

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
Workshop to Solicit Comments on Proposed Amendments to
NAC 445B: Air Controls
Chapter 459: Highly Hazardous Substances and Explosives
Chapter 486A: Fleets Use of Alternative Fuels

September 28th, 2023
1:00 PM

Bonnie B. Bryan Boardroom
1st Floor
901 South Stewart Street
Carson City, NV 89701

Red Rock Conference Room
Suite 200
375 East Warm Springs Road
Las Vegas, NV 89119

The Workshop was also held virtually and was publicly accessible by video conference or phone

MEETING NOTES

ATTENDEES:

Workshop Chair:

Andrew Tucker, Supervisor, Planning and Data Management Branch, Bureau of Air Quality Planning (BAQP)

NDEP Staff:

Danilo Dragoni, Deputy Administrator
Jennifer Schumacher, Chief, BAPC
Patricia Bobo, Environmental Scientist, BAQP
Katherine Hansen, Environmental Scientist, BAQP
Nicholas Schlafer, Environmental Scientist, BAQP
Kelly Thomas, Environmental Scientist, BAPC

Public:

Carson City:

Tiara Bechtold - Ormat
Nate Garner - Ormat

Virtual¹:

Sarah Collins	James Morowood
Elicha	Jennifer Manning
Phil Mackey	Haley Brown
Cyla Apache	Chris Peterson
Zachary Rice	Ryan Pessah
John Sande	Taylor Pavlu
My-linh Nguyen	Sheila Smith

¹ Participants are listed using their online registration. Last name and/or affiliation may not have been provided.

Rebecca Choi
Sarah Collins

Phil Mackey
Virginia Weis

*Phone*²:

X-XXX-XXX-1488

CALL TO ORDER

Mr. Tucker called the meeting to order and explained the purpose of the Public Workshop. Staff and attendees introduced themselves. Mr. Tucker explained that the names of attendees would be collected for the record and that the meeting was being recorded. Mr. Tucker reviewed the workshop agenda. There were no questions or changes to the agenda. Mrs. Bobo explained that virtual attendees would be muted by the moderator and how they could signal to the moderator that they had a question or comment so they could be unmuted. Mrs. Bobo explained that a copy of the proposed regulations, and State Environmental Commission Forms 1 and 4 could be found on NDEP's website.

Mr. Tucker explained how the regulation adoption process works. The regulation adoption timeline was explained, specifying that after the workshop there would be a 30-day public comment period prior to the State Environmental Commission (SEC) hearing set for December 5th, 2023. Additional information about the hearing can be found on the SEC website. If the regulations are adopted by the SEC, they are submitted to the Legislative Commission. If the Legislative Commission approves the regulations, they are filed with the Secretary of State and become effective. Mr. Tucker paused and asked if there were any questions about the regulation adoption process.

Mr. Tucker moved on to present the petitions.

P2023-01 SUMMARY

Mr. Tucker presented P2023-01, proposed amendments to NAC 445B.22097. Mr. Tucker explained that the amendments add language that pertain to notifications made by the agency to the public about events where the ambient air quality standards may be exceeded, such as when smoke from wildfires adversely affects air quality, and inform the public about the health hazards associated with these events. NDEP has historically provided notifications of these events and the associated health hazards to the public and will continue to do so. The adoption of these regulations serves to satisfy Federal Clean Air Act requirements for State Implementation Plans. If adopted, this regulation will be submitted to the U.S Environmental Protection Agency for incorporation into the Nevada State Implementation Plan (SIP).

Mr. Tucker paused and asked if there were any questions. He reminded the virtual attendees that they could use the "raise hand" function or send a message in the chat window to ask a question. Mr. Tucker informed the attendees calling in by phone that they would be unmuted if they had any questions.

P2023-02 SUMMARY

Mr. Tucker presented P2023-02, to propose the streamlining requirements of the Chemical

² Only the last 4 digits of the phone number of callers participating by phone are listed.

Accident Prevention Program by amending the Regulation of Highly Hazardous Substances and Explosives under NAC Chapter 459, specifically NAC 459.953451. Executive order 2023-003, issued by Governor Lombardo on January 12, 2023, directed state agencies to review regulations to identify regulations that can be streamlined. As part of that review, it was identified that the two additional copies of permit applications required pursuant to NAC 459.953451, were no longer necessary. The proposed amendments remove the requirement to provide two additional copies of the application and will help with efficiency in administering the Chemical Accident Prevention Program.

Mr. Tucker paused and asked if there were any questions. He reminded the virtual attendees that they could use the “raise hand” function or send a message in the chat window to ask a question. Mr. Tucker informed the attendees calling in by phone that they would be unmuted if they had any questions.

P2023-03 SUMMARY

Mr. Tucker presented P2023-03. In accordance with the directives Executive Order 2023-003, NDEP is proposing to clarify and reduce regulatory burden by repealing the entirety of the regulations for the administration and enforcement of the Alternative Fuels Program codified in NAC 486A.010 to NAC 486A.250, inclusive. These regulations are no longer necessary, because on May 29, 2019, Senate Bill 42 repealed Nevada Revised Statute (NRS) 486A.010 to 486A.200. The repealed statutes provided the statutory authority to administer the Alternative Fuels Program. Repealing these regulations would resolve the inconsistency between regulatory requirements and statutory authority and prevent confusion.

Mr. Tucker paused and asked if there were any questions. He reminded the virtual attendees that they could use the “raise hand” function or send a message in the chat window to ask a question. Mr. Tucker informed the attendees calling in by phone that they would be unmuted if they had any questions.

COMMENTS AND QUESTIONS

Ryan Pessah: Can you please restate the reason for repealing 486A?

Andrew Tucker: The reason for repealing 486A is because the underlying statutory authority that was given to NDEP to administer and enforce the program was repealed in 2019 under Senate Bill 42. Without that statutory authority NDEP would not be able to implement and enforce the requirements of the program.

CLOSING REMARKS AND ADJOURNMENT

Andrew Tucker: With there being no more questions or comments this meeting is adjourned at 2:18 PM. Thank you everyone for your time and participation in this public workshop.