
- III.A.3.a.(i).(d) Inspection of all reasonably accessible areas immediately downstream of each stormwater outfall that is authorized under this general permit; and
- III.A.3.a.(i).(e) A review of all records required by this general permit.

**III.A.3.c Site Compliance Evaluation Report**

- III.A.3.c.(i) The report shall include a narrative discussion of the Permittee's compliance with the current SWPPP. The report shall document the personnel conducting the evaluation, the dates of the evaluation, and any incidents of non-compliance.
- III.A.3.c.(ii) For purposes of this inspection, a non-compliance incident is any instance where an element of the SWPPP is either not implemented, or where specific conditions of the permit are not met.
- III.A.3.c.(iii) If no incidents of non-compliance are discovered, the report shall contain a certification that the facility is in compliance with the SWPPP.
- III.A.3.c.(iv) If the report indicates an incident of non-compliance, the operator shall complete all necessary actions to come into compliance as soon as practicable, but no later than sixty (60) calendar days following the evaluation. Failure to take corrective action in the stipulated timeframe is a violation of this permit. Failure to implement a SWPPP in compliance with this permit requirements would be an independent violation during the full-time period in which the non-compliance existed;
- III.A.3.c.(v) The report shall either be included as a part of the SWPPP or referenced in the SWPPP and be made readily available for inspection and review by the Division upon request.

**III.A.3.d Revision of the SWPPP**

III.A.3.d.(i) The SWPPP shall be revised to include and address the findings of the Site Compliance Evaluation Report within fourteen (14) days following completion of the evaluation. Revisions shall include all applicable changes that result from the comprehensive site compliance report and all applicable updates to:

III.A.3.d.(i).(a) Elements of the SWPPP that require modification for effectiveness;

III.A.3.d.(i).(b) Any additional elements (e.g. structural controls or BMPs) that should be added or modified for prevention of pollution;

III.A.3.d.(i).(c) The site map;

III.A.3.d.(i).(d) The inventory of exposed materials;

III.A.3.d.(i).(e) The description of the good housekeeping measures;

III.A.3.d.(i).(f) The description of structural and non-structural controls; and

III.A.3.d.(i).(g) Any other element of the plan that was either found to be inaccurate or that will be modified.

**III.A.3.e Inspection of the SWPPP On-Site**

III.A.3.e.(i) The SWPPP shall be maintained, with a copy of this general permit at the site and be readily available for review by authorized NDEP personnel upon request. The SWPPP shall be modified as often as necessary. Each revision shall be dated and all revisions shall be retained according to Part II.B.1.s. NDEP may determine, following a review or site inspection that the SWPPP is not sufficient and require that the SWPPP be revised to correct all deficiencies.

**III.A.4 General Monitoring and Records Requirements**

**III.A.4.a Representative Storm Events**

III.A.4.a.(i) Monitoring, sampling, examinations, and inspections of stormwater discharges that are required as a provision of this general permit shall be conducted on discharges of runoff from a representative storm event. For the purposes of this general permit, a representative storm event is an event with at least 0.1 inch of measured precipitation that occurs with a

minimum interval from the preceding measurable storm of at least seventy-two (72) hours. The 72-hour interval is not required if either the preceding storm event did not yield a discharge that was sufficient for obtaining a sample, or if it is documented in the SWPPP that a less than 72-hour interval is representative for local storm events for the sampling period.

**III.A.4.b Representative Discharges from Substantially Similar Outfalls**

II.A.4.b.(i) If discharges of stormwater through two or more outfalls are substantially the same, sampling and monitoring may be conducted at one of the outfalls, and the results may be reported as representative of the discharge from the substantially similar outfall. Before results may be submitted as representative of discharges from substantially similar outfalls, the SWPPP shall include a description of outfall locations and provide justification of why the discharge qualities from the outfalls are substantially similar. To determine if outfalls are substantially similar, the following characteristics of each outfall shall be compared:

III.A.4.b.(i).(a) The industrial activities that occur in the drainage area to each outfall;

III.A.4.b.(i).(b) Significant materials stored or handled within the drainage area to each outfall; and

III.A.4.b.(i).(c) The management practices and pollution control structures that occur within the drainage area of each outfall.

II.A.4.b.(ii) Substantially similar outfalls may not be established for non-stormwater discharges.

**III.A.4.c Sampling Data**

III.A.4.c.(i) The following categories of facilities have stormwater effluent guidelines for at least one of their subcategories: cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric power generation (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); paving and roofing materials (40 CFR 443); and landfills (40 CFR 445). A facility that falls into one of these general categories shall examine the applicable effluent guideline to determine if it is categorized in one of the subcategories that have storm water effluent guidelines. If a facility is classified as one of those subcategories, that facility is subject to

the standards listed in the CFR for that category, shall sample stormwater discharges from the facility, at a minimum, of one (1) time per calendar year;

- III.A.4.c.(ii) All lab analysis received from stormwater discharge samples shall be submitted to NDEP;
- III.A.4.c.(iii) If applicable, all data from the laboratory analyses of stormwater discharge samples shall be summarized;
- III.A.4.c.(iv) The summary shall be updated on an annual basis to include the results of all additional analyses;
- III.A.4.c.(v) The data summary shall either be included as an attachment to the SWPPP or may be referenced and maintained separately;
- III.A.4.c.(vi) NDEP may require stormwater discharge sampling by the permittee to determine compliance with the terms of this permit; and,
- III.A.4.c.(vii) If sampling is required, the sample shall be taken within the first thirty (30) minutes of the discharge where practicable. Where not practicable, the discharge shall be sampled within the first sixty (60) minutes.

#### **PART IV. STANDARD CONDITIONS**

##### **IV.A OPERATING REQUIREMENTS**

###### **IV.A.1 Proper Operation and Maintenance**

- IV.A.1.a The Permittee shall implement all BMPs used to comply with this permit and maintain them in good working order.

###### **IV.A.2 Removed Substances**

- IV.A.2.a Solids and other pollutants removed in the course of treatment or control of stormwater shall be disposed of in accordance with applicable laws, regulations, codes, and ordinances.

###### **IV.A.3 Water Quality Standards**

- IV.A.3.a There shall be no discharge of substances that cause or contribute to a violation of the water quality standards of the State of Nevada in accordance with Nevada Revised Statutes ("NRS") and NAC 445A.

