

**Revision to the Nevada State Implementation
Plan for the 2015 Ozone NAAQS:
Nonattainment Major NSR Requirements**

**Las Vegas Valley Nonattainment Area
Clark County, Nevada**

July 2021

Clark County Department of Environment and Sustainability
4701 West Russell Road, Suite 200
Las Vegas, NV 89118
(702) 455-5942

EXECUTIVE SUMMARY

This state implementation plan (SIP) revision is submitted by the Clark County Department of Environment and Sustainability, formerly the Clark County Department of Air Quality, for inclusion in the Nevada SIP for the 2015 8-hour ozone National Ambient Air Quality Standards. The submission satisfies the SIP planning requirements for the Las Vegas Valley nonattainment area for the 2015 8-hour ozone NAAQS with respect to the major New Source Review (NSR) preconstruction permitting requirements.

On October 1, 2015, the U.S. Environmental Protection Agency revised the 8-hour ozone NAAQS, lowering both the primary and secondary standards from 0.075 to 0.070 parts per million. When EPA establishes a new NAAQS or revises an existing one, EPA also must designate areas as meeting (attainment) or not meeting (nonattainment) the NAAQS. EPA designated the Las Vegas Valley as a marginal nonattainment area for the 2015 8-hour ozone NAAQS effective August 3, 2018.

Section 172(b) of the Clean Air Act, and EPA's implementing regulations require states to submit a nonattainment major NSR plan or plan revision no later than 36 months after the effective date of an area's designation. For Clark County, this submission deadline is August 3, 2021. The SIP submission must satisfy the requirements located in 40 CFR §51.165.

This document addresses the nonattainment major NSR reconstruction permitting requirements and certifies that Clark County's existing regulations in Sections 12.3 and 12.7.5 satisfy the minimum requirements for the 2015 8-hour ozone NAAQS NNSR program. The DES certifies that its existing regulations are as least as stringent as the minimum requirements at 40 CFR §51.165 for ozone and its precursors.

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Purpose	1
1.2	EPA’s 2015 8-hour Ozone NAAQS Implementation Rule.....	1
1.3	Clark County Nonattainment Area.....	2
2.0	CERTIFICATION OF EXISTING NNSR PROGRAM.....	3
2.1	Clark County’s Existing NNSR Rules	3
2.2	Changes to EPA’s Rules Since 2014.....	3
2.3	Recent Court Decision Affecting EPA’s Minimum Program Requirements.....	3
2.4	How Clark County’s Regulations Meet Minimum NNSR SIP Requirements.....	5
3.0	CONCLUSION	6
4.0	REFERENCES.....	7

LIST OF APPENDICES

APPENDIX A:	Documentation of Public Review Process.....	A-1
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LIST OF FIGURES

Figure 1-1.	Las Vegas Valley Nonattainment Area (HA 212).....	2
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LIST OF TABLES

Table 2-1.	Compliance Demonstration for Clark County’s NNSR Program.....	5
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ACRONYMS AND ABBREVIATIONS

Acronyms

AQR	Clark County Air Quality Regulations
BCC	Clark County Board of County Commissioners
CAA	Clean Air Act
CFR	Code of Federal Regulations
D.C.	District of Columbia
DES	Clark County Department of Environment and Sustainability
EPA	U.S. Environmental Protection Agency
FR	Federal Register
HA	hydrographic area
NNSR	nonattainment major New Source Review
NAAQS	National Ambient Air Quality Standards
SIP	State Implementation Plan

Abbreviations

NO _x	nitrogen oxides
PM _{2.5}	particulate matter less than 2.5 micrometers
VOC	volatile organic compound

1.0 INTRODUCTION

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) to protect public health from six common air pollutants, including ozone. On October 1, 2015, EPA revised the 8-hour ozone NAAQS, lowering the primary (health-based) and secondary (welfare-based) standards from 0.075 to 0.070 parts per million (80 FR 65292). When EPA establishes a new NAAQS or revises an existing one, EPA must designate areas as meeting or not meeting the standard; each state must then develop a state implementation plan (SIP) that describes how these areas will attain or maintain the standard. SIP requirements depend on the area's designation. EPA designated the Las Vegas Valley as a marginal nonattainment area for the 2015 8-hour ozone NAAQS effective August 3, 2018 (83 FR 25776).

1.1 PURPOSE

The purpose of this SIP submittal is to satisfy specific nonattainment area planning requirements established in the CAA and in the final implementation rule for the 2015 ozone NAAQS (83 FR 62998) related to the nonattainment major NSR (NNSR) preconstruction permitting program. On June 4, 2018, EPA designated the Las Vegas Valley as a marginal nonattainment area for the 2015 ozone NAAQS effective August 3, 2018 (83 FR 25776). Under the final implementation rule, requirements for marginal nonattainment areas include the submittal of a NNSR program that meets the minimum requirements of EPA's regulations at 40 CFR §51.165. *See* 40 CFR § 51.1314. This document meets these SIP submittal requirements.

