

~~[Bracketed and strikethrough]~~ material is that portion being deleted or amended  
Underlined and italicized material is that portion being added

BILL NO. 11-18-25-1

SUMMARY - An ordinance to amend Clark County Air Quality Regulations Sections 12.1 and 102 to update and clarify language throughout, modify a definition, add a map requirement, modify public participation requirements, and modify monitoring inspection frequencies.

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 CLARIFY LANGUAGE THROUGHOUT, MODIFY THE DEFINITION OF "MINOR SOURCE," ADD A MAP REQUIREMENT TO APPLICATION CONTENTS, AND MODIFY PUBLIC PARTICIPATION REQUIREMENTS; AMEND SECTION 102, "GASOLINE DISPENSING FACILITIES," TO CLARIFY AND MODIFY MONITORING INSPECTION FREQUENCY REQUIREMENTS; 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 Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.0, is hereby amended as follows:

Section 12.1 is applicable to any stationary source located in Clark County that:

- (a) Has the potential to emit (PTE) a regulated air pollutant *in amounts* equal to or greater than the thresholds listed in Section 12.1.1(e), but less than the major source thresholds listed in Sections 12.2.2(ff) or 12.3.2(r).
- (b) Is a Part 70 source that is exempt from the requirement to obtain a Part 70 operating permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1(e).
- (c) Takes a voluntarily accepted emission limit (*VAEL*) or standard pursuant to Section 12.1.7 to avoid obtaining a Part 70 operating permit or an authority to construct permit under 12.2 or 12.3; or

- (d) Is subject to the requirements of another Clark County Air Quality Regulation (AQR) which requires the stationary source to obtain a minor source permit in accordance with this section.

**SECTION 2.** 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 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.

- (a) “Clean air solvent” means a volatile organic compound (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)~~]Maximum Incremental Reactivity Values for Compounds).
  - (4) Contains no compounds classified as hazardous air pollutants (HAPs) by the Act; Ozone-Depleting Compounds[~~(ODCs)~~] as specified in 40 CFR Part 82, Subpart A, Appendix F; or Global Warming Compounds[~~(GWCs)~~] as specified in 40 CFR Part 98, Subpart A, Table A-1.
- (b) “Exempt stationary source” means any stationary source with a [~~potential to emit~~]PTE lower than the levels listed in Section 12.1.1(e) or any stationary source who performs only those activities listed in Section 12.1.2(b), except as provided in Sections 12.1.1(e)(2) and (3).
- (c) “Existing minor source” means any minor source that has been issued a minor source permit under this Section 12.1 and is not a new minor source.
- (d) “Like-kind” means the entire replacement of an existing emissions unit with an identical one or one similar in design and function, and neither increases the [~~potential to emit~~]PTE of the emissions unit nor triggers a new applicable requirement.
- (e) “Minor source” means a stationary source that:

- (1) Is not required to obtain an authority to construct permit pursuant to Section 12.4.3 or a Part 70 operating permit.
- (2) Has a ~~potential to emit~~ PTE equal to or greater than the following levels for any listed pollutant, unless otherwise specified by an AQR, and excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act:

Type of Air Pollutant	<u>Uncontrolled</u> Potential to Emit (tpy)
PM <sub>2.5</sub>	5
PM <sub>10</sub>	5
CO	25
VOC	5
NO <sub>x</sub>	5
SO <sub>2</sub>	25
Lead (Pb)	0.3
H <sub>2</sub> S	1

~~[(3) — Is located within a nonattainment area and may be subject to additional requirements imposed to reduce the targeted pollutant(s).]~~

- (f) “Minor source permit” means a single permit that authorizes the construction and operation of a minor source.
- (g) "Modification" or "[M]modify" means a physical change in, or a change in the method of operation, of a minor source that increases the source’s ~~potential to emit~~ PTE of any regulated air pollutant.
- ...
- (j) “Responsible [O]fficial” means the person who is authorized by the owner of the source to sign all documents and to make decisions that:
- (k) “Significant” means an increase at a minor source in the ~~potential to emit~~ PTE of any of the following pollutants, including fugitive emissions, at a rate that would equal or exceed any of the following:
- ...
- (m) “Voluntarily accepted emission limitation” (VAEL) means those permit emission limitations or other standards proposed by a source to avoid being subject to New Source Review, having to obtain a Part 70 operating permit, becoming a major source of Hazardous Air Pollutants, Reasonably Available Control Technology (RACT), or other applicable requirements.

**SECTION 3.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.2(b)(4), is hereby amended as follows:

- (4) Temporary operations and experimental trials that involve construction, reconstruction, or modification of a source or emission unit and that meet all the following criteria:
  - (A) The construction, reconstruction, or modification will not increase the affected stationary source’s ~~potential to emit~~ PTE in excess of the applicable major source threshold as defined in Section 12.2.2(ff) or 12.3.2(r).
  - (B) The cumulative ~~potential to emit~~ PTE from the construction, reconstruction, or modification of an emission unit or a stationary source will not increase the cumulative ~~potential to emit~~ PTE of the affected stationary source by more than 15 tons of all regulated pollutants for the duration of the operation.

