



**Minutes of the Clark County**

**Air Pollution Control Hearing Board Meeting**

**December 10, 2015**

**I. CALL TO ORDER**

Chair Daniel Sanders called the meeting of the Air Pollution Control Hearing Board to order at 2:02 p.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair  
Evan S. Wishengrad, Esq., Vice-Chair  
Tom Foster, Jr., P.E.  
William Kremer

ABSENT: Karen Purves  
Craig Schweisinger  
Ryan L. Dennett

**APPROVED APC HEARING BOARD**  
**DATE:** 4/21/16  
**BY:** [Signature]  
**Board Secretary**

LEGAL COUNSEL: Leslie A. Nielsen, Esq.

DAQ STAFF: Chuck Richter, Acting Compliance and Enforcement Manager  
Marci Henson, Director  
Araceli Pruett, Administrative Secretary

**OTHERS**

PRESENT: Shibi Paul, DAQ; Jeffrey Robb, DAQ; Mike Sword, DAQ; Phillip Wiker, DAQ;  
Richard Beckstead, DAQ; Jean-Paul Huys, DAQ; Robert Tekniepe, DAQ

## **II. PUBLIC COMMENT**

There were no public comments.

## **III. OATH OF OFFICE**

1. Daniel Sanders (Contractor Member)  
Mr. Sanders took the Oath of Office. His term will expire August 10, 2018.
2. Evan Wishengrad, Esq. (Attorney Member)  
Mr. Wishengrad took the Oath of Office. His term will expire August 10, 2018.
3. Ryan L. Dennett (Citizen Member)  
Mr. Dennett took the Oath of Office prior to the meeting; therefore, he is not required to retake the pledge for this appointment. His term will expire October 6, 2017.

## **IV. ELECTION OF CHAIR**

*[Chair Sanders requested the elections be postponed to the end of meeting to allow more time for other members to be present].*

There was board discussion about continuing the elections. Board Member Wishengrad felt the board could proceed with the elections. Board Members Foster and Kremer felt the elections should be postponed until more members were present. Chair Sanders entertained a motion to continue the elections to the next board meeting. Board Member Foster motioned to continue the elections of the Chair and Vice-Chair to the next board meeting, which was seconded by Board Member Kremer. Chair Sanders called for a vote on the motion asking those in favor to signify by saying aye. It was met by a chorus of ayes. There were no oppositions. The motion passed unanimously.

## **V. ELECTION OF VICE-CHAIR**

See item IV above.

## **VI. APPROVE MINUTES OF APRIL 9, 2015**

Chair Sanders called for comments, changes, or corrections to the April 9, 2015 minutes. Being none, he called for a motion to approve the minutes. Board Member Kremer made a motion to approve the minutes, which was seconded by Board Member Wishengrad. Chair Sanders called for a vote on the motion, asking those in favor of approving the April 9, 2015 minutes to signify by saying aye. It was met by a chorus of ayes. There were no oppositions. The motion passed unanimously.

## **VII. REPORT BY DAQ STAFF**

Chair Sanders inquired about recent changes within the department, stating he was informed DAQ's Compliance and Enforcement Manager Gary Miller and Director Lewis Wallenmeyer had recently retired. Chuck Richter identified himself as Acting Compliance and Enforcement

Manager in place of Mr. Miller and provided a brief summary of his history with the department. He added that retirements and staffing changes would be addressed later by the new Director. Leslie Nielsen introduced herself as the new Clark County Deputy District Attorney assigned to represent DAQ and provided a brief summary of her background.

DAQ staff presented a Power Point of current activities in their respective divisions.

## **Planning**

DAQ Planning Manager Mike Sword provided an update on planning division activities. He reported that the County, as well as the State, is currently in full attainment for all pollutants and air quality standards; however, the EPA recently strengthened the standard for ozone. Mr. Sword briefed the board on the new standard and its impact.

