

CLARK COUNTY AIR QUALITY FORUM

MINUTES

March 11, 2009
10:30 – 12:00 a.m.

RTC, Room 108
600 S. Grand Central Parkway
Las Vegas, NV

1. Welcome and Introductions – Adele Malone, NDEP

The meeting was attended by:

Dennis Ransel, DAQEM
Russell Roberts, DAQEM
Russell Merle Jr., DAQEM
Allan Lal, DMV/CED
John Pietrzyck, DMV/CED
Lisa Christianson, BLM
Shannon Rudolph, NDoA
Paul Fransioli, Kleinfelder
Darcy Anderson, Kleinfelder
Robert Tekniepe, DAQEM
Brenda Pohlmann, City of Henderson
Vasant Rajagopalan, DAQEM
Shiany-Yuh Wu, DAQEM
Dawn Leeper, DAQEM
Richard Beckstead, DAQEM
Jerry Duke, RTC
Cheng Shih, City of Las Vegas
Mark Silverstein, Clark County Dept. of Aviation
Brandon Cunningham, DAQEM
Vinson Guthreau, NDEP
Vickie Rutledge, NDEP

Via telephone:

Gina Grey, WSPA
William Striejewske, NDoA

2. Greenhouse Gas Inventory and Reporting Requirements – Adele Malone, NDEP

Ms. Malone explained to the Forum that during the last legislature SB422 was passed which required a state greenhouse gas inventory. The first inventory was due and submitted at the end of 2008 and requires updates every four years. The Nevada Statewide Greenhouse Gas Emissions Inventory and Projections, 1990 -2020 is

located on the NDEP's website at ndep.nv.gov. The report includes data for the six, internationally recognized greenhouse gases. There were 56.3 million metric tons of carbon-dioxide equivalent emissions in 2005, which is 0.8% of the total U.S. greenhouse gas emissions in that year. The levels have been increasing and are projected to reach 78.4 million metric tons by 2020.

There are three primary emission sectors in Nevada; electric generation; transportation; and residential, commercial, and industrial fuel use. The smaller emission sectors are industrial processes, agriculture, waste management, fossil fuel industry, and forestry.

Particular emphasis was placed on the electrical generation sector and assessing the emissions that would be expected under several future electrical generation scenarios. The report provides detailed analyses, that characterize the greenhouse gas emissions that would result if some or all proposed generation facilities are constructed.

SB 422 included provisions for the mandatory reporting of greenhouse gas emissions that are produced by the electrical power industry. All power generation units of 5 megawatts or greater that generate electricity for sale must report their greenhouse gas emissions annually to a greenhouse gas registry.

NDEP is working with The Climate Registry to develop a pilot program for mandatory greenhouse gas reporting that other states with mandatory reporting programs may adopt. The Climate Registry is the leading national registry of greenhouse gas emissions.

The State Environmental Commission has adopted regulations which specify how the mandatory reporting will be carried out. NDEP has developed a set of draft guidelines to assist the power industry in the measurement and calculation of greenhouse gas emissions.

Later in the year, reporting of 2008 greenhouse gas emissions to The Climate Registry will begin. The first year will serve as a trial run. Once the 2008 data has been verified, NDEP will make available a summary report of the greenhouse gas emissions that were reported.

Questions asked by the attendees:

1. Who is doing the verification of the data? Ms. Malone response was we will be doing it in-house.
 2. Is this information purely informational or is this going to have an impact down the road on if power plants will be built or will requirements be placed on them? Ms. Malone responded that she couldn't say at the moment. Future use of the inventory information will depend on the state legislature and national requirements.
3. Mohave Power Plant - Adele Malone, NDEP

Ms. Malone informed the forum that Mohave Power Plant has been shut down since midnight December 31, 2005 pursuant to the consent degree. They did submit a permit renewal in May of 2007. Their permit is active and they did submit their renewal on time although the plant is not operating.

The regional haze rule that EPA promulgated in 1999 required that certain sectors of industry were subject to Best Available Retrofit Technology (BART). Mohave fell into that group. Mohave's requirement under the BART regulations is to convert to natural gas only, before they resume operations. They will also be required to install low NO_x burners for NO_x emissions.

Mohave submitted a revision to their current permit in November 2008. The revision includes converting to natural gas. Once NDEP issues the draft permit it will go to a 30 day public notice. After the 30 day notice we leave time for comments then it goes to EPA for the 45 day review, followed by our response to EPA review. Southern California Edison is planning to sell the Mohave Generating Station. The new owner will be required to comply with BART and all the consent degrees. Recently, Southern California Edison inquired of NDEP about not selling the switch yard. The switch yard is what controls the distribution of the electricity to the grid.