1.2 EPA's 2015 8-hour Ozone NAAQS Implementation Rule

After EPA's 2015 revision to the 8-hour ozone NAAQS, EPA promulgated an implementation rule setting forth the minimum requirements for nonattainment area SIPs for the new NAAQS (83 FR 62998). With respect to NNSR requirements, EPA declined to make substantive changes to the existing NNSR regulations at 40 CFR §51.165, after finding that the rules, as already promulgated, satisfied CAA requirements. In the final rule, EPA also codified changes to §51.165(a)(11), in response to a reconsideration petition related to interprecursor trading requirements promulgated in the 2008 8-hour ozone NAAQS implementation rule. (See Section 2.3 for additional discussion on these provisions.). These changes in the 2015 8-hour ozone NAAQS implementation rule clarified existing requirements for interprecursor trading and eliminated EPA approval for case-specific trading ratios.

In sum, EPA's final 2015 8-hour ozone NAAQS implementation rule promulgated a requirement that State SIPs meet existing 40 CFR §51.165 requirements. *See* 40 CFR § 51.1314. In the rule, EPA set a deadline to submit a SIP or SIP revision to meet the NNSR requirements within three years after EPA designates an area nonattainment. For Clark County, this submission deadline for the 2015 8-hour ozone NAAQS NNSR submission is August 3, 2021.

1.3 |Clark County Nonattainment Area

Figure 1.3-1 shows the Las Vegas Valley nonattainment area for the 2015 8-hour ozone NAAQS, defined as hydrographic area (HA) 212. HA 212 is the geographic area subject to NNSR program requirements. The area encompasses approximately 1,500 square miles, largely under federal control.

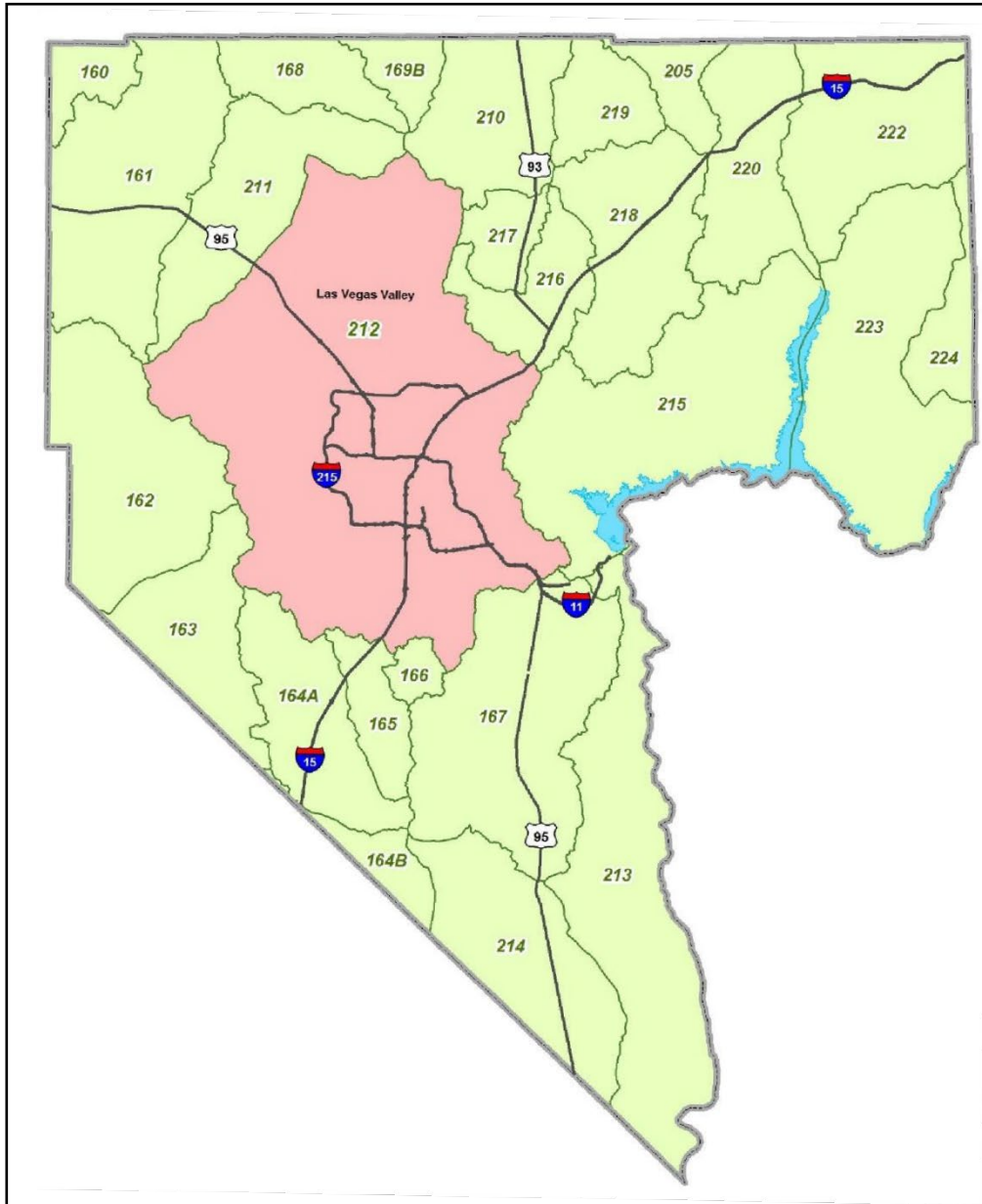


Figure 1-1. Las Vegas Valley Nonattainment Area (HA 212).

