APPENDIX R

Documentation on Residential Wood Combustion Control Measures
APPENDIX R

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Section 1:

Nevada Division of Environmental Protection (NDEP) Endorsement Documentation, with Clark County Air Quality Management Board Adoption of Draft Changes to the PM$_{10}$ SIP
November 19, 2002

Mr. Wayne Nastri  
Regional Administrator  
US EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  

Dear Mr. Nastri:

During EPA’s review of the Clark County PM10 State Implementation Plan, dated June 19, 2001, EPA requested that Clark County adopt local regulations for fireplaces and woodstoves and update its schedule for modifying certain air quality regulations. These regulation changes were adopted by the Board today. The fireplace and woodstove regulations are contained in Appendix R and the revised deadlines of March 31, 2003 appear on pages 4-125 and 4-126. Five copies of these amendments are enclosed along with the workshop notice, the notice of public hearing, and the agenda for the Clark County Air Quality Management Board for inclusion into the Clark County PM10 SIP.

If you have any questions regarding this submittal or need additional information, please contact Colleen Cripps of my staff at 775-687-9346 or by email at cripps@ndep.state.nv.us.

Sincerely,

Allen Biaggi  
Administrator  

Enclosures

cc: Colleen Cripps, NDEP  
Christine Robinson, CC DAQM  
Carrie MacDougall, CC DAQM  
Rodney Langston, CC DAQM  
Ken Bigos, US EPA, Region IX  
Steven Barhite, US EPA, Region IX  
Karen Irwin, US EPA, Region IX (w/ enc)
test were conducted, the U. S. EPA test for soil surface characterization had not been developed. Because both undisturbed native desert and disturbed areas account for a major part of the PM$_{10}$ emissions that are generated during high wind conditions, a refinement of the emission factors for these sources is warranted. Clark County Department of Comprehensive Planning anticipates moving forward with additional studies to develop refined emission factors in 2003, with completion of the studies expected by the end of 2005.

### 4.8.2.6 Commitment to Track Silt Loadings on Paved Roads
Clark County Department of Comprehensive Planning will conduct additional measurements of silt loadings on paved roads in order to update the paved roads emission inventory and evaluate the effectiveness of control measures for reducing silt loading on paved roads. Silt loading measurements will begin in the fourth quarter of 2001 and be conducted quarterly though June of 2006.

### 4.8.2.7 Commitment to Establish Test Methods for Section 94
If an acceptable test method has not been developed and adopted into Section 94 by September 1, 2001, Clark County will fund additional research up to $100,000 to develop an acceptable test method. It is Clark County's intention that a contractor will be selected by November 1, 2001. If a test method that is acceptable to U. S. EPA under its BACM and enforceability criteria has not been incorporated into Section 94 by March 31, 2003, the opacity test method for unpaved roads in Section 91 will be presented to the governing board for adoption by May of 2003 for all non-process, intermittent construction site fugitive dust generating activities.

### 4.8.2.8 Commitment to Update Emission Inventories
Clark County will revise the entire PM$_{10}$ emission inventories for the attainment year in 2003 and 2006 to coincide with the Reasonable Further Progress reports. If the emission inventories are significantly different than in this SIP, particularly if the differences would affect the attainment demonstration, the SIP will be adjusted to
reflect the revised PM$_{10}$ emission inventories. If the SIP inventory requires adjustment, it will be resubmitted for approval to U. S. EPA with the Reasonable Further Progress/milestone reports that include revising conformity budgets and re-evaluation of control measures if necessary. The existing approved SIP and conformity budgets will remain in place until such time as a new SIP is approved.

4.8.2.9 Commitment to Revise Air Quality Regulations
The following proposed language for revision to the Air Quality Regulations will move forward in the rule development and adoption process, with rule revisions to be brought to the Clark County Air Quality Management Board for approval by March 31, 2003.

Section 90.2.1.3 -Dust Mitigation Plan Required:

Owners AND/OR OPERATORS of OPEN AREAS AND VACANT LOTS having a cumulative area of 10,000 acres or greater must submit a dust mitigation plan to the Air Quality Division for approval by March 31, 2003 in a format prescribed by the CONTROL OFFICER.

Section 92.2.1.1 Revised Section:

No UNPAVED PARKING LOTS may be constructed after the adoption of this Subsection except as provided in Subsection 92.2.1.1 (a) and (b) below:

(a) The requirements of Subsection 92.2.1.1 shall not be applicable to parking lots for rural public facilities such as trailheads, campgrounds, and similar facilities where paved parking lots would conflict with the rural nature of these facilities; and

(b) The unpaved parking lot is stabilized in accordance with Subsection 92.2.1.2 (b) through (d)
APPENDIX R

Documentation on Residential Wood Combustion Control Measures

1. Clark County Fireplace Ordinance
2. City of Las Vegas Fireplace Ordinance
3. City of North Las Vegas Fireplace Ordinance
4. City of Henderson Fireplace Ordinance
Clark County Residential Wood Combustion Ordinance (Fireplace) No. 1249
AN ORDINANCE TO AMEND TITLE 22, CHAPTER 22.04, TO AMEND THE UNIFORM BUILDING CODE TO RESTRICT CONSTRUCTION OF WOOD BURNING FIREPLACES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 22, Chapter 22.04 of the Clark County Code is hereby amended to add a new section which shall read as follows:

22.04.355 Fireplaces in New Construction. Chapter 37 amended. Chapter 37 of The Uniform Building Code is amended by adding a new section designated as Section 3708 which shall read as follows:

Section 3708: Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective July 1, 1991, no fireplace shall be constructed in any residential dwelling unit in the unincorporated area of the Las Vegas Valley Hydrographic Basin at an elevation of less than 4000 feet above sea level unless it is one of the following:

(a) A fireplace equipped with gas logs with a nationally recognized listing approved by the Building Official;

(b) A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the Building Official;

(c) A dedicated woodburning factory-built fireplace
that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as proscribed by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter), as verified by a naturally recognized listing approved by the Building Official;

(d) A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (3) of this Subsection and which is installed in accordance with the insert manufacturer's instructions; or

(e) A decorative electrical appliance with a nationally recognized listing approved by the Building Official.

SECTION 2. 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 3. 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 4. 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 6th day of November, 1990.

PROPOSED BY Bruce L. Woodbury

PASSED on the 20th day of November, 1990.

VOTE:

AYES: Jay Bingham

Manuel J. Cortez
This ordinance shall be in force and effect from and after
the 4th day of December, 1990
City of Las Vegas Residential Wood Combustion Ordinance (Fireplace) No. 3538
AN ORDINANCE RELATING TO THE CONSTRUCTION OF FIREPLACES; AMENDING THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1988 EDITION," BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 45.1 OF SAID SUPPLEMENTAL DOCUMENT, TO ADD TO THE UNIFORM BUILDING CODE A NEW SECTION 3708 TO REQUIRE ALL FIREPLACES CONSTRUCTED IN RESIDENTIAL DWELLING UNITS AFTER JULY 1, 1991, TO CONFORM TO SPECIFIED LISTING OR EPA REQUIREMENTS OR TO BE DECORATIVE ELECTRICAL APPLIANCES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITHE.

Sponsored By: Councilman Arnie Adamsen

Summary: Requires all fireplaces constructed after July 1, 1991, in residential dwelling units to conform to specified listing or EPA requirements, or their equivalent, or to be decorative electrical appliances.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That certain document that is entitled "A Supplemental Document Amending the Uniform Building Code, 1988 Edition," and adopted by reference as Part II of Title 16, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section 45.1, reading as follows:

Section 45.1: Chapter 37 is amended to add a new section, designated as Section 3708, reading as follows:

Section 3708: (a) Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective July 1, 1991, no fireplace shall be constructed in any residential dwelling unit in the City of Las Vegas unless it is one of the following:

(1) A fireplace equipped with gas logs with a listing approved by the Building Official;

(2) A dedicated natural gas burning factory-built...
(3) A dedicated woodburning factory-built fireplace that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as prescribed in NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter);

(4) A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (3) of this Subsection and which is installed in accordance with the insert manufacturer's instructions;

(5) A low-emission fireplace that is deemed by the Building Official to be equivalent to one or more of the fireplaces permitted in this Subsection (a), based upon third-party laboratory documentation or certification by a state or federal agency; or

(6) A decorative electrical appliance.

(b) Exception: None of the terms or prohibitions of this Section shall apply to or be enforced against any wood heater that has been certified by the Environmental Protection Agency. Uncertified wood heaters shall not be installed within the City of Las Vegas.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

The City Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection, sub-
section 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six (6) months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense; provided, however, that no violation shall be deemed to have occurred before the Building Official has conducted an inspection for the sole purpose of determining compliance with this ordinance. Such inspection shall be conducted subsequent to the final inspection of the building at a time that is mutually agreeable to the builder and the Building Official.

SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this _21st_ day of November, 1990.

