

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
Workshop to Solicit Comments on Proposed Amendments to
NAC 445B: Air Pollution

June 10, 2015
9:30 AM

Great Basin Conference Room
4th Floor
901 South Stewart Street
Carson City

Video Conference to
NDEP Red Rock Conference Room
2030 E. Flamingo Road, Ste. 230
Las Vegas

MEETING NOTES

ATTENDEES:

Workshop Chairs:

Phillip Shoopman, Chief, Bureau of Air Quality Planning (BAQP)
Adele Malone, Supervisor, Planning and Modeling Branch, BAQP

NDEP Staff:

Jeffrey Kinder, Chief, Bureau of Air Pollution Control (BAPC)
Patricia Bobo, Environmental Scientist, Planning and Modeling Branch, BAQP
Brenda Harpring, Environmental Scientist, Planning and Modeling Branch, BAQP
Danilo Dragoni, Supervisor, Emissions Auditing Branch, BAQP

Public:

Carson City:

Elizabeth Acevedo, Reno Sparks Indian Colony
Julie Roth, GE Bently Nevada
Keshab Simkhada, Enviroscientists, Inc.
Armand Delgado, Verizon Wireless
Dean Stainbrook, American AVK
Aaron Hoberg, Stantec Consulting
Bryan Barker, Starbucks
Larry Kennedy, Round Mountain Gold Corporation
Christopher Jim, Round Mountain Gold Corporation
Mike Dalley, Staker Parson - Oldcastle Materials
Francisco Vega, Mehrdad Moghimi – Environmental Engineering & Management, PLLC
Darek Huebner, Barrick Goldstrike Mines
Brent Ford, Florida Canyon Mine, Inc.
Vincent Lindsey, Florida Canyon Mine, Inc.

Las Vegas:

Jesse Hernandez, Cind-R-Lite Block Co.

CALL TO ORDER:

Ms. Malone called the meeting to order at 9:33 a.m. and discussed the sign-in process and other housekeeping items. She started the introductions and participants continued the introductions around the room. She reviewed the workshop agenda, noting that she would present P2015-01, which proposed amendments to update Nevada Administrative Code (NAC) 445B.221, “Adoption by reference and applicability of certain provisions of federal law and regulations.” Mr. Shoopman would present P2015-02, which proposed to revise NAC 445B.22097, “Standards of quality for ambient air,” by adding two new definitions and amending the State standards for particulate matter. There were no changes to the agenda.

Ms. Malone explained the regulatory adoption timeline for the petitions. Once the petitions have been presented at the workshop, the Nevada Division of Environmental Protection (NDEP) will make any appropriate revisions and submit the petitions to the State Environmental Commission (SEC). The SEC will forward them to the Legislative Counsel Bureau (LCB), which reviews the petitions for clarity and conformity to other state regulations; content will not be changed. The SEC will post the LCB legal draft of the petitions on its web site for public comment at least 30 days prior to the next SEC hearing, October 7, 2015 at 10 a.m. at the Carson City NDEP offices. If the regulations are adopted at the SEC hearing, they are submitted to the Legislative Commission. Once reviewed and if approved, they are sent to the Secretary of State where they are filed and become effective. There is not a date for when the petitions may become effective because the Legislative Commission does not meet on a regular basis. The NDEP anticipates the amendments will be approved before December, so that P2015-02 can be included in Nevada’s fine particulate matter infrastructure SIP submittal to the U.S. Environmental Protection Agency (USEPA) on December 14, 2015.

Ms. Malone reminded participants that questions are welcome throughout the presentations, but prior to the question the participant must state their name. She explained that it is a requirement to record the workshops and to be able to identify who asks a question or has a comment.

SUMMARY:

Ms. Malone began by explaining that NAC 445B.221 adopts federal regulations by reference. This is a routine revision that is generally done on an annual basis. The proposed amendments update NAC 445B.221 with applicable rules that were finalized by USEPA between June 2013 and May 2015. The first proposed update is for CFR Part 51, which pertains to SIP requirements. It is the exclusion of 2,3,3,3 – tetrafluoropropene from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation and does not need to be included when considering SIPs for ozone. The next updates are to the New Source Performance Standards (NSPS), which are found in 40 CFR Part 60. These are amendments to standards that have already been adopted by reference. No new NSPS are being added to the NAC. The revisions update three subparts: (1) oil and natural gas sector, (2) petroleum refineries, and (3) a correction to the NSPS for nitric acid plants. In 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), the proposed revisions update four subparts: (1) polyvinyl chloride and copolymers production, (2) flexible polyurethane foam production, (3) generic MACT standards and manufacture of amino and

phenolic resins, and (4) off-site waste and recovery operations.

Ms. Malone asked for comments or questions on P2015-01. Hearing none, Phillip Shoopman moved on to present P2015-02.

Mr. Shoopman explained that this part of the workshop was to solicit comments as they relate to the proposed amendments to NAC 445B.22097, “Standards of quality for ambient air.” Mr. Shoopman noted that under Clean Air Act (CAA) sections 110(a)(1) and 110(a)(2), when USEPA promulgates a new or revised national ambient air quality standard (NAAQS), states are required to submit a SIP that provides for the implementation, maintenance and enforcement of that NAAQS within three years after promulgation. This type of SIP submission is commonly referred to as an “infrastructure SIP.” CAA section 110(a)(1) further requires that these undergo reasonable notice and public hearing. The NDEP must submit an infrastructure SIP on December 14, 2015 for the 2012 PM_{2.5} NAAQS. The amendments proposed in P2015-02 are in pursuit of that requirement.

There are two main parts to the proposed revisions in P2015-02. First, the NDEP is proposing to amend NAC 445B.22097 by replacing USEPA’s 2006 annual PM_{2.5} standard of 15 µg/m³ with the 2012 annual PM_{2.5} standard of 12 µg/m³. The NDEP is also proposing to remove the annual standard for PM₁₀ of 50 µg/m³ from the Nevada side of the table to align the State standard with the federal standard, which has been revoked by the USEPA. Second, P2015-02 proposes to add two new definitions to NAC Chapter 445B: PM_{2.5} emissions and PM₁₀ emissions. These definitions are federally required and incorporate USEPA’s definition of gaseous emissions from sources that condense to form particulate matter at ambient temperatures, sometimes referred to as “condensable emissions.” The proposed definitions were developed using 40 CFR 51.1000 as a basis. Please note, these definitions relate to only those condensable emissions that are emitted from a stationary source. Ms. Malone added that these proposed definitions are in addition to the current PM_{2.5} and PM₁₀ definitions; they are not replacing any definitions.

Ms. Malone asked for comments or questions on P2015-02.

Ms. Acevedo asked why the PM₁₀ standard was revoked. She had not heard that, and she has an air quality monitoring station monitoring PM₁₀.

Ms. Malone stated that it’s the annual PM₁₀ standard that was revoked, not the 24-hr PM₁₀ standard.

There were no more comments or questions from the public. Finally, Ms. Malone noted that written comments will be accepted though the SEC comment period ending October 7th.

ADJOURNMENT:

The Workshop was adjourned at 9:53 a.m.