NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

Workshop to Solicit Comments on Proposed Amendments to NAC 445B
Air Pollution

March 20, 2014
1:30 PM

Nevada Dept. of Transportation Room 301 1263 South Stewart Street Carson City	Teleconference to NDEP Red Rock Conference Room 2030 E. Flamingo Road, Ste. 230 Las Vegas

MEETING NOTES

ATTENDEES:

Workshop Chairs: Jasmine Mehta, Chief, Bureau of Air Quality Planning (BAQP)
Rob Bamford, Chief, Bureau of Air Pollution Control (BAPC)

NDEP Staff:
Adele Malone, Supervisor, Planning and Modeling Branch, BAQP
Patricia Bobo, Environmental Scientist, Planning and Modeling Branch, BAQP
Frank Forsgren, Environmental Scientist, Planning and Modeling Branch, BAQP

Public:
Carson City:
Greg Schoen, Round Mountain Gold Corporation
Tyler Brent, Comstock Mining, Inc.
Aaron Hoberg, JBR Environmental
Elizabeth Sala, Pyramid Lake Environmental
Cindi Byrns, NV Iron
Clifford Nelson, Jr., Springer Mining Company
Shane Johnson, Waterton
Ginger Peppard, Marigold Mining Company
Stephen McKay, US Navy, NAS Fallon
Steve Hiskett, Hiskett and Sons
Sean Hiskett, Hiskett and Sons
David Kopta, Foreland Refining
Las Vegas:
No attendees

CALL TO ORDER:

Ms. Malone called the meeting to order at 1:35 p.m. and discussed the sign in process and other

housekeeping items. She then introduced Mr. Bamford and Ms. Mehta. Ms. Mehta explained that the purpose of the workshop was to solicit comments on proposed amendments to Nevada Administrative Code (NAC) 445B.22097, "Standards of quality for ambient air" and NAC 445B.311, "Environmental evaluation: Contents; consideration of good engineering practice stack height." She explained that this workshop followed a stakeholder meeting held November 6, 2013 and a previous workshop held November 26, 2013, and presents revisions in response to comments received during those events.

She explained that NAC 445B.22097 contains both the Nevada ambient air quality standards and the national ambient air quality standards (NAAQS). The Nevada Division of Environmental Protection (NDEP) proposes to revise the Nevada side of the standards table to further align it with the current NAAQS. The proposed regulation revises the nitrogen dioxide (NO_2), sulfur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) standards in the Nevada side of the standards table to parallel the federal standards. For these standards, the amendments include a provision to ensure that the Nevada standard is no more stringent than the federal standard in considering permitting actions.

She explained that the proposed revision to 445B.311 modifies the environmental evaluation requirements for conducting an air dispersion analysis. Under the existing regulations, when a facility applies for a new permit or a modification to an existing permit, it is not required to model if the change has the potential to emit less than 25 tons per year for each pollutant standard for a new facility, or 10 tons per year for a modification. The proposed regulation increases that threshold for the 2010 1-hour SO_2 and NO_2 NAAQS to 40 tons per year. For facilities that have a potential to emit less than 40 tons per year of the standards, the NDEP will conduct the modeling.

SUMMARY:

Ms. Mehta gave a power point presentation that provided some background on NAAQS and state implementation plans (SIP), explained why amendments to the NDEP's minor new source review (NSR) program are necessary, who might be impacted and possible solutions for impacted sources. The NDEP is required by federal law to ensure that its SIP provides for the implementation, maintenance and enforcement of a new or revised NAAQS within three years of its promulgation. She noted that the U.S. Environmental Protection Agency (USEPA) had identified deficiencies in Nevada's SIP to implement the 2006 $PM_{2.5}$ NAAQS and would be required to impose a federal implementation plan if Nevada did not timely revise its NSR program to address the problem. Similar deficiencies were noted for the 2010 NO_2 and SO_2 1-hour NAAQS.

Ms. Mehta asked for comments and a discussion of the proposed amendments ensued. A summary of the main comments and questions follows.

