SECTION 17 - DUST CONTROL PERMIT FOR CONSTRUCTION ACTIVITIES
INCLUDING SURFACE GRADING AND TRENCHING

17.1 Prohibitions:

17.1.1 No OWNER, lessee, occupant, operator, user, or any other PERSON shall engage in CONSTRUCTION ACTIVITIES, including disturbing the TOPSOIL, grading, clearing and grubbing operations, TRENCHING or excavate, or the addition or removal of dirt or fill for CONSTRUCTION of a building or dwelling unit(s) on property in excess of a) an aggregate of one-quarter acre or more; b) or a TRENCH at least 100 feet in length if the aggregate is less than one quarter acre of any property or contiguous properties within Clark County, Nevada or any incorporated city therein prior to the issuance of a Dust Control Permit for CONSTRUCTION ACTIVITIES including Surface Grading and TRENCHING by the CONTROL OFFICER and then only if said permit is current and valid.

17.1.2 No PERSON shall engage in CONSTRUCTION ACTIVITIES, including disturbing the TOPSOIL, grading, clearing and grubbing operations, TRENCHING or the addition or removal of dirt or fill in excess of an aggregate of a) one-quarter acre or more b) or a TRENCH at least 100 feet in length if the aggregate is less than one quarter acre of any property or contiguous properties within Clark County, Nevada or any incorporated city therein at the request of or under contract to the OWNER, lessee, occupant, user or any other PERSON until he has in his possession a copy of the Dust Control Permit required by Subsection 17.1.1.

17.1.3 No PERSON shall engage in the destruction, demolition or removal of any structure, 1000 square feet or larger, located on any property within Clark County, Nevada or any incorporated city therein prior to the issuance of Dust Control permit by the CONTROL OFFICER and then only if said permit is current and valid.

17.1.4 Dust Control Permits will not be issued for any real property, regardless of size, within Clark County, Nevada or any incorporated city therein which is to
remain unoccupied, unused, vacant or undeveloped unless it is certified by the Chief Health Officer, or the Departments of Police, Fire, Building or Public Works, in their jurisdiction, that an adverse health or safety hazard exists that can only be corrected by this method.

17.2 Exceptions:

17.2.1 The requirement for Dust Control permits in this section shall not apply to:

(a) agricultural operations
(b) landscaping by a PERSON at his place of residence
(c) routine maintenance activities conducted by government agency personnel on publicly maintained roads and road shoulders
(d) routine maintenance activities conducted by government agency personnel on flood control channels
(e) other maintenance activities conducted by government agency personnel

17.3 Permit Applications:

17.3.1 Applications for Dust Control permits will be obtained from the CONTROL OFFICER, Department of Air Quality Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155, and will be filed with the CONTROL OFFICER. The permit shall only be issued to the OWNER, lessee, developer, or prime contractor.

17.4 Each application will be accompanied by payment of a fee in accordance with Subsection 18.6.

17.5 Conditions of Dust Control Permit:

17.5.1 Said permit is to be granted subject to the right of inspection of such land and determination by the CONTROL OFFICER of any present or potential sand, dust, or dust particle problems. The permit shall be granted subject, but not limited, to the following conditions.

17.5.1.1 The applicant is responsible for ensuring his contractor and/or subcontractor, TRENCHING subcontractor and all other PERSONS abide by the conditions of the permit. The applicant is responsible for supplying copies of the Dust Control Permit for CONSTRUCTION ACTIVITIES including Surface Grading and TRENCHING and Section 41 to all of his subcontractors.

17.5.1.2 The applicant presents and agrees to implement an acceptable method to prevent PARTICULATE MATTER from becoming airborne.
17.5.1.3 The applicant presents and agrees to implement an acceptable method of securing the TOPSOIL when the project is finished.

17.5.1.4 The applicant agrees in writing to take additional precautions as may be reasonably prescribed by the CONTROL OFFICER, consistent with the provisions of this section of the Regulations.

17.5.1.5 The applicant agrees in writing to suspend all or part of these activities, which are related or which may be contributing to a violation of Section 41 of the Regulations, if he cannot provide satisfactory control of airborne particles, or upon notification by the CONTROL OFFICER or his representative.

17.5.1.6 Signage Requirement (Effective Date is March 1, 1997):

(a) For each Dust Control Permit aggregating less than or equal to ten (10) acres:

   (1) The applicant shall install a sign on such property prior to COMMENCING CONSTRUCTION ACTIVITY which is visible to the public that meets the following requirements:

      (i) Such sign shall measure at least four (4) feet wide by four (4) feet high; and

      (ii) conform to the Department of Air Quality Management’s policy on Dust Control Permit Design and Posting of Signage.

(b) For each Dust Control Permit aggregating over ten (10) acres:

   (1) The applicant shall install a sign on such property prior to COMMENCING CONSTRUCTION ACTIVITY which is visible to the public that meets the following requirements:

      (i) Such sign shall measure at least eight (8) feet wide by four (4) feet high; and

      (ii) conform to the Department of Air Quality Management’s policy on Dust Control Permit Design and Posting of Signage.

17.5.1.7 As an additional condition to the issuance of a permit under Section 17 of these Regulations, the CONTROL OFFICER may require the posting of a surety bond in a form acceptable to him. Any such bond must be executed by the applicant for the permit as principal with a corporation authorized to transact surety business in the STATE of Nevada, and shall be conditioned upon
faithful performance of all other conditions of the permit and faithful compliance with the provisions of these Regulations. The amount of each bond required by this section shall be fixed by the Air Quality CONTROL OFFICER with reference to the applicant's financial and professional responsibility and the magnitude of his operations, but shall not be less than $500.00 or more than $20,000.00.

17.5.1.8 The permittee's signature or that of his authorized agent on the permit shall constitute agreement by the permittee to accept responsibility for meeting the conditions of the permit.

17.6 Suspension or Revocation of Permit:

17.6.1 The CONTROL OFFICER or his representative may suspend or revoke the permit if he finds that any of its conditions are not being fulfilled. Non-fulfillment of any condition set forth in the permit shall be in violation of this section. Upon suspension or revocation of a permit, that work which gives rise to violation to the terms of the permit will cease. The CONTROL OFFICER shall post notices of suspension or revocation conspicuously on the property involved. The notice shall indicate the date and time of suspension or revocation and shall state the reasons therefore. The suspension or revocation will remain in effect until such time as rescinded by the CONTROL OFFICER and a new permit is issued upon payment of a fee in accordance with Section 18 provided that the permittee shall have a right to hearing before the Air Pollution Control HEARING BOARD within five (5) working days from date of issuance of the suspension or revocation.

17.6.2 Any PERSON aggrieved by a decision of the CONTROL OFFICER pursuant to this section may appeal to the Air Pollution Control HEARING BOARD as provided in Section 7 of these Regulations.

17.7 Processing Permit Applications:

17.7.1 Permit applications will be processed by the CONTROL OFFICER as rapidly as possible. Plat or plot plans will be submitted to the CONTROL OFFICER for review at the time of application. Permits will be issued from approved applications.

17.7.2 Permits will not be issued to an applicant who has outstanding unpaid penalties imposed by the Air Pollution Control HEARING BOARD or HEARING OFFICER.

17.8 Information:
17.8.1 The CONTROL OFFICER shall keep local government planning, engineering, and building agencies, and contractors’ associations supplied with a written summary of the dust control and permit requirements of Sections 17 and 41.