APPROVED:

By _RON LURIE, MAYOR_ 11/26/90

ATTEST: _KATHLEEN M. TIGHE, CITY CLERK_
The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of September, 1990, and referred to the following committee composed of Councilmen Adamsen and Nolen for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of November, 1990, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen Higginson, Miller, and Mayor Lurie

VOTING "NAY": NONE

ABSENT: Councilman Nolen

APPROVED:

By RON LURIE, MAYOR

ATTEST:

KATHLEEN M. MIGHE, CITY CLERK
City of North Las Vegas
Residential Wood Combustion
Ordinance
(Fireplace)
No. 1020
ORDINANCE NO. 1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 13, UNIFORM BUILDING CODE BY CREATING A NEW SECTION 13.16.150 ENTITLED "FIREPLACES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWIT.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES HEREBY ORDAIN:

SECTION 1: Fireplaces. Chapter 13 of the North Las Vegas Municipal Code is hereby amended by creating a new section designated as Section 13.16.150 which shall read as follows:

13.16.150: Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective October 1, 1991, no fireplace shall be constructed in any residential dwelling unit in North Las Vegas unless it is one of the following:

A. A fireplace equipped with gas logs with a nationally recognized listing approved by the Building Official;

B. A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the Building Official;

C. A dedicated woodburning factory-built fireplace that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as presented by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter), as verified by a nationally recognized listing approved by the Building Official;

D. A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (C) of this Subsection and which is installed in accordance with the insert manufacturer's instructions; or

E. A decorative electrical appliance with a nationally recognized listing approved by the Building Official.

SECTION 2: The City Council of the City of North Las Vegas has been informed by its legal department as to the constitutionality of this ordinance, and based upon such information, we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the Constitution or by laws providing for equal rights of citizens or persons.
SECTION 3: **Severability.** If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such sections, paragraph, clause, or provision, shall in no way affect the validity and enforceability of the remaining provisions of this ordinance.

SECTION 4: **Repealer.** All ordinances, parts of ordinances or chapters, sections, subsections or paragraphs or resolutions previously adopted by the North Las Vegas City Council which are in conflict herewith are hereby repealed.

SECTION 5: **Effective Date.** This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, shall be published once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 6: **Publication.** The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED, ADOPTED AND APPROVED THIS 18TH DAY OF SEPTEMBER, 1991

AYES: MAYOR SEASTRAND, COUNCILMEN GOYNES, KINCAID, ROBINSON AND HARDY

NAYES: NONE

ABSENT: NONE

APPROVED:

/s/ James K. Seastrand

JAMES K. SEASTRAND, MAYOR

ATTEST:

/s/ Eileen M. Sevigny

EILEEN M. SEVIGNY, CITY CLERK
City of Henderson Residential Wood Combustion Ordinance (Fireplace) No. 1697
Chapter 15.40 FIREPLACES

Section 15.40.010 Fireplaces in new construction and new fireplaces in existing construction.

Effective upon publication of the ordinance codified in this section, no fireplace shall be constructed in any residential dwelling unit in Henderson unless it is one of the following:

A. A fireplace equipped with gas logs with a nationally recognized listing approved by the building official;

B. A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the building official;

C. A dedicated woodburning factory-built fireplace that conforms to the Phase II Environmental Protection Agency Standards for Wood Heaters, as presented by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particular matter), as verified by a nationally recognized listing approved by the building official;

D. A masonry fireplace that complies with Section 3102.7 of the Uniform Building Code, 1994 edition; or

E. A decorative electrical appliance with a nationally recognized listing approved by the building official. (Ord. 1697 § 1, 1996)
**FACSIMILE TRANSMITTAL SHEET**

**TO:** Russ  
**FROM:** Paula  
**ENTITY:**  
**FAX NUMBER:** 383-9994  
**PHONE NUMBER:** 702-565-3273 
**REMARKS:**  

**X URGENT**  
**FOR REVIEW**  
**PLEASE COMMENT**  
**PLEASE REPLY**  
**PLEASE RECYCLE**  

**NOTES/COMMENTS:**

Russ, Please, give me a call as soon as possible. I need more information regarding your request and I was not awake and forgot to get your phone number. Thanks.

Adopted 10-15-96

G20 1697
Mayor Groesbeck introduced Bill No. 1341 and City Manager Speight read the Bill by title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 15, UNIFORM BUILDING CODE, BY CREATING A NEW SECTION ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

City Attorney Shauna Hughes said this item comes through Councilmember Cyphers, by virtue of her membership on the Clark County Health District Board. It was brought to Councilmember Cyphers' attention that Henderson is the only remaining jurisdiction in the valley which does not prohibit the building of fireplaces and new construction of wood-burning fireplaces. This amendment would require that all fireplaces built in new buildings, with very limited, difficult to obtain exceptions, would be powered with gas.

Councilmember Cyphers explained the Health District asked the City to come on line with the rest of the valley in following the requirements. In the winter months there is a problem with the air quality and the County does routinely request residents to not use their wood-burning fireplaces.

Councilmember Hafen clarified the ordinance does not totally prohibit wood-burning fireplaces as long as they meet the requirements. He said there is not a great change other than the wood-burning fireplaces do have to meet federal requirements.

Ms. Hughes said there are much more stringent regulations now with respect to construction of a wood-burning fireplace.

Councilmember Hafen said there is a way to install wood-burning fireplaces as long as they meet the requirements. He did not want to prohibit construction of wood-burning fireplaces, as long as they meet federal standards.

Ms. Hughes said the language regarding Councilmember Hafen's concern is found in Section II, and states that a masonry fireplace that complies with Section 3102.7 of the Uniform Building Code, 1994 edition, which outlines the more stringent requirements allowing wood-burning fireplaces under certain circumstances.

(Motion) Councilmember Clark moved to refer Bill No. 1341 to the Regular Meeting with a "do-pass" recommendation. The roll call vote favoring passage was: Those voting AYE: Clark, Cyphers, Groesbeck, Hafen, and Wood. Those voting NAY: None. Those Absent: None. Mayor Groesbeck declared the motion carried.
Mayor Groesbeck introduced Bill No. 1341 and City Manager Speight read the Bill by title:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 15, UNIFORM BUILDING CODE, BY CREATING A NEW SECTION ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.**

(Motion) Councilmember Hafen moved for adoption of Ordinance No. 1697, introduced as Bill No. 1341. The roll call vote favoring passage was: Those voting AYE: Clark, Cyphers, Groesbeck, Hafen, and Wood. Those voting NAY: None. Those Absent: None. Mayor Groesbeck declared the motion carried.
RESOLUTION OF THE CLARK COUNTY AIR QUALITY MANAGEMENT BOARD
ADOPTING AMENDMENTS TO THE PM$_{10}$ STATE IMPLEMENTATION PLAN FOR
CLARK COUNTY

WHEREAS, the Clark County Board of County Commissioners adopted the Clark County
PM$_{10}$ State Implementation Plan on June 19, 2001; the Plan was received by the U.S. Environmental
Protection Agency, the U.S. Environmental Protection Agency has determined the Mobile Source
Emissions budget contained in the Plan is suitable for transportation conformity purposes, and the
U.S. Environmental Protection Agency has issued a completeness finding for the Plan; and

WHEREAS, the Clark County PM$_{10}$ State Implementation Plan is currently under U.S
Environmental Protection Agency review for approval action; and

WHEREAS, the U.S. Environmental Protection Agency has identified the need to incorporate
adopted local regulations on fireplace and wood stoves into the Clark County PM$_{10}$ State
Implementation Plan and to revise the schedule for amending the Clark County Air Quality
Regulations; and

WHEREAS, Clark County has been designated by the Governor to the State of Nevada as the
responsible agency for air quality management; and

NOW, THEREFORE, BE IT RESOLVED, that the Clark County Air Quality Management
Board adopt the Draft Revisions to the Clark County PM$_{10}$ State Implementation Plan as amended,
incorporate adopted local regulations on fireplace and wood stoves into the PM$_{10}$ State
Implementation Plan and revise the schedule for amending the Clark County Air Quality Regulations

PASSED, APPROVED, AND ADOPTED this 19th day of November 2002.

CLARK COUNTY, NEVADA
AIR QUALITY MANAGEMENT BOARD

Bruce L. Woodbury, Chairman

Attest:

SHIRLEY B. PARRAGUIRRE, County Clerk
APPENDIX R

Section 2:

November 19, 2002
Clark County Air Quality Management Board Public Meeting for Draft Changes to the PM$_{10}$ SIP
AGENDA

CLARK COUNTY AIR QUALITY MANAGEMENT BOARD

2:00 P.M.  November 19, 2002

CLARK COUNTY COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA

CALL TO ORDER

1 Approval of Minutes of the Regular Meeting of October 15, 2002. (Available in the County Clerk’s Office, Commission Division)

2 Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items
BUSINESS ITEMS

Receive a report from the Director of Air Quality Management on air quality performance and operations during the month of October 2002.

Receive a report from staff regarding the status of the air quality permitting regulations and direct staff accordingly.

PUBLIC HEARING – 2:05 P.M.

Conduct a public hearing for comments on the draft revisions to the June 2001 PM$_{10}$ State Implementation Plan, approve the Plan with recommended revisions, adopt and authorize the Chairman to sign a resolution adopting the Plan revisions, authorize staff to prepare responses to comments received by the public.

Comments By the General Public

A period devoted to comments by the general public about matters relevant to the Board’s jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker’s podium, clearly state your name and address and please spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board by majority vote.

All comments by speakers should be relevant to Board action and jurisdiction.
THE REGULAR MEETINGS OF THE CLARK COUNTY AIR QUALITY MANAGEMENT BOARD HELD ON THE THIRD TUESDAY OF EACH MONTH, ARE VIDEO-TAPED BY THE UNIVERSITY OF NEVADA, LAS VEGAS. TODAY’S MEETING WILL BE SHOWN TUESDAY, (NOVEMBER 19, 2002) AT 7:30 P.M., FOLLOWING THE BOARD OF COUNTY COMMISSIONERS’ MEETING, ON CLARK COUNTY COMMUNITY CHANNEL (C4) COX COMMUNICATIONS CHANNEL 4. FOR MORE PROGRAMMING INFORMATION, CALL THE PUBLIC COMMUNICATIONS OFFICE AT 455-6888.

