

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

BILL NO. _____

SUMMARY - An ordinance to amend Clark County Air Quality Regulations Sections 13 and 14 to incorporate updates to delegated NESHAPs and NSPS; incorporate a new NSPS; incorporate certain NESHAPs and NSPS for inclusion into the state implementation plan; add clarifying language; and renumber as necessary.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTIONS 13 AND 14 TO INCORPORATE BY REFERENCE UPDATES TO DELEGATED FEDERAL NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) AND NEW SOURCE PERFORMANCE STANDARDS (NSPS), RESPECTIVELY, IN EFFECT AS OF AUGUST 1, 2024; INCORPORATE BY REFERENCE AN NSPS FOR BULK GASOLINE TERMINALS; CREATE NEW SUBSECTIONS TO INCORPORATE BY REFERENCE CERTAIN NESHAPS AND NSPS FOR INCLUSION INTO THE STATE IMPLEMENTATION PLAN; ADD CLARIFYING LANGUAGE; RENUMBER SUBPARAGRAPHS AS NECESSARY; 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 13, “National Emission Standards for Hazardous Air Pollutants,” Subsection 13.1 is hereby amended as follows:

13.1 40 CFR Part 61 Subparts Incorporated by Reference

The following subparts of Title 40, Part 61 of the Code of Federal Regulations (40 CFR Part 61), “National Emission Standards for Hazardous Air Pollutants [~~(NESHAPs)~~],” and all accompanying appendices [~~adopted~~]in effect as of [~~July 1, 2021, and no future editions or amendments~~]August 1, 2024, are incorporated by reference into Section 13.1 as applicable requirements. [~~These standards~~]They are on file with the department and [~~shall be applied by the Control Officer~~]available for public inspection during regular business hours.

- (a) [~~In the event that an~~]If another Clark County Air Quality Regulation (AQR)
 [~~contains a~~] requirement [~~that~~]is more stringent than a National Emission

Standards for Hazardous Air Pollutants (NESHAPs) requirement incorporated by reference into Section 13.1, the more stringent requirement shall apply.

- (b) For purposes of Section 13.1, the word “Administrator” as used in 40 CFR Part 61 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve [~~alternate~~]alternative test methods or [~~alternate~~]alternative opacity limits, or to administer any authorities under 40 CFR Part 61 not delegated by the U.S. Environmental Protection Agency (EPA).

...

SECTION 2. Clark County Air Quality Regulation Section 13, “National Emission Standards for Hazardous Air Pollutants,” Subsection 13.2 is hereby amended as follows:

13.2 **40 CFR Part 63 Subparts Incorporated by Reference**

The following subparts of 40 CFR Part 63, “[~~NESHAPs~~]National Emission Standards for Hazardous Air Pollutants for Source Categories,” and all accompanying appendices [~~adopted~~]in effect as of [~~July 1, 2021, and no future editions or amendments~~]August 1, 2024, are incorporated by reference into Section 13.2 as applicable requirements. [~~These standards~~]They are on file with the department and [~~shall be applied by the Control Officer~~]available for public inspection during regular business hours.

- (a) [~~In the event that an~~]If another AQR [~~contains a~~] requirement [~~that~~] is more stringent than a NESHAP[s] requirement incorporated by reference into Section 13.2, the more stringent requirement shall apply.
- (b) For purposes of Section 13.2, the word "Administrator" as used in 40 CFR Part 63 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve [~~alternate~~]alternative test methods or [~~alternate~~]alternative opacity limits, or to administer any authorities under 40 CFR Part 63 not delegated by EPA.

...

SECTION 3. Clark County Air Quality Regulation Section 13, “National Emission Standards for Hazardous Air Pollutants,” Subsection 13.3 is hereby created as follows:

13.3 **40 CFR Part 63 Subpart Incorporated by Reference for Inclusion into the Nevada State Implementation Plan**

The following subpart of 40 CFR Part 63, and all accompanying appendices in effect as of August 1, 2024, are incorporated by reference into Section 13.3 for inclusion into the Nevada State Implementation Plan as required by 40 CFR Part 51, “Requirements for Preparation, Adoption, and Submittal of Implementation Plans.” They are on file with the department and available for public inspection during regular business hours.