**IV.A.4 Sampling and Analysis**

IV.A.4.a If any samples or measurements are taken pursuant to this permit they shall be representative of the volume and nature of the discharge. Laboratory analyses shall be performed by a State of Nevada certified laboratory. Results from this lab shall be provided to the Division in accordance with this permit.

**IV.A.5 Test Procedures**

IV.A.5.a Test procedures for analyses of pollutants shall conform to regulations (40 CFR § 136) published pursuant to Section 304(h) of the CWA, under which such procedures may be required, unless other procedures are approved by the Division.

**IV.A.6 Recording the Results**

IV.A.6.a If any measurement or sample is taken pursuant to this permit, the Permittee shall record the following information:

IV.A.6.a.(i) The exact place, date, and time of sampling;

IV.A.6.a.(ii) The dates the analyses were performed;

IV.A.6.a.(iii) The person(s) who performed the analyses;

IV.A.6.a.(iv) The analytical techniques or methods used; and

IV.A.6.a.(v) The results of all required analyses.

**IV.A.7 Adverse Impact**

IV.A.7.a The Permittee shall take all reasonable steps to minimize any adverse impacts to receiving waters from any unauthorized discharge including monitoring as necessary to determine the nature and impact of the unauthorized discharge.

**IV.B ADMINISTRATIVE REQUIREMENTS**

**IV.B.1 Signature Requirements**

IV.B.1.a **Notices of Intent:** All NOIs shall be signed as follows:

IV.B.1.a.(i) By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- IV.B.1.a.(i).(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
- IV.B.1.a.(i).(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- IV.B.1.a.(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
- IV.B.1.a.(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
- IV.B.1.a.(iii).(a) The chief executive officer of the agency, or
- IV.B.1.a.(iii).(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- IV.B.1.b **Duly Authorized Representative**
- IV.B.1.b.(i) All SWPPPs and any other information required by this permit or requested by NDEP shall be signed by a person described in this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- IV.B.1.b.(i).(a) The authorization is made in writing by a person described under Section II.B.1;
- IV.B.1.b.(i).(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility or for environmental matters for the company; and

IV.B.1.b.(i).(c) The authorization is submitted to NDEP.

**IV.B.1.c Changes to Authorization**

IV.B.1.c.(i) If an authorization under Section IV.B.1 is no longer accurate because the individual or position has changed, a new written authorization shall be submitted to the Division prior to or together with any information signed by the new representative within thirty (30) days.

**IV.B.1.d Certification**

IV.B.1.d.(i) Any person signing a document under Section IV.B.1. shall make the following certification.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I also confirm that a stormwater pollution prevention plan (SWPPP) has been completed, will be maintained at the project site, and that the SWPPP will be compliant with any applicable local sediment and erosion control plans. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.”

**IV.B.3 Records Retention**

III.B.3.a All records and information resulting from activities performed pursuant to this permit shall be retained for a minimum of three years after acceptance of the NOT, or longer if required by NDEP.

**IV.B.4 Availability of Reports**

III.B.4.a Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit that have been submitted to NDEP shall be available for public inspection at NDEP's office. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

**IV.B.5 Continuation of Coverage**

IV.B.5.a In accordance with NAC 445A.241, this permit shall remain in effect until reissued, and existing permittees shall be included in the reissued permit if a new NOI is submitted prior to the expiration date of this permit. A filing fee is not required for this submittal.

**IV.B.6 Transfer of Ownership or Control**

IV.B.6.a If control or ownership of the Industrial Facility changes, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to NDEP. To transfer permit coverage, the new owner or operator and the previous owner shall submit a written request to NDEP in accordance with Section I.A.5.d.(i).(c). All transfer of permits shall be approved by NDEP.

**IV.B.7 Annual Fee**

IV.B.7.a The Permittee shall remit an annual fee in accordance with NAC 445A.268 on or before July 1 every year.

**IV.B.8 Right of Entry**

IV.B.8.a The permittee shall allow representatives of NDEP upon the presentation of credentials:

IV.B.8.a.(i) To enter upon the industrial facility site or the permittee's premises where any records are kept under the terms and conditions of this permit; and

IV.B.8.a.(ii) At reasonable times, to have access to and copy any records kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method used pursuant to this permit; perform activities required to collect information in conducting compliance investigations; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

**IV.B.9 Penalty for Violation of Permit Conditions**

IV.B.9.a NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

**IV.B.10      Furnishing False Information and Tampering with Monitoring Devices**

IV.B.10.a      Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$25,000 per day per violation or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

**IV.B.11      Permit Modification, Suspension or Revocation**

IV.B.11.a      After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

IV.B.11.a.(i)      Violation of any terms or conditions of this permit

IV.B.11.a.(ii)      Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or

IV.B.11.a.(iii)      A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

**IV.B.12      Liability**

IV.B.14.a      Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

**IV.B.13      Property Rights**

IV.B.14.a      The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**IV.B.14 Severability**

IV.B.14.a The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### Appendix A. Definitions Used in This General Permit

**Best Management Practices (“BMPs”)** - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Clean Water Act (“CWA”)** (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 U.S.C. 1251 et seq. CWA and regulations means the Clean Water Act (CWA) and applicable regulations promulgated thereunder. In the case of an approved State program, it includes State program requirements.

**Control Measure** - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

**Division** – Nevada Division of Environmental Protection

**Discharge** - when used without qualification, means the "discharge of a pollutant."

**Discharge of a Pollutant** - any addition of any pollutant or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately-owned treatment works.

**Discharge-related activities** - activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

**Facility or Activity** - any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

**Impaired Water** – a water is impaired if it does not meet its designated use(s). For purposes of this permit ‘impaired’ refers to threatened and impaired waters listed on NDEP’s 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. For current 303(d) Impaired Water Body listings, please refer to <http://ndep.nv.gov/bwqp/303dlist.htm>. States will generally have associated, but separate lists of

impaired waters for which TMDLs have already been established. For a list of TMDLs approved by EPA, please refer to <http://ndep.nv.gov/bwqp/tmdl.htm>.

**Industrial Activity** - the 11 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity.”

**Industrial Stormwater** - stormwater runoff associated with the definition of “stormwater discharges associated with industrial activity.”

**Municipal Separate Storm Sewer (“MS4”)** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- i. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- ii. Designed or used for collecting or conveying stormwater;
- iii. Which is not a combined sewer; and
- iv. Which is not part of a Publicly Owned Treatment Works (“POTW”) as defined at 40 CFR 122.2.

