

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Petitioner: Marci Henson, Director, Department of Environment and Sustainability

Recommendation:

Conduct a public hearing and approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulations Section 12.1, "Permit Requirements for Minor Sources," to update and correct certain citations, formatting, and voluntarily accepted permit requirements and clarify certain exempt and insignificant emissions units and activities; amend Section 12.11, "General Permits for Minor Stationary Sources," to add interpretation procedure to the definitions section; and providing for other matters properly related thereto; and authorize the Control Officer to compile and submit the approved ordinance and all related documentation to the Nevada Division of Environmental Protection for U.S. Environmental Protection Agency approval into the Nevada State Implementation Plan. (For possible action)

FISCAL IMPACT:

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

BACKGROUND:

On February 20, 2024, the Board of County Commissioners approved amendments to Clark County Air Quality Regulations (AQRs) Section 12.1, "Permit Requirements for Minor Sources," and Section 12.11, "General Permits for Minor Stationary Sources," and authorized their submission to the U.S. Environmental Protection Agency for inclusion into the Nevada State Implementation Plan. On March 19, 2024, the Board adopted Section 104, "VOC Emissions Control for Industrial Cleaning Solvent Operations," and Section 105, "VOC Emissions Control for Metal Solvent Degreaser Operations."

Because of the adoption of Sections 104 and 105, additional changes must be made to Section 12.1 to clarify that degreasers and ancillary parts washers cannot be deemed insignificant activities if they are subject to Section 104 or 105 requirements. The attached ordinance makes that clarification, and further clarifies that the exemption for air-conditioning units does not apply to evaporative cooling towers or fuel-burning heating units. In addition, the ordinance corrects formatting and citation issues in Section 12.1 and standardizes language in applications and permits related to voluntarily accepted emissions limitations and other standards.

The ordinance also amends Section 12.11 to provide a framework for interpreting terms in a way that is consistent with the other AQRs.

ACTION: APPROVED (ORDINANCE 5196).

Cleared for Agenda

12/03/2024

File ID#

24-1584

[Bracketed and ~~struckthrough~~] material is that portion being deleted
Underlined and italicized material is that portion being added

BILL NO. 11-19-24-1

SUMMARY - An ordinance to amend Clark County Air Quality Regulations Sections 12.1 and 12.11 to update, correct, and clarify citations, formatting, and requirements.

ORDINANCE NO. 5196
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 12.1, “PERMIT REQUIREMENTS FOR MINOR SOURCES,” TO UPDATE AND CORRECT CERTAIN CITATIONS, FORMATTING, AND VOLUNTARILY ACCEPTED PERMIT REQUIREMENTS AND TO CLARIFY CERTAIN EXEMPT AND INSIGNIFICANT EMISSIONS UNITS AND ACTIVITIES; AMEND SECTION 12.11, “GENERAL PERMITS FOR MINOR STATIONARY SOURCES,” TO ADD AN INTERPRETATION PROCEDURE TO THE DEFINITIONS SECTION; 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 Regulations Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.1 is hereby amended as follows:

Unless the context requires otherwise, the following terms shall have the meanings set forth below for purposes of [~~Section 12.1 and 12.11~~]this section. When a term is not defined, it shall have the meaning provided in Section 0 of the Air Quality Regulations (AORs), Chapter 445B of the Nevada Revised Statutes (NRS)[~~§ 445B~~], the Clean Air Act (the Act), or common usage, in that order of priority.

- (a) “Clean air solvent” means a VOC-containing material used to perform solvent cleaning, solvent finishing, or surface preparation operations or activities that meets all of the following criteria:
- (1) Contains no more than 0.21 pounds of VOC per gallon (25 grams of VOC per liter) of material, as applied.
 - (2) Has a VOC composite partial vapor pressure no more than 5 mm Hg at 68[°][~~°~~]F (20[°][~~°~~]C).
 - (3) Reacts to form ozone at a rate not exceeding that of toluene, having the Maximum Incremental Reactivity (MIR) Value of 4.00 (10/2/2010),

(see California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.6, MIR Values for Compounds).

