

TECHNICAL SUPPORT DOCUMENT FOR AMENDMENTS TO CLARK COUNTY AIR QUALITY REGULATIONS SECTIONS 12.1 AND 102

BACKGROUND

On December 3, 2024, the Board of County Commissioners (BCC) approved the amendment of Section 12.1 of the Clark County Air Quality Regulations (AQRs), “Permit Requirements for Minor Sources.” On February 4, 2025, the BCC approved the amendment of AQR Section 102, “Gasoline Dispensing Facilities.”

AMENDMENTS TO SECTION 12.1

This ordinance proposes to amend AQR 12.1 to update and clarify language throughout, modify the definition of “minor source,” clarify application requirements, adjust emission thresholds for public participation, and remove a specific U.S. Environmental Protection Agency (EPA) notification requirement.

The definition of “minor source” was modified by removing AQR 12.1.1(e)(3) to ensure minor sources located outside nonattainment areas are not inadvertently disqualified. The descriptor “uncontrolled” was added to the table heading to clarify that emissions controls should not be considered when calculating emissions for an applicability determination.

In AQR 12.1.3.6, “Application Contents,” a requirement for a map depicting the physical location of the stationary source that identifies the property’s boundaries was added, aligning with current minor source permit application practices.

A new provision, AQR 12.1.5.3(a)(1)(B), lowers the thresholds for volatile organic compounds (VOCs) or nitrogen oxides (NO_x) in ozone nonattainment areas from 40 to 25 tons per year (tpy) for publication of a Notice of Proposed Action; the 25-tpy value is based on the major stationary source significant threshold listed in AQR 12.3.2 for VOC or NO_x emissions in an area designated as “serious” or higher for nonattainment of the federal ozone standard.

The requirement in AQR 12.1.5.3(a)(5)(A) to send the U.S. Environmental Protection Agency (EPA) a specific notification for all stationary source permits with voluntarily accepted emission limits was removed because it is redundant. AQR 12.1.5.3(a)(1)(E) requires publication on the department website of Notices of Proposed Action for every permit with a voluntarily accepted emission limit, and the public and EPA staff can sign up to be notified when these notices are posted. EPA staff can also request a copy of any permit, or any category of permits, at any time.

AMENDMENTS TO SECTION 102

The ordinance proposes to amend AQR 102.10(b) to clarify vapor leak inspection frequency requirements. Currently, owners and operators have the option to verify vapor balance system vapor tightness monthly through sight, smell, or sound or by using a soap solution spray in

accordance with 40 CFR Part 60, Appendix A-7, “Method 21–Determination of Volatile Organic Compound Leaks,” Section 8.3.3, “Alternative Screening Procedure” (August 3, 2017). They must conduct initial vapor balance system testing, then subsequent testing every three years thereafter, using specified California Air Resources Board and Clark County test procedures. The proposed provision specifies that monitoring using sight, smell, or sound must be conducted monthly, while inspections using soap solution spray in accordance with the EPA Method 21 Alternative Screening Procedure must be conducted annually. This is based on EPA feedback stating that an annual technical evaluation is necessary to demonstrate compliance with the vapor-tightness requirement of the vapor balance system.

COMMENTS RECEIVED AND DAQ RESPONSES

DAQ conducted a public comment period from August 15–29, 2025, and received two comments on the proposed changes to AQRs 12.1 and 102. In addition, DAQ published a notice in the *Las Vegas Review-Journal* and made AQRs 12.1 and 102 available for public comment, both online and at its offices, from September 29 to November 3, 2025. No comments were received during this period. Staff has scheduled a public hearing before the BCC for December 2, 2025.

Comment Received: 8/15/2025, via Public Input

Commentor: Megan Staley

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COMMENT: From the current language in 12.1.3.6, the addition of 12.1.3.6(b)(6) would require a map for not only new source applications but also revision applications to existing minor source permits. Many existing minor source permit revision applications consist of equipment changes that have no impact on the facility's location or property boundaries, especially for certain types of facilities such as hotels/casinos, hospitals, etc. I would propose changing 12.1.3.6(b)(6) to exclude certain NAICS codes such as those for hotels/casinos, hospitals, etc. from requiring a map for a revision application, unless the revision results in a change to the property's boundaries such as acquisition of a neighboring building.

RESPONSE: The opening paragraph of AQR 12.1.3.6 states that the requirements of AQR 12.1.3.6(b) apply only to applications for a new minor source permit and any revision to a permit for activities being added or modified. If a property's boundaries are not being modified, the applicant is not required to include this information in the application for a permit revision. DAQ is not proposing changes at this time.

Comment Received: 8/18/2025, via Public Input

Commentor: Seth Tate

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COMMENT: Although this is not covered by the proposed revisions to Rule 102, I still would like to comment the following: This rule applies to gasoline dispensing facilities (GDFs). Although a GDF is defined in the rule, the definition is very broad. I would like to propose narrowing the definition to match the definition found in 40 CFR 63.11132, the GDF NESHAP, which says, “Gasoline dispensing facility (GDF) means any stationary facility

which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment.” Additionally, in lieu of the first portion, it would be beneficial to define “bulk distribution terminal.” For this, I would like to propose the language in 40 CFR 63.11100 for a Bulk Gasoline Terminal which says, “any gasoline facility which receives gasoline by pipeline, ship, barge, or cargo tank and subsequently loads all or a portion of the gasoline into gasoline cargo tanks for transport to bulk gasoline plants or gasoline dispensing facilities and has a gasoline throughput of 20,000 gallons per day (75,700 liters per day) or greater.”

RESPONSE: The suggested alternative seeks to provide an exhaustive list of applicable operations, but the department believes this level of detail is unnecessary. The intent is simply to cover all facilities (other than bulk terminals) that receive, store, and dispense gasoline. The definition in AQR 102 is based on the established definitions of existing and new gasoline stations in AQR 0. The department has not had any instances of misinterpretation regarding applicability based on the current definitions in AQRs 0 or 102, and therefore is not proposing changes at this time.

END