

**Clark County Department of Air Quality and
Environmental Management
Title V Operating Permit Program Evaluation**

FINAL REPORT

July 30, 2007

Conducted by the

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, California 94105

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ACKNOWLEDGMENTS

EPA Region 9 would like to acknowledge the cooperation of the staff and management of the Clark County Department of Air Quality and Environmental Management (“DAQEM”) during this Title V program evaluation. We appreciate their willingness to respond to information requests and share their experiences regarding the development and implementation of DAQEM’s Title V program.

EXECUTIVE SUMMARY

In response to the 2002 Office of Inspector General audit recommendations, the Environmental Protection Agency (“EPA”) has re-examined the ways it can improve state and local Title V operating permit programs and expedite permit issuance. Specifically, EPA developed an action plan for performing program reviews of Title V operating permit programs. EPA Headquarters (“HQ”) directed each Regional office to perform Title V program evaluations for each air pollution control agency beginning in fiscal year (FY) 2003.

EPA Region 9 oversees 47 separate air permitting authorities (35 in California, 3 in Nevada, 4 in Arizona, Hawaii, the Navajo Nation, and 3 in the Pacific Islands). Due to the significant number of permitting authorities, Region 9 has committed to performing one comprehensive Title V program evaluation per year on 10 of the largest permitting authorities, which would represent about 85% of the Title V sources in Region 9. The purpose of the program evaluations is to identify good practices, document areas needing improvement, and learn how EPA can help the permitting agencies improve their performance.

Region 9 recently conducted a Title V program evaluation at the Clark County Department of Air Quality and Environmental Management (“DAQEM”). (See Appendix A, Air Pollution Agencies in Nevada.) This is the fourth Title V program evaluation Region 9 has conducted. The first three were conducted at permitting authorities in Arizona. The EPA Region 9 program evaluation team consisted of the following EPA personnel: Amy Zimpfer, Associate Director; Gay MacGregor, Acting Associate Director; Gerardo Rios, Chief of the Air Permits Office; Ken Israels, Program Evaluation Advisor; Anna Yen, DAQEM Program Evaluation Coordinator and Permit Engineer; and Roger Kohn, Lead Contact for Clark County.

The evaluation was conducted in several stages. In the first stage, EPA sent DAQEM a questionnaire (see Appendix B, Title V Questionnaire and DAQEM Responses) focusing on Title V program implementation in preparation for the site visit to DAQEM’s office. The Title V questionnaire was developed by EPA nationally and covers the following program areas: (1) Title V Permit Preparation and Content; (2) General Permits; (3) Monitoring; (4) Public Participation and Affected State Review; (5) Permit Issuance/Revision/Renewal Processes; (6) Compliance; (7) Resources & Internal Management Support; and (8) Title V Benefits. DAQEM completed the questionnaire in advance of Region 9’s site visit at DAQEM’s offices.

During the second stage of the program evaluation, Region 9 conducted a review of EPA’s own set of DAQEM Title V permit files. DAQEM submits Title V permits to Region 9 in accordance with the Title V regulations. Region 9 maintains Title V permit files containing these permits along with copies of associated documents, permit applications, and correspondence.

The third stage of the program evaluation was the site visit, which consisted of Region 9 representatives visiting the DAQEM Las Vegas office to conduct further file reviews, interview DAQEM staff and managers, and review the Department's databases used for tracking permit-related information. The purpose of the interviews was to confirm the responses in the completed questionnaire and to ask clarifying questions. The site visit took place May 8 through May 12, 2006. Region 9 also conducted several interviews by phone with DAQEM staff and managers prior to and after the site visit.

The fourth stage of the program evaluation was follow-up and clarification of issues for completion of the draft report. Region 9 compiled and summarized interview notes, made phone calls to clarify Region 9's understanding of various aspects of the Title V program at DAQEM, and obtained additional documentation. The program evaluation team met on a regular basis to work towards completion of the draft report.

Clark County has a population of 1.9 million. There are presently 24 facilities with Title V operating permits. Electricity generation and construction-related industries are the major of Title V operating permit holders. Most of the Title V facilities are located in the Las Vegas Valley.

Based on Region 9's program evaluation of DAQEM, some major findings are provided below:

1. Since implementing its Title V program, DAQEM has greatly improved the quality of its major source permitting program. (See Finding 8.1)
2. DAQEM does not typically include compliance schedules in Title V permits. DAQEM's practice is to work with the source until the source comes into compliance before the Department issues a Title V permit to the source. (See Finding 6.2)
3. Revenue from the Title V fee program is tracked accurately; it is unclear that expenses are accounted for in a similar fashion. (See Finding 7.1)
4. DAQEM suffers from a significant turnover rate among its permit writers. The fact that DAQEM is not able to complete tasks within the statutory timeframes required by Title V leads us to believe that DAQEM needs additional resources and a way to retain these resources. (See Finding 7.2)
5. The Permitting Division has lacked sufficient resources to do its work. The division has struggled to reduce its backlog of unprocessed applications. (See Finding 7.7)
6. DAQEM has rarely revised Title V permits following issuance of the initial permits. In fact, Region 9 has record of only one Title V permit revision proposed by DAQEM in the past eight years. (See Finding 5.2)

7. DAQEM demonstrated a general lack of knowledge on environmental justice (EJ) and would like EPA to provide training on this issue. (See Finding 4.2)
8. DAQEM has observed that sources take compliance more seriously as a result of Title V; DAQEM's practicably enforceable permits reinforce this result. (See Finding 8.2)

Our report provides a series of findings (in addition to those listed above) and recommendations that should be considered in addressing our findings. We have given DAQEM an opportunity to review the findings and to consider our recommendations in the context of their organization, their priorities, and resources. In response to our report, as noted in the project workplan that outlines the process we followed in performing this evaluation (see Appendix F), DAQEM should prepare and submit to EPA a plan that outlines how they intend to address our findings either by using the recommendations found in this report or an alternative that we have agreed to that works best for them.

1. INTRODUCTION

Background

In 2000, the Office of Inspector General (“OIG”) initiated an evaluation on the progress of issuing Title V permits by EPA and states at the request of the management at EPA Region 5. Region 5 was concerned about the progress that its state and local air pollution control agencies were making in issuing Title V permits under the Clean Air Act (“CAA” or “the Act”). In planning the evaluation, OIG expanded the scope to include other EPA regions because problems in issuing Title V permits were not limited to Region 5. The purpose of OIG’s evaluation was to identify factors delaying the issuance of Title V permits by selected state and local agencies and to identify practices contributing to timely issuance of permits by those same agencies.

After reviewing several selected state and local air pollution control agencies, OIG issued a report¹ on the progress of Title V permit issuance by EPA and States. In the report, OIG concluded that the key factors delaying the issuance of Title V permits included (1) a lack of resources, complex EPA regulations, and conflicting priorities contributed to permit delays; (2) EPA oversight and technical assistance had little impact on issuing Title V permits; (3) management support, partnerships, and site visits contributed to more timely issuance of Title V permits; and (4) state agency management support for the Title V program, state agency and industry partnering, and permit writer site visits to facilities contributed to the progress that agencies made in issuing Title V operating permits.

OIG’s report provided several recommendations for EPA to improve Title V programs and increase the issuance of Title V permits. In response to OIG’s recommendations, EPA made a commitment in July 2002 to carry out comprehensive Title V program evaluations nationwide. The goals of these evaluations are to identify areas where EPA’s oversight role can be improved, areas where air pollution control agencies are taking unique approaches that may benefit other agencies, and areas of an air pollution control agency’s program that need improvement. EPA HQ directed each Regional office to perform Title V program evaluations for each air pollution control agency beginning in fiscal year (FY) 2003. EPA HQ developed, with the assistance of the regional offices, an evaluation protocol.

EPA Region 9 oversees 47 separate air permitting authorities (35 in California, 3 in Nevada, 4 in Arizona, Hawaii, the Navajo Nation, and 3 in the Pacific Islands). Due to the significant number of permitting authorities, Region 9 has committed to performing one comprehensive Title V program evaluation per year on 10 of the largest permitting authorities, which would represent about 85% of the Title V sources in Region 9.

¹ See Report No. 2002-P-00008, Office of Inspector General Evaluation Report, AIR, EPA and State Progress In Issuing Title V Permits, dated March 29, 2002.

Title V Program Evaluation at Clark County's Department of Air Quality and Environmental Management

Region 9 recently conducted a Title V program evaluation at the Clark County Department of Air Quality and Environmental Management ("DAQEM"). This is the fourth Title V program evaluation Region 9 has conducted. The first three were conducted at permitting authorities in Arizona. The EPA Region 9 program evaluation team consisted of the following EPA personnel: Amy Zimpfer, Associate Director; Gay MacGregor, Acting Associate Director; Gerardo Rios, Chief of the Air Permits Office; Ken Israels, Program Evaluation Advisor; Anna Yen, DAQEM Program Evaluation Coordinator and Permit Engineer; and Roger Kohn, Lead Contact for Clark County.

The objectives of the evaluation were to assess how DAQEM implements its Title V permitting program, evaluate the overall effectiveness of DAQEM's Title V program, identify areas of DAQEM's Title V program that need improvement and areas where EPA's oversight role can be improved, and highlight the unique and innovative aspects of DAQEM's program that may be beneficial to transfer to other permitting authorities. The evaluation was conducted in several stages. In the first stage, EPA sent DAQEM a questionnaire (see Appendix B, Title V Questionnaire and DAQEM Responses) focusing on Title V program implementation in preparation for the site visit to DAQEM's offices. The Title V questionnaire was developed by EPA nationally and covers the following program areas: (1) Title V Permit Preparation and Content; (2) General Permits; (3) Monitoring; (4) Public Participation and Affected State Review; (5) Permit Issuance/Revision/Renewal Processes; (6) Compliance; (7) Resources & Internal Management Support; and (8) Title V Benefits.

During the second stage of the program evaluation, Region 9 conducted an internal review of EPA's own set of DAQEM Title V permit files. DAQEM submits Title V permits to Region 9 in accordance with its EPA-approved Title V program and the Part 70 regulations. Region 9 maintains Title V permit files containing these permits along with copies of associated documents, permit applications, and correspondence.

The third stage of the program evaluation was the site visit, which consisted of Region 9 representatives visiting the DAQEM Las Vegas office to conduct further file reviews, interview DAQEM staff and managers, and review the Department's permit-related databases. The purpose of the interviews was to confirm the responses in the completed questionnaire and to ask clarifying questions. The site visit took place May 8 through May 12, 2006. Region 9 also conducted interviews by phone with DAQEM staff and managers prior to and after the site visit.

The fourth stage of the program evaluation was follow-up and clarification of issues for completion of the draft report. Region 9 compiled and summarized interview notes and made phone calls to clarify Region 9's understanding of various aspects of the Title V program at DAQEM. The program evaluation team met on a regular basis to work towards completion of the draft report.

DAQEM Description

Established in 2000, DAQEM was delegated the authority, under the provisions of the Nevada Revised Statutes (“NRS”)² and by direction of the Clark County Board of County Commissioners, to implement and enforce the air pollution control program for Clark County. DAQEM’s mission is to evaluate and improve air quality and to protect and conserve the County’s natural resources through a variety of programs. DAQEM is organized into six divisions: Permitting, Planning, Compliance, Engineering, Environmental, and Administrative Services. The Permitting and Planning Divisions cover solely air quality, and the Compliance and Engineering Divisions cover primarily air quality. DAQEM’s main office is in Las Vegas, and the Department maintains a satellite office in Henderson.

Stationary source air permits, including Title V permits, are issued through the Permitting Division. Compliance and enforcement activities, such as facility inspections, source testing, and preparing enforcement cases are handled by the Compliance Division. The Planning Division is responsible for preparing studies and plans to show how Clark County will comply with the national ambient air quality standards. It also compiles and maintains the emission inventory and handles computer modeling. The Engineering Division is responsible for ambient monitoring.

Coordination with other State of Nevada Air Pollution Control Agencies

The Nevada Division of Environmental Protection (“NDEP”) is responsible for submitting the State Implementation Plan (“SIP”) for all of Nevada to EPA. Local air quality permitting authorities within the State of Nevada are Clark County and Washoe County. NDEP does not provide any oversight of or guidance to the local permitting authorities.

The Nevada Revised Statutes, Title 40, Chapter 445B, Air Pollution, designate the district board of health, county board of health, or board of county commissioners as the air pollution control agency of a county to establish and administer a program for the control of air pollution in that county. This includes the control of air pollution from sources operating pursuant to Title V of the Act.

The DAQEM Title V Program

EPA granted Clark County Health District’s Title V program interim approval effective August 14, 1995, and full approval effective November 30, 2001. See 40 CFR Part 70, Appendix A. On July 25, 2001, the Clark County Board of County Commissioners assumed control of the Air Quality Division, creating the Clark County Air Quality Management Board as the governing agency for air quality programs and regulations. Subsequently, a new department, DAQEM, was formed, and the Clark

² See NRS 445B.500.

County Board of County Commissioners delegated authority to DAQEM to implement and enforce the air quality programs and regulations.

Part 70 requires that a permitting authority take final action on each permit application within 18 months after receipt of a complete permit application, except that action must be taken on an application for a minor modification within 90 days after receipt of a complete permit application.³ DAQEM's local rules contain the same timeframes.

When DAQEM's Title V program was first approved, the Department had a total of 24 Title V sources. DAQEM has issued all but one of its initial Title V permits for those existing Title V sources, yielding a total of 23 initial permits issued. The one application that has not been processed yet has now been in-house at DAQEM for greater than 18 months. Subsequent to DAQEM's Title V program approval, seven sources have newly become Title V sources and have submitted applications for initial Title V permits. Out of these seven applications, five of them are now greater than 18 months old. The Department has issued 4 renewal permits so far. Three of DAQEM's permit renewal applications in-house are more than 18 months old; therefore, these sources are operating with expired permits (but are covered by the application shield, per 40 CFR 70.7(b)).

As of January 2007, DAQEM has a backlog of 38 major source permit applications, approximately half under the NSR program and half under Title V. (The Title V portion of the backlog includes applications for initial permits, renewals, and permit modifications.) DAQEM is working on reducing the backlog of NSR applications first. This approach makes sense because DAQEM's practice is to incorporate CAA applicable requirements into major source permits at the NSR stage. Subsequent processing of Title V permits tends to be more straightforward. DAQEM is struggling with reducing the backlog, particularly the Title V portion of it, because of the high staff turnover in the Permitting Division. Staff start out as minor source permit writers. As they gain more experience, they become major source permit writers. A major source permit writer is assigned both NSR and Title V permits for major sources. However, due to high staff turnover, as of February 2007, the Permitting Division has only one major source permit writer remaining. Though the Permitting Division is making the best use of its current limited resources, the Department has not even been able to assign staff to work on permit applications in the Title V backlog.

EPA's Findings and Recommendations

The following sections include a brief introduction, and a series of findings, discussions, and recommendations. The findings are grouped in accordance with the order of the program areas as they appear in the Title V questionnaire. However, this report does not include a section on General Permits, which was a topic covered in the questionnaire, since DAQEM does not issue General Permits under the Title V program. Furthermore, a section on records management (Section 9) was added to the report.

³ See 40 CFR 70.7(a)(2) and 70.7(e)(2)(iv).

The findings and recommendations in this report are based on EPA's internal reviews performed prior to the site visit to DAQEM, the Department's responses to the Title V Questionnaire, phone interviews conducted prior to the site visit, interviews and file reviews conducted during the May 8 - 12, 2006, site visit, and follow-up interviews and phone calls during the months after the site visit.

2. PERMIT PREPARATION AND CONTENT

The purpose of this section is to evaluate the permitting authority's procedure for preparing Title V permits. Part 70 outlines the necessary elements of a Title V permit application under 40 CFR 70.5, and it specifies the requirements that must be included in each Title V permit under 40 CFR 70.6. Title V permits must include all applicable requirements, as well as necessary testing, monitoring, recordkeeping, and reporting requirements sufficient to ensure compliance with the permit.

2.1 Finding: DAQEM has a process for quality assuring Title V permits prior to formally proposing permits for public and EPA review.

Discussion: All draft permits undergo an extensive internal peer review process before they are proposed for public and EPA review. Permit writers receive feedback and suggested edits from more experienced permitting staff, staff with specific areas of expertise (such as performance testing), and managers. These multiple rounds of review result in revised and improved drafts that both staff and management feel are of high quality.

Recommendation: EPA commends DAQEM for the thoroughness of its reviews and encourages the Department to continue this beneficial practice.

2.2 Finding: DAQEM generally incorporates all CAA applicable requirements into its New Source Review ("NSR") permits, prior to Title V permit issuance.

