

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP)
Public Workshop on Proposed Amendments to
NAC Chapter 445B, Air Controls: Air Pollution**

December 21, 2011
901 South Stewart Street
Carson City, Nevada

MINUTES

ATTENDEES:

Workshop Chair: Adele Malone, Supervisor, Bureau of Air Quality Planning

NDEP Staff: Jasmine Mehta, DAG, Katie Armstrong, DAG and Paul Williams, Environmental Scientist III, BAQP

Public:

Vida Keller, Lyon County Commissioner
Scott Keller, Silver Springs Advisory Board
Tara Hess-McGeown, Washoe Tribe of NV & CA
Tansey Smith, Inter-Tribal Council of NV

CALL TO ORDER:

Ms. Malone called the Workshop to order at 11:02 a.m. She introduced herself and asked each person in the audience to state their name and affiliation. She then reviewed the timeline for the adoption of this regulation, R129-11. It will be presented at the February 15, 2010 State Environmental Commission (SEC) Hearing in Reno. If adopted, it will be reviewed by the Legislative Commission or the Subcommittee to Review Regulations within approximately four to six weeks after the SEC Hearing. It becomes effective upon approval by the Legislative Commission or Subcommittee.

She then referred to a handout that summarized the proposed changes. The NDEP is proposing to update its adoption by reference of applicable federal regulations and repeal two unnecessary existing regulations. She briefly summarized each of the federal regulations that would be adopted by reference. These include:

- Amendments to the Prevention of Significant Deterioration requirements for PM_{2.5};
- Repeal of the “grandfather” provision for PM_{2.5} that allowed certain facilities to use PM₁₀ as a surrogate for PM_{2.5} in determining controls and analyzing impacts of emissions on air quality;
- An update of test procedures in Appendix E of CFR Part 52;

- Clarifications to the Portland cement manufacturing industry regulations;
- Amendments to the New Source Performance Standards (NSPS) for commercial and industrial waste incineration;
- Amendments to the NSPS for compression and internal combustion engines;
- Amendment of EPA's Test Method 301 in Appendix A of CFR Part 63;
- Amendments to the emission standards for Plating and Polishing Area Sources; and
- Amendments to the emission standards for Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceutical production and Printing & Publishing Industry.

She noted that this action would simply adopt already effective federal rules into the state's permitting process. Finally, she indicated that the NDEP was proposing repeal to two regulations: first, the definition of "Ringelmann Chart," because it is not used anywhere in the NAC's, and second, NAC 445B.254 which provides for the determination of an exceptional event by the SEC. NAC 445B.254 is not necessary because the US Environmental Protection Agency has its own regulations for approval of such events. The state must follow the federal requirements when requesting that a certain monitoring event be designated as exceptional; therefore, it is unnecessary and redundant to have a state process for determining an exceptional event.

Ms. Malone asked if there were any questions or comments regarding the proposed changes. Ms. Hess-McGeown inquired how this would affect tribal lands. Ms. Malone indicated that the state has no jurisdiction over tribal lands, so these changes to the state regulations should not affect the tribes. Commissioner Keller said it was her understanding that amendments were being developed to help streamline the permitting process. She was curious how it would affect the several mining operations in Lyon County that are trying to get started. Ms. Malone was unaware of the amendments Commissioner Keller referenced. She did point out that recently a new Class IV permitting process was established to implement EPA's area sources regulations. If the mines were very small, they would fall under that program which is very streamlined. Ms. Malone gave Commissioner Keller her card and asked her to email her the question and she would speak to the permitting people to see if there are any changes in permit processing, then she would get back to her.

Mr. Williams pointed out that the state has had a permitting program to control mercury in the precious metals mining industry since 2006. Recently, EPA has established regulations for gold mines that will require some facilities with a Class II permit to apply for a Class I permit, which is a more rigorous level for many of the mines. Ms. Hess-McGeown confirmed that they were receiving notices for the new permits.

Adjournment:

There being no further questions or comments, Ms. Malone adjourned the meeting at 11:20 am.

Respectfully submitted,

Paul A. Williams