THE COUNTY CLERK KEEPS THE OFFICIAL RECORD OF ALL PROCEEDINGS OF THE AIR QUALITY MANAGEMENT BOARD. IN ORDER TO MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL PROCEEDINGS, ANY PHOTOGRAPH, MAP, CHART, OR ANY OTHER DOCUMENT USED IN ANY PRESENTATION TO THE BOARD SHOULD BE SUBMITTED TO THE COUNTY CLERK. IF MATERIALS ARE TO BE DISTRIBUTED TO THE BOARD, PLEASE PROVIDE SUFFICIENT COPIES FOR DISTRIBUTION TO THE COUNTY MANAGER, COUNTY COUNSEL, AND COUNTY CLERK.

THE CLARK COUNTY COMMISSION CHAMBERS ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. WITH TWENTY-FOUR (24) HOUR ADVANCE REQUEST, A SIGN LANGUAGE INTERPRETER MAY BE MADE AVAILABLE (PHONE: 455-3530 OR TDD 385-7486) OR RELAY NEVADA TOLL FREE (800) 326-6868, TT/TDD. ASSISTIVE LISTENING DEVICES ARE AVAILABLE UPON REQUEST AT THE STAFF TABLE.
AIR QUALITY MANAGEMENT BOARD
AGENDA ITEM
November 19, 2002

ISSUE: Public Hearing for Revisions to the June 2001 PM$_{10}$ State Implementation Plan

PETITIONER: Christine Robinson, Director, Air Quality Management

RECOMMENDATION:
That the Clark County Air Quality Management Board conduct a public hearing to solicit final comments on the draft revisions to the June 2001 PM$_{10}$ State Implementation Plan; approve with recommended revisions, adopt, and authorize the Chairman to sign a resolution adopting the Plan revisions; and authorize staff to prepare responses to comments received at the public hearing prior to submitting the Plan to the Nevada Department of Conservation and Natural Resources.

FISCAL IMPACT:
None by this action

BACKGROUND:
The Clark County Board of County Commissioners adopted the Clark County PM$_{10}$ State Implementation Plan (SIP) on June 19, 2001. The Plan has been received by the U.S. EPA and is under review for approval action. In the course of this review, the U.S. EPA has identified the need to incorporate adopted local regulations on fireplace and wood stoves into the SIP. These are incorporated in the proposed Appendix R (attached). The U.S. EPA has also noted that the schedule set forth on pages 4-125 and 4-126 for revising the Air Quality Regulations has been changed and has requested that an updated schedule be incorporated into the Plan. These revised deadlines of March 31, 2003 are shown in amended Pages 4-125 and 4-126 (attached).

A workshop on Appendix R and amendments to Pages 4-125 and 4-126 was conducted on November 1, 2002.

Respectfully Submitted,

CHRISTINE ROBINSON
Director, Air Quality Management

Cleared for Agenda

Agenda Item # 5
test were conducted, the U. S. EPA test for soil surface characterization had not been developed. Because both undisturbed native desert and disturbed areas account for a major part of the PM$_{10}$ emissions that are generated during high wind conditions, a refinement of the emission factors for these sources is warranted. Clark County Department of Comprehensive Planning anticipates moving forward with additional studies to develop refined emission factors in 2003, with completion of the studies expected by the end of 2005.

4.8.2.6 Commitment to Track Silt Loadings on Paved Roads
Clark County Department of Comprehensive Planning will conduct additional measurements of silt loadings on paved roads in order to update the paved roads emission inventory and evaluate the effectiveness of control measures for reducing silt loading on paved roads. Silt loading measurements will begin in the fourth quarter of 2001 and be conducted quarterly though June of 2006.

4.8.2.7 Commitment to Establish Test Methods for Section 94
If an acceptable test method has not been developed and adopted into Section 94 by September 1, 2001, Clark County will fund additional research up to $100,000 to develop an acceptable test method. It is Clark County's intention that a contractor will be selected by November 1, 2001. If a test method that is acceptable to U. S. EPA under its BACM and enforceability criteria has not been incorporated into Section 94 by November 1, 2002, the opacity test method for unpaved roads in Section 91 will be presented to the governing board for adoption in December by May of 2003 for all non-process, intermittent construction site fugitive dust generating activities.

4.8.2.8 Commitment to Update Emission Inventories
Clark County will revise the entire PM$_{10}$ emission inventories for the attainment year in 2003 and 2006 to coincide with the Reasonable Further Progress reports. If the emission inventories are significantly different than in this SIP, particularly if the differences would affect the attainment demonstration, the SIP will be adjusted to
reflect the revised PM$_{10}$ emission inventories. If the SIP inventory requires adjustment, it will be resubmitted for approval to U. S. EPA with the Reasonable Further Progress/milestone reports that include revising conformity budgets and re-evaluation of control measures if necessary. The existing approved SIP and conformity budgets will remain in place until such time as a new SIP is approved.

4.8.2.9 Commitment to Revise Air Quality Regulations
The following proposed language for revision to the Air Quality Regulations will move forward in the rule development and adoption process, with rule revisions to be brought to the Clark County Health District-Air Quality Management Board of Health for approval at the regularly scheduled meeting in August by March 31, of 2001.

Section 90.2.1.3 –Dust Mitigation Plan Required:

Owners AND/OR OPERATORS of OPEN AREAS AND VACANT LOTS having a cumulative area of 10,000 acres or greater must submit a dust mitigation plan to the Air Quality Division for approval by January 1, 2002-March 31, 2003 in a format prescribed by the CONTROL OFFICER.

Section 92.2.1.1 Revised Section:

No UNPAVED PARKING LOTS may be constructed after the adoption of this Subsection except as provided in Subsection 92.2.1.1 (a) and (b) below:

(a) The requirements of Subsection 92.2.1.1 shall not be applicable to parking lots for rural public facilities such as trailheads, campgrounds, and similar facilities where paved parking lots would conflict with the rural nature of these facilities; and

(b) The unpaved parking lot is stabilized in accordance with Subsection 92.2.1.2 (b) through (d)
APPENDIX R

Documentation on Residential Wood Combustion Control Measures

1. Clark County Fireplace Ordinance
2. City of Las Vegas Fireplace Ordinance
3. City of North Las Vegas Fireplace Ordinance
4. City of Henderson Fireplace Ordinance
Clark County Residential Wood Combustion Ordinance (Fireplace) No. 1249
BILL NO. 11-6-90-3

SUMMARY - An Ordinance to Amend Title 22, Chapter 22.04, to amend the Uniform Building Code to restrict construction of wood burning fireplaces.

ORDINANCE NO. 1249
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 22, CHAPTER 22.04, TO AMEND THE UNIFORM BUILDING CODE TO RESTRICT CONSTRUCTION OF WOOD BURNING FIREPLACES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 22, Chapter 22.04 of the Clark County Code is hereby amended to add a new section which shall read as follows:

22.04.355 Fireplaces in New Construction. Chapter 37 amended. Chapter 37 of The Uniform Building Code is amended by adding a new section designated as Section 3708 which shall read as follows:

Section 3708: Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective July 1, 1991, no fireplace shall be constructed in any residential dwelling unit in the unincorporated area of the Las Vegas Valley Hydrographic Basin at an elevation of less than 4000 feet above sea level unless it is one of the following:

(a) A fireplace equipped with gas logs with a nationally recognized listing approved by the Building Official;

(b) A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the Building Official;

(c) A dedicated woodburning factory-built fireplace
that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as prescribed by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter), as verified by a naturally recognized listing approved by the Building Official;

(d) A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (3) of this Subsection and which is installed in accordance with the insert manufacturer's instructions; or

(e) A decorative electrical appliance with a nationally recognized listing approved by the Building Official.

SECTION 2. 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 3. 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 4. 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 6th day of November, 1990.

PROPOSED BY Bruce L. Woodbury

PASSED on the 20th day of November, 1990.

VOTE:

AYES: Jay Bingham

Manuel J. Cortez
This ordinance shall be in force and effect from and after

the 4th day of December, 1990
City of Las Vegas Residential Wood Combustion Ordinance (Fireplace) 
No. 3538
BILL NO. 90-63

ORDINANCE No. 3538

AN ORDINANCE RELATING TO THE CONSTRUCTION OF FIREPLACES; AMENDING THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1988 EDITION," BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 45.1 OF SAID SUPPLEMENTAL DOCUMENT, TO ADD TO THE UNIFORM BUILDING CODE A NEW SECTION 3708 TO REQUIRE ALL FIREPLACES CONSTRUCTED IN RESIDENTIAL DWELLING UNITS AFTER JULY 1, 1991, TO CONFORM TO SPECIFIED LISTING OR EPA REQUIREMENTS OR TO BE DECORATIVE ELECTRICAL APPLIANCES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWTh.

