

~~[Bracketed and strikethrough]~~ material is that portion being deleted or amended
Underlined and italicized material is that portion being added

BILL NO. 1-21-25-2

SUMMARY - An ordinance to amend Clark County Air Quality Regulations Section 14 to incorporate by reference an NSPS into the SIP; amend Section 107 to modify the title, correct and clarify language, citations, and definitions, expand a prohibition, and renumber as necessary.

ORDINANCE NO. 5215
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 14, "NEW SOURCE PERFORMANCE STANDARDS" (NSPS), TO INCORPORATE BY REFERENCE AN NSPS FOR COMBUSTION ENGINES INTO THE NEVADA STATE IMPLEMENTATION PLAN; AMEND SECTION 107, "VOC EMISSIONS CONTROL FOR CUTBACK ASPHALT MANUFACTURING AND USE," TO MODIFY THE TITLE, TO CORRECT AND CLARIFY LANGUAGE, CITATIONS, AND DEFINITIONS, TO EXPAND A PROHIBITION, AND TO RENUMBER AS NECESSARY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOW, THEREFORE, THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Clark County Air Quality Regulation Section 14, "Standards of Performance for New Stationary Sources," Subsection 14.2(c) is hereby amended as follows:

...

(6) *Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.*

SECTION 2. Clark County Air Quality Regulation Section 107, "VOC Emissions Control for Cutback Asphalt Manufacturing and Use," is hereby amended as reflected in Exhibit 1, attached hereto.

SECTION 3. If any section of this ordinance, or portion thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 21st day of January, 2025.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 4th day of February 2025.

AYES: Tick Segerblom

William McCurdy II

April Becker

James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

Michael Naft

NAYS: None

///

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By:  _____
Tick Segerblom (Feb 10, 2025 09:04 PST)
TICK SEGERBLOM, Chair

ATTEST:



LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the 19th day of February 2025.

EXHIBIT 1

SECTION 107: VOC EMISSIONS CONTROL FOR CUTBACK ASPHALT [~~MANUFACTURING AND USE~~]

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EXHIBIT 1

107.1 PURPOSE

Section 107 implements Control Technique Guidelines Reasonably Available Control Technology requirements (CTG RACT) for cutback asphalt operations as required by Section 182(b)(2)(A) of the Clean Air Act (the Act) under Title 42, Section 7511a of the U.S. Code (42 U.S.C. 7511a).

107.2 PROHIBITION

Rapid-curing cutback asphalt operations are prohibited in Clark County.

107.~~2~~3 APPLICABILITY

- (a) Except as prohibited by Section 107.2, Section 107 is applicable to any owner or operator of cutback asphalt operations with projected maximum emissions of volatile organic compounds (VOC) equal to or greater than 3.0 tons per calendar year from all worksites located in Clark County, Nevada.
- (b) A stationary source, regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit, that is subject to Section 107 shall apply for a permit revision to incorporate Section 107 requirements in accordance with the requirements in Sections 12.1, 12.4, and 12.5.
- (c) Except as prohibited by Section 107.2, ~~[A]~~an owner or operator of cutback asphalt operations engaging in the following activities is exempt from the requirements of Section 107 except for the notification requirement in Section 107.~~[6]~~7.1:
 - ~~[(1) Manufacturing or selling cutback asphalt in Clark County for shipment and use outside Clark County.]~~
 - ~~[(2)]~~(1) Using asphalt solely as a penetrating prime coat.
 - ~~[(3)]~~(2) Conducting dust suppression operations.
 - ~~[(4)]~~(3) Performing maintenance operations.
 - ~~[(5)]~~(4) Using cutback asphalt materials exclusively in connection with any structure designed and used as a residential dwelling (e.g., residential driveway).
 - ~~[(6)]~~(5) Using cutback asphalt materials to pave an area smaller than 5,000 ft² (465 m²) per worksite.

EXHIBIT 1

107.~~3~~⁴ DEFINITIONS

Unless the context requires otherwise, the following terms shall have the meanings set forth below for the purposes of this section. When a term is not defined, it shall have the meaning provided in Section 0 of the Clark County Air Quality Regulations, Chapter 445B of the Nevada Revised Statutes (NRS), the Act, or common usage, in that order of priority.

“Asphalt” means a dark brown to black solid, liquid, or semisolid cementitious material composed primarily of bitumen that occurs naturally or is obtained as a residue of petroleum refining.

