

[State Home Pages](#)[Hearings & Appeals](#)[About the SEC](#)[Laws & Regulations](#)**State of Nevada****Dept. of Conservation & Natural Resources - DCNR****State Environmental Commission****901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701****CHAIRMAN:**Lew Dodgion
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John B. Walker

The State Environmental Commission (SEC) held a regulatory hearing on Wednesday, November 12, 2008 at 10:00 am. The hearing was held at the Nevada Department of Wildlife's Conference Room A, [1100 Valley Road, Reno, Nevada](#).

The purpose of the hearing was to receive comments from all interested persons regarding the adoption, amendment, or repeal of the following regulatory petitions and related SEC business.

The following items were discussed and acted upon at the hearing.

▶ [Public Notice](#)

▶ [Meeting Agenda](#)

1) Draft SEC Summary Meeting Minutes 09/24/08 * ACTION

[Verbatim Draft Minutes for the 09/24/08 meeting – Audio File](#) **Listen**

2) Settlement Agreements, Air Quality Violations *ACTION

The Division of Environmental Protection has negotiated one Settlement Agreements for Air Pollution Control violation. The SEC is being asked to approve, deny, or modify the agreement for the company listed on down-loadable file below. The SEC will also take action on an Air Quality Violation [NO:2137] issued to Vanderbilt Minerals Corporation – see information below.

▶ [Read/Download – Summary -- Settlement Agreement](#)

▶ [Read/Download – Vanderbilt Minerals Corporation](#) **HTML**

3) Arsenic Rule Extensions – Pursuant to the federal Safe Drinking Water Act and Nevada laws and regulations (i.e., [NRS 445A.935](#), & [NAC 445A.490.5](#)), the State Environmental Commission (SEC) has the authority to grant "extensions" to exemptions previously issued by the SEC regarding the federally mandated standard for arsenic in drinking water (i.e., 10 parts per billion). In 2006 and 2007, the SEC granted sixty-four "exemptions" to water purveyors in Nevada to extend the timeline for compliance with the federal arsenic rule.

The Nevada Division of Environmental Protection's Bureau of Safe Drinking Water (BSDW) has established criteria, based on state regulations and U.S. EPA guidance, to screen exempted facilities for a possible two-year extension to the timeline for compliance with the arsenic rule.

Accordingly, at this meeting the SEC will act on staff recommendations for, or against, a two-year extension of the timeline for compliance with the federal arsenic rule for a selected list of water purveyors in Nevada. (see list below)

- [October 08, 2008 – DRAFT "Boiler Plate" Exemption Extension](#)
- [October 28, 2008 – List of Water Purveyors \[i.e., water systems\]](#) **HTML**
- [October 28, 2008 – Arsenic Rule Background Briefing Document](#)

▶ [In the News](#)

Executive Secretary
Carson City

Kathy Rebert
Recording Secretary
Carson City

Regulatory Petitions

Air Quality Planning / Air Pollution Control * ACTION ITEM

4) Regulation 191-08: Reporting Requirements for Excess Air Emissions & Clarification of Procedures for Renewal of Permits: This regulation would amend NAC 445B. This regulation would update the reporting requirements for excess emissions and scheduled repairs as well as clarify the procedures for renewal of air pollution control permits. In general, the regulation updates and clarifies the permitting regulations to eliminate ambiguity and make them more sensible.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees. (SEC Reference P2008-16)

Documents in Adobe PDF File Format 

- [June 27, 2008 – LCB Transmittal Letter](#)
- [June 27, 2008 – NDEP Proposed Draft Regulation](#)
- [June 27, 2008 – SEC Filing Form 1](#)
- [June 27, 2008 – SEC Filing Form 4](#)
- [August 28, 2008 – LCB Proposed Draft Regulation](#)
- [October 6, 2008 – Workshop Notice](#)
- [November 17, 2008 – Filing Statement Transmittal Letter](#)
- [November 17, 2008 – Filing Statment](#)
- [November 17, 2008 – Filing Form](#)

Air Quality Planning / Air Pollution Control - continued * ACTION ITEM

5) Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units: This regulation would add a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NO_x, SO₂ and PM₁₀. These requirements apply to Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations in the Mason Valley and the Truckee River Basins, respectively; as well as Nevada Power Company's Reid Gardner Generating Station in the California Wash northeast of Las Vegas; and Southern California Edison's Mohave Generating Station near Laughlin. This proposed regulation is necessary to comply with the federal Regional Haze Regulations promulgated in July 1999 (64FR35714).

This regulation will have an economic impact on the regulated industry. In some cases, it requires the installation of new control technologies, an upgrade to existing controls and/or a switch to different fuel. In other cases, the requirements coincide with what is required under existing permit conditions, and so the regulation will impose no additional cost. The proposed regulation will have no economic effect on the public, unless the industry chooses to pass the cost along to the consumer. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees. (SEC Reference P2008-15)

Documents in Adobe PDF File Format 

- [June 27, 2008 – LCB Transmittal Letter](#)
- [August 05, 2008 – NDEP Revised-Proposed Draft Regulation](#)
- [September 12, 2008 – SEC Filing Form 1](#)
- [September 12, 2008 – SEC Filing Form 4](#)

- [October 6, 2008 – Workshop Notice](#)
- [October 21, 2008 – R190-08 Technical Support Documents **HTML**](#)
- [October 28, 2008 – NDEP revisions 11/12/08 to LCB Proposed Draft Regulation](#)
- [November 12, 2008 – Final NDEP Revision to R190-08](#)
- [November 12, 2008 – Support Letter" NVEnergy](#)
- [November 18, 2008 – Filing Statement Transmittal Letter](#)
- [November 18, 2008 – Filing Statment](#)
- [November 18, 2008 – Filing Form](#)

Air Quality Planning / Air Pollution Control - continued * ACTION ITEM

6) Regulation T008-08: Nevada's Electrical Generation Unit Greenhouse Gas Emissions Mandatory Reporting Requirements (Temporary Regulation) The Nevada Division of Environmental Protection (NDEP) is proposing to amend NAC 445B.001 to 445B.3497 of the State "Air Pollution" regulations, by adding a regulation which mandates the reporting of greenhouse gases (GHG) emitted by certain generators of electricity; the information will be used to create a registry of GHG emissions. The GHG reporting regulation is a requirement of Senate Bill 422, which was passed by the 2007 Legislature.

