

**EXHIBIT 2**

**SECTION 131: VOC EMISSIONS CONTROL FOR EMULSIFIED ASPHALT**

131.1 Purpose..... 131-1

131.2 Applicability..... 131-1

131.3 Definitions..... 131-2

131.4 Exemptions..... 131-2

131.5 Emissions Standards..... 131-3

131.6 Small Container Labeling..... 131-3

131.7 Registration Requirements..... 131-3

131.8 Recordkeeping Requirements..... 131-4

131.9 Compliance Dates..... 131-5

## **EXHIBIT 2**

### **131.1**      **PURPOSE**

Section 131 implements limits to emulsified asphalt operations as a contingency measure for achieving the 2015 National Ambient Air Quality Standard for ozone, as required by Sections 172(c)(9) and 182(c)(9) of the Clean Air Act (the Act) under Title 42, Sections 7502 and 7511a of the U.S. Code (42 USC 7502 and 7511a).

### **131.2**      **APPLICABILITY**

- (a) Sections 131.1–131.4 and 131.6–131.9 are applicable to any owner or operator of emulsified asphalt operations for the paving, construction, or maintenance of recreational spaces, storage areas, parking lots, trails, driveways, streets, or highways located in Clark County, Nevada.
- (b) Section 131.5 is applicable to any owner or operator of emulsified asphalt operations for the paving, construction, or maintenance of recreational spaces, storage areas, parking lots, trails, driveways, streets, or highways located in:

  - (1) Hydrographic Area (HA) 212 (the Las Vegas Valley); or
  - (2) Any other hydrographic area in Clark County that the Administrator has designated nonattainment for ozone, and has classified as a moderate or higher ozone nonattainment area on or after January 5, 2023.
- (c) The Control Officer will provide written notice that Section 131 applies after:

  - (1) EPA publishes a final determination that HA 212 or other applicable HAs, pursuant to paragraph (b)(2) of this section:

    - (A) Failed to attain the 2015 National Ambient Air Quality Standard for ozone by the area's attainment date;
    - (B) Failed to make reasonable further progress toward attaining the 2015 ozone National Ambient Air Quality Standard; or
    - (C) Failed to meet a milestone requirement in 40 CFR 51.1310(c).
  - (2) The Control Officer finds that additional volatile organic compound (VOC) emission reductions from emulsified asphalt located in such HAs will help achieve and maintain attainment.

## **EXHIBIT 2**

### **131.3**      **DEFINITIONS**

Unless the context requires otherwise, the following terms shall have the meanings set forth below for the purposes of Section 131. When a term is not defined, it shall have the meaning provided in Section 0 of the Clark County Air Quality Regulations, Chapter 445B of the Nevada Revised Statutes, the Act, or common usage, in that order of priority.

“Airfield pavement” means paved areas within the secure fence line required to adhere to Federal Aviation Administration regulations for paving.

“Asphalt” means a dark brown to black solid, liquid, or semisolid cementitious material composed primarily of bitumen that occurs naturally or is obtained as a residue of petroleum refining.

“Dust suppression operations” means any light application of emulsified asphalt for the express purpose of controlling loose dust.

“Emulsified asphalt” means asphalt that is not a cutback asphalt, has been liquefied by mixing with water and an emulsifying agent, and is used for paving or repairing roads and surfaces.

“Emulsified asphalt operations” means the manufacturing, selling, offering for sale, mixing, storing, using, or supplying of emulsified asphalt.

“Material change” means a change in the owner or operator or a change in location.

“Mixing” means blending asphalt cement, water, and emulsifiers to make emulsified asphalt.

### **131.4**      **EXEMPTIONS**

- (a) Sections 131.5–131.6 (related to emission standards and small container labeling requirements) do not apply to:
- (1) Manufacturing or selling emulsified asphalt in Clark County for shipment and use outside of HA 212 or other applicable HAs pursuant to Section 131.2(b)(2).
  - (2) Using emulsified asphalt outside of HA 212 or other applicable HAs pursuant to Section 131.2(b)(2).
  - (3) Using emulsified asphalt materials solely as a penetrating prime coat.
  - (4) Using emulsified asphalt to conduct dust suppression operations.