Discussion: DAQEM uses its New Source Review rule (Section 12) and local operating permit rule (Section 16) processes to identify emission units, verify compliance, and incorporate all CAA applicable requirements. Since DAQEM puts substantial effort into incorporating applicable requirements at the NSR stage, its Title V issuance process tends to be very straightforward.

Recommendation: DAQEM should continue this proactive permitting process.

2.3 Finding: DAQEM prepares detailed Technical Support Documents ("TSDs") to support its Title V permits, but could serve the public better by reducing the length of the typical TSD.

Discussion: Both Part 70 (40 CFR 70.7(a)(5)) and DAQEM's EPA-approved Title V program (Section 19.5.1.5) require that DAQEM produce a statement of basis that "that sets forth the legal and factual basis for the draft permit conditions" and includes "references to the applicable statutory or regulatory provisions." DAQEM takes this regulatory obligation very seriously, and produces a detailed statement of basis, referred to as a Technical Support Document ("TSD") by DAQEM, to support each proposed and final Title V permit. EPA commends DAQEM for its effort in this area.

One aspect of DAQEM's TSDs that could be improved, however, is the tendency to quote extensively from regulations when discussing applicable requirements. While there may be an occasional need to present a regulatory excerpt for discussion purposes, the Department typically includes lengthy excerpts from regulations that make the documents unwieldy. As a result, DAQEM's TSDs tend to be unnecessarily long documents with pages of text that add little value. For example, the TSD for the Capital Cabinets permit is 77 pages, and contains 27 pages of excerpts from DAQEM regulations, as well as two pages of language from the NESHAP for wood furniture manufacturing operations, even though the source is an area source. Similarly, the TSDs for Saguaro Power and Republic DUMPCO are 71 and 111 pages, respectively, not including appendices, and contain extensive sections with little more than regulatory text. While more recent TSDs, such as those for the Apex (Mirant) and Bighorn (Reliant Energy) power plants, have been shorter, they still contained extensive repetition of regulatory language.

Recommendation: EPA commends DAQEM for its efforts in producing detailed TSDs. In order to make its TSDs more informative and user-friendly, the Department should discontinue its practice of quoting extensively from regulations. DAQEM could instead provide specific regulatory citations as needed when a particular issue is discussed. If there are circumstances in which DAQEM feels that the inclusion of regulatory language adds value to a TSD, the language could be included as an appendix or attachment. This approach would produce more concise TSDs that would be more accessible to permit reviewers, especially the public.

2.4 Finding: DAQEM should devote more attention in its TSDs to highlighting and explaining salient aspects of proposed permits, such as new monitoring provisions and streamlining demonstrations.

Discussion: Despite the length of DAQEM's TSDs, important aspects of each permitting decision, such as the routine streamlining of overlapping emission limits and the type and frequency of monitoring being proposed, are often not discussed. DAQEM Title V permits sometimes contain streamlined emission limits in which one or more emission limits are subsumed under the most stringent limit that applies to an emission unit. For example, emission limits from New Source Performance Standards ("NSPS") and more stringent NSR limits are sometimes streamlined into a single limit. This practice is appropriate, but should be documented with a side-by-side comparison of the emission limits and associated monitoring and recordkeeping in the TSD, as described in EPA's March 5, 1996 guidance memorandum, "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permit Program." DAQEM has typically not included such an analysis in its TSDs.

Examples of streamlining that were not documented in TSDs can be found in the proposed renewal of the Georgia Pacific Gypsum permit and the proposed initial permit for TIMET. Both facilities have emission units that are subject to NSR PM₁₀ emission limits and NSPS limits for particulate matter (Subparts OOO and UUU at Georgia Pacific Gypsum, Subpart LL at TIMET). The TSDs identify the applicable NSPS, but do not contain any streamlining analysis. Since NSPS and NSR particulate limits are in different units of measurement (lb/hour vs. g/dscm) and for different pollutants (PM vs PM₁₀), permit writers will have to perform some conversions to demonstrate that NSR limits are more stringent. Once this is done for a given emission unit or set of emission units, the analysis could be inserted into the TSDs for all future permitting actions.

Recommendation: DAQEM should document all instances of streamlining in its TSDs, and demonstrate that less stringent emission limits have been subsumed under more stringent limits. Other issues, such as monitoring and stationary source aggregation decisions, should also be highlighted in TSDs.

3. MONITORING

The purpose of this section is to evaluate the permitting authority's procedure for meeting the Title V monitoring requirements. Part 70 requires Title V permits to include monitoring and related recordkeeping and reporting requirements (see 40 CFR 70.6(a)(3)). Each permit must contain monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements. Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, the permit has to contain periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit. As necessary, permitting authorities may also include in Title V permits requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

Title V permits must also contain recordkeeping for required monitoring and require that each Title V source retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. With respect to reporting, permits must include all applicable reporting requirements and require (1) submittal of reports of any required monitoring at least every 6 months and (2) prompt reporting of deviations from permit requirements. All required reports must be certified by a responsible official consistent with 40 CFR 70.5(d).

Title V permits must also include compliance assurance monitoring ("CAM") provisions where CAM is required.⁴ In addition to periodic monitoring, all Title V permits are required to evaluate the applicability of CAM and include a CAM plan as appropriate. CAM is typically applicable either at permit renewal, or for large pollutant emitting sources, upon the submittal of a significant Title V permit revision. CAM requires a source to develop parametric monitoring for certain units with control devices, which may be in addition to any periodic monitoring, to assure compliance with applicable requirements.

3.1 Finding: DAQEM permit writers have an incomplete understanding of the CAM rule (40 CFR Part 64), particularly with respect to applicability. This has resulted in some faulty CAM applicability determinations in TSDs, but typically has not had any effect on permit conditions. However EPA found one case where an incorrect CAM determination appears to have resulted in a flawed permit.

Discussion: The CAM rule requires that Title V sources conduct parametric monitoring of certain emission units that use add-on control devices. The purpose of the rule is to ensure that the controls are properly operated and maintained so that they do not deteriorate to the point where the source fails to remain in compliance with applicable requirements. Based on interviews with permit

⁴ See 40 CFR Part 64.

writers and reviews of TSDs and permits, it appears that DAQEM permit writers have an incomplete understanding of CAM requirements. Some interview responses from permit writers showed that they were generally unfamiliar with the CAM rule.

Some DAQEM TSDs reveal misconceptions about two aspects of CAM applicability. The most common error is to conclude that if an emission unit is subject to an emission limit that is among the exemptions listed in 40 CFR 64.2(b), the emission unit is exempt from CAM altogether. For example, the TSD for the Bighorn Electric Generating Station states that “the facility is subject to the provisions of the acid rain program per § 64.2(b)(1)(iii). This qualifies the NO_x emissions at Reliant Energy for an exemption from CAM” (page 24). In fact, the Part 64 exemptions mean that the listed types of emission limits cannot trigger CAM; but it is possible for a non-exempt emission limit to trigger CAM on an emission unit even if that unit is also subject to an exempt emission limit. DAQEM made a similar error in the TSD for the Sunrise Landfill permit, which also erroneously states that the facility's flare is exempt from CAM because it is subject to a NSPS.

DAQEM made a different error in the TSD for the proposed Las Vegas Cogeneration permit, which states that the facility's turbines are subject to CAM for CO and NO_x. Part 64 contains an exemption for emission limits for which a Title V permit specifies a “continuous compliance determination method” (40 CFR 64.2(b)(6)). Condition E.1 of the permit requires the source to operate a continuous emissions monitoring system (“CEMS”) “to demonstrate continuous, direct compliance with all emission limitations for NO_x and CO.” This qualifies the turbines for the cited CAM exemption.

In the Bighorn and Sunrise Landfill examples, the emission units in question are exempt from CAM for reasons other than those stated by DAQEM. Thus the misconceptions regarding CAM applicability did not affect the final permits issued by the Department. However, this may not be the case for the Georgia Pacific renewal permit. DAQEM's TSD for that facility erroneously states that two baghouses (BH-W06 and BH-13) that control PM₁₀ emissions from emission units subject to NSPS Subpart UUU are exempt from CAM because Subpart UUU was promulgated in 1992. (NSPS emission limits promulgated after November 15, 1990 do not trigger CAM, pursuant to 40 CFR 64.2(b)). The emissions units subject to Subpart UUU are also subject to New Source Review emission limits, which can trigger CAM, and have a pre-control PM₁₀ PTE above the 70 tpy major source threshold. Therefore it appears that all control devices associated with these emission units are subject to CAM. EPA believes DAQEM should review this issue in more detail to determine whether the permit must be revised.

Recommendation: DAQEM should consider sending Title V permit writers to CAM training, such as the class offered by EPA's Air Pollution Training Institute

(APTI), whenever possible. In addition, DAQEM should develop CAM guidance for permit writers, which EPA could review upon request.

3.2 Finding: DAQEM Title V permits generally have appropriate opacity monitoring provisions, but the corresponding recordkeeping provisions are insufficiently detailed.

Discussion: DAQEM permits generally contain opacity monitoring that is sufficient to determine compliance, and is tailored to the type of emission unit, control device, and opacity limit at the source. Permits typically require sources to conduct visible emissions surveys of stack or fugitive emissions on a regular basis (daily, weekly, monthly). Method 9 opacity testing is also required for stack emissions on a regular basis (monthly, quarterly, annual), and can also be triggered if opacity is detected during the more frequent visible emissions surveys. For baghouses, DAQEM also requires pressure drop monitoring and regular preventive maintenance.

While the type and frequency of opacity monitoring in DAQEM's permits have typically been appropriate, the associated recordkeeping requirements are sometimes vague. This lack of specificity undermines the enforceability of the permits. For example, the final Title V permit renewal issued to Pabco Gypsum requires the source to "perform a daily opacity survey" at several emissions points (including quarry mining operations, conveyor drop points, storage piles, various stacks, and the rail loadout), with the detection of visible emissions triggering a Method 9 test. Yet the permit only requires the source to "maintain records of... inspection logs from Method 9, pressure differential measurements, and spraybar inspections," and does not specify the minimum data elements of the log for the Method 9 results. While certain data elements may be implied (emission unit ID, date, test result), the permit does not require them and the permittee's failure to record them could impair DAQEM's ability to enforce the opacity provisions of the permit.

Similar recordkeeping issues are also present in the final initial permits issued to Lasco Bathware and the Chemical Lime facility in Henderson. The Lasco permit requires the source to conduct daily visible emissions surveys of the regenerative thermal oxidizer, three air heaters, and two grinding booths to assure compliance with a 20% opacity limit, but only requires the source to keep records of the "results of daily visible emission observations." The Chemical Lime permit requires that the source conduct visible emission surveys on its baghouses on a weekly basis and on its fugitive sources on a monthly basis, with the detection of visible emissions triggering a Method 9 test. Yet the permit does not contain any recordkeeping requirements at all to document the details of these observations or the results of the annual Method 9 observations that the source is required to conduct on all baghouses.

Recordkeeping provisions that could be required by permits include requiring that the source maintain an opacity log that specifies the date and time of the visible emission observation or Method 9 test, the name of the observer, the emission unit ID number, whether or not the emission unit was operating at the time of the observation or test, a statement of whether visible emissions were detected, and if so, whether they were observed continuously or intermittently, the result of each Method 9 observation, and a statement of whether each Method 9 observation was triggered by the observation of visible emissions or by a requirement to conduct Method 9 tests at a specified frequency. More detailed and specific recordkeeping provisions would help both DAQEM and the source gather data that could be used to support annual compliance certifications, or justify future changes in the type or frequency of opacity monitoring.

Recommendation: DAQEM should develop consistent, detailed, and practically enforceable recordkeeping permit conditions for opacity monitoring that result in opacity logs that will generate data for compliance certifications, compliance-related activities, and possible revisions of monitoring conditions over time.

3.3 Finding: DAQEM does not have any internal guidance on adding periodic monitoring to Title V permits.

Discussion: DAQEM has no formal written guidance on periodic monitoring, instead relying on institutional knowledge and previously issued permits for monitoring examples. EPA reviews of DAQEM permits, as well as file reviews conducted as part of this Title V program evaluation, have generally found that the Department's permits contain monitoring that is sufficient to assure compliance with all applicable requirements. During interviews, neither staff nor management expressed any discomfort with the current approach.

Developing written guidance is useful in several ways. It helps ensure that the same requirements are included in permits with the same or similar emission units, that consistent language is used for the same requirements in different permits, and that permit conditions are written in a consistent manner despite staff turnover.

Recommendation: DAQEM should consider developing internal periodic monitoring guidance to document its monitoring policies for new and existing staff, especially in light of the high turnover rate in the Permitting Division and its impact on the Department's institutional knowledge (see Finding 7.2). Developing guidance would improve the Department's program and help management ensure consistency throughout its permits. EPA also recommends that DAQEM management make sure that staff are aware of and understand written guidance documents and encourage use of these documents on a regular basis.

4. PUBLIC PARTICIPATION AND AFFECTED STATE REVIEW

This section examines DAQEM procedures used to meet public participation requirements for Title V permit issuance. Part 70 contains the federal Title V public participation requirements (see 40 CFR 70.7(h)). Title V public participation procedures apply to initial permit issuance, significant permit modifications, permit renewals, and synthetic minor permit issuance. Adequate public participation procedures must provide for public notice including an opportunity for public comment and public hearing on the proposed permit, permit modification, or renewal. Proposed permit actions must be noticed in a newspaper of general circulation or a State publication designed to give general public notice to persons on a mailing list developed by the permitting authority, to those persons requesting in writing to be on the mailing list, and by other means necessary to assure adequate notice to the affected public.

The public notice should, at a minimum, identify the affected facility; the name and address of the permitting authority processing the permit; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the permitting authority that are relevant to the permit decision; a brief description of the required comment procedures; and the time and place of any hearing that may be held, including procedures to request a hearing. See 40 CFR 70.7(h)(2).

The permitting authority must keep a record of the public comments and of the issues raised during the public participation process so that EPA may fulfill the Agency's obligation under section 505(b)(2) of the Act to determine whether a citizen petition may be granted. The public petition process, 40 CFR 70.8(d), allows any person to petition the EPA to object to a Title V permit if EPA does not object to the permit in writing as provided under 40 CFR 70.8(c). Public petitions to object to any Title V permit must be submitted to EPA within 60 days after the expiration of the EPA 45-day review period, and any petition submitted to EPA must be based only on objections to the permit that were raised during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

4.1 Finding: DAQEM routinely publishes informative and effective public notices for permits in a variety of different forums throughout the Las Vegas area.

Discussion: Notices are published in the Las Vegas Review Journal (LVRJ) which is the newspaper with the largest circulation in the area. In addition to being published in LVRJ, DAQEM will also publish notices in the Henderson News and the Boulder City News. Three days in advance of public hearings, notices are also posted at the Government Center bulletin board. DAQEM should consider posting the notices at the Government Center farther in advance of a

given public hearing to provide the public with additional time to prepare to effectively participate in the public process. Please also see finding 4.3 below regarding translation of public notices to meet Clark County's growing needs.

Recommendation: Additional time to allow the public time to prepare to participate may be warranted with respect to the postings in the Government Center. DAQEM should also consider the use or more use of mailing lists in this process.

4.2 Finding: DAQEM permitting staff demonstrated a general lack of knowledge on environmental justice (EJ) and would like EPA to provide training on this issue.

Discussion: In the course of our interviews, no interviewee showed an awareness of EJ. Many interviewees had not encountered EJ issues in the course of their work. Some interviewees asked EPA to define EJ during our interviews to ensure that they understood the issue to which we were referring.

Minority populations are growing rapidly in the Las Vegas area (see Finding 4.3 for details on the rapid rate of growth). An awareness of EJ and taking measures to reach out to communities where Title V facilities are permitted allow these issues to be addressed prior to an appeals process or a Civil Rights Act complaint. As we continued our evaluation, DAQEM interviewees often asked for EPA to provide training on EJ issues. EPA notes that DAQEM has faced these types of issues especially in the planning process (most recently with respect to their carbon monoxide planning efforts).

Recommendation: EPA will provide DAQEM with EJ training appropriate to its circumstances and commits to working with DAQEM on EJ issues that are identified.

4.3 Finding: DAQEM does not routinely translate notices into other languages.

Discussion: In our interviews with those who do public outreach for permitting at DAQEM, it was clear that permitting notices were not routinely translated into other languages. According to the census figures (see Appendix E, Census Figures), between 2000 and 2005, the number of people who speak a language other than English at home has grown by over 135,000 (an increase from 26.0 percent of the Clark County population in 2000 to 29.8 percent in 2005). EPA believes that the increase compels a response by the DAQEM that includes translations and other outreach activities to these community members. Please see also finding 4.1 above which outlines the generally effective and informative process in place for publishing English-language public notices.

