

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

BILL NO. 3-3-26-1

SUMMARY - An ordinance to amend Clark County Air Quality Regulations Section 12.0 to remove applicability language and edit formatting and create a new Section 131 to limit volatile organic compound emissions from emulsified asphalt operations as a contingency measure for the 2015 ozone standard.

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATIONS SECTION 12.0, "APPLICABILITY AND GENERAL REQUIREMENTS FOR PERMITTING STATIONARY SOURCES," TO REMOVE APPLICABILITY LANGUAGE AND EDIT FORMATTING; TO CREATE A NEW SECTION 131, "VOC EMISSIONS CONTROL FOR EMULSIFIED ASPHALT," AS A CONTINGENCY MEASURE FOR THE 2015 OZONE STANDARDS TO REGULATE OWNERS OR OPERATORS THAT MAY CAUSE OR CONTRIBUTE TO THE EMISSIONS OF VOLATILE ORGANIC COMPOUNDS (VOC) BY IMPLEMENTING VOC CONTENT LIMITS, CONTAINER LABELING, REGISTRATION, RECORDKEEPING, AND COMPLIANCE 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 12.0, "Applicability and General Requirements for Permitting Stationary Sources," is hereby amended as reflected in Exhibit 1, attached hereto.

**SECTION 2.** Clark County Air Quality Regulation Section 131, "VOC Emissions Control for Emulsified Asphalt," is hereby created as reflected in Exhibit 2, attached hereto.

**SECTION 3.** 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 4.** 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subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.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 5.** 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 \_\_\_\_\_, 2026.

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

PASSED on the \_\_\_\_ day of \_\_\_\_\_ 2026.

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

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NAYS: \_\_\_\_\_

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ABSTAINING: \_\_\_\_\_

ABSENT: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

By: \_\_\_\_\_  
MICHAEL NAFT, Chair

ATTEST:

\_\_\_\_\_  
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after  
the \_\_\_\_\_ day of \_\_\_\_\_ 2026.

EXHIBIT 1

**SECTION 12.0: APPLICABILITY AND GENERAL REQUIREMENTS FOR  
PERMITTING STATIONARY SOURCES**

<b>12.0</b>	<b>APPLICABILITY AND GENERAL REQUIREMENTS .....</b>	<b>12.0-1</b>
12.0.1	Applicability .....	12.0-1
12.0.2	General Requirements .....	12.0-2
12.0.3	Reserved 2	
12.0.4	Permittee Responsibility to Comply With Control Strategy.....	12.0-2
12.0.5	Stack Height.....	12.0-2
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## EXHIBIT 1

### 12.0 Applicability and General Requirements

#### 12.0.1 Applicability

The requirements of Sections 12.0, 12.1, 12.2, 12.3, 12.4, 12.5, 12.9, and 12.11 (the Section 12 series) [~~apply as follows:~~]

~~[The Section 12 series is]~~are applicable to any stationary source located in Clark County, Nevada, except for a plant that generates electricity by using steam produced by the burning of fossil fuel or an electrical generating facility constructed on a site previously used for the production of electricity from a coal-fired electric generating plant, which shall be permitted under the jurisdictional requirements of the Nevada Division of Environmental Protection~~[-(NDEP)]~~.

- ~~[(a) Section 12.1 is applicable to any stationary source located in Clark County that has the potential to emit a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1(e) but less than the major stationary source thresholds listed in Sections 12.2.2(ff) or 12.3.2(r), or 40 CFR § 70.2, or a stationary source located in a nonattainment area that is subject to a state implementation plan regulation requiring it to obtain a minor source permit. This includes any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and that has a potential to emit equal to or greater than the thresholds listed in Section 12.1.1(e).~~
- ~~(b) Section 12.2 is applicable to any stationary source located in Clark County that has the potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.2.2(ff) or makes any change that meets the definition of a major modification in Section 12.2.2(dd) and is located in an area designated attainment or unclassified for the specific pollutant emitted.~~
- ~~(c) Section 12.3 is applicable to any stationary source located in Clark County that has a potential to emit a regulated air pollutant that is equal to or greater than the thresholds listed in Section 12.3.2(r) or makes any change that meets the definition of a major modification in Section 12.3.2(q) and is located in an area designated nonattainment for the specific pollutant emitted.~~
- ~~(d) Sections 12.4 and 12.5 are applicable to any stationary source that is required to obtain a Part 70 operating permit. Section 12.4 contains the application requirements for any major source subject to the requirements of Sections 12.2, 12.3 or 12.5.~~
- ~~(e) Section 12.11 is applicable to any stationary source that is not a major stationary source, with a potential to emit that equals or exceeds the~~

## EXHIBIT 1

~~thresholds listed in Section 12.1.1(e) and that meets the applicability requirements specified in Section 12.11.1.]~~

### **12.0.2 General Requirements**

All stationary sources, including any stationary source not required to obtain a permit to operate under these regulations, shall be subject to other applicable requirements that regulate activities at stationary sources, even though a permit to operate is not required. Such applicable requirements include, but are not limited to, opacity standards, nuisance prohibitions, and fugitive dust control.

### **12.0.3 [Reserved]**

### **12.0.4 Permittee Responsibility to Comply With Control Strategy**

No approval of an authority to construct or authority to operate permit issued pursuant to the Section 12 series shall affect the responsibility of the permittee to comply with the applicable requirements of the Nevada State Implementation Plan.

### **12.0.5 Stack Height**

The degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height ~~that~~ as exceeds good engineering practice or by any other dispersion technique as determined by the procedures of 40 CFR ~~§~~ Part 51.118 and the EPA regulations cross-referenced therein as in effect on July 1, 2012, and as incorporated herein by this reference.

### **12.0.6 General Requirements for Records and Reports**

- (a) The owner or operator of any source operating under a permit issued pursuant to the provisions of the Section 12 series shall maintain records on the nature and amount of emissions from such source and any other information deemed necessary by the Control Officer to determine whether such source is in compliance with an applicable emission limitation or other applicable requirement. Records and any supporting information required under ~~this~~ ~~§~~ section ~~12.0.6(a)~~ shall be retained for at least 5 years from the date of the monitoring sample, measurement, report or application. Support information includes all calibration and maintenance records, ~~and~~ all original strip chart recordings for continuous monitoring instrumentation, and all copies of all reports required by the permit.
- (b) The information required by ~~Section 12.0.6(a)~~ paragraph (a) of this section shall be reported as specified and required by the applicable condition(s) of the permit issued to the owner or operator of the source or facility. Upon a written request from the Control Officer, the owner

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or operator shall submit the information required by [~~Section 12.0.6(a)~~]paragraph (a) of this section within 30 days.

- (c) Emission data obtained pursuant to [~~Section 12.0.6(b)~~]paragraph (b) of this section from the owner or operator of any source permitted under the provisions of the Section 12 series shall be correlated with applicable emission limitations and/or other applicable control measures. The data and the results of the correlation shall be made available to the public for review during normal business hours at the department office, located at 4701 West Russell Road, Las Vegas, Nevada 89118.

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History: Adopted November 3, 2009.

Amended March 18, 2014; December 18, 2018; January 21, 2020, February 20, 2024.

**EXHIBIT 2**

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

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131.2 Applicability..... 131-1

131.3 Definitions..... 131-2

131.4 Exemptions..... 131-2

131.5 Emissions Standards..... 131-3

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## **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.

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### **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;

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- (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.

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### **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).*

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*History:*