**NDEP** – Nevada Division of Environmental Protection

**New Discharger** - as used in this permit, means an operator applying for coverage under this permit for discharges not covered previously under an NPDES general or individual permit.

**New Source** - any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

**No exposure** - all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

**Owner or operator** - the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

**Person** - an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

**Point source** - any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Primary industrial activity** - includes any activities performed on-site which are identified in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix); and activities which are identified by the facility's primary SIC code. [It is recommended that this determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged.] Narrative descriptions identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

**Pollutant** - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

**Qualified Personnel** - Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of BMPs.

**Reportable Quantity Release** - a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 177, and 302 for complete definitions and reportable quantities for which notification is required.

**Runoff coefficient** - the fraction of total rainfall that will appear at the conveyance as runoff.

**Significant materials** - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

**Special Aquatic Sites** - sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

**Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Discharges Associated with Construction Activity** - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15) for the two regulatory definitions on regulated stormwater associated with construction sites.)

**Stormwater Discharges Associated with Industrial Activity** - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or

municipally owned or operated that meet the description of the facilities designated under the provisions of 40 CFR 122.26(a)(1)(v).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

**Waters of the United States** - means:

- All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- All interstate waters, including interstate "wetlands";
- All other waters, such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such waters
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. Which are or could be used for industrial purposes by industries in interstate commerce;
- All impoundments of waters otherwise defined as waters of the United States under this definition;
- Tributaries of waters identified in paragraphs (1) through (4) of this definition;
- The territorial sea; and
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations as specified in 40 CFR 423) which also meet the criteria of this definition, are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

**Water Quality Impaired** – See "Impaired Water."

**EXHIBIT A-5**

**HAZARDOUS MATERIALS PERMIT**

Post this Permit in a Visible  
Area at All Times



Post this Permit in a Visible  
Area at All Times

# NEVADA STATE FIRE MARSHAL

## Hazardous Materials Permit

PERMIT NUMBER  
13214

SAFETY-KLEEN SYSTEMS INC  
4582 DONOVAN WAY  
N LAS VEGAS, NV 89031-2726

FDID NUMBER  
03004



# 2011

*Expires February 29, 2012*

*James M. Subjick*

Nevada State Fire  
Marshal

THIS PERMIT DOES NOT MEET LOCAL FEE REQUIREMENTS \* PLEASE KEEP PERMIT AVAILABLE ON SITE  
CHANGES IN INFORMATION OR MATERIALS SHALL BE REPORTED WITHIN 90 DAYS

## **EXHIBIT A-6**

### **FACILITY PHOTOGRAPHS**

#### **Photograph Descriptions**

1. Las Vegas Facility – Office
2. Las Vegas Facility – Main Gate (South side)
3. Las Vegas Facility – Alternate Gate (North side of building)
4. Las Vegas Facility – View from rear of facility
5. Tank Farm with three Above Ground Storage Tanks. Permitted tank on Right
6. Tanker loading/unloading piping connection and containment box
7. Tanker loading/unloading concrete pad
8. Piping from Tank to Return and Fill
9. Return and Fill
10. Return and Fill – Drum Washer
11. Tank High Level Alarm control panel
12. Warehouse Container Storage Area – transfer and permitted storage
13. Warehouse Container Storage Area – transfer and permitted storage

