**CLARK COUNTY BOARD OF COMMISSIONERS**  
**AGENDA ITEM**

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<th>Introduction of Ordinance</th>
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<td><strong>Petitioner:</strong> Management</td>
<td>Lewis Wallenmeyer, Director, Air Quality &amp; Environmental</td>
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**Recommendation:**

That the Board of County Commissioners introduce 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, and set a public hearing.

**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.

Staff recommends that a public hearing be set for March 3, 2009 at 10:00 AM.

Respectfully submitted,

[Signature]

LEWIS WALLENMEYER, DIRECTOR

Cleared for Agenda

2/17/2009
Agenda Item # 77