- *New Ozone Standard.* The EPA recently strengthened the ozone standard, reducing it from 75 to 70 parts per billion (ppb), which is lower than the County's current ozone levels. Although air quality will stay the same, the County will go into nonattainment for ozone under the new standard. Mr. Sword presented a design value (DV) chart, which is used to describe the air quality status relative to the level of the National Ambient Air Quality Standards (NAAQS). The DV is calculated using the 8-hour average of the four highest ozone levels at a specific site over a consecutive three-year period. Another DV graph illustrated the DV trend for 2005-2015, showing a continual decrease in ozone from 2005-2011, a gradual increase from 2011-2014, and decreasing again between 2014-2015.
- *Ozone Successes.* Mr. Sword commented on the improvements in ozone in the valley. These successes can be attributed to New Source Review and Title V program rules; emission inventories; Ozone Advance program, modeling, and other studies; public information and outreach; and Exceptional Event Demonstration Packages; and federal mobile source rules. Working with other agencies including the Regional Transportation Commission on transportation issues, Department of Agriculture on reformulated gases, and the State Legislator on vehicle inspections/maintenance and clean fuel programs have also contributed to these improvements. He concluded that weather patterns and EPA regulatory efforts on cleaner vehicles have had the most impact on reducing ozone. These efforts, along with EPA's modeling and controls, should continue to help maintain ozone levels and help the valley meet the new 70ppb ozone standard by 2025.
- *True Ozone Culprit.* Most exceedences occur in May and June due to Stratospheric Ozone Intrusion when ozone from the stratosphere descends to the valley floor, raising ground-level ozone concentrations. Another significant contributor to exceedences is ozone transported from California, as well as from China and Mexico. Smoke from wildfires, including those in neighboring states such California, also contribute to ozone exceedences in the valley.
- *2015 Ozone NAAQS.* The new 70ppb ozone standard was promulgated on October 1, 2015, and becomes effective on December 28, 2015. He presented a illustrating the classification standards under the new 70ppb standard, and anticipates the County falling into the marginal nonattainment category based on 2013-2015 data. Mr. Sword shared the timeline for implementing the new standard. EPA will issue final designations in October 2017 using 2014-2016 data. An Infrastructure State Implementation Plans (ISIP), explaining what the

agency has in place to manage an ozone program is due in October 2018. If the agency is required to submit a State Implementation Plan describing how it will attain and maintain the new standard, it will be due between 2020 and 2021. The deadline to meet the new ozone standard will depend on the final designation issued by EPA. If the County is classified as a marginal attainment area as expected, it will have three years (2020) to attain the new standard. EPA can grant two one-year extensions, depending on the data. If the County is classified as a moderate attainment area, it will have six years to meet it. The timeline for meeting the standard depends on EPA's final designation. Mr. Sword concluded with a chart outlining some of the controls in place to help manage the various attainment classifications.

## **Monitoring**

DAQ Monitoring Manager Phillip Wiker explained the role of the monitoring program is to monitor ambient criteria pollutants, both gaseous (O<sub>3</sub>, CO, SO<sub>2</sub>, NO<sub>2</sub>) and particulates (PM<sub>10</sub>, PM<sub>2.5</sub>, and Pb) and provided an overview of program functions.

- *NCore Sites.* NCore sites are used for trace (lower) level monitoring. This data is used for scientific studies and goes to EPA to look at cause and effect of those pollutants.
- *Near-Road Monitoring Sites.* During the last update, the board was informed two near-road monitoring sites were being installed to monitor high traffic congestion spots in the valley due to EPA's requirement for one near-road site in populations over 2.5 million and a second site if daily traffic counts exceed of 250,000. One of the sites, near the Palace Station on Sahara/Rancho, is up and operational. The second site, near City of Las Vegas Fire Station #1 on Casino Center and US 95/515, will be up and operational once the power is hooked up by NV Energy.
- *Monitoring Networks.* Mr. Wiker presented a map illustrating the locations of monitoring stations throughout the valley. There are stations in Mesquite, Logandale, Apex, Indian Springs, Jean, Boulder City, and several in the Las Vegas Valley. The department is looking at prospective sites in the southwest (Nathaniel Jones Park) and southeast (Liberty High School) areas of the valley. It is also trying to expand its network in the northeast by securing a site near the Walnut Rec Center.
- *Enhanced Monitoring.* The department started monitoring for ozone at Spring Mountain Youth Camp and Logandale. It also has Upper Air Equipment at North Las Vegas Airport to read the upper atmosphere. This information is used to address the impact of wildfire and ozone transport.
- *Visibility Network.* The department operates visibility cameras at North Las Vegas Airport and the M Resort. These pictures help identify the presence of smoke and dust plumes transported into the valley and are also used to support studies and exceptional event packages.
- *Public Information/Outreach.* The department publishes current and forecasted Air Quality conditions, as well as advisory alerts on a website that is available to the public. It also issues press releases to notify the public of advisory alerts.

