

~~[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. 5353  
(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subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.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 3rd day of March, 2026.

PROPOSED BY: Commissioner Michael Naft

PASSED on the 17th day of March 2026.

AYES: Michael Naft

April Becker

James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

Tick Segerblom

NAYS: None

///


///


///

ABSTAINING: None

ABSENT: William McCurdy II

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

By:   
Michael Naft (Mar 23, 2026 15:22:42 PDT)  
MICHAEL NAFT, Chair

ATTEST:   
\_\_\_\_\_  
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after  
the 1st day of April 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
12.0.6	General Requirements for Records and Reports .....	12.0-2

## 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

## EXHIBIT 1

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.

---

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**

131.1 Purpose..... 131-1

131.2 Applicability..... 131-1

131.3 Definitions..... 131-2

131.4 Exemptions..... 131-2

131.5 Emissions Standards..... 131-3

131.6 Small Container Labeling..... 131-3

131.7 Registration Requirements..... 131-3

131.8 Recordkeeping Requirements..... 131-4

131.9 Compliance Dates..... 131-5

## **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.

## **EXHIBIT 2**

### **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;

## **EXHIBIT 2**

- (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.

## EXHIBIT 2

### 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).

---

History:

# TECHNICAL SUPPORT DOCUMENT FOR AMENDMENTS TO SECTIONS 12.0 AND 131 OF THE CLARK COUNTY AIR QUALITY REGULATIONS

## **AMENDMENTS TO AIR QUALITY REGULATION SECTION 12.0, “APPLICABILITY AND GENERAL REQUIREMENTS FOR PERMITTING STATIONARY SOURCES”**

On February 20, 2024, the Board of County Commissioners (Board) approved the amendment of Section 12.0 of the Clark County Air Quality Regulations (AQRs), "Applicability and General Requirements for Permitting Stationary Sources."

AQR 12.0 is amended by removing the applicability summaries for the stationary source permitting regulations, since each individual AQR contains its own comprehensive applicability section. This amendment was initiated after the U.S. Environmental Protection Agency (EPA) provided feedback. The applicability language in AQR 12.0, adopted more than 15 years ago, has become outdated. Regulated sources have been relying on the current, section-specific applicability provisions, making the summaries in AQR 12.0 unnecessary. Removing this outdated language will reduce potential conflicts and inconsistencies with other AQRs.

The amendments include additional editorial, administrative, and nonsubstantive changes.

## **NEW AIR QUALITY REGULATION SECTION 131, “VOC EMISSIONS CONTROL FOR EMULSIFIED ASPHALT”**

On December 19, 2024, EPA reclassified Hydrographic Area (HA) 212 (the Las Vegas Valley) as a serious ozone nonattainment area after finding that the area failed to meet its August 3, 2024, attainment date (89 FR 103657). This reclassification triggered an obligation for the Clark County Department of Environment and Sustainability, Division of Air Quality (DAQ) to prepare an attainment plan for the “Serious” nonattainment designation of HA 212 under the 2015 ozone NAAQS. Section 172(c)(9) of the Clean Air Act (the Act) requires an attainment plan to include contingency measures that will apply if an area fails either to achieve attainment by the new attainment date or to meet reasonable further progress (RFP) requirements (42 U.S.C. 7502). Section 182(c)(9) of the Act further requires contingency measures in the event that DAQ fails to meet a milestone. EPA defines these milestones in 40 CFR Part 51.1310(c) of its Ozone Implementation Rule.

In 2024, EPA issued revised guidance describing how air agencies may meet the statutory contingency measure requirement.<sup>1</sup> That guidance suggests that states provide one year’s worth (OYW) of progress for each of the ozone precursor pollutants (volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>)) based on the difference in emissions of each pollutant between the base year inventory and the attainment year inventory. DAQ identified emulsified asphalt emissions as a source of unregulated VOC emissions for which there are available controls commonly implemented by other states. Therefore, DAQ

---

<sup>1</sup> *Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter*. Office of Air and Radiation, U.S. Environmental Protection Agency, dated 12/3/2024.

is proposing to create this new AQR to meet contingency measure requirements mandated by the Act requiring emissions reductions from this source category.

