

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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

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**Recommendation:**

**Introduce an ordinance to amend Clark County Air Quality Regulations Sections 13 and 14 to incorporate by reference updates to delegated federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS), respectively, in effect as of August 1, 2024; incorporate by reference an NSPS for bulk gasoline terminals; create new subsections to incorporate by reference certain NESHAPs and NSPS for inclusion into the state implementation plan; add clarifying language; renumber subparagraphs as necessary; and providing for other matters properly related thereto; and set a public hearing. (For possible action)**

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**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:**

Pursuant to Title 40, Parts 61 and 63 of the Code of Federal Regulations (40 CFR Parts 61 & 63), stationary sources that emit specific types and quantities of hazardous air pollutants are subject to National Emission Standards for Hazardous Air Pollutants (NESHAPs) requirements. Specific types of stationary sources that emit criteria pollutants, such as carbon monoxide and particulate matter, are subject to New Source Performance Standards (NSPS) requirements pursuant to 40 CFR Part 60. EPA has delegated the responsibility for administering certain NESHAP and NSPS requirements to Clark County. On March 15, 2022, the Board amended Sections 13 and 14 of the Clark County Air Quality Regulations (AQRs) to incorporate by reference those requirements in effect as of July 1, 2021. The attached proposed ordinance updates these requirements through August 1, 2024, and incorporates by reference an additional delegated NSPS adopted by EPA on July 8, 2024: 40 CFR Part 60, Subpart XX, "Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022." The Board's actions will ensure that federal NESHAP and NSPS requirements are current and continue to be administered by the County.

On October 1, 2015, the U.S. Environmental Protection Agency (EPA) revised the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone, lowering both the primary and secondary standards from 0.075 to 0.070 parts per million. When establishing a new NAAQS or revising an existing one, EPA must also designate areas as meeting (attainment) or not meeting (nonattainment) the NAAQS. Initially, the Las Vegas Valley was designated as a "marginal" nonattainment area. On July 22, 2022, EPA proposed to determine that the Las Vegas Valley nonattainment area had failed to attain the 2015 8-hour ozone NAAQS and would be reclassified as a "moderate" nonattainment area. On January 5, 2023, EPA officially made that determination and notified Clark County that

Cleared for Agenda

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the required state implementation plan (SIP) was due no later than January 1, 2023. The attached proposed ordinance creates new subsections, AQRs 13.3 and 14.2, for inclusion into the SIP to satisfy federal obligations to reduce volatile organic compounds in a moderate nonattainment area for ozone. Section 13.3 incorporates into the SIP by reference the requirements of 40 CFR Part 63, Subpart BBBBBB, "National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities." Section 14.2 incorporates into the SIP by reference the requirements of 40 CFR Part 60, Subpart K, "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978"; Subpart Ka, "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984"; Subpart Kb, "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984"; Subpart XX, "Standards of Performance for Bulk Gasoline Terminals"; and Subpart XXa, "Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022."

Staff recommends that a public hearing be set for September 17, 2024, at 10:00 a.m.