2.0 CERTIFICATION OF EXISTING NNSR PROGRAM

The DES certifies that its existing NNSR program is as least as stringent as the requirements at 40 CFR §51.165 for ozone and its precursors and includes all the necessary requirements to meet EPA's minimum requirements for the 2015 8-hour ozone NAAQS NNSR program.

2.1 Clark County's Existing NNSR Rules

Clark County's existing NNSR regulations are in Section 12.3 of the Clark County Air Quality Regulations (AQR). Clark County last revised these regulations on March 18, 2014. EPA approved the rules into the SIP on October 17, 2014 after finding that the regulations were consistent with the CAA and EPA's regulation and guidance (79 FR 62351). At the same time, EPA also approved into the SIP Section 12.7.5, which includes the regulation governing the criteria an emissions reduction must satisfy before the Control Officer may issue an Emission Reduction Credit (ERC). An ERC may be used to satisfy the offset requirements of the Section 12.3 NNSR program.

2.2 Changes to EPA's Rules Since 2014

Since EPA approved the Clark County's Section 12.3 NNSR and Section 12.7.5 ERC provisions as meeting the CAA and EPA's minimum program requirements, EPA promulgated several changes to the 40 CFR §51.165 requirements. These changes include rules addressing:

- 2008 Ozone Implementation (80 FR 12263)
- PM_{2.5} Implementation (81 FR 58009)
- Public Notice Requirements (81 FR 58009)
- Aggregation of Projects (83 FR 57324)
- Project Emissions Accounting (84 FR 39244)
- Error Corrections (84 FR 70092)

These changes are not relevant for implementation of the 2015 8-hour ozone NAAQS because (1) the changes involved other NAAQS pollutants for which Clark County is not in nonattainment, or (2) the EPA did not create minimum SIP requirements for state rules in the action. The Public Notice Requirements Rule added a paragraph to 40 CFR §51.165(i) which re-codified requirements for public participation already required by 40 CFR §51.161 and allowed electronic notice to satisfy these requirements as an alternative to notice in a newspaper. Section 12.3 already satisfies these minimum requirements for public participation in Section 12.3.8 by requiring both electronic and printed notice.

2.3 Recent Court Decision Affecting EPA's Minimum Program Requirements

One provision in EPA's existing 40 CFR §51.165 regulation allows for interprecursor trading to meet the CAA offset requirement. *See* §51.165(a)(11). The offset requirement requires a new major stationary source or major modification to acquire emissions reductions equal to or greater than the amount of a proposed emissions increase. For the ozone NAAQS, the offset requirement applies to emissions increases of the two ozone precursor pollutants: nitrogen oxides (NO_x) and volatile organic compound (VOC). Interprecursor (referred to as "interpollutant" in the existing

Section 12.3 rules) trading allows emissions increases in one precursor to be offset by emissions decreases in another precursor pollutant.

Historically, EPA's guidance and regulations expressly provided for trading precursor emissions reductions to satisfy offsets requirements. *See e.g.* "Improving Air Quality with Economic Incentive Programs" (US EPA, 2001) and EPA's PM_{2.5} Implementation rule (73 FR 28321, May 16, 2008). Clark County's existing SIP-approved NNSR regulation includes provisions for interpollutant emissions offsets in Section 12.3.6.3(b) and (c). EPA approved Clark County's rule as meeting the minimum requirements in EPA's 2014 version of §51.165.

In 2015, after approving Clark County's 2014 rule revisions, EPA reaffirmed state authority for interprecursor trading for purposes of the 2008 8-hour ozone NAAQS implementation rule (80 FR 12264). At that time, however, several parties petitioned the D.C. Circuit Court to review EPA's 2008 NNSR implementation rule. After EPA granted a petition to reconsider the interprecursor trading provisions of that rule, the Court severed the interprecursor trading from other challenges and did not resolve the claim. EPA then included interprecursor trading provisions in its 2015 8-hour ozone NAAQS implementation rule. Petitioners again challenged the provisions. Subsequently, the D.C. Circuit Court ruled that the CAA does not allow for interprecursor trading to satisfy the offset provisions and vacated this aspect of EPA's 2008 and 2015 8-hour ozone NAAQS implementation rules [*Sierra Club v. EPA*, No. 15-1465 (D.C. Cir. 2021)].

EPA has yet to issue guidance on the effect of this vacatur on approved SIPs and certifying compliance for the 2015 ozone NAAQS. The vacatur of this aspect of the 2008 and 2015 regulations means that EPA's regulations revert to the previous version of the regulations - - which continue to provide for interprecursor trading in NNSR SIPs at §51.165(a)(11). EPA's previous approval of Clark County's Section 12.3 regulations was based on this now reinstated version of the rule. In addition, the matter before the Court solely addressed EPA's authority to establish interprecursor trading as part of its 2008 and 2015 ozone implementation regulations, and the Court did not address what flexibility EPA may have to approve alternative rules in SIPs when the program would be more stringent than the requirements of the CAA, or whether EPA has an obligation to revise existing SIPs that provide for interprecursor trading under previous, long-settled regulatory actions.

