



State of Nevada
 Dept. of Conservation & Natural Resources - DCNR
State Environmental Commission
 901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701

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Rose Marie Reynolds
 Deputy Attorney General
 Las Vegas

The State Environmental Commission (SEC) has scheduled a regulatory hearing on Tuesday, December 7th, 2010 at 9:30 am 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.

[Public Notice](#)

[Meeting Agenda](#)



1) Meeting Minutes * ACTION ITEM: [Read /Download the October 5th 2010 draft summary meeting minutes](#) [6 pages, with attachments] or [listen to the verbatim audio file](#) [Listen](#)

2) Air Quality Violations — Presentation by Bureau of Air Pollution Control regarding penalty matrix and its use in determining proposed fines for air quality violations -- **NON ACTION ITEM**

3) Procedure for Penalty Assessments — Discussion regarding procedures for penalty assessments for air quality violations by State Environmental Commission -- **NON ACTION ITEM**

4) Penalty Assessments for Air Quality Violations — [Summary Table](#)

A. **Lake Tahoe Horizon Casino Resort** — - Penalty Assessments for Air Quality Violations No. 2232 and 2252: failure to apply for a renewal of an air quality operating permit prior to expiration, continuing to operate without a valid permit, and failure to conduct emission compliance tests (source tests) required by an air quality operating permit (recommended penalty \$38,100). [Background Information](#) *ACTION

B. **Eagle Peak Rock and Paving, Inc.** — Penalty Assessments for Air Quality Violations No. 2248, 2249, 2257 and 2258: failure to install water sprays and enclosures and failure to comply with permitted emission limits-exceeding the permitted emission limit for visual emissions during operation of sources PF1.014, PF1.016 and PF1.023 (recommended penalty \$30,800). [Background Information](#) *ACTION

C. **Newmont Nevada Energy Investments, LLC** — Penalty Assessments for Air Quality Violation No. 2226: Exceeding permitted emissions limits (PM10) on a coal-fired boiler as required by a Class I Air quality Operating Permit (recommended

STAFF

John B. Walker
Executive Secretary
Carson City

Kathy Rebert
Recording Secretary
Carson City

penalty \$13,725). [Background Information](#)  *ACTION

- D. **Ames Construction, Inc.** - Penalty Assessments for Air Quality Violations No. 2269, 2270 and 2271: operating without a valid air quality operating permit, failing to report the throughput and operating hour exceedances, and exceeding throughput and daily operating hour limits set in the air quality operating permit (recommended penalty \$11,550). [Background Information](#)  *ACTION

Safe Drinking Water — Arsenic Exemption Extensions * ACTION ITEM

5) 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)

Documents in Adobe PDF File Format 

- **December 2010 - DRAFT — Boiler Plate" Exemption Extension - System with Arsenic > 20 ppb**
- **December 2010 - DRAFT — Boiler Plate" Exemption Extension - System with Arsenic < 20 ppb**
- **December 07, 2010 — Arsenic Exemption Extensions Before the SEC [5 Pages]**
- **December 07, 2010 — NDEP Bureau of Safe Drinking Water - List of Water Systems with Arsenic Exemptions and their Status for Extension Recommendations to the SEC** 

Water Quality Planning — Regulatory Petition * ACTION ITEM

6) R129-10: Water Quality Standards for Class D Waters & Removal of Legal References for Certain Tribal Waters: This regulation proposes changes to Water Quality Standards for Class D waters and removal of Nevada Administrative Code references to Tribal waters on the Fort McDermitt Indian Reservation. When the Nevada Division of Environmental Protection (NDEP) updated the Class Waters to the E. Coli bacteria standard in 2008, EPA required Nevada to perform an assessment of the Class D waters, which do not have contact recreation as a beneficial use, to determine if the waters would now meet the fishable/swimmable goal of the Clean Water Act. NDEP is proposing to add contact recreation and the associated bacterial water quality standard to four segments of the Class D waters.