“ASTM methods” means methods developed and recommended by ASTM International, formerly the American Society for Testing and Materials.

“Cutback asphalt” means asphalt that ~~[has been liquefied by blending it with an]~~*is mixed with a* ~~[organic-]~~solvent ~~[meeting]~~*and meets* the definition of a rapid~~[-cure]-~~*curing* type, medium~~[-cure]-~~*curing* type, or slow~~[-cure]-~~*curing* type under ASTM methods~~[-and]~~. *It is used for paving or repairing roads and surfaces. Rapid-curing cutback asphalt operations are prohibited by Section 107.2.*

- 1. Rapid-curing (RC) type is made with a high-volatility solvent, like gasoline or naphtha. The ASTM standard for RC asphalt is D2028.*
- 2. Medium-curing (MC) type is made with an intermediate-volatility solvent, like kerosene. The ASTM standard for MC asphalt is D2027.*
- 3. Slow-curing (SC) type is made with a low-volatility solvent, like diesel or other gas oil. The ASTM standard for SC asphalt is D2026.*

“Cutback asphalt operations” means the manufacturing, sale, mixing, storing, or use of cutback asphalt.

“Dust suppression operations” means any light application of asphalts for the express purpose of controlling loose dust.

“Maintenance operations” means the use of cutback asphalt to fill potholes (i.e., a depression or hollow in a road of less than approximately 8 ft² (0.74 m²)) or cracks in paved surfaces, or for conducting emergency road repairs (i.e., an urgent need to return a road to a safe condition).

“Material change” means a change in the owner or operator, a change in compliance method, or an increase in either the cutback asphalt operator’s maximum emissions or annual actual emissions of VOC above the projected maximum emissions.

“Mixing” means the blending of petroleum solvent with asphalt cement to make cutback asphalt~~[-, or the blending of petroleum solvent, asphalt cement, water, and emulsifiers to make emulsified asphalt].~~

EXHIBIT 1

“Projected maximum emissions” means the highest annual rate, in tons per year, at which an owner or operator is projected to emit VOC based on anticipated production, throughput, heat input, or material utilization rates that does not include emission reductions from add-on controls.

~~["Rapid curing" means a cutback asphalt generally using highly volatile gasoline or naphtha as the solvent.]~~

“Worksite” means a location where cutback asphalt is manufactured, sold, mixed, used, and/or stored in Clark County.

107.~~4~~5 EMISSIONS STANDARDS

~~(a)~~—An owner or operator of cutback asphalt operations shall not manufacture, sell, mix, store, or use cutback asphalt for the paving, construction, or maintenance of parking lots, driveways, streets, or highways unless the cutback asphalt contains 0.5% VOC or less by volume (equivalent to ~~6.0~~1.0 ml (~~0.2~~0.033 oz) of oil distillate from a 200 ml (6.8 oz) sample at 500°F (260°C)), as verified using ASTM Method D402, “Standard Test Method For Distillation of Cutback Asphaltic Products”; or AASHTO T78, “Standard Method of Test for Cutback Asphaltic Products,” all incorporated herein by reference.

~~(b) — An owner or operator of cutback asphalt operations shall not manufacture, sell, mix, store, or use rapid curing cutback asphalt for paving purposes in Clark County.]~~

107.~~5~~6 REGISTRATION REQUIREMENTS

An owner or operator of cutback asphalt operations shall comply with the registration requirements of this section, as indicated below.

- (a) No later than September 29, 2024, or 45 days after becoming subject to any requirements in Section 107, whichever is later, submit a registration application to the Control Officer in the manner and form prescribed that includes, at a minimum, the following information:
 - (1) Name, email address, and telephone number of the owner or operator and the Responsible Official;
 - (2) Company name and address (and source name and address, if different);
 - (3) Projected maximum emissions of VOC (in tons per year) from cutback asphalt operations from all worksites within a calendar year;
 - (4) Calculations to support the values reported in paragraph (a)(3) of this section;