Recommendation: To further improve its public notices, DAQEM should focus on providing translations and other outreach tools in languages other than English to meet a growing need.

4.4 Finding: DAQEM does not conduct significant outreach related to the Title V program.

Discussion: In our interviews, we learned that the Outreach Coordinator deals more with non-permitting programs than the permitting program. Permit writers had limited awareness of the Outreach Coordinator's duties. It appears that the Outreach Coordinator's role does not extend to outreach for the Title V program.⁵

DAQEM could perform Title V public outreach in many ways. For example, the Department could hold public meetings to educate the public on the Title V process and how best to comment on Title V permits. DAQEM could prepare brochures on public participation in Title V. From the interviews, we learned that, during the public comment period for a Title V permit, DAQEM typically receives comments from the permittee only and very rarely from other members of the public. Many interviewees suggested that the public was not interested in being involved in the Title V permitting process. This type of outreach might encourage the public to become more involved.

For an additional example of Title V outreach, please see EPA's evaluation of the Arizona Department of Environmental Quality's Title V program found on the internet at <http://www.epa.gov/region09/air/permit/titlevevals.html> .

Recommendation: DAQEM should devote resources to Title V outreach and explore a wide variety of tools (including those suggested above) to reach out to the public on Title V.

4.5 Finding: DAQEM has not consistently had a small business assistance program as required under Title V.

Discussion: Under Section 507 of the Clean Air Act, permitting authorities are required to implement a small business assistance program to assist small businesses that need Title V permits. In our interviews, it was clear that DAQEM had only intermittently assigned resources to meet this requirement. It seems that, currently, they have devoted specific resources to meeting this requirement, but there were periods of time when they were clearly not meeting the requirements of CAA Section 507. DAQEM recently created a small business ombudsman position. This person's duties and training should include coverage of Title V small businesses; these duties should be formalized so that a lapse in meeting this requirement does not occur in the future.

Recommendation: DAQEM should ensure that adequate resources and training are devoted to meeting CAA Section 507.

⁵ The major source supervisor leads the Title V public hearings.

4.6 Finding: DAQEM permitting staff showed a general lack of awareness of the Title V public petition process although appropriate petitioning language is included in their public notices.

Discussion: Under 40 CFR 70.8(d) and DAQEM's EPA-approved Title V program, a member of the public may petition EPA to object to a Title V permit on any issue raised during the public comment period for the permit. While the regulations do not require that permitting agencies actively notify the public of their ability to petition EPA, we believe that it is good practice to make the public aware of the administrative process. We should note that, to date, this has not been an issue that has been raised by the public within DAQEM's permitting jurisdiction. In fact, EPA has in the past received Title V petitions which indicate some awareness by at least one community group regarding the Title V petition process.⁶

Recommendation: EPA recommends that DAQEM develop a method for notifying commenters of their ability to petition EPA and the timing associated with the petition process (the timing issue has already been raised by one community group).

4.7 Finding: DAQEM does not currently post permits on its website, although staff has expressed interest in doing so.

Discussion: A permitting authority's website is a powerful tool to make Title V information available to the general public. Information which would be useful for the public review process can result in a more informed public and, consequently, more meaningful comments during the public comment periods of Title V permits. Particularly, in DAQEM's case, more information could lead to a more involved public during public comment periods. (As noted in the discussion of Finding 4.4, DAQEM rarely receives public comments on a Title V permit from anyone other than the permit applicant. As noted in the discussion of Finding 4.9, attendance by members of the public at public hearings for Title V permits is very rare.)

Based on our own experience with the EPA Region 9 website as well as what we have seen on websites of other permitting authorities, we have found it useful to post both proposed and final Title V permits, the technical support document, the public notice itself, and the response to public comments. In addition, it is useful to include information such as deadlines for public comment, a contact person for each permitting action, and issuance date of the final permit. Examples of general permitting information which would be useful to the public and that DAQEM should consider posting include general Title V information (such as a Citizens' Guide to Title V) and citizen petition procedures.

⁶ See, for example, petitions on Title V permits for Chemical Lime Company – Apex Facility and Granite Construction Company – Apex Facility in Apex, NV, and Titanium Metals Corporation in Henderson, NV.

Recommendation: DAQEM should consider posting relevant Title V information on its website including, but not limited to, proposed and final Title V permits, technical support documents, public notices, responses to public comments, citizen petition procedures, and general Title V information and guidance. DAQEM could scan any hard copy Title V-related pamphlets that are currently available to the public and place them on its website.

EPA recommends looking at websites of other permitting authorities for ideas. For example, the website of Bay Area Air Quality Management District, www.baaqmd.gov, includes the following Title V documents: proposed and final permits, technical support documents, public notice documents, comments from EPA and the public, and responses to comments.

4.8 Finding: DAQEM informs NDEP and tribes when drafting and issuing permits that affect those jurisdictions.

Discussion: Section 19.6 of DAQEM's Title V permits rule requires the Director to notify affected states at or before the time that a permit is proposed for public comment. During our evaluation, DAQEM's staff identified a consistent process that required that affected states be notified. A review of several permit records leads to the conclusion that notification is being provided. DAQEM's process for notifying tribes is also sufficient.

Recommendation: EPA encourages DAQEM to continue routinely notifying affected states and Tribes of relevant permitting activities.

4.9 Finding: DAQEM holds public hearings on every proposed Title V action.

Discussion: DAQEM holds public hearings on every proposed Title V permitting action, i.e. all initial permits, renewals, and modifications. DAQEM's EPA-approved Title V Operating Permits rule, Section 19, contains language about hearings but does not contain a non-discretionary requirement that hearings be held for every permitting action.

This practice goes beyond the requirements of Part 70, which requires permitting authorities to offer hearings on proposed permits to the public but does not require that hearings be conducted for all permitting actions. During interviews, DAQEM staff and managers stated that while permittee representatives typically attend hearings, attendance by members of the public is very rare.

Recommendation: DAQEM may want to consider conducting hearings only when it finds that there is significant public interest in a proposed permit. Given resource concerns (see Finding 7.7), DAQEM may find that such a policy would allow it to maintain transparency in its permitting decisions while expending fewer resources.

5. PERMIT ISSUANCE / REVISION / RENEWAL

This section focuses on the permitting authority's progress in issuing initial Title V permits and the Department's ability to issue timely permit renewals and revisions consistent with the regulatory requirements for permit processing and issuance. Part 70 describes the required Title V program procedures for permit issuance, revision, and renewal of a Title V permit (see 40 CFR 70.7). Specifically, 40 CFR 70.7 requires that a permitting authority take final action on each permit application within 18 months after receipt of a complete permit application, except that action must be taken on an application for a minor modification within 90 days after receipt of a complete permit application.⁷ Title V of the Clean Air Act Amendments of 1990 sets deadlines on permitting authorities for issuing all initial Title V permits. EPA, as an oversight agency, is charged with ensuring that these deadlines are met as well as ensuring that permits are issued consistent with Title V requirements.

5.1 **Finding:** DAQEM has not consistently sent final Title V permits and Final Action Reports to Region 9.

Discussion: When DAQEM receives comments on a proposed Title V permit, it responds to the comments in a document DAQEM calls the "Final Action Report," which is issued with the final permit. In its internal file review, EPA found at least six cases (Kinder Morgan, Republic Services, Chemical Lime Apex, TIMET, Reliant Bighorn, and Nevada Sun-Peak) in 2004 and 2005 where DAQEM had not transmitted copies of final initial or renewal permits, and the associated Final Action Reports, to EPA. Both Part 70 (40 CFR 70.8(a)(1)) and DAQEM's EPA-approved Title V rule, Section 19 (19.6.1.1), require that final permits be sent to EPA.

Recommendation: DAQEM should develop a written Standard Operating Procedure for permit writers that includes the requirement to transmit final permits to EPA.

5.2 **Finding:** DAQEM has rarely revised Title V permits following issuance of the initial permits. In fact, Region 9 has a record of only one Title V permit revision proposed by DAQEM in the past eight years.

Discussion: Permit modifications have been rare in the history of the DAQEM Title V program to date. The only minor or significant modification that EPA has a record of is the significant modification of the Nevada Sun Peak permit, proposed by DAQEM on November 15, 1998. Other permitting authorities with similar Title V source universes have modified Title V permits much more frequently. The absence of permit modifications in a Title V program with over 20 major sources that has been implemented since 1995 raises questions about

⁷ See 40 CFR 70.7(a)(2) and 70.7(e)(2)(iv).

awareness of the program's permit revision requirements, both at DAQEM and in the regulated community.

During EPA's site visit, one interviewee stated that DAQEM used to believe that only a major modification under the New Source Review program necessitated a modification of a source's Title V permit, and that all other changes did not have to be processed until permit renewal. The interviewee stated that DAQEM has been wrestling with this question recently, and concluded that more types of changes should be triggering Title V permit revisions than DAQEM had previously believed. Minor NSR modifications do not always trigger Title V permit revisions because some modifications may qualify as off-permit changes pursuant to 40 CFR 70.4(b)(14). Determinations of which minor NSR modifications trigger a Title V permit revision must be made on a case-by-case basis, based on whether the change meets the requirements to be processed as an off-permit change. The Department held a public workshop in April 2006 to inform the public and regulated community about Title V permit modification and renewal procedures, and since that time has received applications for permit modifications. Staffing shortages have prevented DAQEM from acting on all of these applications in a timely manner.

Recommendation: DAQEM's efforts to address high turnover among permit writers (see Finding 7.2) may also increase the Department's ability to process its backlog of permit modification applications. DAQEM should continue its efforts to educate both permit writers and Title V sources about permit modification requirements (see Finding 7.3 for more details on training). A more robust small business assistance program may also help in this regard (see Finding 4.5). DAQEM may want to consider developing a guidance document for this purpose.

5.3 Finding: The database DAQEM uses to track Title V permit data has been unreliable, with problems such as downtime during and following system upgrades and little or no quality control.

Discussion: DAQEM maintains the Air Quality Management System ("AQMS") database, which includes a Title V module. Other modules include enforcement, emission inventory, and finance. EPA believes it is appropriate for DAQEM to develop and maintain such a central depository of data on stationary sources in Clark County. However, most interviewees expressed dissatisfaction with the quality of the system's Title V data and permit tracking functions. A common complaint was that programming changes have been frequent and disruptive. Access to data, and sometimes an entire module, is not available whenever programming changes are made. The programming changes have also caused confusion among staff entering data, as various buttons and functions disappear and later reappear. Interviewees also pointed out that no one is assigned to perform quality control of the database. This lack of oversight has apparently resulted in poor data quality in recent years. The problems have been significant

enough that management has not relied on AQMS as its primary tool for tracking Title V data.

Recommendation: EPA encourages DAQEM to continue making improvements to AQMS, which will provide an important data management tool. To improve the Title V module, the Department should focus on improving communication between the end users in the Permitting Division and the database developers, with the goal of improving user confidence in the system. The Permitting Division should clearly communicate its data and reporting requirements, while the database developers should be proactive about communicating the latest information on system upgrades and the temporary interruptions needed to implement them.

6. COMPLIANCE

This section addresses DAQEM practices and procedures for issuing Title V permits which ensure permittee compliance with all applicable requirements. Title V permits must contain sufficient requirements to allow the permit authority, EPA, and the general public to adequately determine whether the permittee complies with all applicable requirements.

Compliance is a central part of the Title V permit program. Compliance assures a level playing field and does not allow a permittee an unfair economic advantage over its competitors who comply with the law. Adequate conditions in a Title V permit which both determine and assure compliance with all applicable requirements also result in greater confidence in the permitting authority's Title V program within both the general public and the regulated community.

6.1 Finding: DAQEM is diligent about reviewing the deviation reports, quarterly monitoring reports, and compliance certifications that sources submit to the agency.

Discussion: DAQEM reviews and tracks all deviation reports, quarterly monitoring reports, and compliance certifications that it receives. It tracks all of these reports through a spreadsheet and database. After requesting and receiving guidance from Region 9's Air Enforcement Office, DAQEM created its own standardized form for deviation reports in January 2006. The standardized form has helped greatly in streamlining review of these reports and has allowed the Department to identify trends more easily.

Recommendation: EPA commends DAQEM's efforts in reviewing and tracking all deviation reports, quarterly monitoring reports, and compliance certifications. EPA encourages DAQEM to continue to work with Region 9's Air Enforcement Office on compliance aspects of the Title V program.

6.2 Finding: DAQEM does not typically include compliance schedules in Title V permits. DAQEM's practice is to work with the source during the NSR permit issuance process until the source comes into compliance before the Department issues a Title V permit to the source.

Discussion: Part 70 and DAQEM's EPA-approved Title V program allow for the issuance of permits to sources that are out of compliance with an applicable requirement, provided that the permits contain compliance schedules with specific dates and milestones for achieving compliance, and requirements to submit progress reports to the permitting authority. DAQEM's practice is to work with the source until the source comes into compliance before the Department issues a Title V permit to the source. Though it is understandable that the Department's

first concern is to help the source come into compliance, DAQEM should do so only to the extent that it does not significantly delay permit issuance.

Based on interview responses, DAQEM's practice is to place sources under consent agreements with schedules and to wait until the source meets the milestones of the agreement before drafting and issuing a Title V permit. However, an alternative approach which would not delay permit issuance is to include a compliance schedule in the permit. A compliance schedule, which would include milestones and dates by which each milestone needs to be completed, would bring the source into compliance without delaying the issuance of a permit.⁸ A compliance schedule that is in an NSR permit would need to be included in the Title V permit, as well⁹.

If a notice of violation (NOV) has been issued to a source prior to permit issuance, the TSD should include an explanation of the NOV, the status, and the permit conditions that could potentially be affected once the NOV is resolved. A placeholder could be included in the draft permit for a compliance schedule. Once the NOV is resolved, if it has been determined that the source did commit a violation, then a compliance schedule should be added to the permit. If an enforcement action is taken *after* a Title V permit has already been issued, then a compliance schedule should be written for any required follow-up actions and incorporated into the Title V permit.

Staff and managers seemed to be confused about compliance schedules, as described in 40 CFR 70.6(c)(3) and 40 CFR 70.5(c)(8), and how they may be used in Title V permits. A compliance schedule in a Title V permit would yield the same results as the consent agreements that DAQEM currently imposes on sources, while allowing the Department to issue a Title V permit in a timely manner. In addition, the compliance schedule is formalized in a federally and locally enforceable document.

Recommendation: DAQEM should not hesitate to include a compliance schedule in a Title V permit if a source, despite DAQEM's effort during NSR permitting, is still out of compliance with an applicable requirement when DAQEM is ready to propose the Title V permit. EPA has discussed this issue with DAQEM, and DAQEM agrees that it would issue a Title V permit with a compliance schedule if a source had failed to come into compliance during the NSR permit issuance process.

6.3 Finding: DAQEM more often relies on actions other than issuance of NOV's to address compliance issues.

⁸ For NSR permits, this practice is consistent with §173(a)(3) of the Clean Air Act, and for Title V permits, 40 CFR 70.6(c)(3) and 70.5(c)(8)(C).

⁹ Section 173(a)(3) of the 1990 Clean Air Act requires that a stationary source owner seeking a permit for a new or modified source certify that all other stationary sources it owns within the state are in compliance with their emission limits, or are on a schedule for compliance.

Discussion: The NOV process takes a long time to reach resolution. Based on interview responses, it can take six to eight months for an NOV to go before the Hearing Board. By that time, the permit is often already issued. (See Finding 6.2 for permitting steps DAQEM should follow if an NOV is issued.)

Interviewees were not aware of any prioritization procedure to ensure that NOV's which involved violations with greater negative impacts to the human health or the environment would be heard by the Hearing Board first, followed by NOV's involving violations of less significant impact. Therefore, DAQEM prefers to rely on other methods of reaching compliance, if possible. For example, the Department more often relies on issuance of corrective action orders (CAOs) instead of NOV's, or development of consent agreements with schedules outside of the permitting process.¹⁰ Interviewees stated that the long lag time involved often leads to the NOV being dropped or not being pursued in the first place. Interviewee responses also indicated that management seems to encourage taking routes other than NOV's.

DAQEM's CAOs do not involve assessment of penalties to the source, whereas with NOV's, DAQEM has the authority to assess penalties. The Compliance Division Manager created a guidance document entitled "Guideline for Initiating Enforcement Action" to provide guidance to staff on when an enforcement action is necessary and the type of action that should be taken. For example, it directs staff on the types of situations in which it would be appropriate to issue an NOV, a CAO, or just a verbal warning. According to this guidance document, a CAO is supposed to be issued when an offense less serious than an emission-related violation occurs. A CAO provides DAQEM with the authority to order a source to comply with a permit condition, regulation, or other requirement. The CAO must clearly describe the corrective action that is being ordered and when the directive must be completed. If a source fails to comply with a CAO, an NOV should be issued. In addition, the guidance document calls for issuance of an NOV for emission-related violations.