- (4) Contains no compounds classified as [~~H~~]hazardous [~~A~~]air [~~P~~]pollutants (HAPs) by the [~~Clean Air~~] Act[~~;~~]; Ozone-Depleting Compounds (ODCs) as specified in 40 CFR [~~p~~]Part 82, [~~s~~]Subpart A, Appendix F[~~;~~]; or Global Warming Compounds (GWCs) as specified in 40 CFR [~~p~~]Part 98, [~~s~~]Subpart A, Table A-1.

...

SECTION 2. Clark County Air Quality Regulations Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.2(b)(6) is hereby amended as follows:

- (6) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act. *The exemption shall not apply to evaporative cooling towers or any fuel-burning heating units.*

SECTION 3. Clark County Air Quality Regulations Section 12.1, “Permit Requirements for Minor Sources,” Subsections 12.1.2(c)(7)–(8) are hereby amended as follows:

- (7) Ancillary parts washers that use only certified clean air solvents *and are not subject to Section 104 of the AQRs.* (List of certified clean air solvents and distributors available.)
- (8) Degreasers that use only certified clean air solvents *and are not subject to Section 105 of the AQRs.* (List of certified clean air solvents and distributors available.)

SECTION 4. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.3.6(c)(3) is hereby amended as follows:

- (3) A revision proposing a voluntarily accepted emission limitation *or other standard* shall include enough detail to demonstrate that the voluntarily accepted emission limitation is enforceable as a practical matter, and such detail shall include, at minimum, how the limitation affects each emission unit and each air pollutant from that emission unit.

SECTION 5. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.6(a)(5)(A) is hereby amended as follows:

- (A) Except for a RACT determination required by Section 12.1.6[~~;~~](a)(7), a case-by-case determination of an emission limitation or other standard.

SECTION 6. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.6(a)(7) is hereby amended as follows:

- (7) A modification that increases the source’s potential to emit a regulated air pollutant, by an amount equal to or exceeding [~~a~~the significant ~~increase~~levels listed in Section 12.1.1(k)]. The modification shall apply RACT to each emissions unit to which the increase applies, except the following emission increases are exempt:
 - (A) Emissions of a regulated air pollutant that are subject to an emissions standard promulgated by the Administrator under Section 112 of the Act after November 15, 1990.
 - (B) Emissions from an emissions unit subject to a general permit issued under Section 12.11 that establishes RACT.

SECTION 7. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.6(d)(3) is hereby amended as follows:

- (3) [~~H~~A] change that would trigger an applicable requirement that already exists in the permit: 30 days after the date of receipt of the written notice by the Control Officer, unless otherwise required by the applicable requirement.

SECTION 8. Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.7 is hereby amended as follows:

12.1.7 Permits Containing Voluntarily Accepted Emission Limitations and Other Standards

- (a) A source may voluntarily propose in its application, and accept in its permit, emission limitations or other standards that are enforceable as a practical matter to avoid being subject to any of the following:
 - (1) New Source Review under Sections 12.2 or 12.3.
 - (2) Having to obtain a Part 70 operating permit under Section 12.5.
 - (3) Becoming a major [~~Hazardous Air Pollutants (~~HAP[s)] source.
 - (4) Becoming subject to RACT.
 - (5) Meeting other applicable requirements (excluding air quality fees).
- (b) A source that proposes a voluntarily accepted emission limitation or other standard shall comply with the requirements of Section 12.1.3.6(~~[b]~~e)(3).
- (c) The public participation procedures set forth in Section 12.1.5.3 apply to sources proposing to establish an initial voluntarily accepted emission

limitation or *other* standard as described in Sections 12.1.7(a)(1), (2), and (3).

- (d) A source that proposes a voluntarily accepted emission limitation or other standard to avoid becoming a major stationary source, including a major source of fugitive emissions of any such pollutant under Sections 12.2 or 12.3 as described in Section 12.1.7(a)(1), or becoming a new Part 70 source as described in Section 12.1.7(a)(2), must determine if the proposed stationary source is a major source as defined in Section 12.2.2(ff) and is listed as belonging to one of the source categories described in Section 12.2.2(j). If it is not listed, fugitive emissions must not be included in the source-wide PTE to determine if it is a major source.

SECTION 9. Clark County Air Quality Regulation Section 12.11, “General Permits for Minor Stationary Sources,” Subsection 12.11.2 is hereby amended as follows:

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

...