The State of Nevada water quality regulations are not applicable to waterbodies on tribal lands. As a sovereign nation, the Fort McDermitt Paiute and Shoshone Tribes are responsible for regulating the water quality of the river within the boundaries of their land. Changes are proposed to the NAC to remove the segments of these reaches that

are on tribal lands.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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 P2010-08)

Documents in Adobe PDF File Format 

- [April 22, 2010 — Workshop Notice¹](#)
- [April 23, 2010 — Fact Sheet](#)
- [April 23, 2010 — Rationale \[12 Pages\]](#)
- [June 29, 2010 — NDEP Response to EPA Comments](#)
- [June 30, 2010 — LCB Transmittal Letter](#)
- [June 30, 2010 — NDEP Proposed Draft Regulation \[8 Pages\]](#)
- [June 30, 2010 — SEC Form 1](#)
- [June 30, 2010 — SEC Form 4](#)
- [August 11, 2010 — LCB Proposed Draft Regulation \[24 Pages\]](#)
- [September 28, 2010 — Staff Power Point Presentation \[18 Pages\]](#)
- [November 03, 2010 — LCB Proposed Regulations \(Revised\) \[38 Pages\]](#)

Office of Financial Assistance — Regulatory Petition * ACTION ITEM

7) R115-10: Financial Assistance for Construction of Wastewater Treatment & Pollution Control Projects: This regulation would amend NAC 445A. Proposed revisions to the regulation govern financial assistance for construction of wastewater treatment & pollution control projects. Revisions to the regulation are intended to make the Clean Water and Drinking Water State Revolving Fund more consistent with program elements such as the Division of Environmental Protection's Priority List and the Intended Use Plan.

The proposed revisions also remove the requirement that project design be completed prior to project funding. The removal of this requirement will allow communities, which can not afford up front engineering cost, to utilize state revolving funds for such activities. The proposed regulation also removes confusing language for calculating fixed amounts for planning and design costs.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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 P2010-05)

Documents in Adobe PDF File Format 

- [June 23, 2010 — LCB Transmittal Letter](#)
- [June 23, 2010 — NDEP Proposed Draft Regulation](#)
- [November 08, 2010 — LCB Proposed Draft Regulation](#)
- [November 15, 2010 — Workshop Notice](#)

Air Pollution Control / Air Quality Planning — Regulatory Petition * ACTION ITEM

8) T011-10. Air Pollution Control New Public Notice Provisions For Class II Air Permits: The Nevada Division of Environmental Protection (NDEP) is proposing to amend one section in the air permitting provisions of NAC 445B, which deals with Class II permit applications. The proposed **temporary regulation** addresses public noticing requirements and the timeline for agency action on applications.

Specifically, the regulation would require the Director to act on all Class II permit applications within 60 days after the official date of submittal and would streamline the public notice timeline for Class II applications. It would require all new Class II air permit

applications and all applications for a modification (to an existing Class II source) that exceeds a certain threshold be made available for public notice. These regulatory changes respond to U.S. EPA comments on the approvability of the NDEP's public notice provisions into Nevada's applicable State Implementation Plan. The proposed amendments are necessary to align state regulations with the federal Clean Air Act and U.S. EPA rule requirements.

This temporary regulation will not have an immediate or long-term adverse economic impact on the public or the business community. The regulation does not overlap, duplicate or conflict with any regulations of other government agencies. There will be additional costs to the NDEP to administer the new public notice provisions for all new permit applications and for all modifications that exceed specified thresholds. The agency will bear these costs, at this time; no new fees are being proposed. (SEC #P2010-11)

Documents in Adobe PDF File Format 

- **October, 27 2010** — NDEP Proposed Draft Regulation (4 Pages)
- **October 27, 2010** — Workshop Public Notice (1 Page)
- **October 27, 2010** — SEC Form 1 (2 Pages)
- **October 27, 2010** — SEC Form 4 (1 Page)
- **November 16, 2010** — Workshop Minutes (5 Page)

9) Administrator's Briefing to the Commission: NDEP's Administrator will provide the Commission with informational updates about bill draft requests, NDEP's mercury regulatory program at the Hawthorne Ammunition Depot, and status of the new federal greenhouse gas regulation. *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

Persons wishing to comment on the proposed actions of the State Environmental Commission (SEC) may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

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 Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230) and at the Nevada Department of Wildlife (1100 Valley Road, Reno, Nevada).

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the State Environmental Commission's website at: SEC.NV.GOV. All of the proposed regulations denoted in this notice, including previous drafts, are also posted on the [Legislative Counsel Bureau's website](#)

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of John B. Walker, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9308, no later than 5:00 p.m. on November 29th, 2010.

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