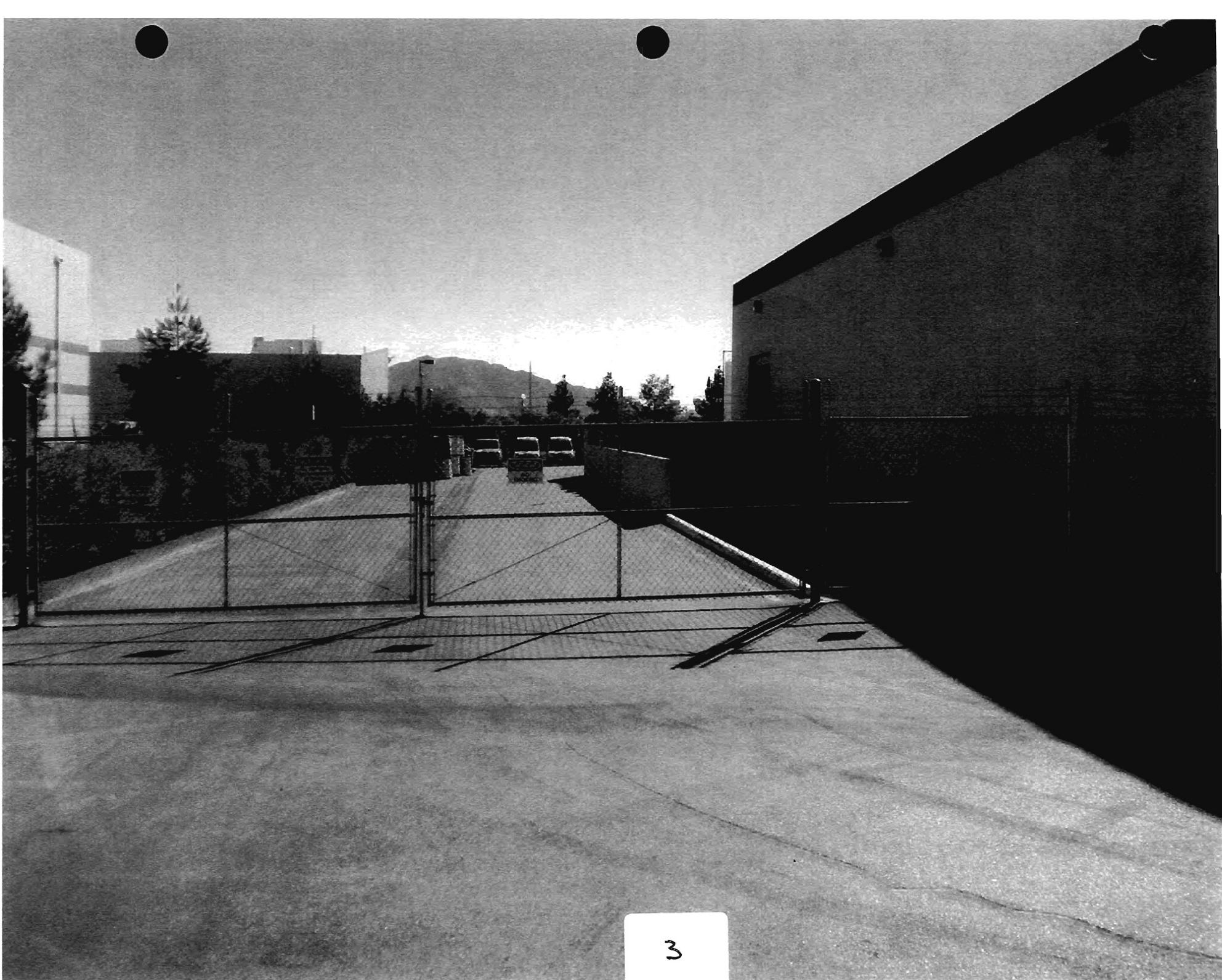
4582

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