

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R145-13

Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Friday May 2, 2014 at 10:00 am in Carson City. The meeting location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd floor, Tahoe Room). The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this agenda.

Nevada Division of Environmental Protection: (For Possible Action)

R145-13: Air Quality, Amendment of NAC 445B.22097 and NAC 445B.311

The NDEP is proposing to amend NAC 445B.22097, “*Standards of quality for ambient air,*” and NAC 445B.311, “Environmental evaluation: Contents; consideration of good engineering practice stack height.” Proposed is the revision of the Nevada side of the ambient air quality standards table in NAC 445B.22097 to further align it with the national ambient air quality standards (NAAQS) currently in effect. The proposed regulation revises the nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and fine particulate matter (PM_{2.5}) standards in the Nevada side of the ambient air quality standards table. The proposed revision to NAC 445B.311 modifies the environmental evaluation requirements for conducting an air dispersion analysis. Under the existing regulations, a facility is not required to model if it has the potential to emit less than 25 tons per year for each pollutant standard. The proposed regulation increases that threshold for the 2010 1-hour SO₂ and NO₂ NAAQS to 40 tons per year. Currently, as a service to regulated industries, Nevada conducts modeling for facilities below the threshold and will do so for facilities below the new threshold.

These amendments are in response to a federal requirement. If adopted, they will be submitted to the U.S. Environmental Protection Agency (USEPA) as a revision to Nevada's state implementation plan to meet requirements in Clean Air Act § 110(a)(1). The proposed amendments address the implementation of the 2006 PM_{2.5}, 2010 SO₂ and 2010 NO₂ NAAQS in the NDEP's minor source permitting program.

The economic effect of this regulation can only be determined on a case-by-case basis for each affected business. If the environmental analysis shows that the emissions from a business are expected to exceed the air quality standards, the business must revise its operating procedures or install controls to reduce emissions. The cost will range from no cost to the cost of installing emission controls appropriate to the individual situation. It is important to note that the proposed NO₂, SO₂, and PM_{2.5} standards are federal standards with which industry must comply regardless of whether the USEPA or the NDEP implements them. The proposed regulation will

have beneficial effects in terms of improved health and welfare. The NAAQS are established to protect against adverse effects of polluted air on human health. The cleaner the emissions are the less health effects will be experienced by those persons downwind of the facility. In addition, the emission reductions will also benefit public welfare. Such benefits include improved visibility and less damage to materials and ecosystems.

This regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees and it is essential to the functions and operations of NDEP.

Additional Information: Persons wishing to comment on the proposed actions of the State Environmental Commission (SEC) may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230), at the State Library and Archives building in Carson City (100 Stewart Street) and at the Nevada Division of Minerals, 400 W. King Street, Carson City, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the SEC's website at: http://sec.nv.gov/main/hearing_0514.htm . The proposed regulation denoted in this notice, including previous drafts, is or will be posted on the Legislative Counsel Bureau's website at: <http://www.leg.state.nv.us/register/> .

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 4:00 p.m. on April 29, 2014.