Adoption of the regulation will create a modest added cost to the electric power generating companies that operate electric generating units that emit GHGs, which have maximum design output capacities of 5 megawatts or more. The proposed regulation entails a total program fee of \$137,000 per year with an optional two percent cost of living increase each year thereafter. The fees collected would support one fulltime equivalent position at NDEP plus administrative costs to implement the program and verify reported data. Companies subject to the regulation would be required to report emissions of six (6) GHGs beginning in 2009; these companies would pay an annual fee based on the level of GHGs emitted.

The proposed regulation does not overlap or duplicate any regulations of other state or government agencies; to date there are no greenhouse gas reporting requirements in existing federal regulations. This regulation will also not have an immediate or long-term adverse economic impact on the public or the business community. ([SEC Reference P2008-20](#))

Documents in Adobe PDF File Format

- [October 07, 2008 – NDEP Proposed Draft Temporary Regulation](#)
- [October 08, 2008 – LCB Transmittal Letter](#)
- [October 10 2008 – SEC Form 1](#)
- [October 10 2008 – SEC Form 4](#)
- [October 16, 2008 – Workshop Notice \(November 4, 2008\)](#)
- [October 28, 2008 – Nevada Greenhouse Gas Reporting Statutes \(NRS 445b.137\)](#)
- [November 12, 2008 – T008-08 NDEP Final Revision](#)
- [November 12, 2008 – Support Letter" NVEnergy](#)

Water Quality Planning * ACTION ITEM

7) Regulation R186-08: Revision of Molybdenum Aquatic Life Water Quality Standard: This regulation would amend NAC 445A.144. The regulation, proposes changes to the aquatic life standard for molybdenum. Other minor editorial changes proposed to NAC 445A.144 include revising Section 1 language; changing the location in the table of the Irrigation Standard for Iron; and revising Reference (e).

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not

address fees. (SEC Reference P2008-17)

Documents in Adobe PDF File Format 

- June 26, 2008 – LCB Transmittal Letter
- June 26, 2008 – NDEP Proposed Draft Regulation
- July 09, 2008 – Background Document - [61 Pages]
- July 15, 2008 – Rational Document
- July 29, 2008 – LCB Proposed Draft Regulation
- August 04, 2008 – Workshop Notice
- October 13, 2008 – SEC Filing Form 1
- October 13, 2008 – SEC Filing Form 4
- October 28, 2008 – Overview: Revision of Molybdenum Aquatic Life Water Quality Standard
- November 12, 2008 – Staff Presentation to the SEC: Revision of Molybdenum Aquatic Life Water Quality Standard
- November 18, 2008 – Filing Statement Transmittal Letter
- November 18, 2008 – Filing Statment
- November 18, 2008 – Filing Form

Water Pollution Control * ACTION ITEM

8) Regulation R152-08: Transfer of Regulatory Authorities for Subdivision Review: The purpose of this regulation is to complete the transfer of authorities covered by Senate Bill SB395. SB395 was passed in 2005; among other actions the legislation transferred statutory and regulatory authorities for subdivision review programs (contained in NRS and NAC 278 respectively) from the Nevada Division of Health to the Nevada Division of Environmental Protection (NDEP). Accordingly, this proposed regulation revises the text references of "Health Division" to "Division of Environmental Protection." The regulation was originally adopted by the State Board of Health in 1982 in order to implement the statutory responsibilities contained in NRS 278.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees. (SEC Reference P2008-12)

Documents in Adobe PDF File Format 

- June 04, 2008 – LCB Transmittal Letter
- June 04, 2008 – NDEP Proposed Draft Regulation
- September 11, 2008 – LCB Proposed Draft Regulation
- October 6, 2008 – SEC Forms
- October 17, 2008 – Workshop Notice
- November 18, 2008 – Filing Statement Transmittal Letter
- November 18, 2008 – Filing Statment
- November 18, 2008 – Filing Form

9) Administrator's Briefing to the Commission: NDEP's Administrator provided the Commission with an informational update about the LS Power permit as well as any new events associated with mine closure actions in Northern Nevada. **Non Action Item**

10) Public Comment * Non Action Items: (Public comment may be limited to ten minutes per person at the discretion of the chairperson; See AG Reference @ Pages 58 & 81)

Additional Information about the meeting process

Copies of the public notice for this hearing and the accompanying regulations were deposited electronically at major libraries in each county in Nevada. All of the proposed regulations denoted above, including previous drafts, were also posted on Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/Register/>.

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 Nevada Department of Wildlife in Reno and the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Likewise, the agenda for this hearing was posted at the Bryan Building in Carson City, at the State Library and Archives in Carson City, at the offices of the Division of Environmental Protection in Las Vegas and at the Nevada Department of Wildlife in Reno.

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