EXHIBIT 1

- (5) Name and address of each worksite, and the estimated dates when cutback asphalt operations will occur as used to determine the projected maximum emissions of VOC in paragraph (a)(3) of this section;
 - (6) Location of records required by Section 107.[6]Z.2, if different than the address reported in paragraph (a)(5) of this section; and
 - (7) Other information as required by the Control Officer.
- (b) Submit an updated registration to the Control Officer within 60 days of a material change.
 - (c) The Control Officer may require updated information after the initial registration to determine that the source continues to operate below the applicability threshold in Section 107.[2]3.
 - (d) Owners or operators may submit a revised registration application with reduced projected maximum emissions from cutback asphalt operations if less than 3.0 tons of VOC were emitted and reported in each of the previous three consecutive calendar years.
 - (e) By the deadlines established in paragraph (a) of this section, but in lieu of complying with the registration requirements in paragraphs (a)-(d) of this section, a stationary source regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit shall apply for a permit revision to incorporate Section 107 requirements in accordance with the requirements in Sections 12.1, 12.4, and 12.5.

107.[6]Z NOTIFICATION, RECORDKEEPING, AND REPORTING REQUIREMENTS

An owner or operator shall comply with the notification, recordkeeping, and reporting requirements of this section, as indicated below. The Control Officer may deny an applicability status upon finding that the cutback asphalt operation does not meet the eligibility criteria, the operation has a poor regulatory compliance history, or the RACT emissions standard does not provide comparable emission reductions to Section 107.

107.[6]Z.1 Notification Requirements

Owners or operators relying on the applicability status in Section 107.[2]3(c) shall submit a notice to the Control Officer that substantiates the claim by the owner or operator within 30 days of the applicable compliance date in Section 107.[7]8.

107.[6]Z.2 Recordkeeping Requirements

An owner or operator of cutback asphalt operations shall comply with all the following:

EXHIBIT 1

- (a) Retain all required records for a period of five years from their creation.
- (b) Make records available and producible onsite to the Control Officer's authorized representative upon request and without prior notice during the owner or operator's hours of operation.
- (c) Maintain records, updated monthly, of the mixing, storage, or use of cutback asphalt, including:
 - (1) The percent VOC content of cutback asphalt mixed, stored, or used, and when mixing, the total percent VOC content of the mix.
 - (2) The quantity of cutback asphalt manufactured, sold, mixed, stored, or used during each month in the calendar year.
 - (3) The name and location of the worksite(s) where the cutback asphalt was mixed, stored, or used.

107.[6]Z.3 Reporting Requirements

- (a) Owners or operators shall complete and submit to the Control Officer an annual emissions inventory for VOCs in the manner and form prescribed.
- (b) The annual emission inventory must be submitted to and received by the department on or before March 31 of each year (or other specified date, upon prior notice by the Control Officer).
- (c) The inventory shall include, at a minimum:
 - (1) Actual annual emissions of VOC (in tons per year) for the previous calendar year from cutback asphalt operations.
 - (2) Emission factors and calculations to support the values reported in paragraph (c)(1) of this section.
 - (3) Name and location of the worksite(s) where cutback asphalt was mixed, stored, or used the previous calendar year.
- (d) Any information submitted pursuant to this section shall contain a certification by the Responsible Official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the information in the statement or inventory is true, accurate, and complete.

EXHIBIT 1

107.~~7~~⁸ COMPLIANCE DATES

- (a) The owner or operator of cutback asphalt operations shall comply with Section 107 by whichever date is later:
 - (1) September 29, 2024; or
 - (2) When the cutback asphalt operations commence normal operations or meet the applicability criteria in Section 107.~~2~~³.
- (b) The Control Officer may establish an alternative compliance date for meeting Section 107 requirements not later than April 2, 2027, considering the technical feasibility and time needed to comply through the issuance of a minor source permit, an authority to construct permit, or a Part 70 operating permit.
 - (1) The filing of a complete permit application requesting an alternative compliance date stays the compliance date in this section until:
 - (A) The Control Officer issues the applicable permit;
 - (B) The alternative compliance date being requested; or
 - (C) The Control Officer denies the request.

History:

TECHNICAL SUPPORT DOCUMENT FOR AMENDED AIR QUALITY REGULATIONS SECTIONS 14 and 107

Background

On September 17, 2024, the Board of County Commissioners amended Clark County Air Quality Regulation (AQR) Section 14, “New Source Performance Standards” (NSPS), to authorize the incorporation by reference of certain requirements of Title 40, Part 60 of the Code of Federal Regulations (40 CFR Part 60) into the Nevada State Implementation Plan (SIP) via the adoption of AQR 14.2. This ordinance adds another NSPS—40 CFR Part 60, Subpart III, “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”—to AQR 14.2 for incorporation by reference into the SIP to align it with AQR 121, which includes Subpart III requirements.

