

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP)
Public Workshop on Proposed Amendments to Nevada's
Operating Permit Program, NAC 445B**

MINUTES
September 15, 2010

PEBP Board Room,
First Floor, Room 1002
901 South Stewart Street
Carson City, Nevada

ATTENDEES:

Workshop Chair: Adele Malone, Supervisor, BAQP, NDEP

NDEP Staff:

Greg Remer, Chief, Bureau of Air Quality Planning BAQP
Paul Williams, Planning and Modeling Branch, BAQP

Public:

Wayne Colwell, Golden Phoenix Minerals
Erica Gonzalez, Waste Management
J. Michael Hutcheson, Nevada Thermal
Services LLC

Chuck King, Hawthorne Army Depot
Darren Selby, Carson City Department of
Public Works
J. Rick Whimple, Churchill County

CALL TO ORDER:

Ms. Malone called the Workshop to order at 10:01 a.m. and explained that the purpose of the Workshop was to present proposed amendments to the operating permit provisions in NAC 445B and to receive any public comments regarding the changes. If adopted, these amendments will become permanent regulations. She then asked each person in the audience to introduce themselves.

Ms. Malone described the process for adopting the proposed revisions to the NAC, including the scheduled public hearing before the State Environmental Commission (SEC) on October 5th. If the SEC adopts the amendments, they will be submitted to the Legislative Commission for review and approval. If approved, the amendments will likely become effective sometime in November or early December. She asked if there were any questions regarding the Workshop, the schedule as described, or were there any proposed changes to the agenda. There were none.

Air Operating Permit Program, LCB File No. R126-10:

Ms. Malone noted that the NDEP submitted a major update to the Nevada state implementation plan (SIP) to EPA in 2005. Some pieces of the update have been approved, but the NDEP is still trying to get approval of the permitting program update. These amendments address EPA comments on the approvability of these regulations into the Nevada SIP.

Ms. Malone then proceeded to present the four amendments in order. The first amendment is to NAC 445B.138, the definition of “potential to emit.” She indicated that the change proposed would align it a little more closely to the federal definition. After reading the whole section, including the revision, she inquired if there were any questions? There were none.

She indicated that the second amendment is to NAC 445B.187, which is the definition of “stationary source.” Subsection 3 of 445B.187 list exclusions to the definition. The phrase “special mobile equipment” was being deleted because that type of equipment is included in the nonroad engines and nonroad vehicles categories, and it introduced confusion to repeat the phrase. She asked if there were any questions regarding the proposed amendment, and Mr. Whimple inquired if the Standard Industrial Classification Manual was being added to this section. Ms. Malone said that it is in italics because it is the title of the manual and has always been in the section.

The third amendment is to NAC445B.311, which describes the information required in an environmental evaluation. She stated that the addition is to the provision describing the models that are acceptable for conducting the air dispersion analysis. The existing wording allows the Director to approve a modification to a model or the use of a substitute model. Ms. Malone explained that federal regulations also require written approval by EPA’s administrator, as well as a notice and 30 day comment period. Mr. Whimple inquired as to what would be the standards that the director would use to make a determination that the modification or substitute was appropriate? He went on to state that they have had problems in Churchill County where the modeling used did not really relate to Churchill County in terms of topography and weather conditions.

Mr. Remer stated that they generally stick to the guidelines for air quality modeling in the federally approved modeling programs or software. He indicated that there are times when the guidelines change like in 2006 when EPA replaced the ISC model with ARMOD. He stated that during the transition period AIRMOD was the approved model, but there was not enough data to support it, therefore NDEP continued to use the previously approved model until information was developed to support the new model. He stated that those would be the type of circumstances where these provisions would apply. Mr. Whimple asked if this approach would make the modeling more locally applicable? Mr. Remer elaborated on the details of EPA’s guidance for modeling which NDEP follows and was used for the circumstance that Mr. Whimple referenced in Churchill County.

Mr. King asked if these provisions would apply to detonation like they sometimes do at Hawthorne? Mr., Remer said it could, but he pointed out that this requirement has been a federal requirement for some time. The DEOD model that’s used for detonation has never been

approved by EPA as a part of the guidance for air quality modeling. Mr. Remer stated the NDEP has been relying on it for some time for military installations, like Hawthorne and has also been relied by EPA, even though it has not been approved in their guidance. He believes that there is enough history with it that we would not really need to submit it to EPA's Administrator now. For example, it is the backdrop for the Title 5 Permit for Hawthorne, so EPA has had ample opportunity to comment on its use. He felt we would know when there is the first application of it after this amendment is in effect.

Mr. Whimple asked about subsection 3 regarding good engineering practice stack height and if it relates to the basic EPA determination of the stack being 1 ½ times higher than the closest structure or something along those lines? Mr. Remer responded that the idea is when modeling is done you are not allowed to take credit for any amount of stack height above the height set by good engineering practices. So one could build a stack of any height, but when it is modeled you can only take credit in terms of compliance up to the height set by good engineering practice.

The fourth amendment was presented by Ms. Malone which is an amendment to NAC 445B.313. This amendment needed to be more specific in terms of method for determining heat input so that it could be more enforceable. She read the whole section and pointed out the addition of "An alternative method may be specified as a condition of a Class I operating permit." Mr. Selby asked if the alternative method would be submitted as a part of the application and then would have to be approved. Mr. Remer concurred and state an example of an alternate would be like the method used in the acid rain program for electric power plants rather than doing a physical sampling approach, they do a determination of heat input based upon monitoring information from the stack and through a series of calculations and based upon the concentration of surface gases one can calculate what the heat input was. He stated that this is an example of an alternate approach that would be approved.

Ms. Malone concluded by saying that if the amendments are adopted, the definition of special mobile equipment which is listed in NAC 445B.179 would be repealed, because it is only used in that one place in the definition of a stationary source.

There were no more comments or questions from the public.

ADJOURNMENT: The Workshop was adjourned at 10: 19 pm.

Respectfully submitted,

Paul A. Williams, Recording Secretary