

**STATE ENVIRONMENTAL COMMISSION
BOX INTERNAL IDENTIFICATION NUMBER: 59
STATE ARCHIVE BOX ID NUMBER: ENVPR-0134**

CONTENTS: 1998 STATE ENVIRONMENTAL COMMISSION
REGULATORY HEARINGS

HEARING DATE: **LOCATION:**

September 24, 1998

Reno

Hearing files contain the minutes, exhibits, regulatory language and petitions and all administrative documents relating to the hearing.

Regulatory Petitions for September 24, 1998

- A. Petition 98008 (LCB File No. R-124-98)** is a proposed permanent petition amending NAC 444.8427 to 444.9452, the hazardous waste management regulations. The proposed amendments update those regulations adopted by reference from July 1, 1997 to July 1, 1998 for NAC 444.8427, 444.84275, 444.850, 444.8632 and 444.9452. The major changes proposed by the adoption by reference are new land disposal restrictions treatment standards for metal bearing wastes, including toxicity characteristics for metal wastes and hazardous waste from minerals. The new federal regulations will exclude from the definition of solid waste certain shredded circuit boards in recycling operations as well as certain materials used in wood preserving operations. The proposed amendments are necessary to incorporate changes to the federal hazardous waste regulations to refer to the most current federal regulations, to revise state regulations to be more consistent with federal regulations and to make technical corrections to state regulations. **(Adopted by Commission)**
- B. Petition 98009 (LCB File No. R-125-98)** is a proposed permanent regulation amending NAC 444.84555 by adding language to expand the application process for a written determination for the construction and operation of a facility for the recycling of hazardous waste including: the basis for determining the economic value of a hazardous waste recycling process; requirements for public participation; and provisions for revocation, modification and appeal of administrator's decision. The proposed amendments are necessary to provide the administrator with the relevant information and facts to properly review written determination applications and determine whether and when it is appropriate to issue, modify, suspend, revoke or deny a written determination. **(Adopted by Commission)**
- C. Petition 98010 (LCB File No. R-126-98)** is a proposed permanent regulation amending NAC 445B.221 by the adoption by reference of 40 CFR 63.40 through 63.44, dealing with construction or reconstruction of major sources of hazardous air

pollutants and maximum achievable control technology (MACT) requirements. This adoption by reference implements section 112(g) of the Clean Air Act Amendments of 1990, the Operating Permit Program. In addition, the date reference to 40 CFR Parts 72 and 76 has been updated from July 1, 1997 to January 1, 1998. The proposed amendments are necessary since the State must have the authority to review construction and reconstruction of major sources of hazardous air pollutants as part of the Part 70 Operating Permit Program. **(Adopted by Commission)**

Settlement Agreements on Air Quality Violations for September 24, 1998

- A. Ames Construction Co.; Notice of Alleged Violation # 1320
- B. Foreland Corporation; Notice of Alleged Violations # 1313 & 1314
- C. Frehner Construction; Notice of Alleged Violations # 1327 & 1328
- D. Granite Construction; Notice of Alleged Violations # 1334 & 1335
- E. LSP Products Group Inc.; Notice of Alleged Violation # 1307
- F. LSP Products Group Inc.; Notice of Alleged Violation # 1308
- G. IMV Nevada.; Notice of Alleged Violation # 1316
- H. Uhalde-Lease.; Notice of Alleged Violation # 1330

Clark County Health District Emission Offset Program for September 24, 1998

The Environmental Commission will receive a report and recommendations from the Division of Environmental Protection, Bureau of Air Quality, regarding an evaluation of the Clark County Health District Air Pollution Control Division's Emission Credit Program. On June 17, 1998, the Environmental Commission requested the Division to determine whether the Clark County Health District was implementing the recommendations pertaining to an independent management report, issued May 28, 1998, by Stewart, Archibald & Barney, that focused on the District's emission offset program.

Petition to Reconsider the Commission's Action of June 17, 1998 Regarding Mr. Robert Hall's Petition for September 24, 1998

The Environmental Commission will review an addendum request from Mr. Robert Hall, dated August 26, 1998 regarding the Commission's action of June 17, 1998. **(Petition denied by Commission)**

HEARING DATE:

LOCATION:

December 8 & 9, 1998

Las Vegas

Hearing files contain the minutes, exhibits, regulatory language and petitions and all administrative documents relating to the hearing.

December 8, 1998

Settlement Agreements on Air Quality Violations on December 8, 1998

- A. Sierra Chemical; Notice of Alleged Violations # 1336
- B. Valley Joist; Notice of Alleged Violation # 1344 & 1345
- C. Alamo X-Press Construction; Notice of Alleged Violation # 1346
- D. Kal Kan Foods Inc.; Notice of Alleged Violation # 1337 & 1338
- E. Frehner Construction; Notice of Alleged Violations # 1339

Penalty Hearing for December 8, 1998

- A. Frehner Construction; Notice of Alleged Violations # 1347

U.S. DOE Variance for December 8, 1998

The Nevada Environmental Commission pursuant to Nevada Revised Statute 445B.400 received a request on September 11, 1998, from the U.S. Department of Energy, the Nevada Operations Office, to issue a variance from the 20 percent opacity restriction in Air Quality Operating Permit AP9711-0556 for operations at the Hazardous Materials Spill Center (HSC) located at the southeast section of the Nevada Test Site, approximately 15 miles north of Mercury in Nye County, Nevada. **(Approved by Commission)**

Status of Elko County Appeal and other matters related to the appeal.