While we realize the importance of DAQEM's main objective in returning Title V sources to compliance, the process of issuing NOV's and assessing penalties is also important in sending a message to Title V sources that are out of compliance and to discourage future violations. Real enforcement returns sources to compliance and leads to deterrence.

Recommendation: We recommend that DAQEM explore alternatives to its current practices. We suggest that DAQEM make a recommendation to the Board that it prioritize NOV's based on impacts to human health and the environment.

¹⁰ According to interview responses, most NOV's issued are related to dust violations. DAQEM's enforcement priority for at least 10 years has been fugitive dust violations, and the Department has done an excellent job. This priority makes sense, given its PM₁₀ nonattainment status. However, given that Title V is a self-funding program, adequate resources should be provided to assure compliance of major sources.

6.4 Finding: Though DAQEM's major source inspection program is able to inspect all major and synthetic minor sources in one year, additional staff may help DAQEM cover all aspects of compliance more fully.

Discussion: Interviewees informed us that, through its major source inspection program, DAQEM is able to inspect all 44 major and synthetic minor sources in one year. There was a general consensus that the staff for the major source inspection program are very capable and knowledgeable and do an excellent job. Besides field inspection, staff for the major source inspection program are also responsible for other aspects of compliance, including review of compliance reports, data entry, and QA/QC. Therefore, it may be more helpful for DAQEM to have more staff to cover this critical responsibility of ensuring that major sources are in compliance.

In addition, perhaps some of the facilities need to be inspected more than once during the year for unresolved compliance issues. Having a sufficient number of inspectors helps prepare for the unexpected and for developing future inspector competency. This is important in a county with complex sources such as large turbines, lime plants, mining and several chemical plants.

Interview responses indicated that most permitting staff do not believe that there is effective communication between compliance and permitting. (See Finding 7.4 for a more detailed discussion.) This might not be the case if DAQEM were to increase the number of compliance staff working on Title V issues because it would allow existing compliance staff more time for communication efforts.

Recommendation: DAQEM should carefully evaluate whether additional field inspection staff would benefit the Title V program, giving special consideration to the discussion of Finding 7.4.

6.5 Finding: DAQEM does not appear to have a formal training plan in place for stationary source compliance staff.

Discussion: DAQEM's current staff in the major source inspection program received training at previous jobs. However, if DAQEM decides to hire additional staff for the major source inspection program, development of a formal training program for new staff would benefit DAQEM in its implementation of the Title V program.

Recommendation: DAQEM should consider providing a more formal, complete training curriculum in the instance that it hires additional staff for the major source inspection program. If the Department decides to develop a more formal training curriculum, we suggest that the training curriculum have some courses in common with the training plan for the Air Quality Specialist I in permitting (see

Appendix F, Training Plan for Air Quality Specialist I). We would also be happy to share Region 9's training requirements for Enforcement Office staff.

7. RESOURCES AND INTERNAL MANAGEMENT

The purpose of this section is to evaluate how the permitting authority is administering its Title V program. With respect to Title V administration, EPA's program evaluation (1) focused on the permitting authority's progress toward issuing all initial Title V permits and the permitting authority's goals for issuing timely Title V permit revisions and renewals; (2) identified organizational issues and problems; (3) examined the permitting authority's fee structure, how fees are tracked, and how fee revenue is used; and (4) looked at the permitting authority's capability of having sufficient staff and resources to implement the Title V program.

An important part of the each permitting authority's Title V program is to ensure that the permit program has the resources necessary to develop and administer the program effectively. In particular, a key requirement of the permit program is that the permitting authority establish an adequate fee program. Part 70 requires that permit programs ensure that Title V fees are adequate to cover Title V permit program costs and are used solely to cover the permit program costs.¹¹ Regulations concerning the fee program and the appropriate criteria for determining the adequacy of such programs are set forth under 40 CFR 70.9 of the Title V regulations.

7.1 Finding: Revenue from the Title V fee program is tracked accurately; it is unclear that expenses are accounted for in a similar fashion.

Discussion: DAQEM does not have a clear accounting of its Title V program costs. The Department was not able to tell us what its total Title V expenses are each year because its accounting system does not track Title V expenses separately from non-Title V expenses. Because there is not a direct accounting of expenses which have been paid with Title V money, it is unclear whether DAQEM's Title V revenues cover its Title V expenses every year or whether Title V revenues are used for non-Title V purposes. DAQEM does use timecards to identify time spent by permit writers on Title V permits, which is helpful, but not adequate to meet the requirements of EPA's regulations.

DAQEM collects both emissions-based fees from Title V sources as well as equipment-based fees. The revenue DAQEM receives from Title V emissions-based fees goes into a single account. However, it is unclear whether Title V program expenses (permit writer salaries and other Title V-associated expenses) are then paid from this account or a combination of accounts or whether this account is used for non-T5 expenses.

Recommendation: DAQEM must change its accounting procedures to ensure that title V revenues are sufficient to cover title V program costs and that title V revenues are used solely to support the Department's title V program. In changing

¹¹ See 40 CFR 70.9(a).

its accounting procedures, DAQEM should consider, as part of the workload assessment discussed in Finding 7.2 below, including a description of the assumptions DAQEM used to establish Title V fees, as well as an estimate of indirect title V program costs.

7.2 Finding: DAQEM suffers from a significant turnover rate among its permit writers. The fact that DAQEM is not able to complete tasks within the statutory timeframes required by Title V leads us to believe that DAQEM needs additional resources and a way to retain these resources.

Discussion: DAQEM's Permitting Division has lost as many as three or four permit writers each year to other divisions within the Department. (See detailed staff turnover information in Appendix E, Summary of Permitting Division Staff Turnover.) Due to staff turnover, as of February 2007, the Division currently has only one permit writer remaining who has experience writing permits for major sources.¹² The following factors were cited during our interviews for high staff turnover: low pay, stress, and relatively low number of Senior Air Quality Specialist (AQS) positions in the Permitting Division. Additional evidence of the significant staff turnover at DAQEM is the fact that the permit writer with the most experience has been in his position for only three years.

Many of the interviewees noted that the maximum salary for permit engineers at DAQEM is significantly lower than the maximum salary for other equivalent staff positions within the Department.¹³ This disparity has created an incentive to leave the Permitting Division for other higher-paying positions within DAQEM. The lower maximum salary has also contributed to low morale among some in permitting.

From the staff perspective, DAQEM's awards program and its implementation for permit writers does not provide adequate incentive and recognition. This is another factor that contributes to low morale and does not encourage staff to stay in the Permitting Division.

The complexity of permitting decisions causes stress among some permit engineers. Coupled with a lower maximum salary, some of the interviewees believe that they are not being adequately compensated for their efforts which they see as involving greater complexity compared to other higher-paying positions in the Department.

¹² The Permitting Division does currently have a Senior Air Quality Specialist (AQS) who has experience writing major source permits, and he has been assigned to write a major source permit to help alleviate the current backlog situation. However, the role of a Senior AQS within the Permitting Division is training and mentoring, not permit writing.

¹³ The existing salary structure is a remnant of the salary structure that existed for permit engineers when they were in the Clark County Health District organizational structure prior to moving over to DAQEM.

Interviewees also cited the low potential opportunity for permit engineers to move into Senior AQS positions when compared to other divisions in the Department. There are presently fewer Senior AQS positions in the Permitting Division than in other divisions within DAQEM.

Impacts of the high turnover rate include: (1) a workload situation in which certain key Title V program tasks are not completed in the timeframe required by DAQEM rules and Part 70 and (2) a lack of institutional knowledge at the staff level within the Permitting Division. We learned that, as of January 2007, DAQEM has a backlog of 38 major source permit applications (approximately half under the NSR program and half under Title V). Because DAQEM incorporates CAA applicable requirements into major source permits at the NSR stage (see Finding 2.2), DAQEM's priority is to process NSR permit applications first. The workload is great enough and the staff turnover high enough that the Department currently does not have sufficient staffing even to work on reducing the Title V backlog. (See Finding 7.7 for details on the backlog of initial Title V permits and renewals.) DAQEM's inability to complete tasks within the statutory timeframes required by Title V leads us to conclude that DAQEM needs additional resources and a way to retain these resources.

The high turnover rate among permit writers impedes the development of staff expertise on Title V policy and programmatic issues. For example, it was apparent during interviews with permit writers that some of them were not familiar with the concept of streamlining multiple applicable requirements when drafting Title V permits, as described in EPA's White Paper Number 2. (See Finding 2.4 for more details). Similarly, several interviewees did not clearly understand the concept of periodic monitoring and did not recognize it as a subset of the broader topic of monitoring. The high turnover rate means that permit writers do not stay in their positions long enough to become knowledgeable about more complex Title V issues. This deprives DAQEM of institutional Title V expertise and places a burden on the major source supervisor to make important decisions in every permitting action.

Recommendation: Staff turnover can erode an agency's institutional knowledge regarding permitted facilities, which can create delays in the issuance of Title V permits.¹⁴ Based upon discussions with DAQEM's permitting staff, EPA believes that a job compensation analysis may lead to a system in which engineers can demonstrate growth through their careers in a way that is comparable to what other divisions within DAQEM offer and might reduce the frequency of staff turnover. A successful job compensation structure may also lead to additional opportunities for qualified candidates for Senior AQS positions within the Permitting Division. The Department should also conduct a workload assessment

¹⁴ See Maricopa County Environmental Services Department Title V Operating Permit Program Evaluation Final Report dated May 18, 2005, and Pima County Department of Environmental Quality Title V Operating Permit Program Evaluation Final Report dated September 21, 2004.

to determine the number of additional staff persons needed to implement its Title V permitting program.

7.3 Finding: DAQEM has a training program for its permit writers, but implementation has been challenging.

Discussion: DAQEM has developed a training program (see Appendix D, Training Plan for Air Quality Specialist I), requiring that permit writers attend training classes such as those offered by California Air Resources Board (CARB) and Air Pollution Training Institute (APTI), as well as classes on topics such as NSR. Though DAQEM includes a couple permit writing courses in the training program, the Department acknowledges that it does not have much Title V-specific training and that much of the training is on the job. Interviewees indicated a desire for more Title V-specific training, especially in CAM and permit writing.

EPA notes that part of the reason that DAQEM's training program has not been successfully implemented is the rapid turnover rate of staff in the Permitting Division (see Finding 7.2). Ideally, if DAQEM can reduce their turnover rate, the staff will remain in place long enough to benefit from DAQEM's training program.

Finally during our interviews, DAQEM expressed a need to learn more about environmental justice and strategies for addressing these types of concerns in a training environment.

Recommendation: EPA encourages DAQEM to continue to implement its training program for permit writers. DAQEM should also develop or require a compliance module for future Title V permit training. EPA will work with DAQEM to identify and implement permit-related training that will help DAQEM permit writers and managers. In addition, EPA will work with the Department to provide EJ training. This recommendation should be viewed in the context of DAQEM's turnover rate, and hopefully the resolution of the training issue will benefit from addressing the turnover issue.

7.4 Finding: DAQEM permitting and compliance management communicate well and meet routinely to discuss programmatic issues. However, the results of these discussions are not communicated clearly to staff. In addition, DAQEM lacks a clear, department-wide process for resolving complex issues in a timely manner.

Discussion: DAQEM permitting and compliance management communicate well about issues; they hold routine meetings to discuss permitting and compliance issues. The compliance staff involved are very positive about the results of these discussions being communicated clearly from the compliance manager to the staff, while the permits staff were less confident that the information discussed in these meetings was being communicated clearly and completely. In fact, based

on interview responses, most permitting staff do not believe that there is effective communication between the Permitting Division and the Compliance Division. Compliance staff, as a practical matter, should be accessible to the permitting staff for consultation on practical enforceability, applicability determinations, and compliance determinations (see Finding 6.4).

In addition, interview responses indicate that DAQEM lacks a clear process for elevating issues to management for timely resolution and has resulted in delays in permit issuance (or the appropriate enforcement action as necessary). Having a systematic process, especially in cases that involve more than one division of DAQEM, would reduce the time necessary to resolve complex issues and minimize potential delays in permit issuance or in appropriate enforcement action.

Recommendation: DAQEM may want to ensure that notes from these meetings are drafted and shared among the participating offices so that decisions that are made are passed along and implemented. Additionally, the Department should evaluate its need for a process (and a standard operating procedure) that focuses on issue resolution so that critical issues can be resolved in a timely manner.

7.5 Finding: Communication and coordination between DAQEM's main office and the Henderson satellite office has been challenging because the permitting staff are spread out between the two offices.

Discussion: Interviewees in both the main office and the Henderson office expressed some frustration and confusion about how the resources and people in the Henderson office have been managed. Based on our interviews, staff and resources (files, equipment, etc) were moved from the main office to the Henderson office because of space considerations at the main office. Communication about how people and functions were distributed between the Henderson office and the main office was not clear to those selected to remain or move to the Henderson office. It seems that there is a clear rationale for having compliance inspectors in the Henderson office; that is, proximity to sources in a high growth area of Clark County. However, it is unclear what rationale was used in deciding to place Title V permit writers in Henderson when the majority of their work seems to mandate their presence in the main office for file review, work instructions, and consultations with permitting management.

Both staff and management were concerned about how to manage work effectively when the work is occurring across the Las Vegas valley from the main office. Concerns were expressed about performance expectations by both management and staff. Concerns were also expressed about access to files and transporting files between offices.

Recommendation: DAQEM is aware of these concerns and challenges and has implemented some measures to address most of them. EPA believes that this

situation should be monitored closely to ensure smoother implementation or reconsideration of DAQEM's placement decisions.

- 7.6 Finding:** During our office visit, legal support on Title V issues was provided by one attorney in the County Attorney's office whose workload includes non-DAQEM assignments. This situation has evolved in response to our observations.

Discussion: At DAQEM, management was the primary contact with the Deputy District Attorney (DDA); permit writers were not usually in contact with the DDA. The DDA was responsible for providing legal support on a wide variety of legal issues, including non-environmental issues. In this situation, competing priorities may have affected the DDA's ability to provide optimal legal support for Title V issues. For example, when a source brings legal counsel to a meeting, sometimes the DDA attends, but not always. In the months between our office visit at DAQEM and when this report was published, DAQEM has shifted its legal support from the County Attorney's office to its organization. Though this has recently occurred, we believe that it will allow their legal support to focus solely on DAQEM's legal issues and provide more legal expertise for DAQEM's permitting program.

Recommendation: EPA acknowledges DAQEM's efforts to address our finding on this matter and believes that it will ensure adequate coverage of their legal issues.

- 7.7 Finding:** The Permitting Division has lacked sufficient resources to do its work. The division has struggled to reduce its backlog of unprocessed applications.

Discussion: Upper management informed us that DAQEM has more than adequate fiscal resources but that management needs to determine the best ways to spend the money. The agency has experienced significant growth in a short amount of time. For example, the number of employees has more than doubled from 2001 to the present. DAQEM has already initiated an organizational staff assessment, which was not complete yet during our site visit. Through these types of evaluations, the Department hopes to gain insight into the areas in which it needs to invest more money.

It is our understanding that DAQEM's accounting system does track Title V revenues and, therefore, DAQEM would be able to distinguish the percentage of its fiscal resources which is revenue from the Title V program. The Department has not tracked how much of this Title V revenue is actually spent on Title V program expenses. (See Finding 7.1 for more details.) Thus, DAQEM is currently unable to conclude whether it has the Title V funds to invest in more staff to implement the Title V program. Of course, if DAQEM had enough money from sources outside the Title V program, it could use these funds to supplement its Title V funds. However, EPA cannot recommend this approach

since the Title V program is supposed to be a self-funding program and Title V fees should be set accordingly.

Because of the dramatic influx of NSR applications in recent years due to clarifications made to DAQEM's local permitting rules in 2004,¹⁵ the Permitting Division has struggled to reduce its backlog of unprocessed applications. In addition, DAQEM has a high staff turnover rate in its Permitting Division and, consequently, a lack of experienced major source permit writers (see Finding 7.2 for more details). Because DAQEM incorporates CAA applicable requirements into major source permits at the NSR stage (see Finding 2.2), DAQEM's priority is to process NSR permit applications first. The Department currently does not have sufficient staffing to work on reducing the Title V backlog and, as a result, is not able to meet statutory timeframes.

As of April 2007, DAQEM still has seven initial Title V permit applications to process (six of these sources became subject to Title V in the last few years). Five of these seven applications are more than 18 months old. Part 70 requires that a permitting authority take final action on each permit application within 18 months after receipt of a complete permit application, except that action must be taken on an application for a minor modification within 90 days after receipt of a complete permit application.¹⁶ DAQEM's local rules contain the same timeframes.

