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BILL NO. 5-17-22-4

SUMMARY - An ordinance to create a new Clark County Air Quality Regulation Section 12.14, "Regional Haze Requirements," for stationary sources that may reasonably be anticipated to cause or contribute to visibility impairment in any federal Class 1 Area.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO CREATE A NEW CLARK COUNTY AIR QUALITY REGULATION SECTION 12.14, "REGIONAL HAZE REQUIREMENTS," FOR STATIONARY SOURCES THAT MAY REASONABLY BE ANTICIPATED TO CAUSE OR CONTRIBUTE TO VISIBILITY IMPAIRMENT IN ANY FEDERAL CLASS 1 AREA, AND AUTHORIZE PERMANENT AND ENFORCEABLE EMISSION REDUCTION MEASURES AND MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS SUFFICIENT TO COMPLY WITH THE NEVADA REGIONAL HAZE STATE IMPLEMENTATION PLAN, AND PROVIDE 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 12.14, "Regional Haze Requirements," is hereby created as reflected in Exhibit 1, attached hereto.

SECTION 2. 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 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

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SECTION 4. 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 weeks.

PROPOSED on the ____ day of _____, 2022.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____ 2022.

AYES: _____

NAYS: _____

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ATTACHMENT 1

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
JAMES B. GIBSON, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2022.

EXHIBIT 1

SECTION 12.14: REGIONAL HAZE REQUIREMENTS

12.14.1 Applicability

The provisions of this regulation apply to any stationary source in operation or existence that may reasonably be anticipated to cause or contribute to visibility impairment in any federal Class I area identified in 40 CFR § 81, Subpart D, and that is subject to a requirement under the Nevada Regional Haze State Implementation Plan (SIP).

12.14.2 Definitions

This section incorporates by reference the definitions in 40 CFR § 51.301 as they exist on March 1, 2022.

- (a) “In existence” means that the owner or operator has obtained all necessary preconstruction approvals or permits required by federal, state, or local air pollution emissions and air quality laws or regulations and either has:
 - (1) Begun, or caused to begin, a continuous program of physical on-site construction of the facility; or
 - (2) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed in a reasonable time.
- (b) “In operation” means engaged in activity related to the primary design function of the source.
- (c) “Stationary source” means any building, structure, facility, or installation that emits or may emit any air pollutant.
- (d) “Visibility impairment” means any humanly perceptible difference, due to air pollution from human-influenced sources, between actual visibility and natural visibility on one or more days. Because natural visibility can only be estimated or inferred, visibility impairment also is estimated or inferred, rather than measured directly.

12.14.3 Emission Reduction Measures Required to Make Reasonable Progress toward the National Visibility Goal

- (a) The owner or operator of an existing stationary source (or group of sources) shall implement emission reduction measures to reduce emissions of air pollutants that contribute to visibility impairment as needed to make reasonable progress, as determined in accordance with 40 CFR § 51.308, when required in the Nevada Regional Haze SIP revision.

EXHIBIT 1

- (b) The measures shall be implemented within a reasonable time frame after the U.S. Environmental Protection Agency's approval of Nevada's Regional Haze SIP revision.
- (c) The measures and the compliance deadline shall be determined on a source-by-source basis, and shall be defined in Nevada's Regional Haze SIP revision. All required measures shall be properly operated and maintained.
- (d) All emission reductions and required control devices and methodologies included in the approved Nevada Regional Haze SIP shall be made permanent and enforceable in the terms and conditions of permits issued in accordance with Sections 12.1, 12.4, 12.5, and 12.11.

12.14.4 Monitoring, Recordkeeping, and Reporting

- (a) The owner or operator of any existing stationary source (or any group of sources) required to install emission reduction measures to meet the reasonable progress goals shall conduct monitoring, recordkeeping, and reporting sufficient to show compliance or noncompliance with the Nevada Regional Haze SIP.
- (b) Particulate monitoring shall comply with the requirements of the Nevada Regional Haze SIP.
- (c) Recordkeeping and reporting shall comply with the requirements of the Nevada Regional Haze SIP and the applicable requirements of Section 12.9.
- (d) All monitoring, recordkeeping, and reporting requirements shall be made enforceable by the terms and conditions of permits issued in accordance with Sections 12.1, 12.4, 12.5, and 12.11.