Notwithstanding the uncertainty with respect to interprecursor trading requirements in SIPs, DES asserts that Clark County's existing SIP-approved NNSR program still meets 40 CFR §51.165 requirements for the 2015 8-hour ozone NAAQS. Sections 12.3.6.3(b) (for ozone) and (c) (for PM_{2.5}) only provide the Control Officer with discretion to allow interpollutant trading; the rules do not provide *carte blanc* rights to stationary sources to use interpollutant trading to satisfy offset requirements. Through this certification, DES commits not to approve interpollutant trades for purposes of satisfying 2015 8-hour ozone NAAQS offset requirements. Moreover, the regulatory provisions further provide that the EPA must approve any use of the trading provisions, which DES is confident the EPA would not approve in contradiction to the *Sierra Club* decision. The effect of DES's commitment and EPA's oversight authority renders the existing Section 12.3.6.3(b) inoperative for the 2015 8-hour ozone NAAQS.

Because Section 12.3.6.3(b) is essentially without effect, these recent developments related to interprecursor trading provisions in 40 CFR §51.165 do not affect DES' certification of its existing regulations as meeting EPA's minimum requirements for approved SIPs, but DES further commits to revise Section 12.3.6.3(b) on the next occasion that it opens the rule for revision.

2.4 How Clark County's Regulations Meet Minimum NNSR SIP Requirements

Table 2-1 provides a detailed explanation of how DES' regulations meet EPA's minimum requirements for an approvable NNSR SIP. Accordingly, DES certifies that its existing NNSR program is as least as stringent as the requirements at 40 CFR §51.165 for ozone and its precursors.

Table 2-1. Compliance Demonstration for Clark County's NNSR Program

40 CFR § 51.165 Requirement		Compliance Demonstration Section 12.3 and Section 12.7.5 of AQR
1.	(a)(1)(iv)(A)(1)(i)-(iv) and (2): Major source thresholds for ozone – VOC and NOx	Section 12.3.2 (y)(1)(C) definition of "major stationary source" includes the 100 tpy threshold for marginal ozone nonattainment area
2.	(a)(1)(iv)(A)(3): Change constitutes a major source by itself	Section 12.3.2(y)(2) definition of "major stationary source" mirrors EPA's rule: "if the change would constitute a major stationary source by itself"
3.	(a)(1)(v)(E): Significant net emissions increase of NOx is significant for ozone	Section 12.3.2(ii)(3)(A) definition of "regulated NSR pollutant"; Section 12.3.2(aa) definition of "net emissions increase"; Section 12.3.2(mm) definition of "significant" Rules define NOx as an ozone precursor pollutant and set a 40 tpy significant threshold.
4.	(a)(1)(v)(F): Any emissions change of VOC in Extreme area triggers NNSR	Not applicable because no Clark County nonattainment area is or previously has been classified as Extreme.
5.	(a)(1)(x)(A)-(C) and (E): Significant emissions rates for VOC and NOx as ozone precursors	Section 12.3.2(mm)(4) definition of "significant" sets 40 tpy significant emissions rate for NOx and VOC.
6.	(a)(2) Applicability Procedures	Section 12.3.1 Applicability Procedures applies NNSR to the same project emissions increases as the federal program.
7.	(a)(3)(ii)(C)(1)-(2): Provisions for emissions reduction credits	Section 12.3.6.6(a) Emission Reduction Requirements, Section 12.7.5(i) Stationary source shutdowns mirrors EPA's requirements.
8.	(a)(8): Requirements for VOC apply to NOx as ozone precursors	Section 12.3.2 (y)(1)(C) definition of "major stationary source"; Section 12.3.2(ii)(3)(A) definition of "regulated NSR pollutant"; Section 12.3.2(mm)(4) definition of "significant"; Section 12.3.6.5 Quantity Table 12.3-1 Offset Ratios regulates NOx as a regulated NSR pollutant; sets the significant rate at the same level as VOC and requires the same offset ratio as VOC.
9.	(a)(9)(ii)-(iv): Offset ratios for VOC and NOx for ozone nonattainment areas	Section 12.3.6.5 Quantity Table 12.3-1 Offset Ratios establishes offset ratio for marginal ozone nonattainment area.

40 CFR § 51.165 Requirement		Compliance Demonstration Section 12.3 and Section 12.7.5 of AQR
10.	(a)(11) – interprecursor trading (partially vacated)	Section 12.3.6.3(b) provisions are inoperative for the 2015 ozone NAAQS, as DES commits to not approving any interpollutant trades, and provides for EPA’s veto of any potential trade. See discussion in Section 2.3.
11.	(a)(12) Anti-backsliding provision(s), where applicable	No other areas in Clark County are designated nonattainment for a previous ozone NAAQS.
12.	(f) Actual PALs	Section 12.3.9 (PAL) essentially mirrors EPA’s PAL provisions.
13.	(i) Public Participation Requirements	Section 12.3.8 Public Participation requires publication in both a newspaper and on the DES website.