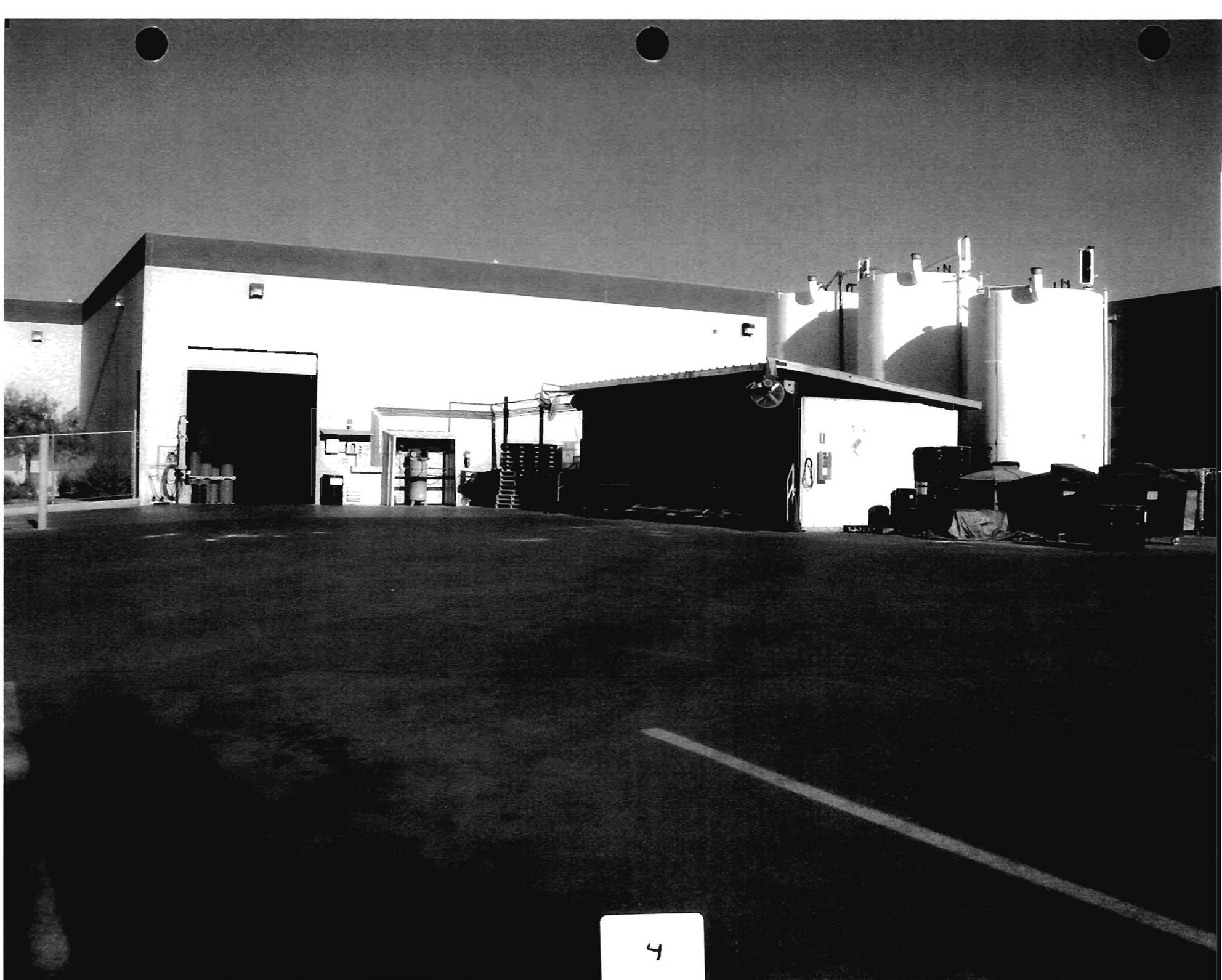
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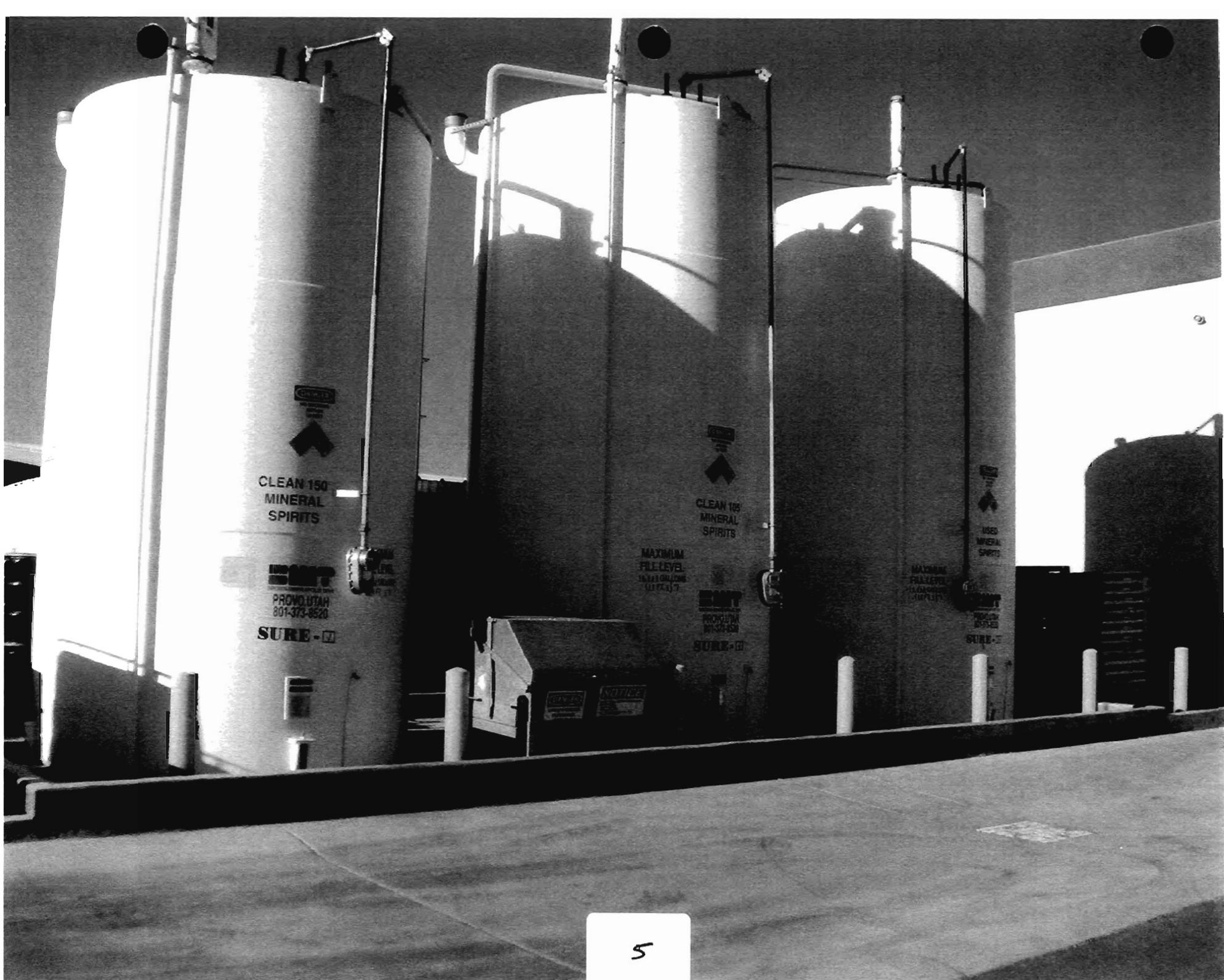
2



