

# 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 create a new Clark County Air Quality Regulation Section 122, "Reasonably Available Control Technology for Major Sources in HA 212," to codify the reasonably available control technology determinations for certain major stationary sources that may cause or contribute to emissions of nitrogen oxides or volatile organic compounds within the ozone nonattainment boundary; repeal Section 121, "Reasonably Available Control Technology Determinations for Specific Major Stationary Sources in the 2015 8-Hour Ozone NAAQS Moderate Nonattainment Area HA 212"; 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:**

Sections 182(b)(2), (c), and (f) of the Clean Air Act (the Act) require ozone nonattainment areas to implement reasonably available control technology (RACT) emission standards for major stationary sources of ozone precursors, nitrogen oxides (NOx), and volatile organic compounds (VOCs). The U.S. Environmental Protection Agency's (EPA) 2015 Ozone National Ambient Air Quality Standards Implementation Rule requires air pollution control agencies to submit a State Implementation Plan (SIP) revision that meets the Act's NOx and VOC RACT requirements for any nonattainment area classified as "moderate" or higher (40 CFR Part 51.1312(a)).

The Department of Environment and Sustainability, Division of Air Quality (DAQ) proposed, and the Clark County Board of County Commissioners (BCC) adopted, Section 121 of the Clark County Air Quality Regulations to codify case-by-case RACT determinations when the Las Vegas Valley was previously designated a "moderate" ozone nonattainment area. That rule became effective on February 19, 2025, and the Nevada Department of Environmental Protection (NDEP) submitted it to EPA on March 7, 2025, as part of the "moderate" nonattainment ozone SIP revision. The submission remains pending, and EPA identified potential approvability issues related to compliance assurance.

Cleared for Agenda

**06/02/2026**

File ID#

**26-1699**

On December 19, 2024, EPA advanced the Las Vegas Valley airshed classification to the "serious" nonattainment category. Under "serious" nonattainment status, facilities with potential emissions of 50 tons per year or more of VOC or NO<sub>x</sub> must comply with RACT. RACT is defined as the lowest achievable emissions level using cost-effective technology. In compliance with AQR 120, affected major sources submitted a RACT demonstration after receiving a notification from the Control Officer.

DAQ reviewed the case-by-case demonstrations submitted and issued a determination for each. To meet the RACT requirements for the Nevada SIP, AQR 122 addresses identified approvability issues with AQR 121 and codifies the updated determinations that require the affected major stationary sources to implement specific emission standards for affected emission units. AQR 122 also includes testing, monitoring, recordkeeping, and reporting requirements to ensure compliance. Most sources already meet RACT-equivalent standards, so additional reductions are expected to be minimal.

AQR 121 will become obsolete with the adoption of AQR 122. DAQ is proposing the repeal of AQR 121 and the adoption of AQR 122 to meet the more stringent requirements under Section 182(c) of the Act while addressing EPA's concerns. Upon BCC approval, AQR 121 will be removed from the AQRs; DAQ will request that NDEP withdraw the pending submission of AQR 121 from EPA review and submit AQR 122 for inclusion into the Nevada SIP to satisfy federal obligations to reduce NO<sub>x</sub> and VOC emissions in an ozone serious nonattainment area.

The attached Technical Support Document provides context and explains the reasons for the repeal of AQR 121 and the creation of AQR 122.