Three of DAQEM's permit renewal applications in-house are more than 18 months old; therefore, these sources are operating with expired permits (but are covered by the application shield, per 40 CFR 70.7(b)). (See the section titled "The DAQEM Title V Program" of the Introduction for more details on DAQEM's permit issuance.)

It is interesting to note that some lower-level managers and staff were not aware that DAQEM had adequate fiscal resources. Because of the above issues, the Permitting Division thought that the Department was not charging high enough permit fees for the Title V program to be a self-funding program and, therefore, thought that the Department did not have enough money to hire additional staff to solve the backlog problem.

Recommendation: We encourage DAQEM to follow up on the results of its organizational staff assessment as well as the results of this Title V program evaluation as expeditiously as possible. Once DAQEM is able to carry out the recommendation of Finding 7.1, the Department should reconsider the budget for

¹⁵ DAQEM made some improvements to its local permitting rules in 2004 which clarified NSR requirements for sources. As a result, DAQEM began receiving a substantially larger number of NSR permit applications, particularly for modifications. DAQEM recently gave us the following numbers as an example: Before the rule changes in 2004, DAQEM received an average of 30 to 40 applications (for both major and minor NSR sources) per month. In December 2006, that number was approximately 80. And in January 2007, the total jumped to approximately 120.

¹⁶ See 40 CFR 70.7(a)(2) and 70.7(e)(2)(iv).

the Title V program and ensure that the Permitting Division is provided with a sufficient number of staff to implement the Title V program. In addition, it is imperative that DAQEM consider ways to retain permitting staff (see recommendation of Finding 7.2).

8. TITLE V BENEFITS

The purpose of this section is to evaluate how the permitting authority's existing air permitting and compliance programs have benefited from the administration of the permitting authority's Title V program. The Title V permit program is intended to generally clarify which requirements apply to a source and enhance compliance with any Clean Air Act requirements, such as NSPS or SIP requirements. The program evaluation for this section is focused on reviewing how the permitting authority's air permitting program changed as a result of Title V, resulted in improved records management and compliance, and encouraged sources to pursue pollution prevention efforts.

8.1 Finding: Since implementing its Title V program, DAQEM has greatly improved the quality of its major source permitting program.

Discussion: Several staff and managers at DAQEM informed us that, since implementing its Title V program, DAQEM's NSR and Title V permit conditions are now more thorough, comprehensive, and consistently applied. The Department believes that its permits currently have better compliance assurance and recordkeeping requirements.

Compared to the period before Title V, DAQEM has more complete information about its universe of sources, a better technical understanding of source operations, more complete information about source emission units and/or control devices, and more complete information about its stationary source emissions inventory. In addition, DAQEM stated that Title V staff generally have a better understanding of NSPS requirements, the major and minor NSR programs, and stationary source requirements in the SIP.

Recommendation: EPA commends DAQEM on the many improvements it has made to its major source permitting programs.

8.2 Finding: DAQEM has observed that sources take compliance more seriously as a result of Title V; DAQEM's practicably enforceable permits reinforce this result.

Discussion: DAQEM has seen, in response to Title V, many sources take a more proactive approach to ensuring that they are in compliance. Title V sources initiate more self-audits, use environmental management systems, devote more staff to environmental management, devote more resources to environmental control systems and compliance monitoring, and have better awareness of compliance obligations.

DAQEM believes that most Title V sources in Clark County make sure they understand their permits and that they are diligent about self-disclosure, because they understand the liabilities involved in Title V. DAQEM has informed us that it is aware of the accountability placed on sources in the Title V program and,

therefore, it pays careful attention to practical enforceability of its permits and consistency in permit requirements.

Recommendation: We encourage DAQEM to continue to write practicably enforceable permits with consistently applied requirements.

9. RECORDS MANAGEMENT

This section examines the system DAQEM has in place for storing, maintaining, and managing Title V permit files. The contents of Title V permit files are public records, unless the source has submitted records under a claim of confidentiality. DAQEM has a responsibility to the public in ensuring that Title V public records are complete and accessible.

In addition, DAQEM must keep Title V records for the purposes of having the information available upon EPA's request. Part 70 states that "any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction and in a form specified by the Administrator..." (see 40 CFR 70.4(j)(1)).

The minimum Part 70 record retention period for permit applications, proposed permits, and final permits is 5 years. Part 70 states: "The permit program shall require that the permitting authority provide to the Administrator a copy of each permit application..., each proposed permit, and each final Part 70 permit" (see 40 CFR 70.8(a)(1)). Part 70 also states: "Each State permitting authority shall keep for 5 years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the State program complies with the requirements of the Act or of this part" (see 40 CFR 70.8(a)(3)). However, in practical application, permitting authorities have often found that discarding Title V files after five years is problematic in the long term.

9.1 Finding: DAQEM is in the process of converting all permitting hard copy files to electronic, scanned images.

Discussion: During our site visit, DAQEM's imaging project was already in progress. The Department's plan is to have all documents in the permitting files accessible through any PC which has the correct software, KOVis, installed. The public will also access the files in this manner through use of one of the two PCs in the reception area. KOVis is essentially a database which will house all the electronic permitting files and facilitate viewing of the files. Only certain people will be given access privileges to delete files from KOVis.

Having the permitting files in electronic format will be useful for DAQEM, especially since it has a satellite office in Henderson (see Finding 7.5). Staff and managers informed us that "sharing" files between the two offices is challenging. DAQEM often has to use a courier service when documents are urgently needed at the other office. Electronic permitting files will reduce this need.

Some interviewees informed us that documents for each source are being scanned without any type of "dividers" or labels to distinguish between the various

components of a permit file. For example, it would be helpful for the user to know the start page and end page of an individual permit, the corresponding TSD, the corresponding application for that permitting action, etc. It would also probably be helpful to have “divider” pages between various categories of documents such as correspondence, compliance documents, test data, etc.

Recommendation: We encourage DAQEM to continue with the project of converting hard copies of permit files to electronic files. However, we recommend that the Department pay close attention to how the electronic images are organized.

9.2 Finding: DAQEM keeps organized permitting files in a central area.

Discussion: DAQEM informed us that permitting files used to be stored in one file room, but the files have been moved because of the imaging project (see Finding 9.1). During our site visit, we observed that file folders are arranged neatly on shelves in alphabetical order. The contents of the folders for each source are organized in a systematic manner. All Title V documents are stored in green folders. Permitting and compliance documents are all kept in the same folder for ease of finding information on one source.

However, many folders contained duplicates of documents, even more than two copies of the same document, and sometimes in different sections of the folder. Hopefully, duplicate copies of documents can be eliminated during the imaging project.

We also noticed that certain key documents, such as TSDs, ATCs, and annual inspection reports, were missing from some of the files. We noted that there was no checkout system for the permitting files, and therefore, it was unclear whether the missing documents were actually checked out. We note that the imaging project may eliminate this problem of missing documents from permit files.

Title V permit files must serve as the official files, accessible to the public upon request. Neat, orderly permit files benefit all parties involved.

Recommendation: We commend DAQEM on maintaining an organized permit file system. We recommend that the Department remove duplicate documents during the imaging project. We encourage DAQEM to maintain permit files that are organized in a consistent manner.

9.3 Finding: DAQEM prints out all emails for the permit files.

Discussion: The responses during interviews were consistent. Each staff and manager reported either that he/she printed out all emails or that he/she printed out all relevant emails for the permit files. Based on these responses, some

DAQEM employees err on the side of including too many emails in the permit file. However, this is preferable to printing too few or no emails.

It might be helpful for DAQEM to provide training to employees on what an official “record” is, if not already provided. In other words, employees need to be able to distinguish between the documents which need to be filed and the ones which can be recycled. Though the Permitting Division seems to be cognizant of the importance of keeping complete permit records, we believe it is important for all State and local agencies to provide this type of records training to employees. EPA provides such training to its own employees.

Recommendation: We commend DAQEM on their attention to keeping complete permit files. EPA recommends that the Department require both staff and managers to take training on what an official “record” is and set requirements for training on a periodic basis. EPA suggests that DAQEM investigate whether the State or County already provides such training.

9.4 Finding: DAQEM does not have a written file retention policy.

Discussion: Though DAQEM may not have a problem now with storage space for the hard copy files or the electronic files, it may become an issue in the future as the Las Vegas area continues to grow. In addition, developing a records retention policy will help keep file size to a minimum and make it easier to navigate through permit files.

During the interviews, we learned that DAQEM would like EPA guidance on file retention. While DAQEM continues to progress on its imaging project, DAQEM is saving all files to CDs and sending CDs and hard copy files to off-site storage.

Recommendation: EPA will be happy to discuss our own current policies with DAQEM and share ideas from other permitting authorities in Region 9.

GLOSSARY OF ACRONYMS & ABBREVIATIONS

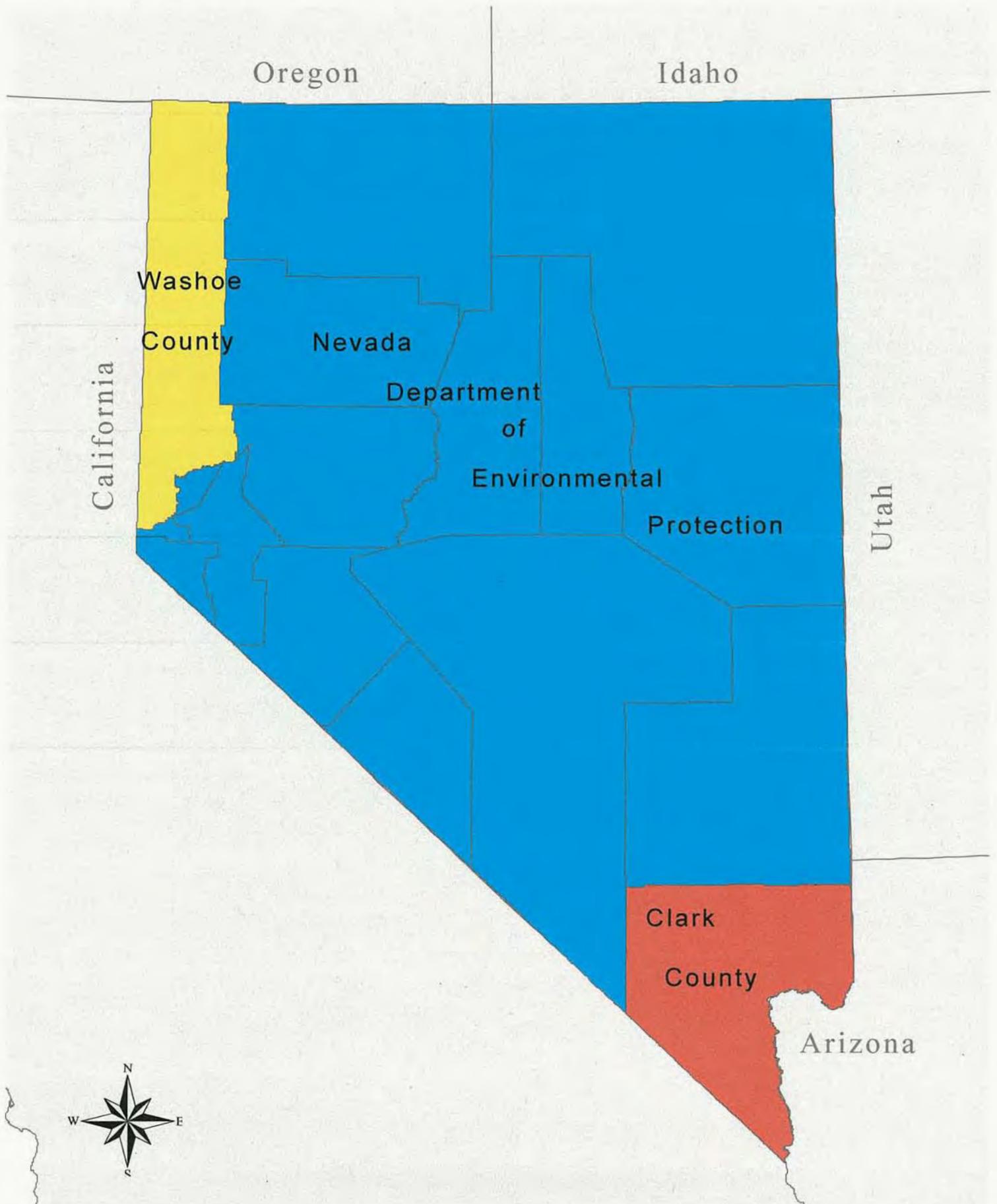
Act	Clean Air Act [42 U.S.C. Section 7401 et seq.]
Agency	U.S. Environmental Protection Agency
APTI	Air Pollution Training Institute
AQMS	Air Quality Management System, a database used by DAQEM
AQS	Air Quality Specialist, a staff position at DAQEM
ATC	Authority to Construct
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CAO	Corrective Action Order
CARB	California Air Resources Board
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
CO	Carbon Monoxide
DAQEM	Clark County's Department of Air Quality and Environmental Management
DDA	Deputy District Attorney
Department	Clark County's Department of Air Quality and Environmental Management
EJ	Environmental Justice
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
HQ	Headquarters
LVRJ	Las Vegas Review Journal
MACT	Maximum Achievable Control Technology
NDEP	Nevada Division of Environmental Protection
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOV	Notice of Violation
NO _x	Nitrogen Oxides
NRS	Nevada Revised Statutes
NSPS	New Source Performance Standards, 40 CFR Part 60
NSR	New Source Review
OIG	EPA Office of Inspector General
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 microns in diameter
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
QA/QC	Quality Assurance/Quality Control
SIP	State Implementation Plan
SOP	Standard Operating Procedure
TSD	Technical Support Document (also Statement of Basis)

APPENDICES

Appendix A

AIR POLLUTION CONTROL AGENCIES IN NEVADA

Air Pollution Control Agencies in Nevada



Appendix B

TITLE V QUESTIONNAIRE AND DAQEM RESPONSES

RECEIVED
MAR 1 2006
Permits Office Air-3
U.S. EPA, Region 9

EPA

Title V Program Evaluation

Questionnaire

Submitted in behalf of Clark County, Nevada
Department of Air Quality and Environmental Management

Prepared by:
Permitting – Stephen Deyo
Compliance – Michael Lohmeyer

Primary Contact for questions:
Richard Beckstead
Permitting Manager
(702) 455-1669

February 24, 2006

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- E. Permit Issuance / Revision / Renewal
- F. Compliance
- G. Resources & Internal Management Support
- H. Title V Benefits

A. Title V Permit Preparation and Content

1. What % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % was low?

100% complete, with regard to application requirements pursuant to Clark County Air Quality Regulations (AQR) Section 19; DAQEM occasionally requested clarifying information and further details with regard to CAM requirements.

- Yes**
2. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?

- No**
- a. Do you require a new compliance certification?

- Yes**
3. Do you verify that the source is in compliance before a permit is issued and, if so, how? **Based upon NSR permit requirements and information from Compliance Division.**

- a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained? **If not in compliance, NSR is not issued; if the facility becomes non-compliant, a compliance plan could be included.**

4. What have you done over the years to improve your permit writing and processing time? **Create a better NSR foundation. Permitting staff must complete an approved training program which includes NSR fundamentals and an advanced NSR course which involves a study of historical court actions and EPA determinations, among other courses. To date, this has not been required.**

- Yes**
5. Do you have a process for quality assuring your permits before issuance? Please explain. **Multiple levels of review. All draft permits are reviewed for content and format by a Senior Specialist, returned to the writer with comments, and then resubmitted to the Senior Specialist before submitting for review, as required, by modelers, by compliance, and then to the supervisor and to the manager for review and signatures. At any**

point when comments are provided, the draft is returned to the writer before continuing through the process.

6. Do you utilize any streamlining strategies in preparing the permit such as:

Yes a. Incorporating test methods, major and minor New Source Review permits, MACT's, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.

No b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe. **This streamlining is something the source must outline in its application. If it is not presented, DAQEM does not streamline for the source.**

c. Describe any other streamlining efforts.

7. What do you believe are the strengths and weaknesses of the format of the permits (i.e. length, readability, facilitates compliance certifications, etc.)? Why? **Strengths include clear references of authority for applicable requirements and detailed technical support documentation.**

8. How do you fulfill the requirement for a statement of basis? Please provide examples. **The technical support document details permitting history, description of applicable requirements and the authority for such.**

9. Does the statement of basis explain:

Yes a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)?

Yes b. applicability and exemptions, if any?

Yes c. streamlining (if applicable)?

Yes 10. Do you provide training and/or guidance to your permit writers on the content of the statement of basis?

11. Do any of the following affect your ability to issue timely initial title V permits: (If yes to any of the items below, please explain.)