On March 19, 2024, the Board approved the adoption of AQR 107. This ordinance modifies the AQR title to match the definition of “cutback asphalt operations.” It creates a new section, “Prohibitions,” by extracting a subsection from AQR 107.4 and expanding it to cover the manufacturing of rapid-curing cutback asphalt for sale outside Clark County. It updates citations, since adding a section required renumbering and updating the AQR. Since “rapid-curing” is a type of cutback asphalt, the ordinance moves its definition into that for “cutback asphalt” and adds “medium-curing” and “slow-curing” types. A reference to emulsified asphalt in the definition of “mixing” was removed, and the ordinance corrects unit conversions in the emissions standards subsection.

AQR 14, “New Source Performance Standards”

The new AQR 121 codifies the reasonably available control technology (RACT) determinations completed for certain major stationary sources in the ozone moderate nonattainment boundary. Two RACT determinations in AQR 121 require that identified affected units be operated and maintained in compliance with the emissions limits and requirements of 40 CFR Part 60, Subpart III. Adding Subpart III to AQR 14.2 for incorporation into the SIP aligns it with the requirements in AQR 121, which is being incorporated into the SIP in a separate action.

AQR 107, “VOC Emissions Control for Cutback Asphalt Manufacturing and Use”

AQR 107 implements Control Technique Guidelines (CTG) RACT requirements for any owner or operator of cutback asphalt operations with projected maximum emissions of volatile organic compounds (VOC) equal to or greater than 3.0 tons per calendar year from all affected worksites in Clark County.

AQR Title

The current title, “VOC Emissions Control for Cutback Asphalt Manufacturing and Use,” does not include all the possible activities at cutback asphalt operations. Per the definition of cutback asphalt operations, those activities can include manufacturing, sale, mixing, storing, and use of cutback asphalt. The modified title, “VOC Emissions Control for Cutback Asphalt Operations,” encompasses all activities listed in the definition.

AQR 107.2, “Prohibition”

DAQ determined that, due to the nature of manufacturing and storing cutback asphalt, there is no practical way to differentiate between rapid-, medium-, or slow-curing types in the field. There are no labeling requirements for storage containers. To facilitate compliance and enforcement, owners and operators of asphalt operations will no longer be allowed to manufacture, sell, mix, store, or use rapid-curing cutback asphalt for distribution or application outside Clark County. Given business practices, this prohibition is estimated to have a low impact on affected facilities.

It is generally impractical to ship asphalt products long distances. Asphalt production facilities operate within a constrained transportation radius, primarily due to stringent temperature requirements and the rapid cooling rates influenced by ambient conditions. Certain grades of asphalt require heating to achieve a sufficient viscosity for effective handling and application. There have been instances where asphalt has cooled excessively during transit and has been deemed unsuitable for application, necessitating its return as waste. In projects under the jurisdiction of the Nevada Department of Transportation (NDOT), inspectors monitor and verify the temperature of the asphalt in each transport vehicle before it is applied onsite. Typically, effective transportation ranges are a few hundred miles; however, this distance is contingent upon ambient temperatures.

AQR 107.4, “Definitions”

The definition of “cutback asphalt” initially adopted did not provide details regarding what differentiates rapid-curing, medium-curing, or slow-curing types. There was a separate definition only for “rapid curing.” In the amended definition, “rapid curing” was absorbed into the definition of “cutback asphalt” and “medium-curing” and “slow-curing” added.

The amended definition of “worksite” adds the descriptor “cutback” to clarify that all worksites referenced in Section 107.1, “Applicability,” refer specifically to “cutback asphalt” worksites and not sites that may fall under the more broad definition of “asphalt.”

The amended definition of “mixing” no longer includes language regarding emulsifiers, since AQR 107 applies only to cutback asphalt, not emulsified asphalt.

COMMENTS RECEIVED AND DAQ RESPONSES

DAQ notified stakeholders and made copies of AQRs 14 and 107 available for public comment, both online and at its offices, from November 22, 2024, through December 6, 2024. No comments were received. DAQ published a 30-day notice of public hearing in the *Las Vegas Review-Journal* starting December 22, 2024. The public hearing before the Board is scheduled for February 4, 2025.












