NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

Workshop to Solicit Comments on Proposed Amendments to NAC 445B: Air Controls

October 28, 2026
9:00 AM

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

Warm Springs 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 and phone

MEETING NOTES

ATTENDEES:

Workshop Chair:

Ken McIntyre, Supervisor, BAQP

NDEP Staff:

Jeff Kinder, Deputy Administrator
Jennifer Schumacher, Chief, BAPC
Patricia Bobo, Environmental Scientist, BAQP
Katherine Hansen, Environmental Scientist, BAQP
Nicholas Schlafer, Staff Engineer, BAQP

Public[1]:

Carson City:

Kyle Davis, Nevada Mining Association

Las Vegas:

No Attendees

Virtual[2]:

Andrew Tucker
Alex Thatcher
David Dragon
Elizabeth Huelson
Haley Brown
Joel Dunkin
Savannah Dalley
Will Alder
Courtenay Collins
Denise Hazelman
Gina Hawkins
Jacob Morford
Kay Olson
Theodore Donahue

[1] None of the attendees identified themselves as being affiliated with a small business.
[2] Attendees are listed using their online registration. Last name and/or affiliation may not have been provided.

CALL TO ORDER

Mr. McIntyre called the meeting to order at 9:04 AM, explained the purpose of the Public Workshop, and introduced the staff present. Mr. McIntyre explained that the names of attendees would be collected for the record and that the meeting was being recorded. Mr. McIntyre reviewed the workshop agenda. There were no questions or changes to the agenda. Ms. 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. Ms. 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. McIntyre explained how the regulation adoption process works. The regulation adoption timeline was explained, specifying that there would be a 30-day public comment period prior to the State Environmental Commission (SEC) hearing for each set of proposed amendments. Mr. McIntyre stated that unless there are substantive changes based on feedback from this workshop, NDEP will submit proposed regulations R058-26 and R147-26 to the SEC to be heard on December 16, 2026. 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. McIntyre paused and asked if there were any questions about the regulation adoption process.

Mr. McIntyre moved on to present the regulatory petitions.

R058-26 SUMMARY

Mr. McIntyre presented R058-26, the proposal to amend NAC 445B.221 to adopt applicable federal rules promulgated since the State regulation was last updated as of April 2024. This is a routine activity commonly referred to as "adopt by reference". The proposed amendments and the adoption by reference of the federal regulations will allow NDEP to request delegated authority for the compliance and enforcement of air regulations from USEPA. NDEP will implement the federal regulations once the authority has been delegated. The proposed regulation is to adopt new and amended subparts under the Code of Federal Regulations (CFR) Parts 51, 52, 60, and 63. The proposed regulation includes adoptions relating to National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). Mr. McIntyre explained that USEPA had taken action on 40 CFR Part 60 Subparts TTTT, TTTTa and UUUUb, and that NDEP is submitting a green-lined version to the SEC that reflects USEPAs rulemaking.

Mr. McIntyre paused and asked if there were any questions. There were none.

R147-26 SUMMARY

Mr. McIntyre then presented R147-26, the proposal to amend and repeal portions of the Nevada Mercury Control Program within NAC 445B. The proposed regulations include notice of authorized change, the addition of minor modifications, enshrining the 5.0 pounds per year cap on de minimis emissions, and changes to billable thermal units for annual maintenance fees. Mr.

McIntyre explained these in detail, with the inclusion of the permitting actions associated fee. Mr. McIntyre stated that the reasons for the proposed regulation are to delete obsolete provisions, clarify regulatory requirements, and provide additional permitting tools to address common changes made by the regulated industry. Mr. McIntyre further explained that the regulation would impact two small businesses by them needing to pay annual maintenance fees but explained that they are able to cancel their Mercury Operating Permit to Construct by the end of the fiscal billing cycle. Seven small businesses would experience fiscal relief.

Mr. McIntyre paused and asked for comments or questions.

Comments

Kyle Davis: I am here to provide comments on behalf of the Nevada Mining Association. The Nevada Mining Association appreciates the work that the division has done on this issue and appreciates the willingness to accept our feedback and work with us, as well as working through the regulations and getting the language in a good place that we think is workable for our members. We are still reviewing the final language that we're looking at today. I think largely this is in a good spot, and we may have a question or two in terms of implementation. In general, we appreciate the work that has been done by the Division in putting this regulation together and we'll be there at the State Environmental Commission to provide the same comments.

Ken McIntyre: Thank you.

ADJOURMENT

Ken McIntyre: If there are no further questions or comments this meeting is adjourned at 9:23 AM. Thank you everyone for your time and participation in this public workshop. We'll see you next time.