No a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)

Yes b. Pending revisions to underlying NSR permits

No c. Compliance/enforcement issues

No d. EPA rule promulgation awaited (MACT, NSPS, etc.)

No e. Issues with EPA on interpretation of underlying applicable requirements

Yes f. Permit renewals and permit modification (i.e., competing priorities)

No g. Awaiting EPA guidance

i. If yes, what type of guidance?

No ii. If yes, have you communicated this to EPA?

A. If yes, how did you request the guidance?

Always received adequate and timely guidance when requested.

12. Any additional comments on permit preparation or content?

B. General Permits (GP)

- No 1. Do you issue general permits?
- a. If no, go to next section
 - b. If yes, list the source categories and/or emission units covered by general permits.
- Y N 2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific" Title V permit?
- a. What percentage of your title V sources have more than one general permit? _____%
- Y N 3. Do the general permits receive public notice in accordance with 70.7(h)?
- a. How does the public or regulated community know what general permits have been written? (e.g., are the general permits posted on a website, available upon request, published somewhere?)
4. Is the 5 year permit expiration date based :
- Y N a. on the date the general permit is issued?
- Y N b. on the date you issue the authorization for the source to operate under the general permit?
5. Any additional comments on general permits?

C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring is not specified in the underlying standard or CAM? **Permit limits that are not subject to regular compliance demonstration or performance testing are not likely to be variable and record keeping is sufficient demonstration.**

Yes

- a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance. **Performance testing frequency guideline.**

Yes

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

Yes

3. How often do you “add” monitoring not required by underlying requirements? Have you seen any effects of the monitoring in your permits such as better source compliance? **Occasionally add monitoring requirements when not CAM applicable. But emissions are large in comparison to source-wide emissions.**

Yes

4. Are you incorporating CAM monitoring into your permits?

D. Public Participation and Affected State Review

Public Notification Process

Yes 1. Do you publish notices on proposed title V permits in a newspaper of general circulation?

Yes 2. Do you use a state publication designed to give general public notice?

3. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?

\$ 700 (per publication)

Yes 4. Have you published a notice for one permit in more than one paper?

a. If so, how many times have you used multiple notices for a permit?

Whenever the source is located in a specific community that has a local newspaper.

b. How do you determine which publications to use?

By the location of the source.

c. What cost-effective approaches have you utilized for public publication?

Setting up the layout of notice to save space but provide the required information.

Yes 5. Have you developed a mailing list of people you think might be interested in title V permits you propose? [e.g., public officials, concerned environmentalists, citizens]

a. How does a person get on the list?

They request it.

b. How does the list get updated?

Upon Request.

c. How long is the list maintained for a particular source?

Until otherwise requested.

d. What do you send to those on the mailing list?

Public Notices, draft permits and technical support documents.

Yes 6. Aside from publications described above, do you use other means of public notification?

If yes, what are they (e.g., post notices on your webpage, e-mail)?

DAQEM posts public hearings in governmental buildings throughout the county. DAQEM is developing website postings.

Yes 7. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?

DAQEM has held non-required public meetings regarding sources prior to official public hearings. In addition, DAQEM makes itself available to any community upon request.

Yes 8. Do your public notices clearly state when the public comment period begins and ends?

9. What is your opinion on the most effective avenues for public notice?
Newspaper notices and mailing lists. DAQEM is developing website postings.

Yes a. Are the approaches you use for public notice effective?

No 10. Do you provide notices in languages besides English? Please list.

Public Comments

No 11. Have you ever been asked by the public to extend a public comment period?

No a. If yes, did you normally grant them?

b. If not, what would be the reason(s)?

All comments received before, during and after the public comment period are considered. Extending the public comment period has never been required. DAQEM's response to this has been that the purpose of noticing draft documents was to solicit comments prior to final issuance.

Yes 12. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe.

A complaint has been made that only final documents, not proposed documents, be noticed.

- Yes** 13. Do you provide the public a copy of the statement of basis if they request it? If no, explain.
14. What percentage of your permits have received public comments?
70% -- mostly from the source itself.
- No** 15. Over the years, has there been an increase in the number of public comments you receive on title V permits? Is there any pattern to types of sources getting comments?
- No** 16. Have you noticed any trends in the type of comments you have received? Please explain.
- a. What percentage of your permits change due to public comments?
50% are changed - mostly the result of clarifying language submitted by the source itself. Most changes are very minor. No Title V has been substantially altered.
- Yes** 17. Have specific communities (e.g., environmental justice communities) been active in commenting on permits?
- No** 18. Do your rules require that any change to the draft permit be re-proposed for public comment?
- a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment?
Any permit that would substantially change would be re-noticed. So far, this has never happened. Minor changes in clarifying language are not re-noticed.

EPA 45-day Review

- Yes** 19. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)? **We have not had re-starts.**
- a. How does the public know if EPA's review is concurrent?
They ask. DAQEM is working on clarifying this review track in the public notices so there is no confusion.

- No** 20. Is this concurrent review process memorialized in your rules, a MOA or some other arrangement?
It is a general practice, but not all reviews are concurrent. If not concurrent it is often by a matter of a few days.

Permittee Comments

- Yes** 21. Do you work with the permittees prior to public notice?
- Yes** 22. Do permittees provide comments/corrections on the permit during the public comment period? Any trends in the type of comments? How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit?
Generally, clarification to language is provided and often incorporated. All comments are responded to.

Public Hearings

23. What triggers a public hearing on a title V permit?
All initial and renewal Title V permits have a public hearing.
- No** a. Do you ever plan the public hearing yourself, in anticipation of public interest?
All initial and renewal Title V permits have a public hearing.

Availability of Public Information

- Yes** 24. Do you charge the public for copies of permit-related documents?

If yes, what is the cost per page?

\$0.10 per page.

No

- a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for non-profit organizations)?

No, but all emailed copies are free of charge.

Yes

- b. Do your title V permit fees cover this cost? If not, why not?

25. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period?

The public can email or phone requests for anything in the public record they wish to see or obtain copies of.

No

- a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain.

26. How long does it take to respond to requests for information for permits in the public comment period?

Either immediately (if email request for electronic documents) or a few days.

No

27. Have you ever extended your public comment period as a result of information requests?

- a. Where is this information stored?

At the agency, both in hard copy and electronic formats, depending on the type of information.

No

- b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?

No

- c. Have you ever extended the public comment period because of a request for a public hearing?

All have public hearings. They are planned around the issuance, so extensions have not been required.

Yes

28. Do you have a website for the public to get permit-related documents?

- a. What is available online?
The regulations, applications, and contacts for the department.
 - b. How often is the website updated? Is there information on how the public can be involved?
The website is updated when new information is available for posting.
- Yes** 29. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe.
DAQEM is moving towards having permits available on the website. The department is also looking into posting applications in-process, and public notices on the website.
30. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe.
The final action reports for the Title V permits explain when the permit was issued. No explicit language is included regarding a petition period. All who made comments, however, received the final action report.
- No** 31. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages) ?
- Yes** 32. Do you provide training to citizens on public participation or on title V?
No formal training, but the department responds to all inquiries. There is extensive citizen outreach by the DAQEM with regard to Air Quality in general.
- Yes** 33. Do you have staff dedicated to public participation, relations, or liaison?
- a. Where are they in the organization?
Outreach Coordinator
 - b. What is their primary function?
Providing information to the public of air quality concerns. Currently, Title V is not part of the program.

Affected State Review and Review by Indian Tribes

34. How do you notify affected States of draft permits?

Email

a. How do you determine what States qualify as “affected States” for your draft permits?

Based upon distance from the county border. NDEP (Nevada) receives them as does Arizona.

35. How do you notify tribes of draft permits?

Hardcopy mailed to them as part of the comment period. The local tribe has requested this form of notification.

36. What percentage of your permits get comments from affected States? from Tribes?

So far, none.

37. Is there any pattern to the type of draft permit that gets affected State / Tribal comment? Are there common themes in comments from affected States or Tribes?

N/A

38. Suggestions to improve your notification process?

Any additional comments on public notification?

Unclear as to whether Title V renewals require public hearings, or even notifications. DAQEM has been doing this, but we are not certain if it is a requirement under the 40 CFR Part 70 regulations.

E. Permit Issuance / Revision / Renewal

Initial Permit Issuance

- Yes** 1. If not all initial permits have been issued, do you have a plan to ensure your permits are issued in a reasonable timeframe? If not, what can EPA do to help?
Only one initial Title V has not been issued – Nellis Air Force Base. DAQEM is working towards resolving this.

Permit Revisions

2. Did you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for:
- Yes** a. Administrative amendment? (See § 70.7(d)(vi))
As requested and applied for.
- Yes** b. §502(b)(10) changes? (See §70.4(b)(12))
As requested and applied for.
- Yes** c. Significant and/or minor permit modification? (See §70.7(e))
As requested and applied for.
- Y N d. Group processing of minor modifications?
**Not sure how this works in conjunction with the above.
Would be interested in comments from EPA regarding this.**
- Y N 3. If the EPA Regional office has formally asked you to re-open a permit, were you able to provide EPA with a proposed determination within 90 days? (40 CFR 70.7(g)(2))

If not, why not? **N/A**

4. For those initial permits that have been issued, and where the permitted facility has undergone a change, how many changes to title V permits have you processed?

One

- a. What percentage of changes at the facilities are processed as:

i. Significant **100%**

ii. Minor **0%**

iii. Administrative **0%**

- b. Of all changes that you have, how many (or what percentages) were:

i. Off-permit

Not applicable in Clark County.

ii. 502(b)(10) **0%**

5. How many days, on average, does it take to process (from application receipt to final permit amendment):

a. a significant permit revision? **180**

b. a minor revision? **90**

c. an administrative revision? **60**

Yes

6. Have you taken longer than the part 70 timeframes of 18 months for significant revision, 90 days for minor permit revisions and 60 days for administrative? Explain.

Yes, DAQEM issues in a timely manner major modifications (NSR) that trigger submittal of whole new applications. Staffing issues and workload prevent consistent timelines with other Title V changes/updates.

7. What have you done to streamline the issuance of revisions?

Tried to focus specific staff on Title V permitting.

8. What process do you use to track permit revision applications moving through your system?

All applications are tracked within the permitting system using the departments Air Quality Management System (AQMS) database.

Yes

9. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy.

We have had workshops with regards to this.

Yes

10. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit?

Yes

a. For minor modifications, do you require sources to explain their change and how it affects their applicable requirements?

Yes

11. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used?

12. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).

Revisions to Title V permits based upon Major NSR modifications are noticed. Others would not have been.

13. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment?
Technical support documents would make that clear.

Permit Renewal Or Reopening

Yes

14. Have you begun to issue permit renewals?

15. What are your plans for timely issuance of the renewals?
Hire and train more staff.

No

16. Do you have a different application form for a permit renewal compared to that for an original application? (e.g., are your application renewal forms different from the forms for initial permits)
- a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal?

Yes

17. Has issuance of renewal permits been “easier” than the original permits? Explain. **The NSR portion is already addressed. Updates to Initial Title V Permits, except for CAM requirements, are straight forward.**

Y N

18. How are you implementing the permit renewal process (ie., guidance, checklist to provide to permit applicants)? **In the regulations**
19. What % of renewal applications have you found to be timely and complete? **80%**

20. How many complete applications for renewals do you presently have in-house ready to process? **Three**

No 21. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? If not, what can EPA do to help?

Not all will be issued in a timely manner. Manpower is an issue.

No 22. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements?

F. Compliance

1. Deviation reporting:

- a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe.

All Title V facilities are required to promptly report to the DAQEM any deviations from permit requirements. Authority 19.4.1.3 C (2)

Yes

- b. Do you require that some deviations be reported by telephone?

The DAQEM requires Upset/Breakdowns or Emergencies, as defined in Section 0, to be reported to the Control Officer within one (1) hour of the onset of the Upset/Breakdown.

Y N

- c. If yes, do you require a followup written report? If yes, within what timeframe?

The follow-up written report is used to report deviations from permit requirements, including those attributable to upset conditions, as outlined in the permit. After notification from the facility by phone or email; the facility completing the form is required to return it to the Compliance Reporting Section of the Department of Air Quality and Environmental Management within 10 days of the deviation or upset condition.

Yes

- d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified).

Yes

- i. Do you require all certifications at the time of submittal?

No

- ii. If not, do you allow the responsible official to “back certify” deviation reports? If you allow the responsible official to “back certify” deviation reports, what timeframe do you allow for the followup certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)?

2. How does your program define deviation?

Deviation is not specifically defined in our rules.

- No** a. Do you require only violations of permit terms to be reported as deviations?
The DAQEM requires that any deviation from permit conditions be reported. In addition, the regulated community is required to report any other relevant deviation, e.g., NSPS, NESHAP or MACT requirements that may not have been addressed specifically in the Part 70 Permit. This is rare because the Title V permits issued are intended to be comprehensive with regard to applicable requirements. Historically, the DAQEM has not issued Permit Shields.
- b. Which of the following do you require to be reported as a deviation (Check all that apply):
- No** i. excess emissions excused due to emergencies (pursuant to 70.6(g)) **Authority Subsection 19.4.7.1**
- No** ii. excess emissions excused due to SIP provisions (cite the specific state rule) **There are no specific provisions in pas or present SIP rules that excuse excess emissions.**
- Yes** iii. excess emissions allowed under NSPS or MACT SSM provisions? **Only if specifically outlined or referenced in the permit.**
- No** iv. excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM)
- No** v. excursions from specified parameter ranges where such excursions are credible evidence of an emission violation
- No** vi. failure to collect data/conduct monitoring where such failure is “excused”:
- Yes** A. during scheduled routine maintenance or calibration checks
- Yes** B. where less than 100% data collection is allowed by the permit

Yes C. due to an emergency

vii. Other? Describe.

3. Do your deviation reports include:

Yes a. the probable cause of the deviation?

Yes b. any corrective actions taken?

Yes c. the magnitude and duration of the deviation?

Yes 4. Do you define “prompt” reporting of deviations as more frequent than semi-annual?

Yes 5. Do you require a written report for deviations?

Yes 6. Do you require that a responsible official certify all deviation reports?

7. What is your procedure for reviewing and following up on:

a. deviation reports?

They are reviewed for enforcement action by staff and tracked in a spreadsheet and a database.

b. semi-annual monitoring reports?

They are reviewed for enforcement action by staff and tracked in a spreadsheet and in a database. The DAEM requires quarterly monitoring reports.

c. annual compliance certifications?

They are reviewed for enforcement action by staff and tracked in a spreadsheet and in a database. The review and compliance status is entered into the EPA AIRS database system as MDRs.

8. What percentage of the following reports do you review?

a. deviation reports

100%

b. semi-annual monitoring reports

100%

c. annual compliance certification

100%

9. Compliance certifications

100%

Yes

a. Have you developed a compliance certification form? If no, go to question 10.

Yes

i. Is the certification form consistent with your rules?

ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent? **Yes**

Yes

iii. Do you require sources to use the form? What percentage do? **100%. However, at present, it is not required by rule.**

Yes

iv. Does the form account for the use of credible evidence?

Yes

v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

10. Excess emissions provisions:

- Y N a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it:
- Yes i. Provide relief from penalties?
Evaluated on a case-by-case basis.
- Yes ii. Provide injunctive relief?
Evaluated on a case-by-case basis.
- Yes iii. Excuse noncompliance?
Evaluated on a case-by-case basis.
- No b. Does your program include a SIP excess emissions provision? If no, go to 10.c. If yes does it:
- Y N i. Provide relief from penalties?
- Y N ii. Provide injunctive relief?
- Y N iii. Excuse noncompliance?
- c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:
- No i. the emergency defense provision?
- No ii. the SIP excess emissions provision?
- No iii. NSPS/NESHAP SSM excess emissions provisions?

11. Is your compliance certification rule based on:

- Yes a. the '97 revisions to part 70 - i.e., is the compliance certification rule based on whether the compliance monitoring method is continuous or intermittent; or:
- No b. the '92 part 70 rule - i.e., is the compliance certification rule based on whether compliance was continuous or intermittent?

12. Any additional comments on compliance?

G. Resources & Internal Management Support

Yes 1. Are there any competing resource priorities for your “title V” staff in issuing Title V permits?

a. If so, what are they?

Many NSR application for major and minor sources need to be processed. Manpower is limited.

2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share?

No

3. How is management kept up to date on permit issuance?

The permitting division submits its monthly report which includes the entire history summary.

Yes 4. Do you meet on a regular basis to address issues and problems related to permit writing?

Yes 5. Do you charge Title V fees based on emission volume?

a. If not, what is the basis for your fees?

b. What is your Title V fee?

Emissions based.

