



# CLARK COUNTY AIR QUALITY REGULATIONS

## Section 107: VOC Emissions Control for Cutback Asphalt Manufacturing and Use

### Fact Sheet

**April 2024**

### DEFINITIONS

**“Cutback asphalt operations”** means the manufacturing, sale, mixing, storing, or use of cutback asphalt (Section 107.3, definitions).

**“Projected maximum emissions”** (PME) means the highest annual rate, in tons per year, at which the stationary source 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 (Section 101.3, “Definitions”).

**“Stationary source”** means any building, structure, facility, or installation that emits or may emit any regulated pollutant (Section 0, “Definitions”).

**“Worksite”** means a location where asphalt is manufactured, sold, mixed, used, and/or stored in Clark County (Section 107.3, “Definitions”).

### AREA OF APPLICABILITY

The rule applies to all of Clark County, Nevada (see map below).



California State Parks, Esri, TomTom, Garmin, SafeGraph, FAO, METI/ NASA, USGS, Bureau of Land Management, EPA, NPS, USFWS



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#### APPLICABILITY

##### Applicable

Section 107 is applicable to any owner or operator of cutback asphalt operations with PME of volatile organic compounds (VOC) **equal to or greater than 3.0 tons per calendar year** from all worksites located in Clark County, Nevada (Section 107.2(a)).

A stationary source that is regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit and subject to Section 107 shall apply for a permit revision to incorporate Section 107 requirements, in accordance with Sections 12.1, 12.4, and 12.5 (Section 107.2(b)).

##### Not Applicable

Section 107 is not applicable unless the notification requirement in Section 107.6.1 applies to an owner or operator of cutback asphalt who engages in any of the following activities, listed in Section 107.2(c)(1)-(6):

- Manufacturing or selling cutback asphalt in Clark County for shipment and use outside Clark County.
- Using asphalt solely as a penetrating prime coat.
- Conducting dust suppression operations.
- Performing maintenance operations.
- Using cutback asphalt materials exclusively in connection with any structure designed and used as a residential dwelling (e.g., residential driveway).
- Using cutback asphalt materials to pave an area smaller than 5,000 ft<sup>2</sup> (465 m<sup>2</sup>) per worksite.

See accompanying [flow diagram](#) for additional guidance on applicability.

#### EMISSIONS STANDARDS FOR CUTBACK ASPHALT

An owner or operator can establish compliance with the emissions standards by maintaining cutback asphalt operations at less than 0.5% VOC by volume (Section 107.4(a)). Recordkeeping and reporting requirements, including submitting an annual emissions inventory, are applicable per Sections 107.6.2 and 107.6.3.

#### COMPLIANCE DATES

Document / Requirement	Due Date
<b>Owner or operator with stationary source permit</b>	
Obtain permit revision if operating a stationary source regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit (Section 107.5(e)).	No later than September 29, 2024 or 45 days after becoming subject to any requirements in Section 107, whichever is later
<b>Cutback asphalt operations claiming applicability status in Section 107.2(c)</b>	
Notice of applicability status (Section 107.6.1)	Within 30 days of compliance date in Section 107.7
<b>PME equal to or greater than 3.0 tons of VOC</b>	
Submit registration application for cutback asphalt operations not already regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit (Section 107.5(a))	No later than September 29, 2024 or 45 days after becoming subject to any requirements in Section 107, whichever is later
Registration application revision update for material change (Section 107.5(b))	Within 60 days of material change



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Document / Requirement	Due Date
Registration application revision if previous registration listed PME equal to or greater than 3.0 tons of VOC, but less than 3.0 tons of VOC were actually emitted and reported in each of the previous three consecutive calendar years (Section 107.5(c))	As applicable
Records retention (Section 107.6.2(a))	5 years from creation
All records for review (Section 107.6.2(b))	Upon request by Control Officer during hours of operation
Records of mixing, storing, or use of cutback asphalt (Section 107.6.2(c))	Monthly
Annual emissions inventory (Section 107.6.3(b))	On or before March 31 of each year
Compliance with Section 107 (Section 107.7(a))	No later than September 29, 2024 or when the stationary source commences normal operations or becomes subject to any requirements in Section 107, whichever is later
Compliance with Section 107; Control Officer’s discretion on accepting alternative compliance date (Section 107.7(b))	No later than April 2, 2027

## RESOURCES

### Forms and Worksheets:

- Calculation Worksheet – for calculating PME of VOC tons per calendar year to determine applicability (Section 107.2(a)).
- Registration Application (Section 107.5) – for all applicable sources required to comply with Section 107 described in the Applicability section (Section 107.2(a)).
- Notification Form (Section 107.6.1) – for claiming an exemption from certain provisions of Section 107 (See Section 107.2(c) for exemption list).

### The final rule is available on the department website at:

[https://www.clarkcountynv.gov/government/departments/environment\\_and\\_sustainability/division\\_of\\_air\\_quality/rules\\_regulations/current\\_aq\\_rules.php](https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/rules_regulations/current_aq_rules.php)

**Questions** about these rules can be directed to the Department of Environment and Sustainability [Permitting Section](#) or the Small Business Assistance Program at: (702) 455-1660 or [AQSBAP@ClarkCountyNV.gov](mailto:AQSBAP@ClarkCountyNV.gov).

## REFERENCES

[Clean Air Act, Section 182\(b\)\(2\)\(A\), Title 42, U.S. Code Section 7511a \(42 U.S.C. 7511a\)](#)

[AQR Section 107, “VOC Emissions Control for Cutback Asphalt Manufacturing and Use”](#)

## DISCLAIMER

This fact sheet is for general information and guidance purposes only. Do not rely solely on the information provided here as a basis for making business, legal, or any other decisions.