## Permitting

DAQ Permitting Manager Richard Beckstead updated the board on permitting activities as follows:

- *Permitting Rule Changes.* 2010 changes in the permitting rules have had a significant impact on the permitting program. Those changes included increasing the permitting threshold. Approximately 2,400 sources were permitted under the old rule so the department has been evaluating these sources to determine whether or not permits are needed. During this process, approximately 1,085 permits were terminated because their emissions are below the new threshold and approximately 500 new sources were determined to need permits, leaving the department with approximately 1,700 permitted sources.
- *Lhoist North America aka Chemical Lime Company (LNA).* Mr. Beckstead updated the board on the status of LNA's Title V permit that was under appeal before the board in 2012. After the board found in favor of LNA, DAQ changed the permit in accordance with the board's ruling. The updated permit was then forwarded to EPA for review and was held for two years because EPA felt some of the changes violated federal law. In the end, EPA requested some of the changes (resulting from the board's ruling) be reverted back to their original form. Although these changes were not accepted by EPA, there were other changes made as a result of the proceedings leading to an improved permit that was issued earlier this year.
- *New Waste Energy Facility.* A new waste energy facility is being built in Apex where organic materials that would normally end up in the landfill will be collected and converted to fuel to help produce electricity. They anticipate this will reduce the material that would normally be taken to landfill by 95 percent. The remaining materials will be taken to the landfill. Because the source will have to demonstrate that they can operate within the established emissions threshold, the current facility will be large enough to test and demonstrate the concept and they will build on from there.
- *Reid Gardner Power Plant.* Under Senate Bill 123 Reid-Gardner Power Plant must cease operations around 2020. Three boilers have been shut-down. Part of the bill requires that the energy produced by Reid-Gardner be replaced with renewable energy. There have been proposals, but DAQ has not received any permit applications.
- Board Member Foster commended permitting staff on his recent experience trying to permit a generator.

## Department Updates

Marci Henson introduced herself as the new Director of Air Quality and provided a brief summary on her experience in natural resource management, water use and conservation, and environmental planning. She was initially hired by the County in 2001 to help implement the Clark County Multiple Species Habitat Conservation Plan. Ms. Henson briefed the board on the following recent changes within the department:

- *Staff Retirements.* Ms. Henson reiterated that Mr. Miller and Mr. Wallenmeyer had recently retired. DAQ will begin recruiting for Mr. Miller's position as the Compliance and Enforcement Manager in the near future and anticipates having the position filled in the next few months.
- *Desert Conservation Program.* Ms. Henson has been serving as administrator of the Clark County Desert Conservation Program (DCP), the County's regional program for endangered species compliance. DCP serves as the plan administrator for the Clark County Multiple Species Habitat Conservation Plan and manages Endangered Species Act compliance on behalf of Clark County. DCP oversees the protection of the desert tortoise, which became an endangered species in 1989. The DCP program was previously housed with the Clark County Comprehensive Planning department and also Air Quality in the past and has returned under the purview of Air Quality with Ms. Henson.

**VIII. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS**

Chair Sanders inquired about the status of Natural Occurring Asbestos (NOA) relating to the Boulder City Bypass project. Mr. Beckstead commented that it had not been declared a public health issue by the State. Ms. Henson added that no asbestos has been detected through on-site monitoring and, until there is more information from monitoring suggesting it is a public health issue, the Board of County Commissioners is not inclined to take it up. She pointed out this is not something the department has authority to regulate. There was discussion about the amount of money being spent and public concern over the project. Chair Sanders asked that the board continue to be updated about the NOA issue.

Board Member Wishengrad asked that the board continue to be updated on the electric car manufacturing plant scheduled to be built in North Las Vegas.

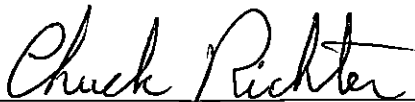
**IX. PUBLIC COMMENT**

There were no public comments.

**X. ADJOURNMENT**

Being no further business, Chair Sanders adjourned the meeting at 3:25 p.m.

Submitted for approval,



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 Chuck Richter, Acting Compliance & Enforcement Manager  
 Department of Air Quality

1/4/2016

Date