CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM

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<th>Issue:</th>
<th>Ordinance to Amend Air Quality Regulation Section 92</th>
<th>Back-up:</th>
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<td>Petitioner:</td>
<td>Lewis Wallenmeyer, Director, Air Quality &amp; Environmental</td>
<td>Clerk Ref. #</td>
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<td>Management</td>
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Recommendation:

That the Board of County Commissioners conduct a public hearing; approve, adopt and authorize the Chairman to sign an ordinance to amend Clark County Air Quality Regulation Subsection 92.2.1.1 to correct an effective date omission from a previously revised version of the regulation; provide for other matters properly related thereto, authorize the Director or his designee to make a record of any relevant comments and responses made and accepted by the Board at the public hearing; and authorize the Director or his designee to compile and submit the approved ordinance and all related documentation in accordance with Section 2 to the Nevada Division of Environmental Protection for the United States Environmental Protection Agency's approval into the Nevada State Implementation Plan.

FISCAL IMPACT:

None by this action

BACKGROUND:

On December 16, 2008, the Board approved Ordinance No. 3729, which amended portions of the Clark County Air Quality Regulation Section 92 Fugitive Dust From Unpaved Parking Lots; Material Handling and Storage Yards and Vehicle and Equipment Storage Yards. Staff inadvertently omitted an effective date from Subsection 92.2.1.1. This section contains the requirement for all parking lots constructed after the omitted effective date to be paved. Without the January 1, 2003 date, which was the effective date of the original adoption of this section, only those parking lots constructed after the Board’s December 16, 2008 approval of the revision would be required to comply with the paving requirements of Subsection 92.2.1.1. If left as is, the rule, which is a component of the Inhalable Particulate State Implementation Plan (PM-10 SIP), would be less stringent and would constitute an impermissible “back sliding”, which is prohibited under Section 110(l) of the Federal Clean Air Act. The proposed revision will restore the original effective date of Subsection 92.2.1.1, which is January 1, 2003. Including the effective date will ensure that the currently approved status of both the rule and the PM-10 SIP as a whole will not be threatened in any way. Given the administrative nature of the proposed change to correct an inadvertent omission, the Business Impact Statement accepted by the Board on December 16, 2008 as part of the rule revision is still germane and sufficient to satisfy the requirement of NRS 237.
Respectfully submitted,

[Signature]

LEWIS WALLENMEYER, DIRECTOR