Mr. Kopta asked if the 40 tons per year (tpy) exemption for NO_2 and SO_2 is facility wide. He also noted that Foreland Refining had submitted comments regarding modeling emergency generator emissions when operated under 3760 hours per year and the revised amendments don't reflect those comments. He then inquired about potential solutions for emergency generators since modeling suggests Foreland's generators will not meet the standard, which precipitated a

round of discussion with Mr. Bamford, Mr. McKay, and Mr. Kopta.

Mr. Bamford confirmed that the 40 tpy rate applied facility wide. He then explained that the 40 tpy level is not an exemption but a threshold and went on to explain there are also National Emission Standards for Hazardous Air Pollutants (NESHAPS) and New Source Performance Standards (NSPS) requirements for emergency generators. He advised awareness of these other requirements when contemplating permit limits or hours of operation as permit conditions. A modeling protocol can detail how emissions from emergency generators are modeled for the NAAQS, such as averaging the emissions over the year. A permit limit for operational hours for maintenance may limit the hours of emissions for modeling. Mr. McKay offered to allow Mr. Kopta to review the Naval Air Station Fallon permit for examples of these options, although the Foreland permit also has incorporated some of these options. Mr. Kopta commented generally regarding how to identify which hours to model, and noted that if meteorological conditions are worst case for the modeled hours, the emissions will result in violations of the NAAQS. Mr. Bamford noted the challenges of engines, including NESHAP QQQQ requirements, NSPS testing requirements, and Maximum Achievable Control Technology (MACT) standards. The USEPA has a useful online tool for MACT standard assessment that provides a summary report of federal requirements. Basically, the new NAAQS appear to be encouraging an update or turnover in the fleet of engines. Mr. Bamford recommends consultation with permit engineers to design permit and modeling approaches in order to meet these requirements.

Mr. McKay asked about timing of implementation of these standards and the required modeling analysis after adoption. Mr. Bamford replied that new permit applications or revisions will require adherence to these standards. **Ms. Peppard** asked if renewals would also be subject to the new regulations, and Mr. Bamford explained that renewals are subject to review of all the standards, the same as new permit applications, at the time of renewal.

Mr. Schoen expressed the appreciation of Kinross Gold and other mining companies for the cooperation provided by the NDEP in the stakeholder process. Mr. Schoen also initiated a discussion with Mr. Bamford regarding the form of the standard (i.e., the first high value, as usually required by NAC, versus 3-year average and 98th percentile, the federal form of the standard).

Mr. Sean Hiskett and Mr. Steve Hiskett posed a series of questions regarding alternatives to comply with the standards such as stack height and the geographic location of the facility in remote rural areas with no nearby population. They noted the number of new rules make it hard to foresee how to comply in the future. Mr. Sean Hiskett also noted the assistance of BAPC staff, the Governor's Environmental Liaison, and staff from Representative Amodei's office. Mr. Bamford mentioned good engineering practice for stack height requirements and that the location within the facility fenceline may allow for greater dispersion. He also responded that the fenceline requirements are in the Act and noted the difficulties other mostly rural states are having with regulation of generators. Finally, Mr. Bamford suggested the Hisketts continue their consultation with BAPC to address permitting challenges, and they indicated their continued consultation with the Compliance Branch of BAPC. **Mr. Johnson** indicated they have a similar situation at a mine which they have addressed by LNG-fueled generators with much lower emissions; however, there are still compliance testing requirements.

Ms. Byrns initiated a discussion regarding the time line of the process for the USEPA approval. Ms. Mehta responded the amendments will go before the State Environmental Commission on May 2nd for adoption. If adopted, the Legislative Commission must approve the amendments before they become effective. Because these amendments are on a FIP clock, the USEPA has informally agreed to submittal before full authorization by the Legislative Commission so that USEPA may begin reviewing the SIP revisions.

Mr. Hoberg asked when the amendments will be officially adopted and implemented for all permit actions. Ms. Mehta and Ms. Malone responded that the amendments go into effect after Legislative Commission approval, generally within a month or two of SEC approval, although no Legislative Commission meetings are currently scheduled.

There were no more comments or questions from the public. Finally, Mr. Bamford noted that written comments are still being accepted though the SEC comment period ending May 2nd.

ADJOURNMENT:

The Workshop was adjourned at 2:20 p.m.