AQR 131 establishes VOC limits for emulsified asphalt operations as a contingency measure under Sections 172(c)(9) and 182(c)(9) of the Act. The rule follows approaches used in other jurisdictions to reduce ozone precursor emissions from emulsified asphalt manufacturing and use. For HA 212, as well as any future area in Clark County designated as a moderate or higher nonattainment area for the 2015 ozone NAAQS, the rule ensures that additional VOC reductions will occur if:

- Air quality in the area remains above the 2015 ozone NAAQS after the attainment date;
- Required emissions reductions are not achieved; or
- DAQ fails to meet any of the milestones in EPA's 2015 Ozone Implementation Rule (40 CFR Part 51.1310(c)).

Asphalt is widely used for paving, sealing, and maintaining surfaces on roads, parking areas, driveways, walkways, and airport runways. Emulsified asphalt consists of asphalt cement dispersed in water with the aid of an emulsifying agent (typically a surfactant, such as soap). It differs from "cutback asphalt," which uses petroleum distillates as a solvent and is regulated by AQR 107. AQR 131 will establish VOC content limits for emulsified asphalt.

While emulsified asphalt generally releases fewer VOC emissions than cutback asphalt, some emulsified formulations have a higher organic solvent content (up to 12% VOC by volume). Emissions occur primarily during application, when organic solvents evaporate, but also during the manufacturing process. This rule establishes a maximum permissible VOC content limit of 3% by volume to minimize VOC emissions during manufacturing and application.

Although many state rules include seasonal limits (e.g., summertime ban), HA 212's ozone season is year-round. DAQ, therefore, opted for a VOC content limit that is practical to implement year-round, in line with best practices in other states and the international community. For example, Maricopa County, AZ (Reg. III, Rule 340, § 301.3); Colusa County, CA (Rule 231, § 3.2); and the Bay Area Air Quality Management District, CA (Reg. 8, Rule 15, § 8-15-303) all have regulations that include a VOC content limit of 3% or less by volume. Vermont (Rule 5-253.15) allows a maximum VOC content of less than 5% by weight. Canada recommends a 3% VOC content limit by volume during the ozone season (*Code of Practice for the Reduction of Volatile Organic Compound (VOC) Emissions from Cutback and Emulsified Asphalt*, Environment and Climate Change Canada, Industrial Sectors, Chemicals and Waste Directorate, Section 2.2.1; available at [https://publications.gc.ca/collections/collection\\_2017/eccc/En14-271-2017-eng.pdf](https://publications.gc.ca/collections/collection_2017/eccc/En14-271-2017-eng.pdf)).

DAQ conducted a workshop and held separate meetings with stakeholders to confirm the achievability and practicality of implementing a 3% VOC content restriction. The agency estimates that implementation of the rule could reduce 2026 VOC emissions from emulsified asphalt operations by approximately 79% (the actual reduction could be higher or lower, depending on the year of implementation).

AQR 131 could impose additional restrictions on owners or operators already subject to AQR 107 requirements for cutback asphalt operations. As with AQR 107, the new rule imposes restrictions on manufacturing, selling, offering for sale, mixing, storing, using, or supplying emulsified asphalt materials within an ozone nonattainment area once the Control Officer notifies owners and operators of the rule's applicability.

The new rule has several exemptions, such as using emulsified asphalt as a penetrating prime coat, to fill potholes or make emergency road repairs, or for residential applications, airfield pavement, and dust control, among other exceptions. Including such exemptions balances environmental goals with practical considerations for small-scale and specialized asphalt operations.

For small-scale paving jobs (e.g., residential driveways, potholes, emergency repairs), contractors often need a surface ready for traffic quickly. A higher VOC content accelerates drying and hardening, reducing the time needed for surface availability. Higher-emission formulations can also penetrate dusty or porous surfaces more effectively than low-solvent ones; thus higher-VOC content materials, which bind loose particles and stabilize surfaces better than lower-VOC materials, are better for suppressing dust or sealing unpaved roads (which require deep penetration). Allowing higher-VOC materials for such applications has an added environmental benefit: it reduces particulate matter emissions more effectively. Finally, airfields and runways often require high durability and resistance to heavy loads, and are subject to specific Federal Aviation Administration requirements. With its higher VOC content, emulsified asphalt can provide a stronger initial bond and better cohesion under stress over a longer duration, reducing the frequency of required paving activities and associated VOC emissions.