(a) All stationary sources subject to this subpart shall comply with the applicable standards, criteria, and requirements in Section 13.3.

(b) If another AOR requirement is more stringent than a NESHAP requirement incorporated by reference into Section 13.3, the more stringent requirement shall apply.

(c) For purposes of Section 13.3, the word "Administrator" as used in 40 CFR Part 63 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve alternative test methods or alternative opacity limits, or to administer any authorities under 40 CFR Part 63 unless approved by EPA.

(1) Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

SECTION 4. Clark County Air Quality Regulation Section 14, “New Source Performance Standards,” is hereby amended as reflected in Exhibit 1, attached hereto.

SECTION 5. 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 6. 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 7. 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.

EXHIBIT 1

SECTION 14: NEW SOURCE PERFORMANCE STANDARDS

14.1 40 CFR Part 60 Subparts Incorporated by Reference

The following subparts of Title 40, Part 60 of the Code of Federal Regulations (40 CFR Part 60), “Standards of Performance for New Stationary Sources[~~–NSPS~~],” and all accompanying appendices [~~adopted~~]in effect as of [~~July 1, 2021, and no future editions or amendments~~]August 1, 2024, are incorporated by reference into Section 14.1 as applicable requirements. [~~These standards~~]They are on file with the department and [~~shall be applied by the Control Officer~~]available for public inspection during regular business hours.

- (a) [~~In the event that an~~]If another Clark County Air Quality Regulation (AQR) [contains a] requirement [~~that~~]is more stringent than a New Source Performance Standards (NSPS) requirement incorporated by reference into Section 14.1, the more stringent requirement shall apply.
- (b) For [~~the~~]purposes of Section 14.1, the word "Administrator" as used in 40 CFR Part 60 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve [~~alternate~~]alternative test methods or [~~alternate~~]alternative opacity limits, or to administer any authorities under 40 CFR Part 60 not delegated by the U.S. Environmental Protection Agency (EPA).
 - (1) Subpart A—General Provisions.
 - (2) Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators.
 - (3) Subpart Da—Standards of Performance for Electric Utility Steam Generating Units.
 - (4) Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
 - (5) Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
 - (6) Subpart E—Standards of Performance for Incinerators.
 - (7) Subpart Ea—Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced [~~a~~]After December 20, 1989 and on or Before September 20, 1994.

EXHIBIT 1

- (8) Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
- (9) Subpart Ec—Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators.
- (10) Subpart F—Standards of Performance for Portland Cement Plants.
- (11) Subpart G—Standards of Performance for Nitric Acid Plants.
- (12) Subpart H—Standards of Performance for Sulfuric Acid Plants.
- (13) Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.
- (14) Subpart J—Standards of Performance for Petroleum Refineries.
- (15) Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
- (16) Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
- (17) Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
- (18) Subpart L—Standards of Performance for Secondary Lead Smelters.
- (19) Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants.
- (20) Subpart N—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

EXHIBIT 1

- (21) Subpart Na—Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
- (22) Subpart O—Standards of Performance for Sewage Treatment Plants.
- (23) Subpart P—Standards of Performance for Primary Copper Smelters.
- (24) Subpart Q—Standards of Performance for Primary Zinc Smelters.
- (25) Subpart R—Standards of Performance for Primary Lead Smelters.
- (26) Subpart S—Standards of Performance for Primary Aluminum Reduction Plants.
- (27) Subpart T—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (28) Subpart U—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (29) Subpart V—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- (30) Subpart W—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (31) Subpart X—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (32) Subpart Y—Standards of Performance for Coal Preparation and Processing Plants.
- (33) Subpart Z—Standards of Performance for Ferroalloy Production Facilities.
- (34) Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.