BCC 2/4/2025 Approved item #33 for signature

Final Audit Report

2025-02-10

Created:	2025-02-05 (Pacific Standard Time)
By:	Asano Taylor (TaylorA@ClarkCountyNV.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfF835NpB8Al807KXwQjDMjbfD0-y-x6n

"BCC 2/4/2025 Approved item #33 for signature" History

-  Document created by Asano Taylor (TaylorA@ClarkCountyNV.gov)
2025-02-05 - 7:56:18 AM PST- IP address: 198.200.132.41
-  Document emailed to tsegerblom@clarkcountynv.gov for signature
2025-02-05 - 4:23:29 PM PST
-  Agreement viewed by Asano Taylor (TaylorA@ClarkCountyNV.gov)
2025-02-10 - 7:20:27 AM PST- IP address: 198.200.132.41
-  Asano Taylor (TaylorA@ClarkCountyNV.gov) replaced signer Lynn Goya (Lynn.Goya@ClarkCountyNV.gov) with Carl Bates (cbates@clarkcountynv.gov)
2025-02-10 - 7:20:37 AM PST- IP address: 198.200.132.41
-  Email viewed by tsegerblom@clarkcountynv.gov
2025-02-10 - 9:03:57 AM PST- IP address: 198.200.132.41
-  Agreement viewed by tsegerblom@clarkcountynv.gov
2025-02-10 - 9:03:58 AM PST- IP address: 198.200.132.41
-  Signer tsegerblom@clarkcountynv.gov entered name at signing as Tick Segerblom
2025-02-10 - 9:04:11 AM PST- IP address: 198.200.132.41
-  Document e-signed by Tick Segerblom (tsegerblom@clarkcountynv.gov)
Signature Date: 2025-02-10 - 9:04:13 AM PST - Time Source: server- IP address: 198.200.132.41
-  Document emailed to Carl Bates (cbates@clarkcountynv.gov) for signature
2025-02-10 - 9:04:14 AM PST
-  Agreement viewed by Carl Bates (cbates@clarkcountynv.gov)
2025-02-10 - 3:42:00 PM PST- IP address: 198.200.132.69
-  Document e-signed by Carl Bates (cbates@clarkcountynv.gov)
Signature Date: 2025-02-10 - 3:42:07 PM PST - Time Source: server- IP address: 198.200.132.69



✔ Agreement completed.

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IMAGE ON NEXT PAGE(S)

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal/Las Vegas Sun, daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal/Las Vegas Sun, in 2 edition(s) of said newspaper issued from 02/11/2025 to 02/18/2025, on the following day(s):

02/11/2025, 02/18/2025

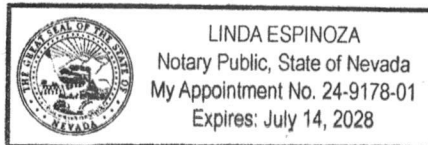
Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this February 18, 2025

Notary

Linda Espinoza



ORDINANCE NO. 5215

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 14, "NEW SOURCE PERFORMANCE STANDARDS" (NSPS), TO INCORPORATE BY REFERENCE AN NSPS FOR COMBUSTION ENGINES INTO THE NEVADA STATE IMPLEMENTATION PLAN; AMEND SECTION 107, "VOC EMISSIONS CONTROL FOR CUTBACK ASPHALT MANUFACTURING AND USE," TO MODIFY THE TITLE, TO CORRECT AND CLARIFY LANGUAGE, CITATIONS, AND DEFINITIONS, TO EXPAND A PROHIBITION, AND TO RENUMBER AS NECESSARY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the first floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Tick Segerblom on the 21st day of January 2025 and passed on the 4th day of February 2025, by the following vote of the Board of County Commissioners:

Aye:

Tick Segerblom
William McCurdy II
April Becker
James B. Gibson
Justin Jones
Marilyn K. Kirkpatrick
Michael Naft

Nay: None

Abstaining: None

Absent: None

This Ordinance shall be in full force and effect from and after the 19th day of February 2025.

(SEAL) LYNN MARIE GOYA,
COUNTY CLERK and Ex-Officio
Clerk of the Board of County
Commissioners

Dated this 4th day of February
2025.

PUB: Feb. 11, 18, 2025
LV Review-Journal