Sponsored By: Councilman Arnie Adamsen

Summary: Requires all fireplaces constructed after July 1, 1991, in residential dwelling units to conform to specified listing or EPA requirements, or their equivalent, or to be decorative electrical appliances.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That certain document that is entitled "A Supplemental Document Amending the Uniform Building Code, 1988 Edition," and adopted by reference as Part II of Title 16, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section 45.1, reading as follows:

Section 45.1: Chapter 37 is amended to add a new section, designated as Section 3708, reading as follows:

Section 3708: (a) Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective July 1, 1991, no fireplace shall be constructed in any residential dwelling unit in the City of Las Vegas unless it is one of the following:

(1) A fireplace equipped with gas logs with a listing approved by the Building Official;

(2) A dedicated natural gas burning factory-built
fireplace with a listing approved by the Building
Official;
(3) A dedicated woodburning factory-built fireplace
that conforms to the "Phase II Environmental Pro-
tection Agency Standards for Wood Heaters," as
prescribed in NSPS, 40 CFR Part 60, Subpart AAA
(emitting less than 7.5 grams per hour of par-
ticulate matter);
(4) A masonry fireplace that includes the installation
of a woodburning insert which meets the standards
described in Paragraph (3) of this Subsection and
which is installed in accordance with the insert
manufacturer's instructions;
(5) A low-emission fireplace that is deemed by the
Building Official to be equivalent to one or more
of the fireplaces permitted in this Subsection (a),
based upon third-party laboratory documentation or
certification by a state or federal agency; or
(6) A decorative electrical appliance.
(b) Exception: None of the terms or prohibitions
of this Section shall apply to or be enforced against any
wood heater that has been certified by the Environmental Pro-
tection Agency. Uncertified wood heaters shall not be
installed within the City of Las Vegas.
SECTION 2: If any section, subsection, subdivision,
paragraph, sentence, clause or phrase in this ordinance or any
part thereof, is for any reason held to be unconstitutional or
invalid or ineffective by any court of competent jurisdiction,
such decision shall not affect the validity or effectiveness of
the remaining portions of this ordinance or any part thereof.
The City Council of the City of Las Vegas, Nevada, hereby
declares that it would have passed each section, subsection, sub-
division, paragraph, sentence, clause or phrase thereof irrespec-
tive of the fact that any one or more sections, subsections, sub-
sections, paragraphs, sentences, clauses or phrases be declared
unconstitutional, invalid or ineffective.

SECTION 3: Whenever in this ordinance any act is
prohibited or is made or declared to be unlawful or an offense or
a misdemeanor, or whenever in this ordinance the doing of any act
is required or the failure to do any act is made or declared to
be unlawful or an offense or a misdemeanor, the doing of any such
prohibited act or the failure to do any such required act shall
constitute a misdemeanor and upon conviction thereof, shall be
punished by a fine of not more than $1,000.00 or by imprisonmen
for a term of not more than six (6) months, or by any combination
of such fine and imprisonment. Any day of any violation of this
ordinance shall constitute a separate offense; provided, however,
that no violation shall be deemed to have occurred before the
Building Official has conducted an inspection for the sole pur-
pose of determining compliance with this ordinance. Such inspec-
tion shall be conducted subsequent to the final inspection of the
building at a time that is mutually agreeable to the builder and
the Building Official.

SECTION 4: All ordinances or parts of ordinances,
sections, subsections, phrases, sentences, clauses or paragraphs
contained in the Municipal Code of the City of Las Vegas, Nevada,

PASSED, ADOPTED AND APPROVED this 21st day of November,
1990.

APPROVED:

By RON LURIE, MAYOR

ATTEST:

KATHLEEN M. WITORS CITY CLERK
The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of September, 1990, and referred to the following committee composed of Councilmen Adamsen and Nolen for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of November, 1990, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen, Higginson, Miller, and Mayor Lurie

VOTING "NAY": NONE

ABSENT: Councilman Nolen

APPROVED:

By RON LURIE, MAYOR 6/14/93

ATTEST:

CATHLEEN M. MOORE, CITY CLERK
City of North Las Vegas
Residential Wood Combustion
Ordinance
(Fireplace)
No. 1020
ORDINANCE NO. 1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 13, UNIFORM BUILDING CODE BY CREATING A NEW SECTION 13.16.150 ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES HEREBY ORDAIN:

SECTION 1: Fireplaces. Chapter 13 of the North Las Vegas Municipal Code is hereby amended by creating a new section designated as Section 13.16.150 which shall read as follows:

13.16.150: Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective October 1, 1991, no fireplace shall be constructed in any residential dwelling unit in North Las Vegas unless it is one of the following:

A. A fireplace equipped with gas logs with a nationally recognized listing approved by the Building Official;

B. A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the Building Official;

C. A dedicated woodburning factory-built fireplace that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as presented by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter), as verified by a nationally recognized listing approved by the Building Official;

D. A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (C) of this Subsection and which is installed in accordance with the insert manufacturer's instructions; or

E. A decorative electrical appliance with a nationally recognized listing approved by the Building Official.

SECTION 2: The City Council of the City of North Las Vegas has been informed by its legal department as to the constitutionality of this ordinance, and based upon such information, we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the Constitution or by laws providing for equal rights of citizens or persons.
SECTION 3: Severability. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such sections, paragraphs, clauses, or provisions, shall in no way affect the validity and enforceability of the remaining provisions of this ordinance.

SECTION 4: Repealer. All ordinances, parts of ordinances or chapters, sections, subsections or paragraphs or resolutions previously adopted by the North Las Vegas City Council which are in conflict herewith are hereby repealed.

SECTION 5: Effective Date. This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, shall be published once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 6: Publication. The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED, ADOPTED AND APPROVED THIS 18TH DAY OF SEPTEMBER, 1991

AYES: MAYOR SEASTRAND, COUNCILMEN GOYNES, KINCAID, ROBINSON AND HARDY

NAYES: NONE

ABSENT: NONE

APPROVED:

/s/ James K. Seastrand

JAMES K. SEASTRAND, MAYOR

ATTEST:

/s/ Eileen M. Sevigny

EILEEN M. SEVIGNY, CITY CLERK
City of Henderson Residential Wood Combustion Ordinance (Fireplace) No. 1697
Chapter 15.40 FIREPLACES

Section 15.40.010 Fireplaces in new construction and new fireplaces in existing construction.

Effective upon publication of the ordinance codified in this section, no fireplace shall be constructed in any residential dwelling unit in Henderson unless it is one of the following:

A. A fireplace equipped with gas logs with a nationally recognized listing approved by the building official;

B. A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the building official;

C. A dedicated woodburning factory-built fireplace that conforms to the Phase II Environmental Protection Agency Standards for Wood Heaters, as presented by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particular matter), as verified by a nationally recognized listing approved by the building official;

D. A masonry fireplace that complies with Section 3102.7 of the Uniform Building Code, 1994 edition; or

E. A decorative electrical appliance with a nationally recognized listing approved by the building official. (Ord. 1697 § 1, 1996)
Russ, please give me a call as soon as possible. I need more information regarding your request and I was not awake and forgot to get your phone number. Thanks.
Mayor Groesbeck introduced Bill No. 1341 and City Manager Speight read the Bill by title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 15, UNIFORM BUILDING CODE, BY CREATING A NEW SECTION ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

City Attorney Shauna Hughes said this item comes through Councilmember Cyphers, by virtue of her membership on the Clark County Health District Board. It was brought to Councilmember Cyphers' attention that Henderson is the only remaining jurisdiction in the valley which does not prohibit the building of fireplaces and new construction of wood-burning fire stoves. This amendment would require that all fireplaces built in new buildings, with very limited, difficult to obtain exceptions, would be powered with gas.

Councilmember Cyphers explained the Health District asked the City to come on line with the rest of the valley in following the requirements. In the winter months there is a problem with the air quality and the County does routinely request residents to not use their wood-burning fireplaces.

Councilmember Hafen clarified the ordinance does not totally prohibit wood-burning fireplaces as long as they meet the requirements. He said there is not a great change other than the wood-burning fireplaces do have to meet federal requirements.

Ms. Hughes said there are much more stringent regulations now with respect to construction of a wood-burning fireplace.

Councilmember Hafen said there is a way to install wood-burning fireplaces as long as they meet the requirements. He did not want to prohibit construction of wood-burning fireplaces, as long as they meet federal standards.

Ms. Hughes said the language regarding Councilmember Hafen’s concern is found in Section U, and states that a masonry fireplace that complies with Section 3102.7 of the Uniform Building Code, 1994 edition, which outlines the more stringent requirements allowing wood-burning fireplaces under certain circumstances.