EXHIBIT 1

- (35) Subpart AAa—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.
- (36) Subpart BB—Standards of Performance for Kraft Pulp Mills.
- (37) Subpart CC—Standards of Performance for Glass Manufacturing Plants.
- (38) Subpart DD—Standards of Performance for Grain Elevators.
- (39) Subpart EE—Standards of Performance for Surface Coating of Metal Furniture.
- (40) Subpart GG—Standards of Performance for Stationary Gas Turbines.
- (41) Subpart HH—Standards of Performance for Lime Manufacturing Plants.
- (42) Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (43) Subpart LL—Standards of Performance for Metallic Mineral Processing Plants.
- (44) Subpart MM—Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.
- (45) Subpart NN—Standards of Performance for Phosphate Rock Plants.
- (46) Subpart PP—Standards of Performance for Ammonium Sulfate Manufacture.
- (47) Subpart QQ—Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
- (48) Subpart RR—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (49) Subpart SS—Standards of Performance for Industrial Surface Coating: Large Appliances.
- (50) Subpart TT—Standards of Performance for Metal Coil Surface Coating.
- (51) Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

EXHIBIT 1

- (52) Subpart VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006.
- (53) Subpart VVa—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification commenced After November 7, 2006.
- (54) Subpart WW—Standards of Performance for the Beverage Can Surface Coating Industry.
- (55) Subpart XX—Standards of Performance for Bulk Gasoline Terminals.
- [\(56\) Subpart XXa—Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022.](#)
- ~~(56)~~(57) Subpart AAA—Standards of Performance for New Residential Wood Heaters.
- ~~(57)~~(58) Subpart BBB—Standards of Performance for the Rubber Tire Manufacturing Industry.
- ~~(58)~~(59) Subpart DDD—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- ~~(59)~~(60) Subpart FFF—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- ~~(60)~~(61) Subpart GGG—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.
- ~~(61)~~(62) Subpart GGGa—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- ~~(62)~~(63) Subpart HHH—Standards of Performance for Synthetic Fiber Production Facilities.

EXHIBIT 1

- ~~(63)~~(64) Subpart III—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- ~~(64)~~(65) Subpart JJJ—Standards of Performance for Petroleum Dry Cleaners.
- ~~(65)~~(66) Subpart KKK—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.
- ~~(66)~~(67) Subpart LLL—Standards of Performance for SO₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.
- ~~(67)~~(68) Subpart NNN—Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- ~~(68)~~(69) Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.
- ~~(69)~~(70) Subpart PPP—Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- ~~(70)~~(71) Subpart QQQ—Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.
- ~~(71)~~(72) Subpart RRR—Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- ~~(72)~~(73) Subpart SSS—Standards of Performance for Magnetic Tape Coating Facilities.
- ~~(73)~~(74) Subpart TTT—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- ~~(74)~~(75) Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries.

EXHIBIT 1

- ~~(75)~~(76) Subpart VVV—Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- ~~(76)~~(77) Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modifications on or After May 30, 1991, but Before July 18, 2014.
- ~~(77)~~(78) Subpart XXX—Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.
- ~~(78)~~(79) Subpart AAAA—Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001.
- ~~(79)~~(80) Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units.
- ~~(80)~~(81) Subpart EEEE—Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- ~~(81)~~(82) Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- ~~(82)~~(83) Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- ~~(83)~~(84) Subpart KKKK—Standards of Performance for Stationary Combustion Turbines.
- ~~(84)~~(85) Subpart LLLL—Standards of Performance for New Sewage Sludge Incineration Units.
- ~~(85)~~(86) Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units.

14.2 [40 CFR Part 60 Subparts Incorporated by Reference for Inclusion into the Nevada State Implementation Plan](#)

[The following subparts of 40 CFR Part 60, and all accompanying appendices in effect as of August 1, 2024, are incorporated by reference into Section 14.2 for inclusion into the Nevada State Implementation Plan as required by 40 CFR Part 51, "Requirements for](#)

EXHIBIT 1

Preparation, Adoption, and Submittal of Implementation Plans.” They are on file with the department and available for public inspection during regular business hours.

- (a) All stationary sources subject to these subparts shall comply with the applicable standards, criteria, and requirements in Section 14.2.
- (b) If another AQR requirement is more stringent than an NSPS requirement incorporated by reference into Section 14.2, the more stringent requirement shall apply.
- (c) For purposes of Section 14.2, the word "Administrator" as used in 40 CFR Part 60 shall mean the Control Officer, except that the Control Officer shall not be authorized to approve alternative test methods or alternative opacity limits, or to administer any authorities under 40 CFR Part 60 unless approved by EPA.
 - (1) Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
 - (2) Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
 - (3) Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
 - (4) Subpart XX—Standards of Performance for Bulk Gasoline Terminals.
 - (5) Subpart XXa—Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022.