6. How do you track title V expenses?

Finance department / Database input

7. How do you track title V fee revenue?
Finance Department

8. How many Title V permit writers does the agency have on staff
(number of FTE's)? **Four**

No

9. Do the permit writers work full time on Title V?

a. If not, describe their main activities and percentage of time on
title V permits.

NSR Permits are their primary functions at this time.

b. How do you track the time allocated to Title V activities versus
other non-title V activities?

Timesheets submitted weekly

No

10. Are you currently fully staffed?

11. What is the ratio of permits to permit writers?

Each of the four permit writers average four Title V permits.

12. Describe staff turnover.

Generally, Title V staff is promoted out of permitting or into supervision.

- a. How does this impact permit issuance?
Slows it down greatly. Training new staff takes years.

- b. How does the permitting authority minimize turnover?
Currently, turnover has been largely due to promotions so that is hard.

Yes 13. Do you have a career ladder for permit writers?

- a. If so, please describe.
Hired as an Air Quality Specialist I, and then become an Air Quality Specialist II within one year. There are Senior Air Quality positions, but these positions review permits rather than write permits as their primary job function.

Yes 14. Do you have the flexibility to offer competitive salaries?

Yes 15. Can you hire experienced people with commensurate salaries?
Within certain guidelines.

16. Describe the type of training given to your new and existing permit writers.
There is a formal training track for all new employees and regular courses offered to all employees. These training course emphasizing NSR and emission unit/control device evaluation. Many courses are provided by APTI and CARB.

17. Does your training cover:

Yes a. how to develop periodic and/or sufficiency monitoring in permits?

Yes b. how to ensure that permit terms and conditions are enforceable as a practical matter?

Yes c. how to write a Statement of Basis?

No 18. Is there anything that EPA can do to assist/improve your training?
Please describe.

19. How has the PA organized itself to address Title V permit issuance?

20. Overall, what is the biggest internal roadblock to permit issuance from the perspective of Resources and Internal Management Support?
Limited, trained staff. Turnover of most accomplished Title V writers for better salaries. Heavy workload.

Environmental Justice Resources

No 21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts?

If so, may EPA obtain copies of appropriate documentation?

No 22. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?

No 23. Have you provided EJ training / guidance to your permit writers?

No 24. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., soci-economic status, minority populations, etc.)

No

25. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance.

H. Title V Benefits

1. Compared to the period before you began implementing the Title V program, does the Title V staff generally have a better understanding of:

- Yes a. NSPS requirements?
- Yes b. The stationary source requirements in the SIP?
- Yes c. The minor NSR program?
- Yes d. The major NSR/PSD program?
- Yes e. How to design monitoring terms to assure compliance?
- Yes f. How to write enforceable permit terms?

2. Compared to the period before you began implementing the Title V program, do you have better/more complete information about:

- Yes a. Your source universe including additional sources previously unknown to you?
- Yes b. Your source operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?
- Yes c. Your stationary source emissions inventory?
- Yes d. Applicability and more enforceable (clearer) permits?

3. In issuing the Title V permits:

- No a. Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.
The compliance and record-keeping requirements are better.

- Yes** d. increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)?
 - Yes** e. increased resources devoted to compliance monitoring?
 - Yes** f. better awareness of compliance obligations?
 - Y N** g. other? Describe.
- No** 7. Have you noted a reduction in emissions due to the Title V program?
- No** a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?
 - No** b. Did that lead to a change in the fee rate (dollars/ton rate)?
- No** 8. Has title V resulted in improved implementation of your air program in any of the following areas due to Title V:
- Yes** a. netting actions
 - Yes** b. emission inventories
 - Yes** c. past records management (e.g., lost permits)
 - Yes** d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance)
 - Yes** e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.
 - Yes** f. clarity and enforceability of NSR permit terms
 - Yes** g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)
 - Yes** h. emissions trading programs

Yes i. emission caps

Yes j. other (describe)

General clarity of permit language.

Yes 9. If yes to any of the above, would you care to share how this improvement came about? (e.g., increased training; outreach; targeted enforcement)?

Increased training, better staff quality, and strong management

Yes 10. Has Title V changed the way you conduct business?

No a. Are there aspects of the Title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.

Yes b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in Title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.

Far more diligent with regard to applicable requirements. Have learned to think ahead with regard to compliance demonstration and practical enforceability.

Yes c. Do you work more closely with the sources? If yes, describe.
Sources have requested more pre-application meetings.

Yes d. Do you devote more resources to public involvement? If yes, describe.

Title V public notices / hearings and workshops.

Yes e. Do you use information from Title V to target inspections and/or enforcement?

Y N f. Other ways? If yes, describe.

Yes 11. Has the Title V fee money been helpful in running the program? Have you been able to provide:

Yes a. better training?

Yes b. more resources for your staff such as CFRs and computers?

Yes c. better funding for travel to sources?

Yes d. stable funding despite fluctuations in funding for other state programs?

Yes e. incentives to hire and retain good staff?

Y N f. are there other benefits of the fee program? Describe.

No 12. Have you received positive feedback from citizens?

No 13. Has industry expressed a benefit of Title V? If so, describe.

Yes 14. Do you perceive other benefits as a result of the Title V program? If so, describe.

Primary benefits are that sources take compliance more seriously.

Y N 15. Other comments on benefits of title V?

Good Practices not addressed elsewhere in this questionnaire

Are any practices employed that improve the quality of the permits or other aspects of the title V program that are not addressed elsewhere in this questionnaire?

Compliance and permitting staff divisions work well together to make for a better program.

EPA assistance not addressed elsewhere in this questionnaire

Is there anything else EPA can do to help your title V program?

EPA assistance has been timely and responsive. Guidance on Title V revisions. Part 70 regulations do not seem to be practiced nation-wide with regard to this.

Appendix C

DAQEM COMMENTS ON DRAFT REPORT



Department of Air Quality & Environmental Management

500 S Grand Central Parkway 1st Fl • PO Box 555210 • Las Vegas NV 89155-5210
(702) 455-5942 • Fax (702) 383-9994

Christine L. Robinson, Director • Alan Pinkerton, Deputy Director • Lewis Wallenmeyer, Assistant Director

June 26, 2007

Certified Mail #: 7006-2150-0005-4267-8546

RECEIVED

JUL - 3 2007

Permits Office Air-3
U.S. EPA, Region 9

U.S. Environmental Protection Agency
Region 9
Attention: Gerardo C. Rios
75 Hawthorne Street
San Francisco, California 94105

Subject: Title V Operating Permit Program Evaluation

RE: Clark County Department of Air Quality and Environmental Management
Title V Operating Permit Program Evaluation (Review Draft), May 21, 2007

Dear Mr. Rios: *Gerardo,*

Thank you for giving us the opportunity to review the draft evaluation. The subject document contains a reasonable assessment of the Clark County Title V Program and provides valuable guidance for improvements to the program. DAQEM provides the following for your consideration of the draft evaluation:

**Section/
Finding**

Review Comments/Requested Corrections

Introduction,
Coordination
with
other State of
Nevada Air
Agencies

The subsection states that NDEP is responsible for submitting the State Implementation Plan (SIP) and Title V air permitting programs for all of Nevada to EPA (paraphrased). This language appears to be flawed. DAQEM concurs that NDEP is responsible for Clark County SIP submissions; however, Clark County is Control responsible for Title V submissions to EPA, Region 9.

DAQEM is delegated by EPA to administer the Title V Program; therefore, DAQEM coordinates all Title V matters and permitting actions directly with EPA, Region 9. The agency received interim approval of the Title V Program on July 13, 1995 with an effective date of August 14, 1995 (60 FR 36070) and final approval on December 5, 2001 with an effective date of November 30, 2001 (66 FR 63188). As noted in your report, the Nevada Revised

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Statutes, Title 40, Chapter 445B, Air Pollution Control, grants authority to DAQEM under the aegis of the Clark County Board of County Commissioners to manage and administer the air quality programs, to include the Title V Program.

4.2

To state that staff lacks knowledge of Environmental Justice (EJ) is a mischaracterization. Due to high turnover, non-supervisory staff may lack knowledge and training on EJ. However, management is knowledgeable on basic EJ principles and requirements. As a practical matter, DAQEM does not have a formal EJ Program because local conditions have dictated more appropriate approaches to address this requirement.

Clark County ensures the fair treatment and meaningful involvement of all residents regardless of race, color, sex, national origin, culture, education, or income in the development, implementation, and enforcement of environmental laws, regulations, and policies. No racial, ethnic, or socioeconomic group bears a disproportionate share of any negative environmental consequences of industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal environmental programs and policies. Clark County has few major stationary sources, and most are located away from population centers. Major stationary sources within the population centers of Clark County are located in industrial areas, away from human receptors.

Clark County addresses environmental justice with pollution control and stringent permitting and compliance programs. The East Charleston Boulevard area of the Las Vegas Valley has experienced past violations of the CO NAAQS, and CO is the pollutant of most concern for disproportionate impacts. Through its CO SIP, Clark County implemented control measures for stationary, area, and mobile sources to reduce CO emissions. It also implemented a smog check program for mobile sources and offset requirements for stationary sources. Implementation and enforcement of these control measures has resulted in no violations of the CO NAAQS since December 1998.

In May 2005, EPA published a finding of attainment of the CO NAAQS for Clark County. CCDAQEM is now developing a CO

maintenance plan and a request to reclassify the Las Vegas Valley from nonattainment to attainment of the CO standards.

Notwithstanding these comments, Clark County looks forward to working with EPA Region 9 to develop a more formal EJ training program.

- 5.3 This finding states that there has been "...temporary data loss following system upgrades..." While DAQEM recognizes that AQMS has deficiencies; we are not aware of any "data loss" that has occurred as a result of any system upgrade. It is possible that 100 percent of the data is not viewable by staff during the upgrade process; however, it is always retained and made available according to proper security protocol.
- 6.2 It is not DAQEM policy to delay permit issuance for Title V sources based on 100 percent compliance. The finding implies that Title V permit issuance delays are directly related to compliance. Historically, it has not been necessary to include compliance plans or schedules in Title V permits. Most compliance issues for Title V sources have been related to reporting requirements and unpermitted emission units, which have been resolved using correction action orders (CAO) or notices of violation (NOV).
- 6.3 It is DAQEM policy to issue NOVs when necessary. The DAQEM has one of the highest rates of High Priority Violations (HPV) per capita, in Region 9. While the absolute number of NOVs issued appears to be low; when put into perspective, our per capita issuance rate is high.

We hope that these comments will be helpful to you as you prepare the final draft report for public review. DAQEM looks forward to implementing the recommendations of this report in partnership with EPA Region 9.

Sincerely,



Lewis Wallenmeyer, Director

CC: Amy Zimpfer, Associate Director

Appendix D

EPA RESPONSES TO DAQEM COMMENTS ON DRAFT REPORT

Appendix D

EPA Region 9 Responses to DAQEM Comments on the Draft Title V Program Evaluation Report

EPA has reviewed DAQEM's comments and provides the following responses. We have attached DAQEM's comments as Appendix D to the final report.

1. Introduction

EPA agrees and has corrected the error by deleting the reference to NDEP being responsible for submitting the Title V program on behalf of DAQEM.

2. Finding 4.2

EPA has modified this finding to more accurately depict the circumstances in Clark County. We acknowledge the efforts that DAQEM has undertaken in the planning process and look forward to working with DAQEM as it prepares for the future on this issue and its potential to affect outcomes in Title V permitting.

3. Finding 5.3

While the Finding in the draft report did not make such a claim, we have revised the language to clarify this point.

4. Finding 6.2

Some interviewees stated that a Title V permit is typically not issued to a source that is out of compliance until it has come into compliance with all applicable requirements. However, EPA is not aware of any specific instance in which permit issuance was delayed in order to avoid including a compliance schedule. We have modified the Finding to indicate that DAQEM's practice is to work with the source during the NSR permit issuance process until the source comes into compliance before the Department issues a Title V permit. EPA and DAQEM discussed this issue following DAQEM's submittal of comments on the draft report. DAQEM confirmed that it would issue the Title V permit with a compliance schedule if a source is still out of compliance when DAQEM is otherwise ready to issue the permit.

5. Finding 6.3

EPA thanks DAQEM for the comment on its NOV policy. We have not revised the Finding.

Appendix E
CENSUS FIGURES



U.S. Census Bureau

American FactFinder

FACT SHEET

Clark County, Nevada

2005 American Community Survey

Data Profile Highlights:

Note: The 2005 American Community Survey universe is limited to the household population and excludes the population living in institutions, college dormitories, and other group quarters.

General Characteristics - show more >>	Estimate	Percent	U.S.	Margin of Error
Total population	1,691,213			*****
Male	856,865	50.7	49.0%	+/-790
Female	834,348	49.3	51.0%	+/-790
Median age (years)	34.4	(X)	36.4	+/-0.1
Under 5 years	127,976	7.6	7.0%	+/-486
18 years and over	1,244,001	73.6	74.6%	*****
65 years and over	179,150	10.6	12.1%	+/-549
One race	1,633,840	96.6	98.1%	+/-7,585
White	1,233,169	72.9	74.7%	+/-12,511
Black or African American	161,011	9.5	12.1%	+/-3,205
American Indian and Alaska Native	13,202	0.8	0.8%	+/-1,817
Asian	114,457	6.8	4.3%	+/-2,680
Native Hawaiian and Other Pacific Islander	9,446	0.6	0.1%	+/-892
Some other race	102,555	6.1	6.0%	+/-10,483
Two or more races	57,373	3.4	1.9%	+/-7,585
Hispanic or Latino (of any race)	443,249	26.2	14.5%	*****
Household population	1,691,213			*****
Group quarters population	(X)	(X)	(X)	(X)
Average household size	2.65	(X)	2.60	+/-0.02
Average family size	3.25	(X)	3.18	+/-0.04
Total housing units	718,358			*****
Occupied housing units	637,740	88.8	89.2	+/-5,744
Owner-occupied housing units	379,281	59.5	66.9	+/-6,834
Renter-occupied housing units	258,459	40.5	33.1	+/-7,030
Vacant housing units	80,618	11.2	10.8	+/-5,744
Social Characteristics - show more >>	Estimate	Percent	U.S.	Margin of Error
Population 25 years and over	1,095,527			+/-713
High school graduate or higher	(X)	81.7	84.2%	(X)
Bachelor's degree or higher	(X)	19.9	27.2%	(X)
Civilian veterans (civilian population 18 years and over)	158,453	12.8	10.9%	+/-4,789
Disability status (population 5 years and over)	177,282	11.4	14.9%	+/-6,900
Foreign born	334,087	19.8	12.4%	+/-10,478
Male, Now married, except separated (population 15 years and over)	343,706	51.9	55.9%	+/-7,034
Female, Now married, except separated (population 15 years and over)	321,003	49.4	51.0%	+/-6,401
Speak a language other than English at home (population 5 years and over)	465,654	29.8	19.4%	+/-10,355
Economic Characteristics - show more >>	Estimate	Percent	U.S.	Margin of Error
In labor force (population 16 years and over)	884,375	68.7	65.9%	+/-6,969
Mean travel time to work in minutes (workers 16 years and over)	23.9	(X)	25.1	+/-0.4
Median household income (in 2005 inflation-adjusted dollars)	49,571	(X)	46,242	+/-1,161
Median family income (in 2005 inflation-adjusted dollars)	56,886	(X)	55,832	+/-1,486
Per capita income (in 2005 inflation-adjusted dollars)	24,809	(X)	25,035	+/-542
Families below poverty level	(X)	8.7	10.2	(X)

Individuals below poverty level	(X)	11.2	13.3	(X)
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Housing Characteristics - show more >>	Estimate	Percent	U.S.	Margin of Error
Owner-occupied homes	379,281			+/-6,834
Median value (dollars)	289,300	(X)	167,500	+/-4,885
Median of selected monthly owner costs				
With a mortgage (dollars)	1,481	(X)	1,295	+/-21
Not mortgaged (dollars)	375	(X)	369	+/-10

Source: U.S. Census Bureau, 2005 American Community Survey

Explanation of Symbols:

'****' - The median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

'*****' - The estimate is controlled. A statistical test for sampling variability is not appropriate.

'N' - Data for this geographic area cannot be displayed because the number of sample cases is too small.

'(X)' - The value is not applicable or not available.

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for **free** from the Adobe web site.