...

**SECTION 4.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.2(c)(10), is hereby amended as follows:

- (10) Any other emission unit or activity deemed by the Control Officer, on a case-by-case basis, to be insignificant for purposes of Section 12.1.2(c) that has a ~~potential to emit~~ PTE less than 2 tons per year for any single National Ambient Air Quality Standards (NAAQS) pollutant or 5 tons per year for combination of NAAQS pollutants and will not contribute to an exceedance of a NAAQS.

**SECTION 5.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.2(d), is hereby amended as follows:

- (d) The ~~potential to emit~~ PTE of all insignificant units and activities shall be considered in determining if a stationary source is required to obtain a permit.

**SECTION 6.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.3.6, is hereby amended as follows:

An application for a minor source permit shall contain all the information necessary to be a complete application. An application for (1) a new minor source permit must include the information required by Section 12.1.3.6(a), (b), and (c), as needed; (2) a renewal of an existing minor source permit must include all the information in Section 12.1.3.6(a); and (3) any revision to a minor source permit must include the information listed in Section 12.1.3.6(a), (b), and (c) for those emission units and activities being added or ~~revised~~ modified.

...

**SECTION 7.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.3.6(b), is hereby amended as follows:

- (b) Identifying information that includes, but is not limited to:
  - (1) A description of the source’s processes and products using the North American Industrial Classification System[~~(NAICS)~~].
  - (2) The following emissions-related information:
    - (A) The ~~[potential to emit]~~*PTE* of all regulated air pollutants emitted from each emission unit and activity, including fugitive emissions.

...

*(6) A map depicting the physical location of the stationary source that identifies the property’s boundaries.*

**SECTION 8.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.3.6(c), is hereby amended as follows:

- (c) In addition to the information required by Section 12.1.3.6(a), the following information is required as applicable where the application proposes the following:
  - (1) A new minor source that will have a ~~[potential to emit]~~*PTE* that is significant for any regulated air pollutant shall include a demonstration of RACT for the affected pollutant shall be proposed and shall include the methodology by which RACT was determined and how compliance with RACT will be demonstrated.
  - (2) A modification to an existing minor source [~~and~~]*that* requires a significant permit revision pursuant to Section 12.1.6(a)(7) shall contain the following:
    - (A) A description and quantification of the increase in the ~~[potential to emit]~~*PTE* resulting from the modification.
    - (B) A proposed RACT for each affected pollutant, the methodology by which RACT was determined and how compliance with RACT is to be demonstrated, including material usage limits, performance testing, or continuous emissions monitoring, if applicable.
  - (3) A revision proposing a ~~[voluntarily accepted emission limit]~~*VAEL* or other standard shall include enough detail to demonstrate that the ~~[voluntarily accepted emission limit]~~*VAEL* 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 9.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.4.1(c), is hereby amended as follows:

- (c) Emission limitations for any source of emissions or emission unit that ensure all the following:
  - (1) The [~~National Ambient Air Quality Standards~~]NAAQS will be attained or maintained.

...

**SECTION 10.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.4.1(f)(5), is hereby amended as follows:

- (5) Compliance with a [~~voluntarily accepted emission limit~~]VAEL.

**SECTION 11.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.4.1(w)-(x), is hereby amended as follows:

- (w) A requirement that the permit will not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the Nevada [~~SIP~~]State Implementation Plan, or that are otherwise federally enforceable.
- (x) A requirement that the permit shall not affect the responsibilities of the permittee to comply with the applicable portions of a control strategy in the [~~SIP~~]State Implementation Plan.

**SECTION 12.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.5.1(a)(2), is hereby amended as follows:

- (2) Complied with the requirements for public participation under Section 12.1.5.3, as applicable.

**SECTION 13.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.5.3, is hereby amended as follows:

The Control Officer shall provide for public notice, comment, and an opportunity for a hearing in accordance with the following procedures:

- (a) Notice of Proposed Action.
  - (1) [~~After receipt of~~]The department shall post a Notice of Proposed Action on its website after receiving a complete application for any of the following proposed actions [~~for minor source permits, a Notice of Proposed Action shall be posted on the Department’s website.~~]:
    - (A) A new minor source with a [~~potential to emit~~]PTE any pollutant that exceeds:

- (i) 50 tons per year (tpy) [~~for~~]of CO;
- (ii) 40 tpy [~~for~~]of VOCs, SO<sub>2</sub>, or NO<sub>x</sub>;
- (iii) 10 tpy [~~for~~]of PM<sub>2.5</sub>;
- (iv) 15 tpy [~~for~~]of PM<sub>10</sub>;
- (v) 10 tpy [~~for~~]of H<sub>2</sub>S; or
- (vi) 0.6 tpy [~~for~~]of lead.

