

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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

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**Recommendation:**

**Conduct a public hearing and approve, adopt and authorize the Chair to sign an ordinance to amend Clark County Air Quality Regulations Section 12.2, "Permit Requirements for Major Sources in Attainment Areas (Prevention of Significant Deterioration)," Section 12.3, "Permit Requirements for Major Sources in Nonattainment Areas," and Section 12.4, "Authority to Construct Application and Permit Requirements for Part 70 Sources," to incorporate requirements associated with the serious nonattainment classification under the 2015 ozone standards, incorporate U.S. Environmental Protection Agency feedback, and ensure consistency across other sections and federal language; amend Section 12.5, "Part 70 Operating Permit Requirements," to add language for portable major source requirements, ensure consistency across other sections and federal language, add new insignificant activities; and make necessary editorial, administrative, and nonsubstantive revisions throughout Sections 12.2-12.5; and providing for other matters properly related thereto; and to authorize the Control Officer to compile and submit the approved ordinance and all related documentation, including the Technical Support Document, to the Nevada Division of Environmental Protection for U.S. Environmental Protection Agency approval into the Nevada State Implementation Plan. (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:**

The proposed ordinance amends Clark County Air Quality Regulations (AQRs) Sections 12.2, 12.3, 12.4, and 12.5 to address recent changes in local air quality nonattainment status. In December 2024, the U.S. Environmental Protection Agency reclassified Hydrographic Area 212 (Las Vegas Valley) as a "serious" ozone nonattainment area under the 2015 ozone National Ambient Air Quality Standards (NAAQS), effective January 21, 2025.

This reclassification requires stricter permitting thresholds and offset ratios for major stationary sources of nitrogen oxides (NOx) and volatile organic compounds (VOCs), reducing the major source threshold from 100 to

Cleared for Agenda

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50 tons per year; lowering the significant emissions increase threshold from 40 to 25 tons per year; and increasing the offset ratio from 1.15:1 to 1.2:1. The proposed amendments incorporate these new thresholds into Section 12.3.

The proposed amendments also make additional updates to ensure consistency across the stationary source permitting sections and with federal regulations, and considers U.S. Environmental Protection Agency (EPA) feedback on previous amendment submittals.

Section 12.2, which governs permit requirements for major stationary sources in attainment areas, will add provisions for portable sources, extend public notice periods, and include PM<sub>2.5</sub> significance levels for violations of the NAAQS. Section 12.3, covering major stationary sources in nonattainment areas, will revise definitions, remove outdated language, and align offset ratios and trading restrictions with federal standards. Section 12.4, addressing authority to construct application and permitting requirements for Part 70 sources, will lower minor New Source Review (NSR) significant VOC and NO<sub>x</sub> levels in serious or higher ozone nonattainment areas, revise portable source requirements, and strengthen public participation provisions. Section 12.5, which governs Part 70 source operating permits, will similarly lower minor NSR significant levels, add portable source requirements, add insignificant activities meeting the requirements of 40 CFR 71.5(c)(11), and align permit content and revision procedures with federal rules.

The attached Technical Support Document provides context and explains the proposed changes and additions.