

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

February 6, 2020
9:00 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 Chair:

Danilo Dragoni, Chief, Bureau of Air Quality Planning (BAQP)

NDEP Staff:

Lisa Kremer, Chief, Bureau of Air Pollution Control (BAPC)

Sig Jaunarajs, Supervisor, Planning and Modeling Branch, BAQP

Patricia Bobo, Environmental Scientist, Planning and Modeling Branch, BAQP

Steven McNeece, Environmental Scientist, Planning and Modeling Branch, BAQP

Public:

Carson City:

Nancy McMillen, American Buildings Company

Jay Vance, Stericycle

Julie Roth, Baker Hughes

Zoe Armao, Baker Hughes

Las Vegas:

John Wong, MSTs

CALL TO ORDER

Mr. Dragoni called the meeting to order at 9:00 a.m. Staff and attendees introduced themselves. Mr. Dragoni discussed the sign-in process, handouts and other housekeeping items. Mr. Dragoni reviewed the workshop agenda. There were no questions or changes to the agenda.

Mr. Dragoni explained the regulatory adoption timeline. Once the petitions have been presented at the workshop, the Nevada Division of Environmental Protection (NDEP) will consider comments received at the workshop, 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. After the LCB review the SEC will hold a hearing on March 18, 2020 at 9:30 a.m. at

the Carson City NDEP offices where they will consider the petitions. There will be a 30-day public comment period prior to the SEC hearing and another opportunity for comment at the hearing. If the regulations are adopted by the SEC, they are submitted to the Legislative Commission. If the Legislative Commission approves the regulations, they are sent to the Secretary of State where they are filed and become effective. There is not a certain 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 by May 2020.

Mr. Dragoni moved on to present the petition.

R120-19 SUMMARY

Mr. Dragoni presented R120-19, amendments to NAC 445B.221, which adopts federal regulations by reference. NDEP updates this regulation on a regular basis because the United States Environmental Protection Agency (USEPA) routinely changes their regulations. This is the adoption of federal regulations that are referenced in the state's regulations. The last update to 445B.221 was in May 2018. These updates allow the NDEP to request delegation from the USEPA. The NDEP will implement the federal regulations, once authority has been delegated. The NDEP believes this allows for a more local and efficient approach in the management of air quality in Nevada. The NDEP is proposing to adopt amendments to the Code of Federal Regulations (CFR) for Part 51, which relates to the preparation of State Implementation Plans, Part 60, New Source Performance Standards (NSPS), and Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAP). Mr. Dragoni explained specific updates to Part 51, like the updates to volatile organic compound (VOC) definitions. The updates to Part 60 include redefining standards and changes to testing regulations. The final amendments are to Part 63 for NESHAP. This adoption allows the NDEP to request delegation from the USEPA so the NDEP can enforce and implement the federal regulations.

COMMENTS AND QUESTIONS

Jay Vance: Does "small business" apply to a small business owned by a large business? I want to know what's applicable to our business.

Mr. Dragoni: The definition of small business is a business that has 150 employees or less. There is no difference in applicability for small or large businesses. It's more related to the type of business or the emission units that you have.

Ms. Kremer: The NDEP discusses the small business aspect when determining if and how a small business will be impacted by any of these updates.

Mr. Dragoni: The NDEP claims there is no impact to small businesses in Form 4 because the regulations are already in place. The NDEP is not adding stricter regulations to industry.

John Wong: What was the timeframe again for adoption?

Mr. Dragoni: Just to clarify, these regulations already apply to industry. The SEC hearing is March 18, 2020. NDEP will then go to LCB, likely around April. That should give this regulation, if approved by SEC and LCB, an effective date in May.

Ms. Kremer: These regulations currently apply as of July 2017 but after the process, if the amendments are approved, they will be effective as of July 2019.

John Wong: Once the adoption process is complete, is there a notice sent out or is it published somewhere?

Mr. Dragoni: NDEP doesn't send out a notice but once it is effective it gets posted on the SEC's website. There is also a delegation process with EPA that will take a little more time.

John Wong: What prompted the change?

Mr. Jaunarajs: Every year the federal government makes changes to some of these regulations. They could be large or small changes. We keep a list of updates as they come out and then we decide which amendments apply to Nevada. If it's an amendment to something that we already have adopted or a brand new regulation for industry that's in Nevada, we'll decide to adopt the amendments.

John Wong: So in your review you decide to make it more stringent or keep it the same?

Mr. Jaunarajs: No, we will not make it any more stringent than how it reads in the Federal Register.

John Wong: Are there cases where you may need to make them more stringent?

Mr. Dragoni: If we had to make it more stringent we would have to create our own regulation and we would have to go through our regulatory process proposing a more stringent regulation.

Ms. Kremer: We may also decide not to adopt a subpart if the industry doesn't exist in Nevada.

Zoe Armao: Where do the price changes come from? Is that just for the state or is that for every state?

Ms. Bobo: When the proposed amendments are sent LCB, they update the prices of the ASTM Standard documents.

Zoe Armao: So the price will include a copy of the ASTM Standards?

Ms. Kremer: If you contact them for a copy of the standard that will be your cost.

There were no further comments or questions from the public on R120-19.

ADJOURNMENT

The Workshop was adjourned at 9:22 a.m.