(Motion) Councilmember Clark moved to refer Bill No. 1341 to the Regular Meeting with a “do-pass” recommendation. The roll call vote favoring passage was: Those voting AYE: Clark, Cyphers, Groesbeck, Hafen, and Wood. Those voting NAY: None. Those Absent: None. Mayor Groesbeck declared the motion carried.
Mayor Groesbeck Introduced Bill No. 1341 and City Manager Speight read the Bill by title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 15, UNIFORM BUILDING CODE, BY CREATING A NEW SECTION ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

[Motion] Councilmember Hafen moved for adoption of Ordinance No. 1697, Introduced as Bill No. 1341. The roll call vote favoring passage was: Those voting AYE: Clark, Cyphers, Groesbeck, Hafen, and Wood. Those voting NAY: None. Those Absent: None. Mayor Groesbeck declared the motion carried.
APPENDIX R

Section 3:

October 15, 2002
Clark County Air Quality Management Board Public Meeting to Authorize a 30-Day Comment Period beginning October 15, 2002, and to Set a Public Hearing on November 19, 2002 for the Draft Amendments to the Clark County PM$_{10}$ SIP
# AGENDA

CLARK COUNTY AIR QUALITY MANAGEMENT BOARD

2:00 P.M. October 15, 2002

CLARK COUNTY COMMISSION CHAMBERS, GOVERNMENT CENTER

500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA

This meeting has been properly noticed and posted in the following locations:

<table>
<thead>
<tr>
<th>CC Government Center</th>
<th>CC Courthouse</th>
<th>City of Las Vegas</th>
<th>City of No. Las Vegas</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 S. Grand Central Pkwy.</td>
<td>200 S. 3rd Street</td>
<td>400 E. Stewart Ave.</td>
<td>2200 Civic Center Dr.</td>
</tr>
<tr>
<td>Las Vegas, NV (Principal Office)</td>
<td>Las Vegas, NV</td>
<td>Las Vegas, NV</td>
<td>No. Las Vegas, NV</td>
</tr>
<tr>
<td>Third Street Building</td>
<td>Paradise Park</td>
<td>City of Henderson</td>
<td>City of Boulder City</td>
</tr>
<tr>
<td>309 S. Third St.</td>
<td>Pool &amp; Center</td>
<td>200 Water St.</td>
<td>400 California Ave.</td>
</tr>
<tr>
<td>Las Vegas, NV</td>
<td>4770 Harrison Ave.</td>
<td>Henderson, NV</td>
<td>Boulder City, NV</td>
</tr>
<tr>
<td>Winchester Park &amp; Center</td>
<td>Desert Breeze</td>
<td>City of Mesquite</td>
<td>Clark County</td>
</tr>
<tr>
<td>3130 S. McLeod Dr</td>
<td>Park &amp; Community Ctr</td>
<td>10 E. Mesquite Blvd.</td>
<td>Reg. Govt. Center</td>
</tr>
<tr>
<td>Las Vegas, NV</td>
<td>8275 Spring Mtn. Rd</td>
<td>Mesquite, NV</td>
<td>101 Civic Way</td>
</tr>
<tr>
<td>CC Dept. of Air Quality Mgmt.</td>
<td>Las Vegas, NV</td>
<td>Las Vegas, NV</td>
<td>Laughlin, NV</td>
</tr>
</tbody>
</table>

The main agenda is available on Clark County’s Internet Web Site, http://www.co.clark.nv.us.

Today’s meeting will be shown Tuesday, October 15, 2002, at 7:30 p.m., following the Board of County Commissioners’ meeting, on Clark County Community Channel (C4)

Cox Communications Channel 4

For more programming information, call the Public Communications office at 455-6888.

## CALL TO ORDER

Approval of Minutes of the Regular Meeting of August 20, 2002. *(Available in the County Clerk's Office, Commission Division)*

Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items
BUSINESS ITEMS

3. Receive reports from the Director of Air Quality Management on air quality performance and operations during the months of August and September 2002.

4. Ratify the grant application submitted to the State of Nevada, Department of Motor Vehicles by the Clark County Department of Air Quality Management in the amount of $879,151 for programs related to the improvement of air quality in the Clark County nonattainment areas; accept the grant monies if awarded; and approve and authorize the chair to sign an interlocal contract with the Nevada Department of Motor Vehicles to transfer the funds to Clark County.

5. Ratify six grant applications submitted to the State of Nevada, Department of Motor Vehicles by the Clark County Department of Air Quality Management in the amount of $939,000 for programs related to the improvement of air quality in the Clark County nonattainment areas; accept grant monies if awarded; and approve and authorize the chair to sign an interlocal contract with the Nevada Department of Motor Vehicles to transfer the funds to Clark County.

6. Receive draft revisions to Sections 90, 92, and 93 of the Air Quality Regulations; authorize release of the draft revisions for public review; authorize a 30-day public comment period beginning November 15, 2002; set a public hearing on December 17, 2002, and take any other action deemed appropriate.

7. Receive draft revisions to the June 2001 PM\textsubscript{10} State Implementation Plan; authorize release of the draft revisions for public review; authorize a 30 day public comment period beginning October 15, 2002; set a public hearing on November 19, 2002, and take any other action deemed appropriate.
Comments By the General Public

A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker’s podium, clearly state your name and address and please spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board by majority vote.

All comments by speakers should be relevant to Board action and jurisdiction.

THE REGULAR MEETINGS OF THE CLARK COUNTY AIR QUALITY MANAGEMENT BOARD HELD ON THE THIRD TUESDAY OF EACH MONTH, ARE VIDEO-TAPED BY THE UNIVERSITY OF NEVADA, LAS VEGAS. TODAY’S MEETING WILL BE SHOWN TUESDAY, (OCTOBER 15, 2002) AT 7:30 P.M., FOLLOWING THE BOARD OF COUNTY COMMISSIONERS’ MEETING, ON CLARK COUNTY COMMUNITY CHANNEL (C4) COX COMMUNICATIONS CHANNEL 4. FOR MORE PROGRAMMING INFORMATION, CALL THE PUBLIC COMMUNICATIONS OFFICE AT 455-6888.

THE COUNTY CLERK KEEPS THE OFFICIAL RECORD OF ALL PROCEEDINGS OF THE AIR QUALITY MANAGEMENT BOARD. IN ORDER TO MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL PROCEEDINGS, ANY PHOTOGRAPH, MAP, CHART, OR ANY OTHER DOCUMENT USED IN ANY PRESENTATION TO THE BOARD SHOULD BE SUBMITTED TO THE COUNTY CLERK. IF MATERIALS ARE TO BE DISTRIBUTED TO THE BOARD, PLEASE PROVIDE SUFFICIENT COPIES FOR DISTRIBUTION TO THE COUNTY MANAGER, COUNTY COUNSEL, AND COUNTY CLERK.

THE CLARK COUNTY COMMISSION CHAMBERS ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. WITH TWENTY-FOUR (24) HOUR ADVANCE REQUEST, A SIGN LANGUAGE INTERPRETER MAY BE MADE AVAILABLE (PHONE: 455-3530 OR TDD 385-7486) OR RELAY NEVADA TOLL FREE (800) 326-6868. TT/TDD. ASSISTIVE LISTENING DEVICES ARE AVAILABLE UPON REQUEST AT THE STAFF TABLE.
AIR QUALITY MANAGEMENT BOARD
AGENDA ITEM
October 15, 2002

ISSUE: Draft Revisions to the June 2001 PM$_{10}$ State Implementation Plan

PETITIONER: Christine Robinson, Director, Air Quality Management

RECOMMENDATION:
That the Clark County Air Quality Management Board receive draft revisions to the June 2001 PM$_{10}$ State Implementation Plan; authorize release of the draft revisions for public review; authorize a 30 day public comment period beginning October 15, 2002; set a public hearing on November 19, 2002, and take any other action deemed appropriate.

FISCAL IMPACT:
None by this action

BACKGROUND:
The Clark County Board of County Commissioners adopted the Clark County PM$_{10}$ State Implementation Plan on June 19, 2001. The Plan has been received by the U.S. EPA and is under review for approval action. To date, The U.S. EPA has determined the Mobile Source Emissions budget contained in the Plan is suitable for transportation conformity purposes, and has also issued a completeness finding for the plan. In the course of this review, the U.S. EPA has identified the need to incorporate adopted local regulations on fireplace and wood stoves into the SIP. These are incorporated in Attachment A.

Deadlines set forth on pages 4-125 and 4-126 for the Air Quality Regulations have been amended. Factors affecting the rule development schedule include:
- The reorganization of all air regulatory programs into the Clark County DAQM
- Difficulty in developing an alternative opacity test method for construction activities
- Identification of the need for a new test method for graveled road shoulders
- Resolving rule clarity and enforceability issues related to the current regulations

The revised deadlines of March 31, 2003 are shown in amended Pages 4-125 and 4-126.

Respectfully Submitted,

CHRISTINE ROBINSON
Director, Air Quality Management

Cleared for Agenda

October 15, 2002
APPENDICES

Appendix A: Design Value Determinations

Appendix B: Emission Inventories Methodology, Emission Factors, and Emission Estimates


Appendix D: PM_{10} Emission Inventory of Sources Surrounding Five Ambient Monitoring Sites, in the Las Vegas Valley

Appendix E: Inventory Projections Methodology and Calculations

Appendix F: Control Measure Development Process

Appendix G: Air Quality Regulations and Section 94 Handbook

Appendix H: Clark County Health District (CCHD) Resolutions

Appendix I: Letter from Nevada Department of Motor Vehicles and Public Safety

Appendix J: Documentation on Street Sweeping Equipment and Paved Road Cleanup Programs

Appendix K: Rollback Methodology

Appendix L: Controlled Emission Inventory Development

Appendix M: Reasonable Further Progress Inventory for 2003

Appendix N: Mobile Source Emissions Budget

Appendix O: Documentation on the Public Review Process for the Draft PM_{10} State Implementation Plan (SIP)

Appendix P: Documentation on Comments Received on the March 2001 Draft PM_{10} State Implementation Plan and the Responses to the Comments

Appendix Q: Documentation on the Public Hearing Comments and the Responses (June 19, 2001)

Appendix R: Documentation on Residential Wood Combustion Control Measures
test were conducted, the U. S. EPA test for soil surface characterization had not been developed. Because both undisturbed native desert and disturbed areas account for a major part of the PM$_{10}$ emissions that are generated during high wind conditions, a refinement of the emission factors for these sources is warranted. Clark County Department of Comprehensive Planning anticipates moving forward with additional studies to develop refined emission factors in 2003, with completion of the studies expected by the end of 2005.