3.0 CONCLUSION

This document certifies that Clark County’s SIP-approved NNSR program in Sections 12.3 and 12.7.5 meet EPA’s minimum SIP requirements for the 2015 8-hour ozone NAAQS NNSR program for the Las Vegas Valley nonattainment area. Having fulfilled the minimum program requirements, DES asks EPA to approve this submission as a revision to the Nevada SIP for the 2015 8-hour ozone NAAQS.

4.0 REFERENCES

84 FR 70092, "Error Corrections to New Source Review," Dec. 20, 2019.

84 FR 39244, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting," Aug. 9, 2019.

83 FR 62998. "Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements. Final rule," Dec. 6, 2018.

83 FR 57324, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Aggregation; Reconsideration," Nov. 15, 2018.

83 FR 25776, "Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards," Jun. 4, 2018.

81 FR 71613, "Revisions to Public Notice Provisions in Clean Air Act Permitting Programs," Oct. 18, 2016.

81 FR 58009, "Fine Particulate Matter National Ambient Air Quality Standards; State Implementation Plan Requirements," Aug. 24, 2016.

80 FR 65292, "National Ambient Air Quality Standards for Ozone," Oct. 26, 2015

80 FR 12264 "Implementation of the 2008 National Ambient Air Quality Standards for Ozone; State Implementation Plan Requirements. Final Rule," Mar. 6, 2015.

79 FR 62350, "Revision of Air Quality Implementation Plan; Nevada; Clark County; Stationary Source Permits," Oct. 17, 2014.

72 FR 28321, "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}). Final Rule," May 16, 2008.

D.C. Cir. 2021, *Sierra Club v. EPA*, No. 15-1465.

Improving Economic Incentive Programs, EPA-452/R-01-001, U.S. Environmental Protection Agency, Jan. 2001.

APPENDIX A

Documentation of Public Review Process

TABLE OF CONTENTS

1.0 30-DAY PUBLIC COMMENT PERIOD1

1.1 Notice of Public Comment and Public Hearing.....1

1.2 DES Website Notices.....2

 1.2.1 Declaration of DES Website Posting.....3

1.3 DES Facebook Posting4

1.4 DES Twitter Posting5

1.5 E-Notice6

 1.5.1 E-Notice Distribution List.....7

1.6 Public Comment Report.....8

2.0 BOARD OF COUNTY COMMISSIONERS MEETING – 7/6/2021 (SET PUBLIC HEARING)9

2.1 Agenda Item.....9

2.2 Meeting Summary.....10

3.0 BOARD OF COUNTY COMMISSIONERS MEETING – 7/20/2021 (CONDUCT PUBLIC HEARING)11

3.1 Agenda Item.....11

3.2 Public Comment Report.....12

3.3 Meeting Summary.....13

1.0 30-DAY PUBLIC COMMENT PERIOD

1.1 NOTICE OF PUBLIC COMMENT AND PUBLIC HEARING

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING ON THE PROPOSED OZONE STATE IMPLEMENTATION PLAN REVISION

NOTICE IS HEREBY GIVEN of a public comment period and public hearing on the proposed *Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada* (O₃ SIP Revision). The U.S. Environmental Protection Agency (EPA) designated the Las Vegas Valley as a marginal nonattainment area for the 2015 ozone National Ambient Air Quality Standard (NAAQS), effective August 3, 2018. Under the Clean Air Act and final implementation rule for the 2015 standard, Clark County is required to meet certain nonattainment area planning requirements. The proposed O₃ SIP Revision is intended to satisfy the nonattainment new source review program requirements for the Las Vegas Valley nonattainment area. If adopted, this O₃ SIP Revision will be submitted to the state of Nevada and EPA as a revision to the Nevada State Implementation Plan.

NOTICE IS FURTHER GIVEN that a 30-day public comment period will begin on May 26, 2021, and end at 4:00 PM on June 25, 2021. The public may review and provide written comments on the proposed O₃ SIP Revision during this period. The Board of County Commissioners will consider the proposed SIP revision, along with all written and any oral public comments, at a public hearing at 10:00 AM on July 20, 2021, in the Commission Chambers, Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV.

A copy of the proposed O₃ SIP Revision is available for review on the Department of Environment and Sustainability (DES) website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/public_communications/public_notices.php and may also be obtained by contacting Araceli Pruett at (702) 455-3206.

Any written comments must be received by DES at 4701 W. Russell Road, Suite 200, Las Vegas, Nevada 89118, by 4:00 PM on June 25, 2021. Comments should be addressed to Araceli Pruett at the same mailing address, emailed to araceli.pruett@clarkcountynv.gov, or faxed to (702) 383-9994.

Published: May 25, 2021



Marci D. Henson, Director

1.2 DES WEBSITE NOTICES

AIR QUALITY PLANNING NOTICES

[> Wed., May 25, 2021 - Public Notice for Proposed 2015 Ozone NAAQS SIP Revision](#)

DES welcomes comments on the proposed *Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada* (O₃ SIP Revision). Under the Clean Air Act and final implementation rule for the 2015 ozone National Ambient Air Quality Standards, Clark County is required to meet certain state implementation plan (SIP) requirements for marginal nonattainment areas.