The definitions in Section 131.3 align with existing DAQ terminology in AQRs 0 and 107, ensuring clarity and consistency across rules. Sections 131.7–8 also mirror the registration and reporting requirements found in Sections 107.6 and 107.7.2. The registration requirements allow DAQ to identify owners or operators subject to the new rule, and enhance tracking and enforcement efforts. The recordkeeping requirements impose a minimum burden that builds on existing business records while ensuring information is available for effective enforcement. Owners or operators must maintain records for five years, which is consistent with the time required for sources subject to stationary source permitting requirements.

Section 131.6 includes labeling requirements for small containers (5 gallons or less). This section is modeled after New York’s asphalt pavement and asphalt-based surface coating rule, which includes labeling requirements for small containers (10 gallons or less) (6 NYCRR 241.5(c)). DAQ conducted a visual review of containers at a local supply store and found that the store only stocked containers of 5 gallons or less. Accordingly, DAQ is applying the small container labeling requirement to containers of that size. Labeling requirements ensure the VOC content of material is known and tracked by owners and operators and readily apparent to field inspectors. Containers larger than the 5 gallons found on local supply shelves are subject to the recordkeeping and other requirements of Section 131.8 because of their greater potential for increased VOC emissions.

Once the Control Officer issues a notice that the rule applies, owners or operators have 180 days to comply. This time allows existing supplies of asphalt to be used while providing adequate time for owners and operators to plan for future compliance.

## **PUBLIC WORKSHOP**

DAQ hosted a public workshop on AQR 131 on July 22, 2025. Comments were received and addressed as part of the workshop.

## **COMMENTS RECEIVED AND DAQ RESPONSES**

DAQ conducted a public comment period November 11–21, 2025, receiving no comments on the proposed changes to AQR 12.0 and two comments on AQR 131. DAQ also published a notice of public hearing in the *Las Vegas Review-Journal* and made drafts of AQRs 12.0 and 131 available for review,

both online and at its offices, from December 29, 2025, to January 30, 2026. Staff has scheduled a public hearing before the Clark County Board of County Commissioners on March 17, 2026.

Comment Received: 11/20/2025, via email  
Commentor: EPA Region 9

**COMMENT 1:** If this is the only contingency measure that Clark is submitting with their serious plan, I recommend adjusting this language to either add in more clauses or make this more vague so it satisfies the requirements under CAA Section 182(c)(9). This part of the CAA states that for ozone nonattainment areas classified Serious or above, contingency measures are triggered by an area's failure to meet *any* applicable milestone. This includes Reasonable Further Progress (RFP) requirements, quantitative milestones, missing submission of a quantitative milestone report, or attainment.

*RESPONSE:* DAQ revised Section 131.1 to reference CAA Section 182(c)(9) and added language to Section 131.2 to reference RFP and EPA's Ozone Implementation Rule with respect to milestone obligations (40 CFR Part 51.1310(c)).

**COMMENT 2:** We think that this language might be a bit redundant and could lead to issues triggering the contingency measure. If we've approved the rule as satisfying the CM requirement, by definition it will help achieve/maintain attainment. Because of this, I would recommend removing or amending this language to prevent any issues or uncertainty that this language could create later on.

*RESPONSE:* DAQ is retaining the language in Section 131.2(c)(2) related to the contingency measure. As EPA explained in its recently issued guidance, the purpose of a contingency measure is "to ensure uninterrupted progress toward attainment while the air agency takes the next steps to address the failure" (Memo, J. Goffman to Regional Air Division Directors, "Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter," EPA 12/3/2024). DAQ is submitting this single rule to meet contingency measure requirements, but may adopt additional measures in the future as substitutes or alternatives to this control measure. Since the rule has an uncertain future effective date, DAQ cannot predict "conditions in the nonattainment area at the time of the potential triggering event" (Goffman memo). The area may be NO<sub>x</sub>-limited, VOC-limited, or neither. Retaining the paragraph as written allows DAQ to assess current air quality conditions and manage its contingency measure obligations through meaningful emissions reduction strategies.