4.8.2.6 Commitment to Track Silt Loadings on Paved Roads
Clark County Department of Comprehensive Planning will conduct additional measurements of silt loadings on paved roads in order to update the paved roads emission inventory and evaluate the effectiveness of control measures for reducing silt loading on paved roads. Silt loading measurements will begin in the fourth quarter of 2001 and be conducted quarterly through June of 2006.

4.8.2.7 Commitment to Establish Test Methods for Section 94
If an acceptable test method has not been developed and adopted into Section 94 by September 1, 2001, Clark County will fund additional research up to $100,000 to develop an acceptable test method. It is Clark County's intention that a contractor will be selected by November 1, 2001. If a test method that is acceptable to U. S. EPA under its BACM and enforceability criteria has not been incorporated into Section 94 by November 1, 2002/March 31, 2003, the opacity test method for unpaved roads in Section 91 will be presented to the governing board for adoption in December of 2002 for all non-process, intermittent construction site fugitive dust generating activities.

4.8.2.8 Commitment to Update Emission Inventories
Clark County will revise the entire PM$_{10}$ emission inventories for the attainment year in 2003 and 2006 to coincide with the Reasonable Further Progress reports. If the emission inventories are significantly different than in this SIP, particularly if the differences would affect the attainment demonstration, the SIP will be adjusted to
reflect the revised PM$_{10}$ emission inventories. If the SIP inventory requires adjustment, it will be resubmitted for approval to U. S. EPA with the Reasonable Further Progress/milestone reports that include revising conformity budgets and re-evaluation of control measures if necessary. The existing approved SIP and conformity budgets will remain in place until such time as a new SIP is approved.

4.8.2.9 Commitment to Revise Air Quality Regulations

The following proposed language for revision to the Air Quality Regulations will move forward in the rule development and adoption process, with rule revisions to be brought to the Clark County Health District Air Quality Management Board of Health for approval at the regularly scheduled meeting in August-March 31, of 20043.

Section 90.2.1.3 – Dust Mitigation Plan Required:

Owners AND/OR OPERATORS of OPEN AREAS AND VACANT LOTS having a cumulative area of 10,000 acres or greater must submit a dust mitigation plan to the Air Quality Division for approval by January 1, 2002-March 31, 2003 in a format prescribed by the CONTROL OFFICER.

Section 92.2.1.1 Revised Section:

No UNPAVED PARKING LOTS may be constructed after the adoption of this Subsection except as provided in Subsection 92.2.1.1 (a) and (b) below:

(a) The requirements of Subsection 92.2.1.1 shall not be applicable to parking lots for rural public facilities such as trailheads, campgrounds, and similar facilities where paved parking lots would conflict with the rural nature of these facilities; and

(b) The unpaved parking lot is stabilized in accordance with Subsection 92.2.1.2 (b) through (d)
APPENDIX R

Documentation on Residential Wood Combustion Control Measures

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3. City of North Las Vegas Fireplace Ordinance
4. City of Henderson Fireplace Ordinance
Clark County Residential Wood Combustion Ordinance (Fireplace) No. 1249
SUMMARY - An Ordinance to Amend
Title 22, Chapter 22.04, to
amend the Uniform Building
Code to restrict construction
of wood burning fireplaces.

ORDINANCE NO. 1249
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 22, CHAPTER 22.04,
TO AMEND THE UNIFORM BUILDING CODE TO RESTRICT
CONSTRUCTION OF WOOD BURNING FIREPLACES; AND
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THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK
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Fireplaces in Existing Construction. Effective July 1, 1991, no
fireplace shall be constructed in any residential dwelling unit
in the unincorporated area of the Las Vegas Valley Hydrographic
Basin at an elevation of less than 4000 feet above sea level
unless it is one of the following:

(a) A fireplace equipped with gas logs with a nation-
ally recognized listing approved by the Building Official;

(b) A dedicated natural gas burning factory-built fire-
place with a nationally recognized listing approved by the
Building Official;

(c) A dedicated woodburning factory-built fireplace
that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as prescribed by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter), as verified by a nationally recognized listing approved by the Building Official;

(d) A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (3) of this Subsection and which is installed in accordance with the insert manufacturer's instructions; or

(e) A decorative electrical appliance with a nationally recognized listing approved by the Building Official.

SECTION 2. 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 3. 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 4. 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 6th day of November, 1990.

PROPOSED BY __________ Bruce L. Woodbury __________

PASSED on the 20th day of November, 1990

VOTE:

AYES: __________ Jay Bingham __________

Manuel J. Cortez
Thalia M. Dondero
Karen Hayes
William U. Pearson
Bruce L. Woodbury

NAYS: Paul J. Christensen

ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By

[Signature]
Chairman

ATTEST:

[Signature]
LONETTA BOWMAN, County Clerk

This ordinance shall be in force and effect from and after the 4th day of December, 1990.
City of Las Vegas Residential Wood Combustion Ordinance (Fireplace) No. 3538
SECOND AMENDMENT

BILL NO. 90-63

ORDINANCE No. 3538

AN ORDINANCE RELATING TO THE CONSTRUCTION OF FIREPLACES: AMENDING THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1988 EDITION," BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 45.1 OF SAID SUPPLEMENTAL DOCUMENT, TO ADD TO THE UNIFORM BUILDING CODE A NEW SECTION 3708 TO REQUIRE ALL FIREPLACES CONSTRUCTED IN RESIDENTIAL DWELLING UNITS AFTER JULY 1, 1991, TO CONFORM TO SPECIFIED LISTING OR EPA REQUIREMENTS OR TO BE DECORATIVE ELECTRICAL APPLIANCES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Arnie Adamsen

Summary: Requires all fireplaces constructed after July 1, 1991, in residential dwelling units to conform to specified listing or EPA requirements, or their equivalent, or to be decorative electrical appliances.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That certain document that is entitled "A Supplemental Document Amending the Uniform Building Code, 1988 Edition," and adopted by reference as Part II of Title 16, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section 45.1, reading as follows:

Section 45.1: Chapter 37 is amended to add a new section, designated as Section 3708, reading as follows:

Section 3708: (a) Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective July 1, 1991, no fireplace shall be constructed in any residential dwelling unit in the City of Las Vegas unless it is one of the following:

(1) A fireplace equipped with gas logs with a listing approved by the Building Official;

(2) A dedicated natural gas burning factory-built
fireplace with a listing approved by the Building Official;

(3) A dedicated woodburning factory-built fireplace that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as prescribed in NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter);

(4) A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (3) of this Subsection and which is installed in accordance with the insert manufacturer's instructions;

(5) A low-emission fireplace that is deemed by the Building Official to be equivalent to one or more of the fireplaces permitted in this Subsection (a), based upon third-party laboratory documentation or certification by a state or federal agency; or

(6) A decorative electrical appliance.

(b) Exception: None of the terms or prohibitions of this Section shall apply to or be enforced against any wood heater that has been certified by the Environmental Protection Agency. Uncertified wood heaters shall not be installed within the City of Las Vegas.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection, sub-
division, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six (6) months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense; provided, however, that no violation shall be deemed to have occurred before the Building Official has conducted an inspection for the sole purpose of determining compliance with this ordinance. Such inspection shall be conducted subsequent to the final inspection of the building at a time that is mutually agreeable to the builder and the Building Official.

SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 21st day of November, 1990.

APPROVED:

By

RON LURIE, MAYOR 11/26/90 (RAW)

ATTEST:

KATHLEEN M. TIGHE, CITY CLERK
The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of September, 1990, and referred to the following committee composed of Councilmen Admasen and Nolen for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of November, 1990, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmen Admasen Higginson, Miller, and Mayor Lurie

VOTING "NAY": NONE

ABSENT: Councilman Nolen

APPROVED: 

By RON LURIE, MAYOR

ATTEST: 

KATHLEEN M. MIGE, CITY CLERK
City of North Las Vegas
Residential Wood Combustion
Ordinance
(Fireplace)
No. 1020
ORDINANCE NO. 1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 13, UNIFORM BUILDING CODE BY CREATING A NEW SECTION 13.16.150 ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES HEREBY ORDAIN:

SECTION 1: Fireplaces. Chapter 13 of the North Las Vegas Municipal Code is hereby amended by creating a new section designated as Section 13.16.150 which shall read as follows:

13.16.150: Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective October 1, 1991, no fireplace shall be constructed in any residential dwelling unit in North Las Vegas unless it is one of the following:

A. A fireplace equipped with gas logs with a nationally recognized listing approved by the Building Official;

B. A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the Building Official;

C. A dedicated woodburning factory-built fireplace that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as presented by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter), as verified by a nationally recognized listing approved by the Building Official;

D. A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (C) of this Subsection and which is installed in accordance with the insert manufacturer's instructions; or

E. A decorative electrical appliance with a nationally recognized listing approved by the Building Official.

SECTION 2: The City Council of the City of North Las Vegas has been informed by its legal department as to the constitutionality of this ordinance, and based upon such information, we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the Constitution or by laws providing for equal rights of citizens or persons.
SECTION 3: Severability. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such sections, paragraph, clause, or provision, shall in no way affect the validity and enforceability of the remaining provisions of this ordinance.

SECTION 4: Repealer. All ordinances, parts of ordinances or chapters, sections, subsections or paragraphs or resolutions previously adopted by the North Las Vegas City Council which are in conflict herewith are hereby repealed.