Questions asked by the attendees:

1. They submitted the application for the renewal of the Title IV in May of 2007. Was the renewal ever issued? Ms. Malone responded that no, it was never issued it was held because the plant was not operating.
2. You received a revision to the permit? Ms. Malone answered that we received a revision to modify the permit and it will be combined with the renewal.
3. What is going to be the generating capacity of the plant when it is switched to gas? Ms. Malone responded 750 megawatts I believe.
4. How are you dealing with the ERC issue based on the fact that at the time you deemed the application complete the area was in attainment for ozone? Ms. Malone responded that she would not be able to answer that question. But she would get back with the answer.

4. Regional Haze SIP – Adele Malone, NDEP

Ms. Malone noted that the EPA promulgated the Regional Haze rule in 1999, and best available retrofit technology is a major component of that rule. The purpose of the rule is to protect the air quality over national parks and recreational areas and to improve the air quality in those areas back to natural background conditions by 2064. In Nevada, we only have the Jarbidge National Park which is a Class I area. We have to do extensive analyses to show what the baseline inventory is of the major pollutants over Jarbidge. Not only are we focusing on Jarbidge, we are also focusing on Class I areas in neighboring states that may be impacted by Nevada emissions. The report is not in final yet; it was just reviewed by the Federal Land Managers who have a major interest in the final report. We are now responding to their comments. Once we respond to their comments we will send it out for public comment, after

which we will have a hearing to adopt the draft SIP. Each state is required to do a Regional Haze SIP, which was due to EPA in December of 2007. We are under a finding of failure to submit the SIP. If we don't submit the SIP, EPA will have to implement a federal plan. We plan on submitting by June, which would give EPA a year and half to review, and approve the plan.

The report is over 200 pages and has a detailed emission inventory for a baseline year. It also has a projection out to 2018. It determines what sources are emitting the most and which sources would be subjected to BART regulations. Our analysis determined that there are four sources that are subjected to BART regulations. Those four facilities have ten electrical generating units that are subjected to the retrofit technologies. We have made a commitment to review in five years and redirect our strategy for control if necessary. Because this is a long term project, the back to natural conditions goal is 2064, EPA has required in their rule a 10 year cycle of SIP revisions. The next revision will be due in 2018. It will include a review of the Class I areas we impact in neighboring states. Nevada sources do not impact Jarbidge, but do impact the neighboring states.

There is what is called a glide path that shows where we are right now with visibility in the parks and where we want to be. Right now we are meeting that glide path with the projections out to 2018 for reducing visibility impairment at Jarbidge. In 2018, we will do more projections and see if we need to put more controls on any other sources.

Questions asked by the attendees:

1. How does it work to determine impacts for the Class I areas outside our boundaries which are also affected by other states, is this done at the EPA regional level? Ms. Malone responded that there is an organization that deals with the western states that is called the WRAP (Western Regional Air Partnership). They have taken emissions data from all of the states that are part of the WRAP. Nevada is not part of the WRAP but does participate with them. They have taken emissions inventory data from all of the wrap states and done regional projection to 2018. They have done source modeling which will tell you which emissions are coming from which sources. This tells Nevada what our impacts are outside of the state and what the visibility impairment is due to Nevada emissions.
 2. Is the Great Basin a Class I? Ms. Malone answered that no, it is a Class II.
 3. Why is Nevada not part of the WRAP? Ms. Malone responded that was a decision made ten years ago and didn't know the reason.
 4. Do you think Nevada will rethink that decision as we do use their products? Ms. Malone responded that there has been no discussion on changing our position with the WRAP. It has been working for us.
5. Rules Improvement Project Update – Russell Roberts, DAQEM

Mr. Roberts went over the rules that are proposed to be changed, he also explained to the forum that since their agency became a county agency and inherited the air quality regulations from the Health District that they have been significantly hampered in their ability to develop good permits for industrial sources. The other requirements that you see in our rules, you will not find in other counties and areas. These rules have had a major impact, which we recognized from the early days of the department. In 2005, a project was initiated to fix the rules.

We focused on the permitting rules. In late 2005, we promulgated and adopted the NSR reform rules, which were submitted. We then looked at the major and minor source permitting rules and decided that they were still in significant need of revisions. On paper there appears not to be much done, but if you look behind the scenes there has been a lot of work done. We are nearing completion of a number of rules. There are sixteen rules that are currently in play in terms of being under revision or nearing completion. Our minor source rules are currently being reviewed by EPA. We are within 30 days of releasing the major source rules to EPA for review. We are also proposing to seek formal delegation for NPS and NESHAP. There are also some minor rules that are waiting while we focus on the permitting rules. We recently updated our visible emissions rule. We also changed the rule to reflect which method was actually being used in the field. We have also address the change with excess emissions with start up and shut down. In late June early July, we hope to be able to propose adoption of the major source rules.

There has been a concern that the fees don't cover our costs. We are anticipating initiating a revision to the fees rules by the end of the year. We also believe that our dust rule is in need of revision.