This O₃ SIP Revision is intended to satisfy the nonattainment new source review program requirements for the Las Vegas Valley nonattainment area under the 2015 ozone standard. If adopted, the O₃ SIP Revision will be submitted to the State of Nevada and U.S. Environmental Protection Agency as a revision to the Nevada SIP.

<p>Review Documents: View Public Notice View Proposed O3 SIP Revision</p>	<p>Public Comment Period: May 26 through June 25</p> <p>Submit comments in writing to: Araceli Pruet, Senior Planner Clark County Department of Environment and Sustainability 4701 West Russell Road, Suite 200 Las Vegas, NV 89118</p> <p>Phone: 702-455-3206</p> <p>Email: araceli.pruett@clarkcountynv.gov</p>	<p>Public Hearing Date and Time: 10 a.m., Tuesday, July 20, 2021</p> <p>Place: Commission Chambers Clark County Government Center 500 South Grand Central Parkway Las Vegas, NV 89155</p>
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1.2.1 Declaration of DES Website Posting

DECLARATION OF WEBSITE POSTING OF PUBLIC NOTICE

STATE OF NEVADA)
) ss.
 COUNTY OF CLARK)

I, Araceli Pruett, declare that I am over 18 years of age and a Senior Planner with the Clark County Department of Environment and Sustainability (DES). I declare that the *Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada* was posted on the DES website from May 25 through June 25, 2021. Below is a screenshot of the posting on the DES website at: [https://www.clarkcountynv.gov/government/departments/environment and sustainability/public communications/public notices.php](https://www.clarkcountynv.gov/government/departments/environment%20and%20sustainability/public%20communications/public%20notices.php)

AIR QUALITY PLANNING NOTICES

Wed., May 25, 2021- Public Notice for Proposed 2015 Ozone NAAQS SIP Revision

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This O₃ SIP Revision is intended to satisfy the nonattainment new source review program requirements for the Las Vegas Valley nonattainment area under the 2015 ozone standard. If adopted, the O₃ SIP Revision will be submitted to the State of Nevada and U.S. Environmental Protection Agency as a revision to the Nevada SIP.

<p>Review Documents: View Public Notice View Proposed O₃ SIP Revision</p>	<p>Public Comment Period: May 26 through June 25</p> <p>Submit comments in writing to: Araceli Pruett, Senior Planner Clark County Department of Environment and Sustainability 4701 West Russell Road, Suite 200 Las Vegas, NV 89118</p> <p>Phone: 702-455-3206 Email: araceli.pruett@clarkcountynv.gov</p>	<p>Public Hearing Date and Time: 10 a.m., Tuesday, July 20, 2021</p> <p>Place: Commission Chambers Clark County Government Center 500 South Grand Central Parkway Las Vegas, NV 89155</p>
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Las Vegas, NV, on June 29, 2021.

Araceli Pruett

Araceli Pruett
 DES Senior Planner

1.3 DES FACEBOOK POSTING



The image is a screenshot of a Facebook post from the Clark County Department of Environment & Sustainability. The post is dated May 26 at 11:05 AM. The text of the post reads: "Comments are being accepted on the Proposed Ozone State Implementation Plan (SIP) Revision intended to satisfy the nonattainment new source review requirements for the Las Vegas Valley nonattainment area for the 2015 ozone standard. Comment deadline is June 25. For more: <https://buff.ly/3bS9Gbt>". Below the text is a circular graphic with a blue border containing the word "CLARK COUNTY" in yellow. Inside the circle, there are stylized figures of people holding hands, a dog, and a sun. The bottom of the post shows the Clark County profile information, including the website "CLARKCOUNTYNV.GOV", the name "Clark County, NV", and the address "Home Government Departments Environment and Sustainability P...". At the bottom of the post are the interaction buttons: "Like", "Comment", and "Share".

Clark County Department of Environment & Sustainability
May 26 at 11:05 AM · 🌐

Comments are being accepted on the Proposed Ozone State Implementation Plan (SIP) Revision intended to satisfy the nonattainment new source review requirements for the Las Vegas Valley nonattainment area for the 2015 ozone standard. Comment deadline is June 25. For more: <https://buff.ly/3bS9Gbt>



CLARKCOUNTYNV.GOV
Clark County, NV
Home Government Departments Environment and Sustainability P...

👍 Like 💬 Comment ➦ Share

1.4 DES TWITTER POSTING



1.5 E-NOTICE

Araceli Pruett

From: Araceli Pruett
Sent: Tuesday, May 25, 2021 1:35 PM
Subject: NOTICE OF PUBLIC COMMENT PERIOD ON THE PROPOSED OZONE STATE IMPLEMENTATION PLAN REVISION

NOTICE IS HEREBY GIVEN of a public comment period and public hearing on the proposed *Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada* (O₃ SIP Revision). The U.S. Environmental Protection Agency (EPA) designated the Las Vegas Valley as a marginal nonattainment area for the 2015 ozone National Ambient Air Quality Standard (NAAQS), effective August 3, 2018. Under the Clean Air Act and final implementation rule for the 2015 standard, Clark County is required to meet certain nonattainment area planning requirements. The proposed O₃ SIP revision is intended to satisfy the nonattainment new source review program requirements for the Las Vegas Valley nonattainment area. If adopted, this O₃ SIP Revision will be submitted to the state of Nevada and EPA as a revision to the Nevada State Implementation Plan.