## **EXHIBIT 2**

- (5) Using emulsified asphalt to fill potholes (i.e., a depression or hollow in a road of less than approximately 8 ft<sup>2</sup> [0.74 m<sup>2</sup>]) or cracks in paved surfaces, or for conducting emergency road repairs (e.g., an urgent need to return a road to a safe condition).
- (6) Using emulsified asphalt exclusively in connection with any structural design used as a residential dwelling (e.g., a residential driveway).
- (7) Using emulsified asphalt for airfield pavement.
- (b) An owner or operator claiming an exemption under paragraph (a) of this section shall maintain records to properly document eligibility for all exemption(s). Section 131.8 provides recordkeeping requirements.

### **131.5 EMISSIONS STANDARDS**

An owner or operator of emulsified asphalt operations shall not manufacture, sell, offer for sale, mix, store, use, or supply emulsified asphalt for the paving, construction, or maintenance of recreational spaces, storage areas, parking lots, driveways, streets, or highways unless the emulsified asphalt contains 3% by volume or less of VOCs that evaporate at 500°F (260°C) or lower temperatures, as determined by ASTM Method D6997-24.

### **131.6 SMALL CONTAINER LABELING**

An owner or operator that manufactures, sells, offers for sale, or supplies emulsified asphalt in HA 212 or other applicable HAs pursuant to Section 131.2(b)(2) in containers less than or equal to 5 gallons in size must display the VOC content on the container, including the maximum thinning recommended by the manufacturer. Each container must display either the maximum or actual VOC content of all VOC-containing material using information provided by the manufacturer.

### **131.7 REGISTRATION REQUIREMENTS**

Except as provided in paragraph (d) of this section, an owner or operator who manufactures emulsified asphalt for use in Clark County shall comply with the following registration requirements:

- (a) No later than 180 days after notice has been provided in accordance with Section 131.2(c), submit a registration application to the Control Officer in the manner and form prescribed that includes, at a minimum, the following information:

  - (1) Name, email address, and telephone number of the responsible party;
  - (2) Company name and address;

## **EXHIBIT 2**

- (3) Manufacturers' data that includes the VOC content of any emulsified asphalt products that could be used in Clark County;
- (4) Location of records required by Section 131.8, if different than the address reported in paragraph (a)(2) of this section; and
- (5) Other information as required by the Control Officer.
- (b) Submit an updated registration to the Control Officer within 60 days of a material change.
- (c) Submit updated information the Control Officer may require after the initial registration.
- (d) In lieu of complying with the registration requirements of Section 131.7, but by the deadlines established in paragraph (a) of this section, a stationary source regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit shall apply for a permit revision to incorporate Section 131 requirements in accordance with the requirements in Sections 12.1, 12.4, and 12.5.

### **131.8 RECORDKEEPING REQUIREMENTS**

An owner or operator of emulsified asphalt operations shall comply with all the following requirements:

- (a) Maintain records for a period of 5 years from when they are created once the Control Officer provides notice in accordance with Section 131.2(c).
- (b) Make records available and producible on-site to the Control Officer's authorized representative upon request and without prior notice during the owner or operator's hours of operation.
- (c) Maintain records of manufacturing, selling, mixing, storage, or use of emulsified asphalt, including:

  - (1) The total quantity of emulsified asphalt manufactured, sold, or used within HA 212 or other applicable HAs pursuant to Section 131.2(b)(2) during each month in the calendar year.
  - (2) The percent VOC content by volume.
- (d) The requirements of paragraphs (a), (b), and (c)(1) of this section do not apply to owners or operators that only manufacture, sell, offer for sale, or supply emulsified asphalt in containers less than or equal to 5 gallons in size.

## **EXHIBIT 2**

### **131.9**      **COMPLIANCE DATES**

*An owner or operator of emulsified asphalt operations shall comply with Section 131 no later than 180 days after the Control Officer satisfies the notice requirement in Section 131.2(c).*

---

*History:*