Questions asked by the attendees:

1. Do you have the latest conditions that you can share with the public?
Mr. Roberts answered that they were waiting for EPA to kick it back to them. He also mentioned that there was a public draft available but it wasn't the most current. They are waiting on EPA's comments which they will go over. Once they go over the comments and the draft reflects the revisions they will release it to stakeholders.

6. Ozone Area Designations – Adele Malone, NDEP and Dennis Ransel, DAQEM

Ms. Malone stated that a year ago EPA signed a revision to the Ozone National Ambient Air Quality Standards. A year after the revisions states are required to send in their recommendations to EPA on how the states would designate areas in the state as attainment, non-attainment or unclassifiable. The recommendations are due tomorrow. We coordinated the three jurisdictions (Washoe County, Clark County and NDEP) in order to make the designation recommendations. Washoe County's data shows that they are in attainment. NDEP data shows that they are in attainment for the 8 hour ozone NAAQS. Clark County's monitors shows exceedances for ozone. The boundary of the designation area that EPA uses as a default would be Clark County and Nye County together. The reason the area is combined is because EPA bases the boundaries on the largest census bureau areas. What NDEP did was

go through an analysis that was fashioned after EPA guidelines that describe nine factors that states should evaluate to determine if an area is contributing to exceedances of the NAAQS. NDEP went through an analysis for Nye County to show that emissions were minimal for Nye County. We are recommending to EPA that Nye County be excluded from the non-attainment boundary.

Mr. Ransel went over Clark County's analysis. We followed the guidelines that we used in 2004 for the 1997 8-hour standard. We updated that data and came to the conclusion that the boundary should remain the same. That boundary is the core area of Las Vegas Valley, Apex Valley to the north and the valleys to the south and east. Our recommendation to NDEP and EPA is that we be non-attainment, because nine of our operating sites exceed the new standards. Hopefully, they will accept our recommendations. The 1997 standard, which is still the current standard we didn't attain until this past year. We are in a position now where we can submit a maintenance plan to EPA. There is a proposed rule out that has not yet been finalized. That would be the basis for us to be able to submit the maintenance plan, assuming it gets published.

If EPA has any changes to what we recommended, they are supposed to come back to us by November and give us a chance to respond. Their target date is March 12 of next year to promulgate the area designations. We will have three years from that date to submit an attainment plan. The timeline is March 2010 for designations and March 2013 for an attainment plan. We have briefed everyone we can on the fact that we are significantly impacted by transport of ozone, not only from Southern California but from outside the region.

Questions asked by the attendees:

1. In the event they don't give on the transport, but seem to ignore it, has DAQEM and NDEP ever considered legal action? Mr. Ransel answered that he didn't know, he couldn't answer that right now.
2. In preparation of the SIP for ozone for Clark County are there any pieces of information you could give us on mitigation factors that might be adopted or are under consideration? Mr. Ransel replied he couldn't tell that right now. For the maintenance plan they would submit for the existing 80 ppb standard. They can meet that standard now without additional control measures. Obviously the 75 ppb standard we can't; we will have to consider what controls would be applied or adopted. It's premature to say at this time what the controls would be.

7. Public Input/Discussion
Items of Interest for Future Meetings

No public input or discussion.

8. Mr. Ransel stated that Clark County had one more topic they wanted to add to the agenda.

Mr. Tekniepe talked about where Clark County is in regards to changes to the Nevada Administrative Code on the RVP issue and changes to the County Air Quality Regulations. The changes relate to the cleaner burning gasoline regulations. Currently NAC 590.065 states that fuels used in Clark County from October 1 to March 31 have a maximum cap on the RVP of 9.0. In conjunction with the re-designation and maintenance plan, they plan to raise the limit on the RVP to correspond with the ASTM states for RVP of 13.5. They plan on going to workshop in April with a target date of September to have the Board of Agriculture approve the change to the NAC. They are also planning on going to workshop for the Air Quality Regulations for the cleaner burning gasoline during the month of April and expect approval by the board in September.

Clark County has recently had discussions with EPA regarding the carbon monoxide re-designation and maintenance plan and they have indicated everything looks good. We are looking at an FR on the CO re-designation and maintenance plan around January of 2010.

Questions asked by the attendees:

1. The re-designation was requested by EPA? Mr. Tekniepe answered that the re-designation was submitted through NDEP in August of last year. EPA has had quite a bit of time to review it, and they have indicated that they don't see any problems.

9. Wrap Up/Questions

Mr. Duke would like to bring back to the Forum that RTC has completed the infrared data collection technology implementation on our freeways. They are now getting very accurate information on vehicle lengths, and they are looking at the 16 categories that EPA has for vehicle type. Mr. Duke would like to bring the presentation to the Forum.

Ms. Malone asked the Forum if there was anything else they would like to see at the next Forum.

Mr. Duke stated he would like to present the Electric Bike Program.

The next meeting is scheduled for July 14th.