NOTICE IS FURTHER GIVEN that a 30-day public comment period will begin on May 26, 2021, and end at 4:00 PM on June 25, 2021. The public may review and provide written comments on the proposed O₃ SIP Revision during this period. The Board of County Commissioners will consider the proposed SIP revision, along with all written and any oral public comments, at a public hearing at 10:00 AM on July 20, 2021, in the Commission Chambers, Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV.

A copy of the proposed O₃ SIP Revision is available for review on the Department of Environment and Sustainability (DES) website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/public_communications/public_notices.php and may also be obtained by contacting Araceli Pruett at (702) 455-3206.

Any written comments must be received by DES at 4701 W. Russell Road, Suite 200, Las Vegas, Nevada 89118, by 4:00 PM on June 25, 2021. Comments should be addressed to Araceli Pruett at the same mailing address, emailed to araceli.pruett@clarkcountynv.gov, or faxed to (702) 383-9994.

Published: May 25, 2021

1.5.1 E-Notice Distribution List

PLANNING E-NOTICE DISTRIBUTION LIST	
Organization	Contact
Air & Waste Management Association	Paul Fransioli
American Lung Association Nevada	James Martinez
Bureau of Land Management	Lisa Christianson
City of Boulder City	Michael Mays
City of Henderson	Sean Robertson
City of Las Vegas	Marco Velotta
City of Las Vegas	Milagros (Miles) Escuin
City of Las Vegas	Robert Summerfield
City of North Las Vegas	Alfredo Melesio
City of North Las Vegas	Johanna Murphy
Clark County	Daniel Kezar
Clark County	Mario Bermudez
Clark County School District	Chris Dingell
Clark County School District	Dimitrios Karapanagiotis
Las Vegas Valley Water District	Brian Bowler
Nellis Air Force Base	Shimi Mathew
Nevada Department of Environmental Protection	Sheryl Fontaine
Nevada Department of Environmental Protection	Sig Jaunarajs
Nevada Resort Association	Sabrina Santiago
Nevada Resort Association	Virginia Valentine
Regional Flood Control	Steve Parrish
Regional Transportation Commission	Beth Xie
Regional Transportation Commission	Craig Raborn
Sierra Club Toiyabe Chapter	Brian Beffort
Southern Nevada Health District	Nicole Bungum
Southern Nevada Off Road Enthusiasts	Ken Thatcher
Southern Nevada Water Authority	Ayoub Ayoub
Southern Nevada Water Authority	Keiba Crear
Southern Nevada Water Authority	Thomas Maher
Southern Nevada Home Builders	Amanda Moss
Southern Nevada Home Builders	Nat Hodgson
The Nature Conservancy	Jaina Moan
University of Nevada Las Vegas	Dave James, PhD.
Washoe County Health District	Francisco Vega
Washoe County Health District	Daniel Inouye

1.6 PUBLIC COMMENT REPORT

Public Notice: DES Website: May 25 through June 25, 2021

Public Comment Period May 26 through June 25, 2021

Formal Comments Received: None

2.0 BOARD OF COUNTY COMMISSIONERS MEETING – 7/6/2021 (SET PUBLIC HEARING)

2.1 AGENDA ITEM

CLARK COUNTY BOARD OF COMMISSIONERS AGENDA ITEM

Petitioner: Marci Henson, Director, Department of Environment and Sustainability

Recommendation:

Set a public hearing on July 20, 2021, at 10:00 a.m. to approve, adopt, and authorize submittal of the proposed “Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada” to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action)

FISCAL IMPACT:

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

BACKGROUND:

On October 1, 2015, the U.S. Environmental Protection Agency (EPA) revised the 8-hour ozone National Ambient Air Quality Standards (NAAQS), lowering both the primary and secondary standards from 0.075 to 0.070 parts per million. When EPA establishes or revises an existing NAAQS, EPA must designate areas as meeting or not meeting the standard, and states are required to develop state implementation plans (SIP) that outline how it will attain or maintain the standard. The Las Vegas Valley was designated as a marginal nonattainment area for the 2015 ozone standard, effective August 3, 2018.

Under the Clean Air Act and final implementation rule for the 2015 standard, Clark County is required to meet certain SIP requirements for marginal nonattainment areas. The purpose of the attached SIP revision is to address the nonattainment new source review program requirements for the Las Vegas Valley nonattainment area under the 2015 ozone standard.

The proposed revision was made available for public comment from May 26, 2021, through June 25, 2021. A public hearing on July 20, 2021, will provide the public with an additional opportunity to provide comments prior to the Board of County Commissioners' consideration of the revision.

Cleared for Agenda

07/06/2021

File ID#

21-916

2.2 MEETING SUMMARY

ATTACHMENT: [Staff Report](#)

ATTACHMENT: [Consent ATT MLA Agree 20210706-signed.pdf](#)

20. Approve and authorize the Chair to sign a Wireless Communications Incentive Agreement between Clark County and New Cingular Wireless PCS, LLC, allowing New Cingular Wireless to modify certain terms of its Master Wireless Use License Agreement regarding fees and terms; and providing for other matters properly related thereto. Commission District: All (For possible action)

ACTION: APPROVED AS RECOMMENDED.