SECTION 10. 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 11. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

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SECTION 12. 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 19th day of November, 2024.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 3rd day of December 2024.

AYES: Tick Segerblom

William McCurdy II

James B. Gibson

Marilyn K. Kirkpatrick

Ross Miller

Michael Naft


NAYS: None

ABSTAINING: None

ABSENT: Justin Jones

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: 
Tick Segerblom (Dec 5, 2024 14:42 PST)
TICK SEGERBLOM, Chair

ATTEST: 
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the 18th day of December, 2024.











BCC 12/3/2024 #41 Approved item for signature

Final Audit Report

2024-12-05

Created:	2024-12-04 (Pacific Standard Time)
By:	Asano Taylor (TaylorA@ClarkCountyNV.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-K_YarwQWY4Ge5ITkr4ID3sfq2qoDfvs

"BCC 12/3/2024 #41 Approved item for signature" History

-  Document created by Asano Taylor (TaylorA@ClarkCountyNV.gov)
2024-12-04 - 8:18:55 AM PST- IP address: 198.200.132.41
-  Document emailed to tsegerblom@clarkcountynv.gov for signature
2024-12-04 - 2:12:46 PM PST
-  Email viewed by tsegerblom@clarkcountynv.gov
2024-12-05 - 2:41:44 PM PST- IP address: 45.149.149.86
-  Agreement viewed by tsegerblom@clarkcountynv.gov
2024-12-05 - 2:41:44 PM PST- IP address: 45.149.149.86
-  Signer tsegerblom@clarkcountynv.gov entered name at signing as Tick Segerblom
2024-12-05 - 2:42:09 PM PST- IP address: 198.200.132.41
-  Document e-signed by Tick Segerblom (tsegerblom@clarkcountynv.gov)
Signature Date: 2024-12-05 - 2:42:11 PM PST - Time Source: server- IP address: 198.200.132.41
-  Document emailed to Carl Bates (cbates@clarkcountynv.gov) for signature
2024-12-05 - 2:42:12 PM PST
-  Agreement viewed by Carl Bates (cbates@clarkcountynv.gov)
2024-12-05 - 3:28:04 PM PST- IP address: 198.200.132.69
-  Document e-signed by Carl Bates (cbates@clarkcountynv.gov)
Signature Date: 2024-12-05 - 3:28:13 PM PST - Time Source: server- IP address: 198.200.132.69
-  Agreement completed.
2024-12-05 - 3:28:13 PM PST

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CC CLERK
ATTN: COMMISSION CLERK
RM 6037
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155

Account # 104095
Order ID 326820

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 12/10/2024 to 12/17/2024, on the following day(s):

12/10/2024, 12/17/2024

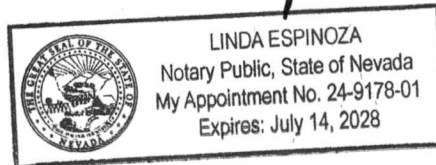
Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this December 17, 2024

Notary

Linda Espinoza



ORDINANCE NO. 5196

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 12.1, "PERMIT REQUIREMENTS FOR MINOR SOURCES," TO UPDATE AND CORRECT CERTAIN CITATIONS, FORMATTING, AND VOLUNTARILY ACCEPTED PERMIT REQUIREMENTS AND TO CLARIFY CERTAIN EXEMPT AND INSIGNIFICANT EMISSIONS UNITS AND ACTIVITIES; AMEND SECTION 12.11, "GENERAL PERMITS FOR MINOR STATIONARY SOURCES," TO ADD AN INTERPRETATION PROCEDURE TO THE DEFINITIONS SECTION; 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 19th day of November 2024 and passed on the 3rd day of December 2024, by the following vote of the Board of County Commissioners:

Aye: Tick Segerblom
William McCurdy II
James B. Gibson
Marilyn K. Kirkpatrick
Ross Miller
Michael Naft

Nay: None

Abstaining: None

Absent: Justin Jones

This Ordinance shall be in full force and effect from and after the 18th day of December 2024.

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

Dated this 3rd of December
2024.

PUB: Dec. 10, 17, 2024
LV Review-Journal