3



5



5



**DANGER**  
UNAUTHORIZED  
PERSONNEL  
KEEP OUT

6

**NOTICE**  
TANKER TRUCK LOADING & OFF-LOADING  
TASKS REQUIRE:  
- SAFETY GLASSES  
- NEOPRENE GLOVES  
- LEATHER BOOTS WITH STEEL TOE  
and/or METATARSAL  
WORK UNIFORM

CLEANING  
MINERAL  
SPIRITS

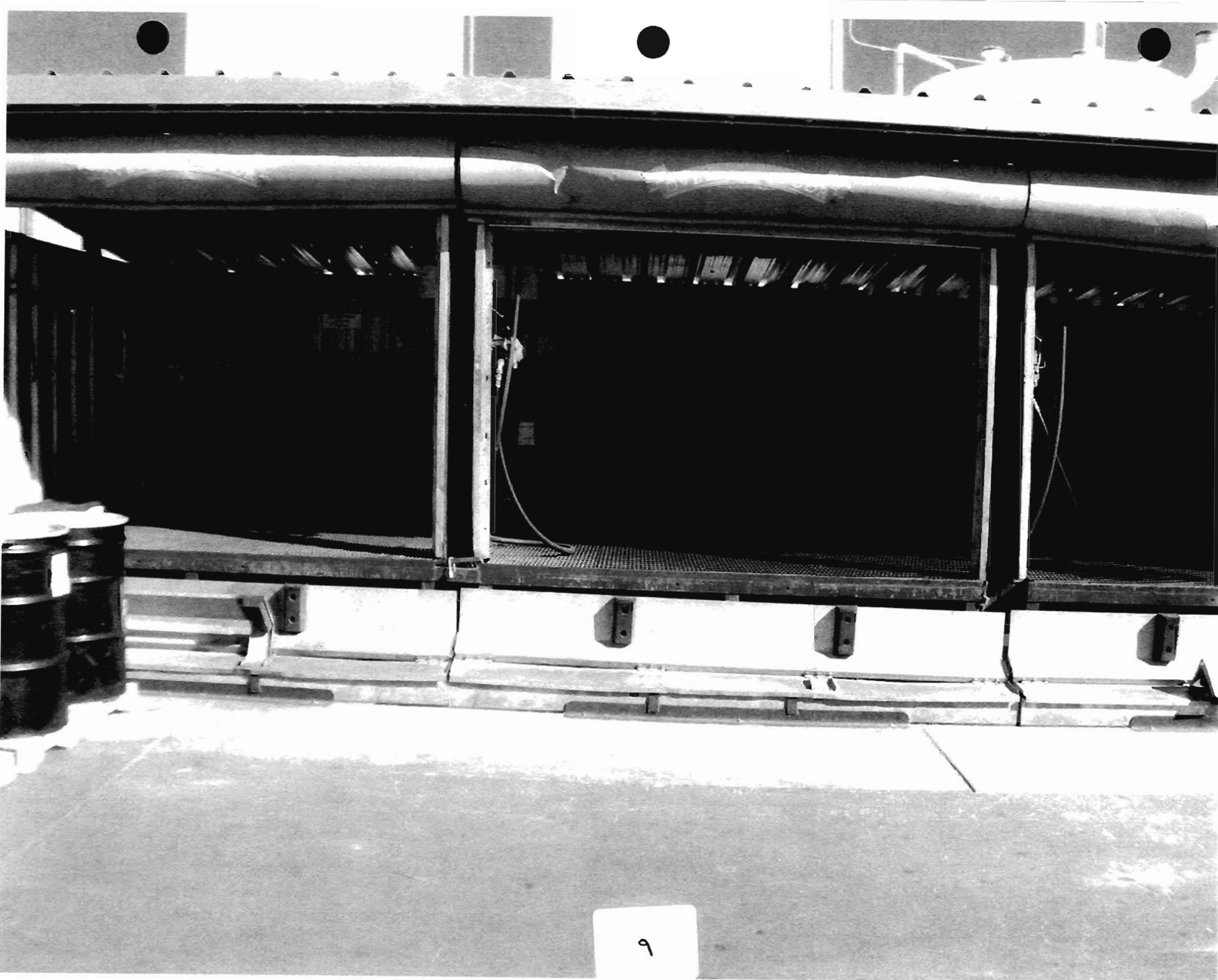
PROHIBITED  
SUNBATH

7



**MINNEAPOLIS TANK**  
PROVO, UTAH  
01-373-8520  
URE -

28



9



**DANGER**  
NO SMOKING  
WITHIN  
50 FEET

1 0

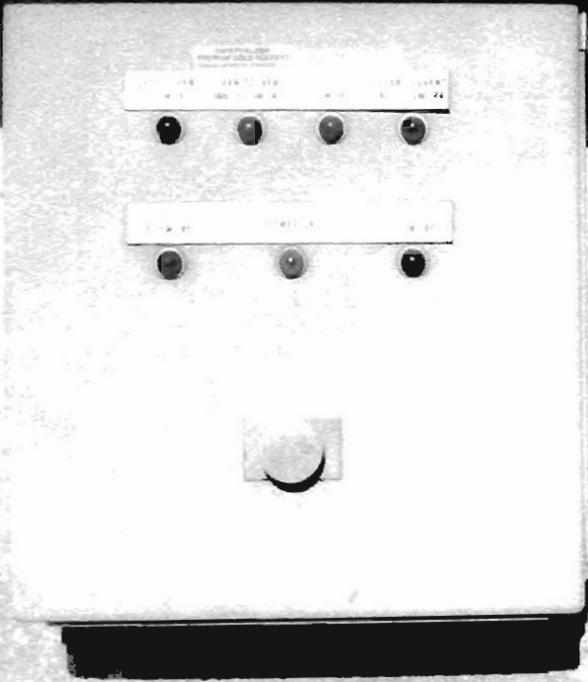
DO NOT  
CONTACT  
FACE STRAP

10

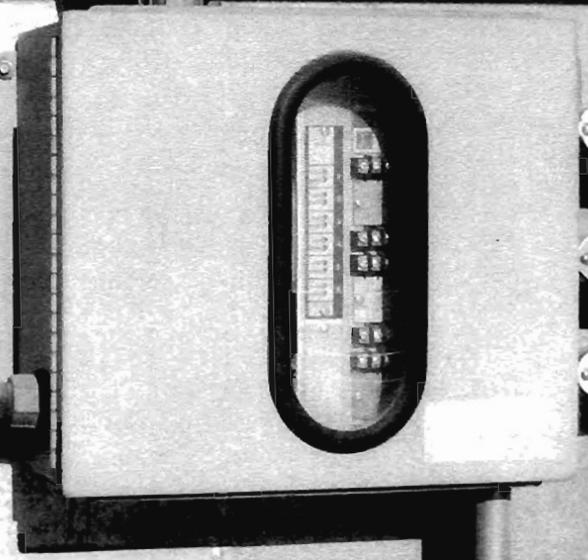