ATTACHMENT: [Staff Report](#)

ATTACHMENT: [Consent ATT Incentive Agreement 20210706-signed.pdf](#)

Environment and Sustainability

21. Set a public hearing on July 20, 2021, at 10:00 a.m. to approve, adopt, and authorize submittal of the proposed "Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada" to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action)

ACTION: PUBLIC HEARING SET FOR JULY 20, 2021 AT 10:00 A.M.

ATTACHMENT: [Staff Report](#)

ATTACHMENT: [20210525 2015 O3 SIP NNSR Certification.pdf](#)

Public Works

22. Approve and authorize a proposed settlement in the amount of \$43,920 for a partial acquisition of Assessor's Parcel No. 177-07-105-001 (Christopher & Savita Luzak) needed for improvements on Decatur Boulevard between Cactus Avenue and Warm Springs Road; and authorize the County Manager or her designee to sign future escrow instructions and any pertinent documents necessary to complete the acquisition process. (For possible action)

ACTION: APPROVED AS RECOMMENDED.

ATTACHMENT: [Staff Report](#)

23. Approve and authorize the County Manager or her designee to sign Supplemental 1 to the professional engineering services contract between Clark County and WSP USA, Inc. (Syndi Dudley, Senior Director) for additional design engineering services for the Interstate 215 and Airport Connector Interchange Phase 3 project. (For possible action)

3.0 BOARD OF COUNTY COMMISSIONERS MEETING – 7/20/2021 (CONDUCT PUBLIC HEARING)

3.1 AGENDA ITEM

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Petitioner: Marci Henson, Director, Department of Environment and Sustainability

Recommendation:

Conduct a public hearing; approve, adopt, and authorize the “Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada,” and authorize the Director or her designee to submit the revision, including any relevant public comments, to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action)

FISCAL IMPACT:

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

BACKGROUND:

On October 1, 2015, the U.S. Environmental Protection Agency (EPA) revised the 8-hour ozone National Ambient Air Quality Standards (NAAQS), lowering both the primary and secondary standards from 0.075 to 0.070 parts per million. When an existing NAAQS is established or revised, EPA must designate areas as meeting or not meeting the standard, and states are required to develop state implementation plans (SIP) that outline how they will attain or maintain that standard. The Las Vegas Valley was designated as a marginal nonattainment area for the 2015 ozone standard, effective August 3, 2018.

Under the Clean Air Act and final implementation rule for the 2015 standard, Clark County is required to meet certain SIP requirements for marginal nonattainment areas. The purpose of the attached SIP revision is to address the nonattainment new source review program requirements for the Las Vegas Valley nonattainment area under the 2015 ozone standard.

The proposed SIP revision was made available for public comment from May 26, 2021 through June 25, 2021, on the Department of Environment and Sustainability (DES) and Clark County websites. The attached plan includes changes made to the public review draft incorporating comments received from EPA during the comment period. These changes address typographical corrections to three Air Quality Regulations cited in Table 2-1. No other comments were received. Staff requests the Board approve and adopt this SIP revision and authorize staff to submit it to the State of Nevada and EPA for approval as a revision to the Nevada SIP.

Cleared for Agenda

07/20/2021

File ID#

21-999

3.2 PUBLIC COMMENT REPORT

Public Hearing: July 20, 2021

Formal Comments Received during Public Hearing: None

3.3 MEETING SUMMARY

63. Conduct a public hearing and approve, adopt, and authorize the Chair to sign an ordinance to amend Clark County Code Title 4, Chapter 4.08, Section 4.08.005 and Title 8, Chapter 8.04, Subsection 8.04.010.145 and Section 8.04.310 to revise the definition of "resort hotel"; and providing for other matters properly related thereto. Commission District: All (For possible action)

MOVED BY: Justin Jones

ACTION: APPROVED (INCLUDING ADOPTION OF ORDINANCE NO. 4872) AS RECOMMENDED.

VOTE: 7

Voting Aye: Marilyn Kirkpatrick
Jim Gibson
Justin Jones
William McCurdy II
Ross Miller
Michael Naft
Tick Segerblom

Voting Nay: None

Absent: None

Abstain: None

64. Conduct a public hearing; approve, adopt, and authorize the "Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Nonattainment Major NSR Requirements: Las Vegas Valley Nonattainment Area, Clark County, Nevada," and authorize the Director or her designee to submit the revision, including any relevant public comments, to the State of Nevada and the U.S. Environmental Protection Agency for review and approval as a revision to the Nevada State Implementation Plan. (For possible action)

MOVED BY: Justin Jones

ACTION: APPROVED AS RECOMMENDED.

VOTE: 7

Voting Aye: Marilyn Kirkpatrick
Jim Gibson
Justin Jones
William McCurdy II
Ross Miller
Michael Naft
Tick Segerblom

Voting Nay: None

Absent: None

Abstain: None

65. Conduct a public hearing and approve, adopt, and authorize the Chair to sign 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 U.S. Environmental Protection Agency (EPA) guidance and federal case law; and