SECTION 5: Effective Date. This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, shall be published once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 6: Publication. The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED, ADOPTED AND APPROVED THIS 18TH DAY OF SEPTEMBER, 1991

AYES: MAYOR SEASTRAND, COUNCILMEN GOYNES, KINCAID, ROBINSON AND HARDY

NAYES: NONE

ABSENT: NONE

APPROVED:

/s/ James K. Seastrand

JAMES K. SEASTRAND, MAYOR

ATTEST:

/s/ Eileen M. Sevigny

EILEEN M. SEVIGNY, CITY CLERK
City of Henderson Residential Wood Combustion Ordinance (Fireplace) No. 1697
Chapter 15.40 FIREPLACES

Section 15.40.010 Fireplaces in new construction and new fireplaces in existing construction.

Effective upon publication of the ordinance codified in this section, no fireplace shall be constructed in any residential dwelling unit in Henderson unless it is one of the following:

A. A fireplace equipped with gas logs with a nationally recognized listing approved by the building official;

B. A dedicated natural gas burning factory-built fireplace with a nationally recognized listing approved by the building official;

C. A dedicated woodburning factory-built fireplace that conforms to the Phase II Environmental Protection Agency Standards for Wood Heaters, as presented by NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particular matter), as verified by a nationally recognized listing approved by the building official;

D. A masonry fireplace that complies with Section 3102.7 of the Uniform Building Code, 1994 edition; or

E. A decorative electrical appliance with a nationally recognized listing approved by the building official. (Ord. 1697 § 1, 1996)
Russ, please give me a call as soon as possible. I need more information regarding your request and I was not awake and forgot to get your phone number. Thanks.

Adopted 10-15-96

1697
Mayor Groesbeck introduced Bill No. 1341 and City Manager Speight read the Bill by title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 15, UNIFORM BUILDING CODE, BY CREATING A NEW SECTION ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

City Attorney Shauna Hughes said this item comes through Councilmember Cyphers, by virtue of her membership on the Clark County Health District Board. It was brought to Councilmember Cyphers' attention that Henderson is the only remaining jurisdiction in the valley which does not prohibit the building of fireplaces and new construction of wood-burning fire stoves. This amendment would require that all fireplaces built in new buildings, with very limited, difficult to obtain exceptions, would be powered with gas.

Councilmember Cyphers explained the Health District asked the City to come on line with the rest of the valley in following the requirements. In the winter months there is a problem with the air quality and the County does routinely request residents to not use their wood-burning fireplaces.

Councilmember Hafen clarified the ordinance does not totally prohibit wood-burning fireplaces as long as they meet the requirements. He said there is not a great change other than the wood-burning fireplaces do have to meet federal requirements.

Ms. Hughes said there are much more stringent regulations now with respect to construction of a wood-burning fireplace.

Councilmember Hafen said there is a way to install wood-burning fireplaces as long as they meet the requirements. He did not want to prohibit construction of wood-burning fireplaces, as long as they meet federal standards.

Ms. Hughes said the language regarding Councilmember Hafen's concern is found in Section D, and states that a masonry fireplace that complies with Section 3102.7 of the Uniform Building Code, 1994 edition, which outlines the more stringent requirements allowing wood-burning fireplaces under certain circumstances.

(Motion) Councilmember Clark moved to refer Bill No. 1341 to the Regular Meeting with a "do-pass" recommendation. The roll call vote favoring passage was: Those voting AYE: Clark, Cyphers, Groesbeck, Hafen, and Wood. Those voting NAY: None. Those Absent: None. Mayor Groesbeck declared the motion carried.
BIL NO. 1341 - ORD. NO. 1697
AMEND TITLE 15 - UNIFORM BUILDING CODE - FIREPLACES

Mayor Groesbeck Introduced Bill No. 1341 and City Manager Speight read the Bill by title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 15, UNIFORM BUILDING CODE, BY CREATING A NEW SECTION ENTITLED "FIREPLACES"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH.

(Motion) Councilmember Hafen moved for adoption of Ordinance No. 1697, Introduced as Bill No. 1341. The roll call vote favoring passage was: Those voting AYE: Clark, Cyphers, Groesbeck, Hafen, and Wood. Those voting NAY: None. Those Absent: None. Mayor Groesbeck declared the motion carried.
APPENDIX R

Section 4:

Clark County Air Quality Management Board Notice of Public Hearing on November 19, 2002 on the Draft Changes to the PM_{10} SIP
NOTICE OF PUBLIC HEARING

The Clark County Air Quality Management Board will conduct a public hearing at 2:00 p.m. on November 19, 2002 at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada, to consider testimony regarding the proposed revisions to the June 2001 PM$_{10}$ State Implementation Plan (SIP) for Clark County, Nevada.

The Board of Clark County Commissioners adopted the Clark County PM$_{10}$ (particulate matter, such as dust particles or other pollutants that are smaller than 10 microns) SIP on June 19, 2001. The SIP has been received by the U.S. Environmental Protection Agency (EPA) and is under review for approval action. To date, the EPA has determined the Mobile Source Emissions budget contained in the SIP is suitable for transportation conformity purposes, and has also issued a completeness finding for the plan. In the course of this review, the EPA has identified the need to incorporate adopted local regulations on indoor wood-burning fireplaces and indoor wood-burning stoves into the SIP. These are incorporated in the proposed Appendix R of the SIP.

The EPA has also noted that deadlines set forth on pages 4-125 and 4-126 for revising the Air Quality Regulations have been missed. Factors affecting the rule development schedule include:

- The reorganization of all air regulatory programs into the Clark County Department of Air Quality Management (DAQM)
- Difficulty in developing an alternative opacity test method for construction activities
- Identification of the need for a new test method for graveled road shoulders
- Resolving rule clarity and enforceability issues related to the current regulations

The revised deadlines of March 31, 2003 are shown in amended Pages 4-125 and 4-126.

At the hearing, testimony will be presented by staff of the DAQM regarding the proposed revisions to the PM$_{10}$ SIP. The public and others present will be provided the opportunity to present testimony regarding these revisions to the SIP. Questions regarding the SIP revisions or to review the SIP may be directed to Mr. Rodney Langston, DAQM at (702) 455-1661. The information will also be posted on DAQM’s web site at http://www.co.clark.nv.us/air_quality/index.htm.

The Clark County Commission Chambers are accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter may be available; phone 455-3530, TDD 385-7486, or Relay Nevada toll-free (800) 326-6868 TT/TDD. Assistive listening devices are available upon request at the Clerk’s table.

THIS MEETING WILL BE PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

Clark County Government Center  Las Vegas City Hall  Boulder City City Hall
500 South Grand Central Parkway  400 Stewart Avenue  401 California Avenue
Las Vegas, Nevada               Las Vegas, Nevada          Boulder City, Nevada
North Las Vegas City Hall
2200 Civic Center Drive
North Las Vegas, Nevada

Henderson City Hall
240 Water Street, Ste 102
Henderson, Nevada

Mesquite City Hall
10 E. Mesquite Blvd.
Mesquite, Nevada

Dated this 10th day of October, 2002
Confirmation Report - Memory Send

Time: Oct-10-02 09:12am
Tel line: 3834693
Name: MAGGIE WIMMER

Job number: 029
Date: Oct-10 09:11am
To: 3834693
Document pages: 03
Start time: Oct-10 09:11am
End time: Oct-10 09:12am
Pages sent: 03
Status: OK

*** SEND SUCCESSFUL ***

COMPANY NAME: REVIEW JOURNAL
CONTACT NAME: MAGGIE WIMMER
FAX NUMBER: 383-4693

DESCRIPTION: SHIRLEY BUSSE, ADMIN SECRETARY DAQM
Public Hearing Notice for SIP

Confirming e-mail to publish three times on consecutive Sundays:
OCT 13; OCT 20; OCT 27 -
We need two copies of affidavit of publication
Acct# 386-8527

Number of pages, including cover: 3
Date sent: 10/10/02

If there are any problems with this transmission, please call (702) 455-5942 during the hours of 8:00 AM TO 5:00 PM Monday through Friday.
**COMPANY NAME:** REVIEW JOURNAL  
**CONTACT NAME:** MAGGIE WIMMER  
**FAX NUMBER:** 383-4693

**SENDER:** SHIRLEY BUSSE, ADMIN SECRETARY DAQM  
**DESCRIPTION:** Public Hearing Notice for SIP

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We need two copies of affidavit of publication

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**Number of pages, including cover:** 3  
**Date sent:** 10/10/02

If there are any problems with this transmission, please call: (702) 455-5942 during the hours of 8:00 AM TO 5:00 PM Monday through Friday.
NOTICE OF PUBLIC HEARING

The Clark County Air Quality Management Board will conduct a public hearing at 2:00 p.m. on November 15, 2002, at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada, to consider testimony regarding the proposed revisions to the June 2001 PM2.5 State Implementation Plan (SIP) for Clark County, Nevada.

The Board of Clark County Commissioners adopted the Clark County PM2.5 (particulate matter, such as dust particles or other pollutants that are smaller than 10 microns) SIP on June 19, 2001. The SIP has been received by the U.S. Environmental Protection Agency (EPA) and is undergoing review for approval action. To date, the EPA has determined the Mobile Source Emissions budget contained in the SIP is suitable for transportation conformity purposes, and has also issued a completeness finding for the plan. In the course of this review, the EPA has identified the need to incorporate adopted local regulations on indoor wood-burning fireplaces and indoor wood-burning stoves into the SIP. These are incorporated in the proposed Appendix F of the SIP.

