

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

BILL NO. 7-6-21-1

SUMMARY - An Ordinance to amend Clark County Air Quality Regulation Section 0 to revise and add definitions and Sections 12.3 and 12.4 governing certain major stationary sources to improve rule implementation, provide clarity, and add provisions for portable sources.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY AIR QUALITY REGULATION SECTION 0 TO REVISE AND ADD DEFINITIONS; REPEAL AND ADOPT A NEW SECTION 12.3 (“PERMIT REQUIREMENTS FOR MAJOR SOURCES IN NONATTAINMENT AREAS”) TO REMOVE OBSOLETE DEFINITIONS, ADD PORTABLE SOURCE PERMITTING TERMS, AND INCORPORATE LANGUAGE BASED ON EPA GUIDANCE AND FEDERAL CASE LAW; AND REPEAL AND ADOPT A NEW SECTION 12.4 (“AUTHORITY TO CONSTRUCT APPLICATION AND PERMIT REQUIREMENTS FOR PART 70 SOURCES”) TO RESTRUCTURE, CLARIFY PERMITTING REQUIREMENTS (INCLUDING TIMING OF EXTENSION REQUESTS, TERMINATIONS FOR CAUSE, PUBLIC PARTICIPATION, AND THE APPLICABILITY OF REASONABLY AVAILABLE CONTROL TECHNOLOGY), AMEND DEFINITIONS, ADD PORTABLE SOURCE PROVISIONS, AND STREAMLINE CERTAIN PERMITTING PROCEDURES.

NOW, THEREFORE, THE CLARK COUNTY BOARD OF COMMISSIONERS DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Clark County Air Quality Regulation Section 0, “Definitions,” is hereby amended as follows:

...

“Authority to Construct Permit” means a permit issued to a Part 70 source by the Control Officer pursuant to Section 12.4.3 of the AQRs that:

- (a) Authorizes the construction and ~~[an initial period of]~~ operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source; and

- (b) Includes the conditions which apply to the construction and an initial period of operation of a new Part 70 source, or the modification or reconstruction of an existing Part 70 source.
- (c) After initial issuance of the Part 70 operating permit for a new Part 70 source, or revision of the Part 70 permit for an existing Part 70 source to incorporate an issued Authority to Construct Permit, the Authority to Construct Permit only authorizes operation to the extent that the Part 70 source also maintains a valid Part 70 permit.

...

“Commence” or “Commencement₂” as applied to construction of a stationary source or modification₂ means that the owner or operator has all necessary preconstruction approvals or permits, and either has:

- (a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program or actual construction of the source to be completed within a reasonable time.

...

“New location” means, with respect to a portable source, a location at which the portable source has not operated within the past one year.

...

“Potential to Emit” or “PTE” means the maximum capacity of a stationary source to emit any regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.

...

“Synthetic Minor Source” means a source that otherwise has the potential to emit regulated air pollutants in amounts that are at or above those for major sources but assumes a restriction that reduces its potential to emit to less than such amounts for major sources. Such restrictions must be enforceable as a practical matter.

...

SECTION 2. Clark County Air Quality Regulation Section 12.3, “Permit Requirements for Major Sources in Nonattainment Areas,” is hereby amended by repealing the section in its entirety as reflected in Exhibit 1, attached hereto, and adopting a new Section 12.3 as reflected in Exhibit 2, attached hereto.

SECTION 3. Clark County Air Quality Regulation Section 12.4, “Authority to Construct Application and Permit Requirements for Part 70 Sources,” is hereby amended by repealing the section in its entirety as reflected in Exhibit 3, attached hereto, and adopting a new Section 12.4 as reflected in Exhibit 4, attached hereto.

SECTION 4. 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 5. 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 6. 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 _____, 2021.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____ 2021.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
Marilyn Kirkpatrick, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2021.