*END*








# BCC 3/17/2026 Approved item #51

Final Audit Report

2026-03-23

Created:	2026-03-18 (Pacific Daylight Time)
By:	Karen Stuart (CalvilloK@ClarkCountyNV.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAaJxObxoGRHTGWV-qBh-4cilQgGplbtbK

## "BCC 3/17/2026 Approved item #51" History

-  Document created by Karen Stuart (CalvilloK@ClarkCountyNV.gov)  
2026-03-18 - 9:28:06 AM PDT - IP address: 198.200.132.41
-  Document emailed to michael.naft@clarkcountynv.gov for signature  
2026-03-18 - 1:46:40 PM PDT
-  Email viewed by michael.naft@clarkcountynv.gov  
2026-03-18 - 1:46:49 PM PDT - IP address: 93.114.8.71
-  Agreement viewed by michael.naft@clarkcountynv.gov  
2026-03-18 - 1:46:49 PM PDT - IP address: 93.114.8.71
-  Agreement viewed by kaity.long@clarkcountynv.gov  
2026-03-18 - 1:46:53 PM PDT - IP address: 104.223.88.111
-  Agreement viewed by Karen Stuart (CalvilloK@ClarkCountyNV.gov)  
2026-03-18 - 1:46:53 PM PDT - IP address: 172.82.144.166
-  Signer michael.naft@clarkcountynv.gov entered name at signing as Michael Naft  
2026-03-23 - 3:22:40 PM PDT - IP address: 198.200.132.41
-  Document e-signed by Michael Naft (michael.naft@clarkcountynv.gov)  
Signature Date: 2026-03-23 - 3:22:42 PM PDT - Time Source: server- IP address: 198.200.132.41
-  Document emailed to Carl Bates (cbates@clarkcountynv.gov) for signature  
2026-03-23 - 3:22:43 PM PDT
-  Email viewed by Carl Bates (cbates@clarkcountynv.gov)  
2026-03-23 - 3:22:49 PM PDT - IP address: 89.39.150.195
-  Agreement viewed by Carl Bates (cbates@clarkcountynv.gov)  
2026-03-23 - 3:23:06 PM PDT - IP address: 198.200.132.69

 Document e-signed by Carl Bates (cbates@clarkcountynv.gov)

Signature Date: 2026-03-23 - 3:23:17 PM PDT - Time Source: server- IP address: 198.200.132.69

 Agreement completed.

2026-03-23 - 3:23:17 PM PDT

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

CC CLERK  
ATTN: COMMISSION CLERK  
RM 6037  
500 S GRAND CENTRAL PKWY  
LAS VEGAS NV 89155

Account #  
Order ID

104095  
351363

**IMAGE ON NEXT PAGE(S)**

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the , daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said , in 2 edition(s) of said newspaper issued from 03/24/2026 to 03/31/2026, on the following day(s):

03/24/2026, 03/31/2026

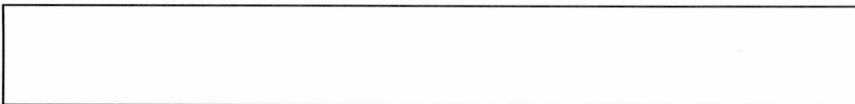
*Leslie McCormick*

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this March 31, 2026.

Notary

*Linda Espinoza*



**ORDINANCE NO. 5353**

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.

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the first floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Michael Naft on the 3rd day of March 2026 and passed on the 17th day of March 2026, by the following vote of the Board of County Commissioners:

Aye: Michael Naft  
April Becker  
James B. Gibson  
Justin Jones  
Marilyn K. Kirkpatrick  
Tick Segerblom

Nay: None  
Abstaining: None  
Absent: William McCurdy II

This Ordinance shall be in full force and effect on the 1st day of April 2026.

(SEAL) LYNN MARIE GOYA,  
COUNTY CLERK  
and Ex-Officio Clerk of the  
Board of County  
Commissioners

Dated this 17th day of March  
2026.

PUB: Mar. 24, 31, 2026  
LV Review-Journal