(B) A new minor source in an area classified as “serious” or higher nonattainment for ozone with the PTE as listed in paragraph (a)(1)(A) of this section, except for paragraph (a)(1)(A)(ii): the threshold for VOCs or NOx shall be lowered from 40 tpy to 25.

~~(B)~~(C) A new minor source that will be located within 1,000 feet of the outer boundary of a school, hospital, or residential area.

(D) A new portable source, or an existing portable source relocating within 1,000 feet of the outer boundary of a school, hospital, or residential area.

~~(E)~~(E) A significant permit revision that is required because of a significant increase in an existing minor source’s [~~potential to emit~~]PTE.

~~(E)~~(F) A [~~voluntarily accepted emissions limitation~~]VAEL as provided for in Section 12.1.7(c).

...

**SECTION 14.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.5.3(a)(2)(F), is hereby amended as follows:

(F) The name, address, and telephone number of the [~~D~~]department representative who[~~m~~] interested persons may contact for instructions on how to obtain additional information, such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the Control Officer that are relevant to the permitting decision.

**SECTION 15.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.5.3(a)(3), is hereby amended as follows:

(3) The Notice of Proposed Action and the draft permit shall be posted on the [~~D~~]department’s web[-]site during the 30-day public comment period,

except in the case of relocating portable sources[~~-. For a relocating portable source~~]: *for those*, the portable source relocation notice shall be posted during a [~~seven~~]7-day public comment period. All written comments must be received by the Control Officer before [~~expiration of~~]the public comment period *ends*.

- (4) The Control Officer shall consider all written and oral comments, and all other documents on the administrative record, before taking final action on the permit.
- (5) The Control Officer shall send a copy of the Notice of Proposed Action to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:
  - (A) The U.S. Environmental Protection Agency (EPA), if requested[~~;~~ ~~except that the Notice of Proposed Action (NPA) shall be sent to EPA if the subject of the NPA is a voluntarily accepted emission limit pursuant to Section 12.1.7 that an applicant requests to avoid having to obtain a Part 70 operating permit~~].

...

**SECTION 16.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.6(a)(1), is hereby amended as follows:

- (1) Establishing or revising a [~~voluntarily accepted emission limit~~]*VAEL* or standard, as described in Section 12.1.7.
- (7) A modification that increases the source’s [~~potential to emit~~]*PTE of* a regulated air pollutant, by an amount equal to or exceeding the significant 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:

...

**SECTION 17.** Clark County Air Quality Regulation Section 12.1, “Permit Requirements for Minor Sources,” Subsection 12.1.6(d)(2), is hereby amended as follows:

- (2) A physical change, or a change in the method of operation, that does not increase the source’s [~~potential to emit~~]*PTE*: seven days after the date of receipt of the written notice by the Control Officer (includes a like-kind replacement of an emission unit).

...

- (6) Removal of one or more emission unit(s) or activity that is part of an existing minor source permit. This change will not affect the source's ~~[potential to emit]~~PTE until it is incorporated into the permit through a permit renewal, permit revision, or the Control Officer action identified in Section 12.1.6(f).

...

**SECTION 18.** Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.6(f), is hereby amended as follows:

- (f) Any modification at a minor source that results in an increase in PTE equal to or greater than the emissions of a major ~~[stationary-]~~source (as defined in Sections 12.2 and 12.3) is subject to the applicable permit requirements in Section 12.4, as well as those in Sections 12.2 and/or 12.3.

**SECTION 19.** Clark County Air Quality Regulation Section 12.1, "Permit Requirements for Minor Sources," Subsection 12.1.7(b)-(d), is hereby amended as follows:

- (b) A source that proposes a ~~[voluntarily accepted emission limit]~~VAEL or other standard shall comply with the requirements of Section 12.1.3.6(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 limit]~~VAEL or other standard as described in Sections 12.1.7(a)(1), (2), and (3).
- (d) A source that proposes a ~~[voluntarily accepted emission limit]~~VAEL 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 20.** Clark County Air Quality Regulation Section 102, "Gasoline Dispensing Facilities," Subsection 102.10(b), is hereby amended as follows:

- (b) An owner or operator shall conduct and record inspections on the vapor balance system ~~[monthly, using one or more of the following procedures]~~to identify a potential vapor leak[-]:
  - (1) ~~[The]~~Monthly, us[~~e~~ing [~~of~~]sight, sound, or smell[-]; and
  - (2) ~~[The]~~Annually, us[~~e~~ing [~~of~~]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” ([**adopted**]August 3, 2017).

- (c) If a potential vapor leak is detected, an owner or operator shall:
  - (1) Make repairs within 15 calendar days; or
  - (2) Perform an EPA Method 21 test (August 3, 2017) to determine the vapor-tight status of a vapor recovery system.

...

**SECTION 21.** 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 22.** All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

**SECTION 23.** 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 \_\_\_\_\_, 2025.

PROPOSED BY: Commissioner \_\_\_\_\_

PASSED on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

AYES: \_\_\_\_\_

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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 \_\_\_\_\_ 2025.