10

10

PARTS AND SERVICE CENTER  
PERFORMANCE EQUIPMENT



SPILL KIT  
  
and SALVAGE DRUM



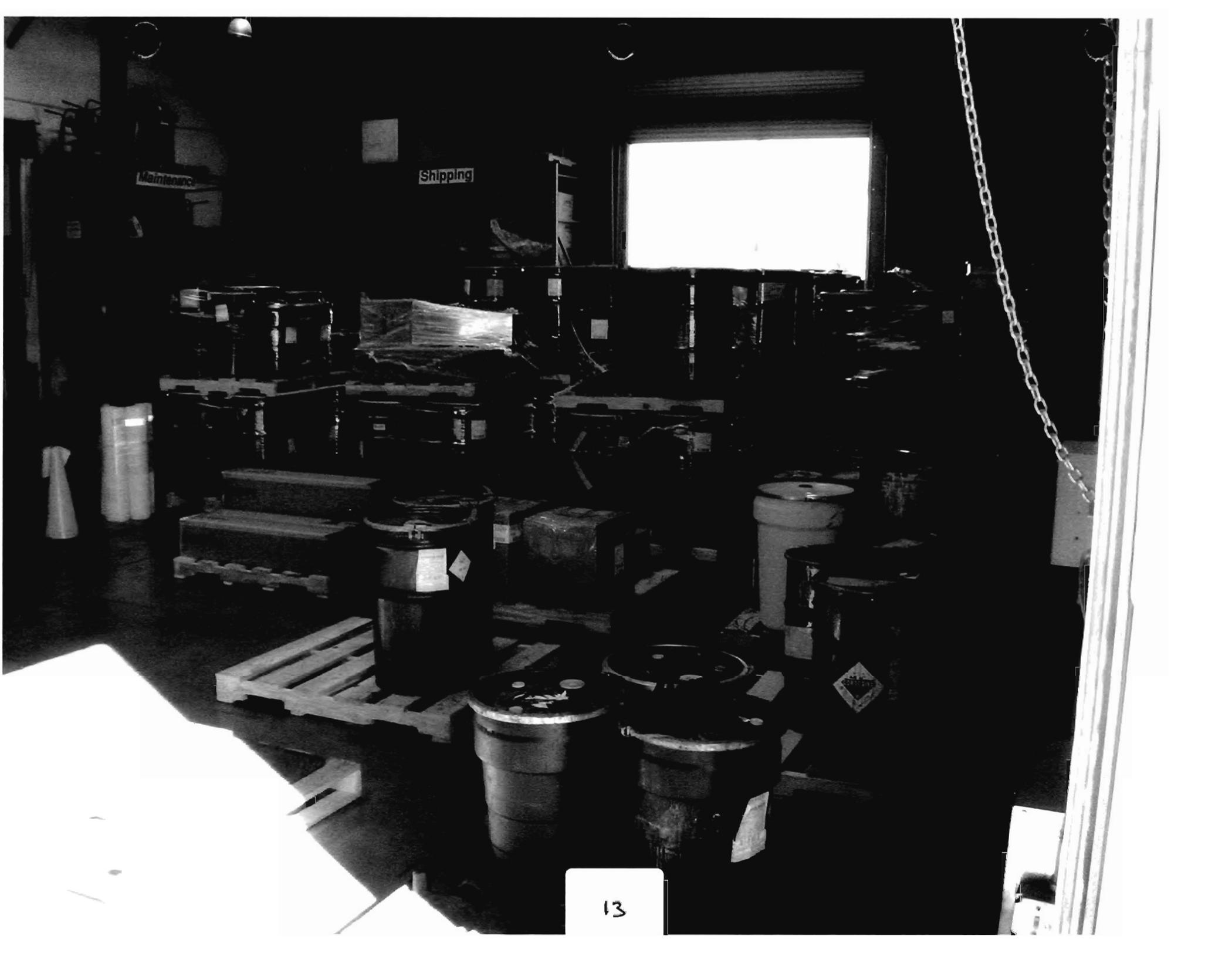
EMERGENCY  
SHUT OFF

11

TRANSFER

PERMITTED

12



13

## APPENDIX B

### PROCESS FLOW DIAGRAMS

#### Exhibits

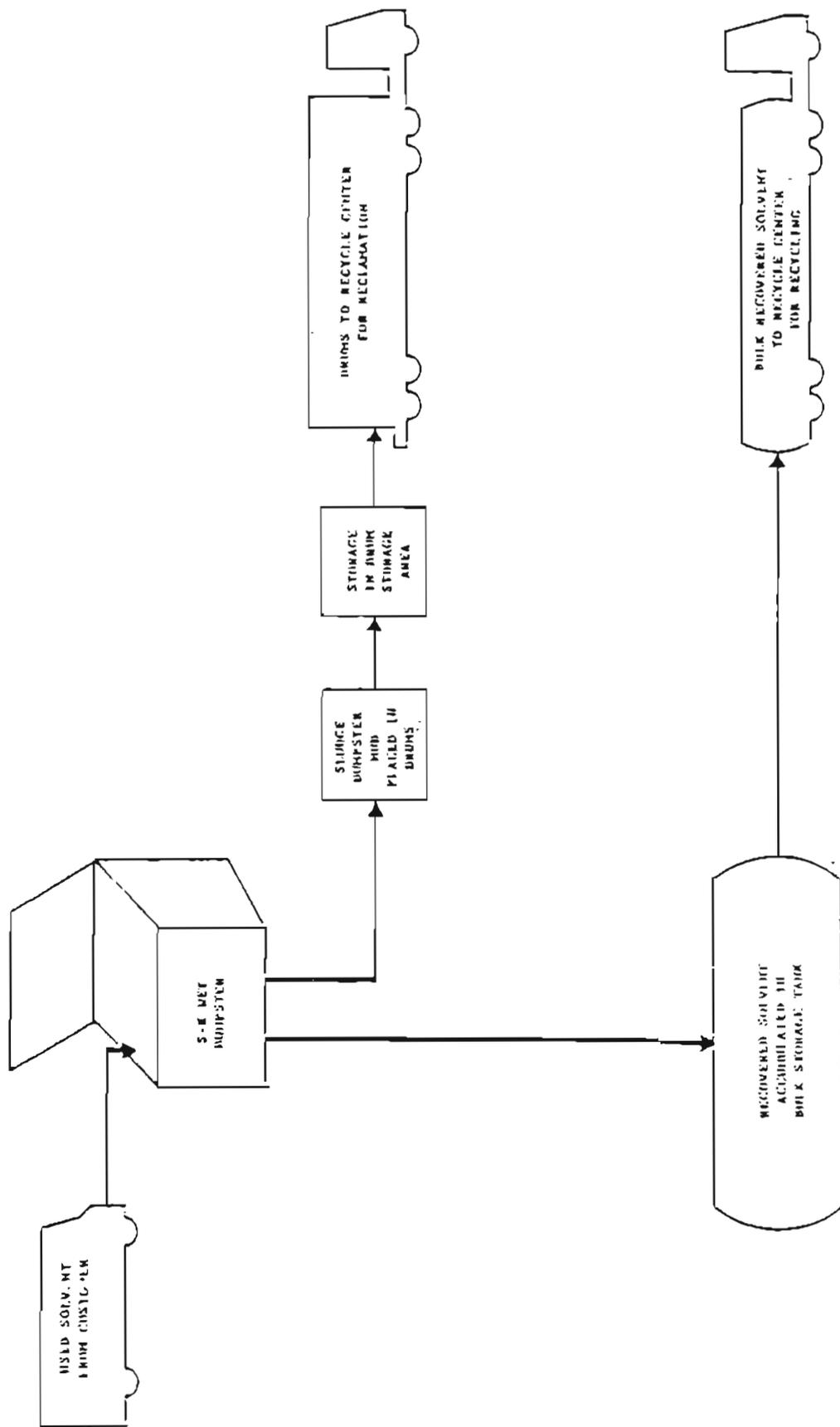
- B-1 UNIT PROCESS FOR HANDLING OF MINERAL SPIRITS AND AQUEOUS CLEANER
- B-2 SK SOLVENT USE AND REGENERATION LOOP
- B-3 UNIT PROCESS FOR HANDLING 10-DAY WASTES
- B-4 UNIT PROCESS FOR HANDLING SPENT IMMERSION CLEANER, DRY CLEANER WASTE, PAINT WASTE, AND SPENT PHOTO CHEMICAL WASTE

