

NEVADA STATE ENVIRONMENTAL COMMISSION
A G E N D A
November 19, 2002

The Nevada State Environmental Commission will conduct a public hearing commencing at **9:30 a.m. on Tuesday, November 19, 2002, at the Clark County Building Department, 4701 West Russell Road, Las Vegas, Nevada.**

This agenda has been posted at the Clark County Public Library, the Clark County Building Department and Grant Sawyer Office Building in Las Vegas, Washoe County Library in Reno, Division of Environmental Protection and Department of Cultural Affairs in Carson City. The Public Notice for this hearing was published on October 17, October 22, October 23, October 29 and October 30, 2002 in the Las Vegas Review Journal and Reno Gazette Journal newspapers.

The following items will be discussed and acted upon but may be taken in different order to accommodate the interest and time of the persons attending.

I. Approval of minutes from the September 11, 2002 hearing. * ACTION

II. Regulatory Petitions * ACTION

1. Petition 2002-09 (LCB R103-02) is a permanent amendment to NAC 445B.001 to 445B.395, the air pollution control program. The amendments provides for a new Class I Operating Permit to Construct Program, an amendment to NAC 445B.327 for a late fee assessment for annual fees and minor technical corrections to the regulations. These amendments reorganize and consolidate the structure of the Class I, II and III operating permit regulations and provide clarification of the methods of calculating heat input. A new Operating Permit to Construct program has provisions relating to definitions, applicability, application requirements, content of the permit, timelines involved in the permit, and renewals. NAC 445B.22097 is amended to clarify the eight-hour Ozone standard and the addition of a 2.5 micron particulate standard. NAC 445B.221 is amended to add various subparts on Hazardous Air Pollutants of the Code of Federal Regulations, NAC 445B.327 is amended to provide for new Operating Permit to Construct Fees, amendments to Surface Disturbance Fees and replacement and change of location permit fees. The Prevention of Significant Deterioration Fees are consolidated in NAC 445B.327, and a penalty amount for late fees is included. NAC 445B.291, 445B.300, 445B.303, 445B.313, 445B.323, and 445B.335 are repealed.

2. Petition 2002-10 (LCB R099-02) is a permanent amendment to NAC 445A.119 to 445A.225 the water quality standards program. The amendment updates NAC 445A.119 to revise pH, chloride and nitrite criteria and for the inclusion of total ammonia and E. Coli bacteria. The amendment incorporates the E. Coli bacteria standard in the following rivers and creeks: Carson River, Walker River, Virgin River, Truckee River, Humboldt River, Colorado River, Muddy River, Snake River Basin, Chiatovich Creek, Indian Creek, Leidy Creek, Snake Creek, Beaver Dam Wash and the Meadow Valley Wash. The pH standard, and the new total ammonia standard that replaces the un-ionized ammonia standard is also selectively incorporated into the various water bodies listed above.

3. Petition 2003-01 is proposed temporary amendments to the Environmental Commission's Rules of Practice; NAC 445B.875 to 445B.899. The new amendments include: provisions allowing consolidation of two or more appeal that are substantially similar, the submittal of pleading and briefs, acknowledgement of service, stipulation to written testimony, due process and criteria for interveners to intervene in contested hearings, rights of parties of record, conduct of parties at Commission hearings, an expanded definition and due process for subpoenas, and limitations on ex parte communications. Amendments are proposed to NAC 445B.892 by requiring parties requesting subpoenas to be responsible for preparing and effectuating service and NAC 445B.895 to limit the time and scope of examination of witnesses.

III. Settlement Agreements on Air Quality Violations * ACTION

- A. All-Lite Aggregate; Notice of Alleged Violation #1694, 1695, 1696, 1697, 1698
- B. Caesars Tahoe; Notice of Alleged Violation #1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713

IV. Presentation on the Status of the Air Quality Programs in Clark County

V. Status of Division of Environmental Protection's Programs and Policies

VI. General Commission or Public Comment

Copies of the proposed regulations may be obtained by calling the Executive Secretary, David Cowperthwaite at (775) 687-9308. The public notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. The proposed regulations are on the Internet at <http://www.leg.state.nv.us>. In addition the State Environmental Commission maintains an Internet site at <http://www.ndep.state.nv.us/>.

Persons with disabilities who require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing at the Nevada State Environmental Commission, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851 or by calling (775) 687-9308, by 5:00 p.m. **November 13, 2002.**

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