

~~[Bracketed and strikethrough]~~ 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. _____
(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 (AQRs), 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]azardous [A]ir [P]ollutants (HAPs) by the [Clean Air] Act[.]; Ozone-Depleting Compounds (ODCs) as specified in 40 CFR [p]art 82, [s]ubpart A, Appendix F[.]; or Global Warming Compounds (GWCs) as specified in 40 CFR [p]art 98, [s]ubpart A, Table A-1.

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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]~~c)(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.

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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 ____ day of _____, 2024.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____ 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
TICK SEGERBLOM, Chair

ATTEST:

LYNN GOYA, County Clerk

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