**B-1**

**UNIT PROCESS FOR HANDLING OF MINERAL SPIRITS AND  
AQUEOUS CLEANER**

# UNIT PROCESS FOR THE HANDLING OF

## SPENT MINERAL SPIRITS / AQUEOUS CLEANER

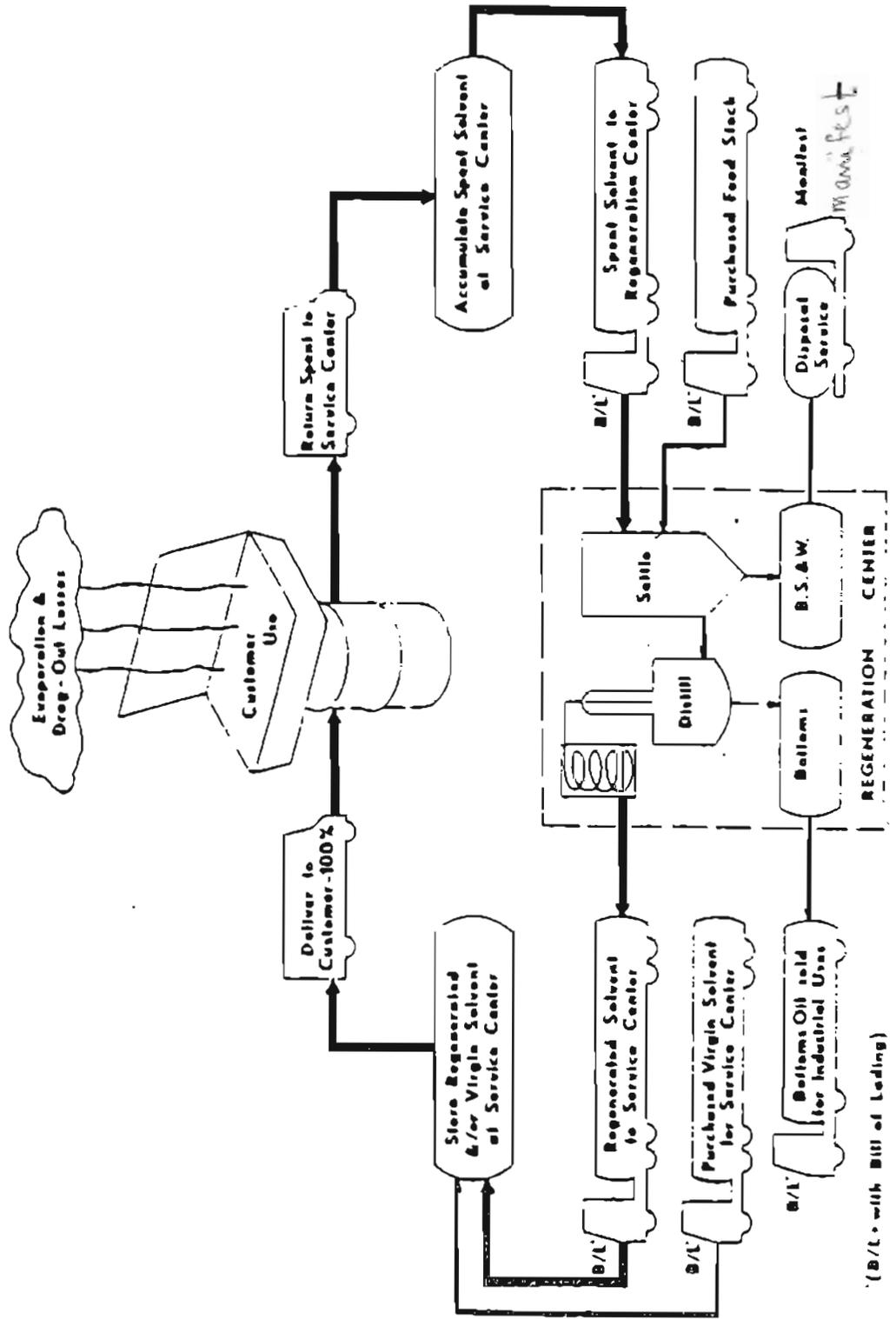


**B-2**

**SK SOLVENT USE AND REGENERATION LOOP**

5

SAFETY-KLEEN SOLVENT USE & REGENERATION LOOP —

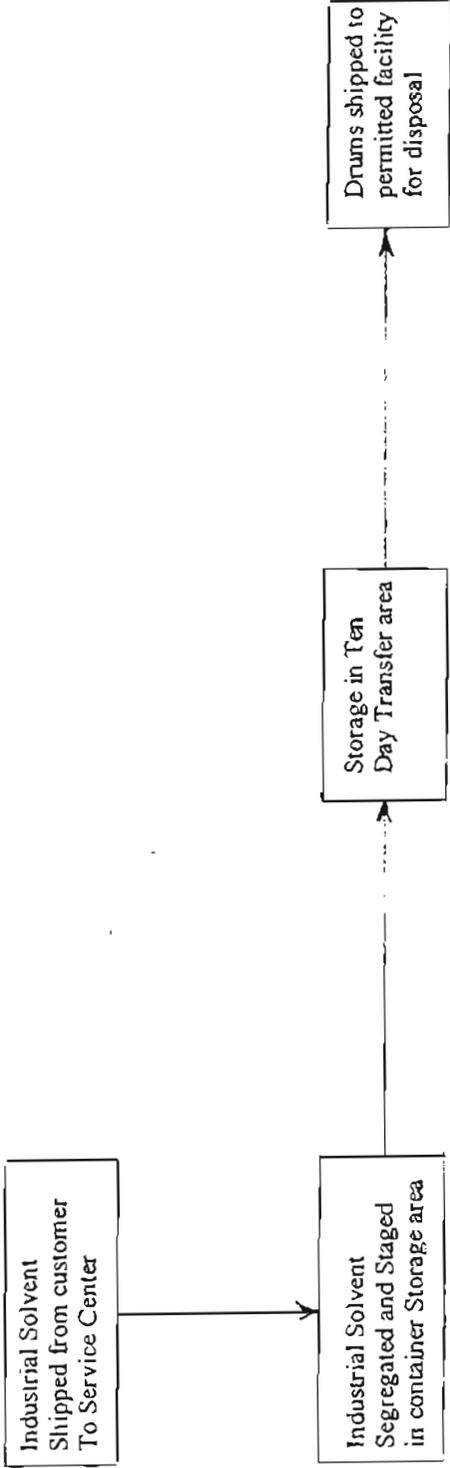


(B/L - with Bill of Lading)

**B-3**

**UNIT PROCESS FOR HANDLING 10-DAY WASTES**

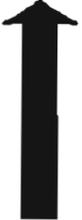
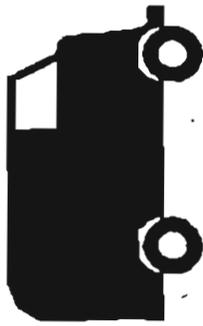
**UNIT PROCESS FOR THE HANDLING OF TEN-DAY  
TRANSFER WASTE**



**B-4**

**UNIT PROCESS FOR HANDLING SPENT IMMERSION CLEANER,  
DRY CLEANER WASTE, PAINT WASTE, AND SPENT PHOTO  
CHEMICAL WASTE**

UNIT PROCESS FOR THE HANDLING OF SPENT IMMERSION  
CLEANER, DRY CLEANER WASTE, PAINT WASTE, AND SPENT  
PHOTO CHEMICAL WASTE.



WASTE IS SHIPPED  
FROM CUSTOMER  
TO SERVICE CENTER

STORAGE IN  
DRUM STORAGE  
AREA

DRUMS SHIPPED TO  
RECYCLE CENTER  
FOR RECYCLING