U.S. Census Bureau

American FactFinder

FACT SHEET

Clark County, Nevada

View a Fact Sheet for a **race, ethnic, or ancestry group**

Census 2000 Demographic Profile Highlights:

General Characteristics - show more >>	Number	Percent	U.S.		
Total population	1,375,765			map	brief
Male	699,728	50.9	49.1%	map	brief
Female	676,037	49.1	50.9%	map	brief
Median age (years)	34.4	(X)	35.3	map	brief
Under 5 years	103,301	7.5	6.8%	map	
18 years and over	1,023,995	74.4	74.3%		
65 years and over	146,899	10.7	12.4%	map	brief
One race	1,318,000	95.8	97.6%		
White	984,796	71.6	75.1%	map	brief
Black or African American	124,885	9.1	12.3%	map	brief
American Indian and Alaska Native	10,895	0.8	0.9%	map	brief
Asian	72,547	5.3	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	6,412	0.5	0.1%	map	brief
Some other race	118,465	8.6	5.5%	map	
Two or more races	57,765	4.2	2.4%	map	brief
Hispanic or Latino (of any race)	302,143	22.0	12.5%	map	brief
Household population	1,356,350	98.6	97.2%	map	brief
Group quarters population	19,415	1.4	2.8%	map	
Average household size	2.65	(X)	2.59	map	brief
Average family size	3.17	(X)	3.14	map	
Total housing units	559,799			map	
Occupied housing units	512,253	91.5	91.0%		brief
Owner-occupied housing units	302,834	59.1	66.2%	map	
Renter-occupied housing units	209,419	40.9	33.8%	map	brief
Vacant housing units	47,546	8.5	9.0%	map	
Social Characteristics - show more >>	Number	Percent	U.S.		
Population 25 years and over	900,400				
High school graduate or higher	715,402	79.5	80.4%	map	brief
Bachelor's degree or higher	156,083	17.3	24.4%	map	
Civilian veterans (civilian population 18 years and over)	158,864	15.6	12.7%	map	brief
Disability status (population 5 years and over)	264,470	21.1	19.3%	map	brief
Foreign born	247,751	18.0	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	285,432	52.6	56.7%		brief
Female, Now married, except separated (population 15 years and over)	277,285	52.2	52.1%		brief
Speak a language other than English at home (population 5 years and over)	330,437	26.0	17.9%	map	brief
Economic Characteristics - show more >>	Number	Percent	U.S.		
In labor force (population 16 years and over)	688,917	65.1	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	24.3	(X)	25.5	map	brief
Median household income in 1999 (dollars)	44,616	(X)	41,994	map	
Median family income in 1999 (dollars)	50,485	(X)	50,046	map	
Per capita income in 1999 (dollars)	21,785	(X)	21,587	map	
Families below poverty level	26,886	7.9	9.2%	map	brief
Individuals below poverty level	145,855	10.8	12.4%	map	
Housing Characteristics - show more >>	Number	Percent	U.S.		
Single-family owner-occupied homes	254,708				brief
Median value (dollars)	139,500	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			brief
With a mortgage (dollars)	1,185	(X)	1,088	map	
Not mortgaged (dollars)	290	(X)	295		

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for **free** from the Adobe web site.

Appendix F

TRAINING PLAN FOR AIR QUALITY SPECIALIST I

TRAINING PLAN – AIR QUALITY SPECIALIST I (PERMITTING)

The Air Quality Specialist I shall successfully complete the following training courses as part of the requirements for eligibility for promotion to an Air Quality Specialist II position.

DAQEM Level Training

- DAQEM 101

Supervisor/Division Level Training

[Stephen Deyo, Richard Beckstead]

Air Quality Training Network Courses

APTI Self Study

- Computer Course: SI 422 Introduction to Air Pollution Control
- Computer Course: Basic Concepts in Environmental Sciences
- SI 460: Introduction to Permitting
- SI 412A: Fabric Filter Operation Review
- SI 410: Introduction to Dispersion Modeling

CARB (Four of the Following)

230 Surface Coating Operations	272 Stationary Gas Turbines
242 Hot Mix Asphalt Facilities	273 Industrial Boilers
243 Aggregate Plants	282 Bag Houses
244 Concrete Batch Plants	284 VOC Control Devices
261 Polyester Resin & Fiberglass	285 Landfill Gas Control
270 Incinerators	287 Dry Cleaning Facilities
271 Reciprocating Engines	340 Gasoline Facilities Phase I and II Seminar

APTI or equivalent

- 454 Effective Permit Writing
- 461 Intermediate Permitting

(Select Two of the Following, or equivalent)

- 413 Control of Particulate Emissions
- 415 Control of Gaseous Emissions
- 452 Principles and Practices of Air Pollution Control
- 480 Control Measures for CO, Ozone, NOx
- 482 Sources and Control of VOC Air Pollutants

Permit Training

Fundamentals of NSR
BACT

County University Training

- Excel 2000 – Level 1
- Word 2000 – Level 1
- GroupWise Mail Features
- Professional Business Writing

County Level Training

- County Orientation
- Defensive Driving

Facility Visits, Job Performance

- 1) All Air Quality Specialists Is are required to make one facility visit for each of the following types of facilities within two years from their date of hire:

Facility Type

Surface Coating Operations
Hot Mix Asphalt Facilities
Aggregate Plants
Concrete Batch Plants
Dry Cleaning Facilities
Gasoline Facilities Phase I and II
Commercial Building
Construction Site requiring a dust permit

- 2) All Air Quality Specialists Is are required to successfully write for issuance the following number of permits for these facilities within two years from their date of hire:

Facility Type

Surface Coating Operations (two permits)
Hot Mix Asphalt Facilities (one permit)
Aggregate Plants (two permits)
Concrete Batch Plants (two permits)
Dry Cleaning Facilities (two permits)
VLPs (two permits)
Commercial Building (two permits)

- 3) In addition, all Air Quality Specialists Is are required to successfully complete at least one permit that goes to public notice, or a permit of similar complexity.

AQS I - Permitting

The AQS I - Permitting shall successfully complete the above-referenced training and inspection requirements during the probationary period.

Previous equivalent training experience may be substituted for actual new experience based on the approval of the DAQEM Permitting Manager.

If a required course or requirement is not available during the timeframe in which the employee is required to obtain the training, substitute training may be selected and conducted with the approval of the DAQEM Permitting Manager.

I acknowledge, by signature below, that I have read and understand that I must successfully complete the above referenced training requirements during the probationary period.

Signature _____ Date _____

Employee Name (print) _____ Date _____

Appendix G

SUMMARY OF PERMITTING DIVISION STAFF TURNOVER

Clark County Department of Air Quality and Environmental Management Staff History from Jan-02 thru December-06					
			Permitting		Approximate Months
Name	Date Hired As Permit Writer	Date Left As Permit Writer	Action	Months Spent As Permit Writer	Spent As Major Source Permit Writer
Major Source Permit Writers					
Ansson, Rich	June-03	July-04	Promoted to other division in DAQEM	14	10
Beckstead, Richard	August-02	February-02	Promoted to Permitting Supervisor	7	6
Burke, Timothy	September-04	March-06	Promoted to other division in DAQEM	19	7
Hunsaker, Ross	June-03	August-04	Promoted to other division in DAQEM	15	7
Lendis, Ted	October-04	April-06	Promoted to other division in DAQEM	19	8
Mackey, Phil	November-03	April-05	Promoted to Permitting Supervisor	18	12
Mathew, Santosh	Hired Prior to January-02	January-03	Promoted to Senior Specialist	13	13
Parker, Lucinda	Hired Prior to January-02	August-04	Promoted to other division in DAQEM	32	32
Paul, Shibi	February-05	January-07	Promoted to Senior Specialist	23	15
White, Randy	June-05	October-06	Transferred to other division in DAQEM	17	6
Newell, Stephen	Hired Prior to January-02	February-03	Transferred to other division in DAQEM	14	14
Trujillo, Elizabeth	February-05	October-06	Left the Department	21	6
Weller, Jacob	August-02	May-04	Left the Department	22	12
Walker, Michelle	April-03	N/A	Currently in Permitting	45	43
			AVERAGE:	20	14
Minor Source Permit Writers					
Doyle, Michael	Hired Prior to January-02	March-05	Promoted to other division in DAQEM	39	0
Durr, Paul	Hired Prior to January-02	January-03	Promoted to Senior Specialist	13	0
Goewert Terry	Hired Prior to January-02	February-02	Transferred to other division in DAQEM	1	0
Jelinek, Scott	Hired Prior to January-02	September-04	Transferred to other division in DAQEM	33	0
Weiss, Kenneth	Hired Prior to January-02	February-03	Transferred to other division in DAQEM	14	0
Yadao, Alfonso	Hired Prior to January-02	November-05	Left the Department	47	0
Regan, Mickey	Hired Prior to January-02	August-02	Left the Department	8	0
Durosini, Femi	April-05	N/A	Currently in Permitting	21	0
Klevorick, Phil	Hired Prior to January-02	N/A	Currently in Permitting	60	0
Leaper, Dawn	June-04	N/A	Currently in Permitting	33	0
Nowinski, Piotr	March-06	N/A	Currently in Permitting	10	0
Rael, Michael	July-06	N/A	Currently in Permitting	6	0
Rosser, Crystal	April-06	N/A	Currently in Permitting	9	0
Simonian, Kris	July-05	N/A	Currently in Permitting	18	0
			AVERAGE:	22	0
			TOTAL PERMITTING AVERAGE:	21	7

Appendix H

**WORKPLAN FOR TITLE V PROGRAM EVALUATION CLARK COUNTY,
NEVADA**

**Workplan
for
Title V Program Evaluation
Clark County, Nevada**

US EPA, Region 9

OBJECTIVES

- To perform a Title V program evaluation of the Department of Air Quality and Environmental Management (DAQEM) of Clark County (“Clark County”).
- To identify any areas for improvement in Clark County’s Title V program and in EPA’s own oversight role.
- To identify areas where Clark County’s program could be used as an example for other permitting authorities to improve their implementation of Title V.

Clark County is one of several air permitting agencies in Region 9 where EPA plans to perform Title V program evaluations. These evaluations are being performed nationwide by EPA.

EPA PROGRAM EVALUATION TEAM FOR CLARK COUNTY

The following staff and managers are part of EPA’s program evaluation team. Should you have any questions, please contact Anna Yen (415/972-3976) or Gerardo Rios (415/972-3974).

Site Visit Participants:

1. Amy Zimpfer - Air Division Associate Director, Division Lead for Nevada/
Gay MacGregor – Acting Associate Director for this program evaluation
2. Gerardo Rios - Air Division Permits Office Chief
3. Anna Yen – Clark County Title V Program Evaluation Coordinator, Permits Office
4. Roger Kohn – Clark County Title V Program Evaluation Team Member,
Geographic Lead Contact for Clark County, Permits Office
5. Ken Israels - Clark County Title V Program Evaluation Team Member, Grants
and Program Integration Office

Other EPA Staff Providing Assistance:

6. Ed Pike - Clark County Title V Program Evaluation Team Member – file
review only, Permits Office
7. Irma Miranda - Administrative Assistant, Permits Office
8. Kara Christenson - Office of Regional Counsel

APPROACH

The program evaluation will be conducted in two stages.

- Stage I: Title V Program Evaluation Questionnaire. Clark County's responses to the questionnaire will help us prepare for the second stage of the program evaluation.
- Stage IIa: In-House File Review. EPA will conduct a review of in-house permit files prior to the site visit.
- Stage IIb: Site Visit (interviews and on-site file reviews). During the site visit, EPA will visit Clark County's office to interview staff and managers involved in the Title V program. In addition, EPA will conduct a review of Clark County files/systems, such as any Title V-related documents which were not available during the in-house file review, Clark County's tracking system for Title V permits and related documents, and standard operating procedures.
- Stage IIc: Follow-up and Report. EPA may need to contact certain Clark County staff/managers for follow-up questions and/or complete some interviews by phone. EPA will prepare a draft report, a copy of which will be sent to Clark County for review and comment. EPA will then issue the final report.

DETAILED DESCRIPTION OF EPA EFFORTS

EPA will examine how Clark County implements its Title V permitting program. Particular emphasis will be placed on Clark County's overall program goals and how decisions are made. We will also review some aspects of the program implementation budget and evaluate how Title V resources are allocated. We will work closely with Clark County throughout the program evaluation.

Needed Information

Listed below is information EPA will need to help us prepare for the site visit to Clark County:

- A listing of staff related to the Title V program with their respective responsibilities.
- Clark County's current organizational chart with names and phone numbers.
- A flowchart (or other information) of Clark County's Title V fee structure clearly showing how fees are set, collected, tracked, and used in support of the program. In addition, specific references to Title V fee-related legislation used by Clark County should be provided.

Interviews

During the site visit, EPA will interview managers and staff of the Clark County DAQEM who are involved with the Title V program. EPA will schedule interview appointments in advance. The list of interviewees we have compiled so far is included as an attachment. Please feel free to advise us of any other recommendations for potential interviewees.

We are planning on a one-week site visit. Based on the number of people listed in the attachment, we will not have enough time to conduct all the interviews during our site visit. Therefore, two to three weeks prior to the site visit, we plan to conduct telephone interviews of those people who are not as directly involved in the Title V program as, for example, the Title V permit writers. We will contact the appropriate person(s) at Clark County to coordinate scheduling of these interviews.

During the interviews, we plan to ask questions based on the areas addressed in the Title V Program Evaluation Questionnaire sent to Clark County. These areas include (1) Title V permit preparation and content, (2) monitoring, (3) public participation, (4) permit issuance, revision, and renewal, (5) compliance, (6) resources & internal management support, and (7) Title V benefits. EPA's interview questions may also be based upon our in-house file reviews.

Other Site Visit Activities

EPA plans to review the systems used by Clark County for tracking Title V permits, applications, emission inventories, Title V fees, compliance certifications, and related reports. We would also like to examine how Title V permit and compliance files are organized at the Clark County office. We may also review Title V-related documents that were not available during our in-house file review. During our site visit, we will need access to all the systems and files described above.

Site Visit Schedule

The site visit will occur May 8 through May 12, 2006. We will work with Clark County before the site visit to schedule individual, on-site interviews. In general, we plan to conduct interviews for the first three days and review the tracking systems and files the rest of the week.

Follow-up After Site Visit and Completion of Report

EPA may follow up by phone with Clark County after the site visit to ask for clarification on any questions or issues resulting from our visit. In previous program evaluations, we found that, for a few interviews, we were not able to ask all the interview questions in the time allotted for the interview. In these rare instances, we scheduled follow-up phone interviews with these interviewees. We will coordinate with Clark County if this situation should occur.

EPA plans to issue a draft report in mid-September 2006. The report will be based on the interviews, the site visit, and our internal file reviews of Title V permits and related documents issued by Clark County. The report will allow EPA to document the successes and areas needing improvement that arise from the program review. Prior to public release, EPA will issue the draft report to Clark County for a thirty-day review and comment period. After considering Clark County's comments and input, EPA will issue the final report with our recommendations.

A copy of EPA's final report will be made publicly available and will be published on our website. If a corrective action plan is necessary, there may be a follow-up step after the corrective action plan is finalized to determine how well the recommendations/commitments are being implemented.

**ATTACHMENT:
Interviewee List**

	Name	Position	Comments
1	Christine Robinson	Director	
2	Lewis Wallenmeyer	Assistant Director	
3	Richard Beckstead	Permitting Manager	
4	Steve Deyo	Major Source Supervisor	
5	*Phil Mackey	Minor Source Supervisor	
6	Santosh Mathew	Sr. AQ Specialist	
7	Shelly Walker	AQ Specialist II (T5 permit writer)	Henderson office
8	Ted Lendis	AQ Specialist II (T5 permit writer)	
9	Tim Burke	AQ Specialist II (T5 permit writer)	
10	*Kris Simonian	AQ Specialist I (T5 & non-T5)	
11	*Elizabeth Trujillo	AQ Specialist I (T5 & non-T5)	
12	*Shibi Paul	AQ Specialist I (T5 & non-T5)	Henderson office
13	*Idamarie Roberts	Sr. Office Specialist (Admin for T5)	Also helps with permit/compliance records
14	*Grace Bautista	Admin Secretary	Also helps with permit/compliance records
15	Bob Folle	Compliance Manager	
16	Lea Kain	Compliance Supervisor (of major/minor sources)	
17	Mike Lohmeyer	AQ Specialist II (Compliance officer for major sources)	100% of time on T5 major sources
18	*Scott Jelenik	AQ Specialist II (Compliance officer for mostly minor sources but some major sources)	
19	Gary Miller	Compliance Supervisor (of NOV group)	
20	Catherine Jorgenson	Deputy District Attorney (assigned to AQ)	
21	Michael Sanders	Sr. Management Analyst	Works directly under Tom War, handles some T5 finances
22	Diane Lorelli	Management Analyst II	Works directly under Michael Sanders, handles some T5 finances
23	Rick Hasse	Dept. Systems Administrator	Works directly under Tom War, makes

			requested changes to AQMS, runs queries
24	Ron Smolinski	Management Analyst II (Public Outreach person)	

*Interview by phone