The EPA has also noted that deadlines set forth on pages 4-125 and 4-126 for revising the Air Quality Regulations have been missed. Factors affecting the rule development schedule include:

- The reorganization of all air regulatory programs into the Clark County Department of Air Quality Management (DAQM).
- Difficulty in developing an alternative opacity test method for construction activities.
- Identification of the need for a new test method for purchases of road shoulders.
- Resolving rule clarity and enforceability issues related to the current regulations.

The revised deadlines of March 31, 2003 are shown in amended Pages 4-125 and 4-126.

At the hearing, testimony will be presented by staff of the DAQM regarding the proposed revisions to the PM2.5 SIP. The public and others present will be provided the opportunity to present testimony regarding these revisions to the SIP. Questions regarding the SIP revisions or to review the SIP may be directed to Mr. Rodney Langston, DAQM at (702) 687-6661. The information will also be posted on DAQM's web site at http://www.co.clark.nv.us/DAQM/index.htm.

The Clark County Commission Chambers are accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter may be available; phone 465-3539, TTY 185-7886, or Relay Nevada toll-free 1-800-327-6688 711/123. Assistive listening devices are available upon request at the Clerk’s Table.

This meeting will be properly noticed and posted in the following locations:

- Clark County Government Center
- 500 South Grand Central Parkway
- Las Vegas, Nevada
- Las Vegas City Hall
- 400 Stewart Avenue
- Henderson, Nevada
- Henderson City Hall
- 240 Water Street, Suite 102
- North Las Vegas, Nevada
- Mesquite City Hall
- 1050 Mesquite Blvd.
- Mesquite, Nevada

Dated this 10th day of October, 2002.

PUB: Oct 13,2002 LV Review Journal & Sun
NOTICE OF PUBLIC HEARING

The Clark County Air Quality Management Board will conduct a public hearing at 8:30 a.m. on November 19, 2002, at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada, to consider testimony regarding the proposed revisions to the June 2001 PM10 State Implementation Plan (SIP) for Clark County, Nevada.

The Board of Clark County Commissioners adopted the Clark County PM10 (particulate matter, such as dust particles or other pollutants that are smaller than 10 microns) SIP on June 19, 2001. The SIP has been received by the U.S. Environmental Protection Agency (EPA) and is under review for approval action. To date, the EPA has determined the Mobile Source Emissions budget contained in the SIP is suitable for transportation conformity purposes, and has issued a completeness finding for the plan. In the course of this review, the EPA has identified the need to incorporate adopted local regulations on indoor wood-burning fireplaces and indoor wood-burning stoves into the SIP. These are incorporated in the proposed Appendix B of the SIP.

The EPA has also noted that deadlines set forth on pages 4-125 and 4-126 for revising the Air Quality Regulations have been missed. Factors affecting the rule development schedule include:

- The reorganization of all air regulatory programs into the Clark County Department of Air Quality Management (DAQM)
- Difficulty in developing an alternative opacity test method for construction activities
- Identification of the need for a new test method for gravel road shoulders
- Resolving rule clarity and enforceability issues related to the current regulations

The revised deadlines of March 31, 2003 are shown in amended pages 4-125 and 4-126.

At the hearing, testimony will be presented by staff of DAQM regarding the proposed revisions to the PM10 SIP. The public and others present will have the opportunity to present testimony regarding these revisions to the SIP. Questions regarding the SIP revisions or to review the SIP may be directed to Mr. Rodney Langston, DAQM at (702) 455-1661. The information will also be posted on DAQM's web site at http://www.ca.clarknv.us/air_quality/index.htm.

The Clark County Commission Chambers are accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter may be available. Call 455-5510, TDD 385-7496, or Relay Nevada, toll-free, at 1-800-529-4897. Assistive listening devices are available upon request at the Clark County Commission Chambers.

THIS MEETING WILL BE PROPERLY NOTIFIED AND POSTED IN THE FOLLOWING LOCATIONS:

- Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada
- Las Vegas City Hall, 400 Stewart Avenue, Las Vegas, Nevada
- North Las Vegas City Hall, 2200 Civic Center Drive, North Las Vegas, Nevada
- Henderson City Hall, 240 Water Street, Ste 102, Henderson, Nevada
- Mesquite City Hall, 10 E. Mesquite Blvd., Mesquite, Nevada

Dated this 10th day of October, 2002

NOTICE OF PUBLIC HEARING

The Clark County Air Quality Management Board will conduct a public hearing at 2:00 p.m. on November 19, 2002, at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada, to consider testimony regarding the proposed revisions to the June 2001 PM10 State Implementation Plan (SIP) for Clark County, Nevada.

The Board of Clark County Commissioners adopted the Clark County PM10 (particulate matter such as dust particles or other pollutants that are smaller than 10 microns) SIP on June 19, 2001. The SIP has been reviewed by the U.S. Environmental Protection Agency (EPA) and is under review for approval action. To date, the EPA has determined the Mobile Source Emissions budget contained in the SIP is suitable for transportation conformity purposes, and has also issued a completeness finding for the plan. In the course of this review, the EPA has identified the need to incorporate adopted local regulations on indoor wood-burning appliances and indoor wood burning stoves into the SIP. These are incorporated in the proposed Appendix R of the SIP.

The EPA has also noted that deadlines set forth on pages 4-125 and 4-126 for revising the Air Quality Regulations have been missed. Factors affecting the rule development schedule include:

- The reorganization of all air regulatory programs into the Clark County Department of Air Quality Management (DAQM)
- Difficulty in developing an alternative opacity test method for construction activities
- Identification of the need for a new test method for traveled road shoulders
- Resolving rule clarity and enforceability issues related to the current regulations

The revised deadlines of March 31, 2003, are shown in amended Pages 4-125 and 4-126.

At the hearing, testimony will be presented by staff of the DAQM regarding the proposed revisions to the PM10 SIP. The public and others present will be provided the opportunity to present testimony regarding these revisions to the SIP. Questions regarding the SIP revisions or to review the SIP may be directed to Mr. Rodney Langston, DAQM at (702) 435-1661. The information will also be posted on DAQM's web site at http://www.caclark.nv.us/air_quality/inreach.htm.

The Clark County Commission Chambers are accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter may be available; phone 355-7406, or Relay Nevada toll-free at (800) 327-9305, TTY 1-711. Assistive listening devices are available upon request at the Clerk's table.

THis MEETING WILL BE PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
Las Vegas City Hall
400 Stewart Avenue
Las Vegas, Nevada
North Las Vegas City Hall
2200 Civic Center Drive
North Las Vegas, Nevada
Henderson City Hall
240 Water Street, Ste 102
Henderson, Nevada
Medici City Hall
100 E. Mesquite Blvd.
Mesquite, Nevada

Dated this 10th day of October, 2002
APPENDIX R

Section 5:

Public Workshop
November 1, 2002 on the Draft Changes to the PM$_{10}$ SIP

Public Comments and DAQM Responses
PUBLIC COMMENTS FROM THE NOVEMBER 1, 2002 WORKSHOP

Mr. Robert Hall

1. Public notice not provided in accordance with federal law. Stated that federal law required a new public comment period to allow for public comments on the responses to previous comments.

2. Stated that previous state implementation plans had been withdrawn and no clean air deadlines have been met. Stated that this constitutes a SIP Lapse under CAA 188(e).

3. The NLV Airport modifications are not included in the SIP.

4. No cumulative information on federal agencies actions have been compiled.

Responses to Comments

Comment 1: Federal law provides that a 30-day comment period is required prior to Board action on a State Implementation Plan (SIP) or SIP amendment. Federal requirements also mandate that agencies respond to public comments. Staff is not aware of any federal or state requirements to provide for additional opportunity to comment. Proposed modifications to the SIP were presented to the Board on October 15, 2002 more than 30-days prior to the Board action on November 19, 2002. A public workshop was held on November 1, 2002 in addition to the public hearing.

Comment 2: CAA 188(e) provides that if attainment by the date established under subsection (c) would be impracticable, that the State has complied with all requirements and commitments pertaining to that area in the implementation plan, and the State demonstrates to the satisfaction of the Administrator that the plan for that area includes the most stringent measures that are included in the implementation plan of any State or are achieved in practice in any State, and can feasibly be implemented in the area, the Administrator may extend the attainment date for a Serious Area beyond the date specified under subsection (c). The currently adopted Clark County PM_{10} SIP meets these tests. The statute does not contain a provision that withdrawal of a SIP prevents a state from seeking an extension of time under the provisions of CAA 188(e).

Comment 3: As referenced in the June 2001 PM_{10} SIP, page B-13, an outside contractor estimated emissions from aircraft and related activities (construction at airports) from the three airports under the jurisdiction of the Clark County Department of Aviation (McCarran, North Las Vegas, and Henderson Airports) and provided the inventory to Clark County Comprehensive Planning. This inventory addressed future airport construction activities at all three airports through the year 2020. Construction

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\(^1\) PM_{10} Emissions Inventory – McCarran International Airport, North Las Vegas Airport, Henderson Executive Airport, submitted to Clark County Department of Aviation, February 2000.
activities at the North Las Vegas Airport were factored into emissions inventories in the June 2001 PM$_{10}$ SIP, specifically addressing increased aircraft traffic and construction dust from improvements and modifications.

Comment 4: Although a cumulative “master plan” of federal activities could be a useful planning tool, this is not a requirement for federal agencies under transportation or general conformity provisions of federal law.