Letter from the Advisory Committee on the Control of Emissions from Motor Vehicles, dated September 8, 1998, to the Environmental Commission. This letter discusses recommendations of the Clark County Board of Commissioners to strengthen the vehicle inspection/maintenance program in the Las Vegas Valley.

Letter from Michael Naylor of the Clark County Health District dated September 10, 1998 transmitting Resolution #2-98 of the Clark County District Board of Health requesting that the Environmental Commission consider by March 1, 1999, the possible potable water contamination effects associated with summertime gasoline that may be oxygenated with MTBE (Methyl Tertiary Butyl Ether), in deciding whether or not regulations should be adopted that would limit the use of the additive oxygenate MTBE in gasoline.

Petition to Reconsider the Commission's Action of June 17, 1998 Regarding Mr.

Robert Hall's Petition and other matters pertinent to the Clark County Health District' Emission Credit Program The Environmental Commission will review an addendum request from Mr. Robert Hall, dated October 26, 1998, regarding the Commission's action of June 17, 1998. **(Denied by Commission)**

December 9, 1998 - 8:30 am

Regulatory Petitions for December 9, 1998

- A. **Petition 1999-03** is a temporary amendment to NAC 445B. The regulation amends NAC 445B.319, 445B.327 and 445B.331 by increasing air quality operating permit fees for administrative amendments, Class I and II operating permits and change of location permits. The regulation adds new fees for Prevention of Significant Deterioration (PSD) permits and major revisions to PSD permits. The regulation increases the annual emission fees and annual maintenance fees for all stationary sources. **(Adopted by Commission)**

- B. **Petition 1999-02** is a temporary regulation amending NAC 445A.232 "fees" in the water pollution program by extending the date of expiration from July 1, 1999, to July 1, 2001. The portion of NAC 445A.232 effective from July 1, 1999 to July 1, 1999 is repealed, and that portion of NAC 445A.232 effective on July 1, 2001 is retained. This petition affects mining water pollution control discharge fees. This petition amends a 1997 action where the fees were amended with three rolling escalating fee schedules between the time of adoption and the year 2001. Those mining water pollution control fees currently in effect are proposed to be retained until July 1, 2001. The intermediate fee schedule is proposed to be repealed by this action. **(Adopted by Commission)**

- C. **Petition 1999-01** is temporary regulation amending NAC 445A.121, 445A.143, 445A.144, 445A.213 of the water pollution control regulations. The regulations are proposed to be amended to change the reference for limits in drinking water standards from the U.S. Public Health Service to those adopted by the Nevada State Board of Health. NAC 445A.143, the Colorado River salinity standards, is proposed to be amended to include the term "flow weighted average". NAC 445A.213, the minimum quality criteria applicable to interstate waters, is proposed to be repealed. **(Adopted by Commission)**

- D. **Petition 1999-04** is a temporary amendment to NAC 445A. The amendment adds a definition for the term "rolling stock". The term "temporary permit" is also defined and exceptions clarified. The conditions and procedures for issuing temporary permits are proposed by this petition. NAC 445A.313 is proposed to be amended to include the term "diffuse source" as a clarifier of those activities exempt from the temporary permit process. NAC 445A.309 "Diffuse source" defined is proposed to be repealed. **(Withdrawn by Division at Hearing)**

- E. Petition 1999-05** makes temporary amendments to NAC 445A.228 to 445A.292. The amendments clarify wording, remove outdated language, conforms the water pollution regulations to statutes, addresses who must sign a discharge monitoring permit, clarifies establishment of effluent limits and compliance schedules and provides for minor water control discharge permit modifications. The amendments also provide for the transfer of permits to new owners. NAC 445A.105 and 445A.246 is proposed to be repealed. **(Adopted by Commission)**
- F. Petition 98007 (LCB File No. R-121-98)** is a permanent regulation amending NAC 459.952 to 459.9542, the regulation of highly hazardous substances. The regulations amend NAC 459.953, 459.9534, 459.9536, 459.954 and 459.9542. NAC 459.9526 and 459.9528 are proposed to be repealed. This petition adds in excess of 100 new sections. This regulation implements Senate Bill 266 of the 1997 session to allow delegation of the EPA's Clean Air Act Risk Management Program (RMP), 40 CFR Part 68, to regulate facilities with hazardous substances. Facilities affected by the program would be required to prepare risk management plans that would be available to the public. The proposed regulations mesh the existing State authorized Chemical Accident Prevention Program with the Federal Risk Management Program. The amendments also add provisions to regulate facilities having two accidental releases of substances listed in NRS 459.3816. NAC 459.9542 modifies the fee structure to incorporate RMP facilities. **(Adopted by Commission)**

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