

NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NEVADA ENVIRONMENTAL COMMISSION

HEARING ARCHIVE

FOR THE HEARING OF February 8, 1995

HELD AT: Reno, Nevada

TYPE OF HEARING:

REGULATORY

YES APPEAL (Santa Fe Partners - Helms Pit)

FIELD TRIP

ENFORCEMENT

VARIANCE

RECORDS CONTAINED IN THIS FILE INCLUDE:

YES AGENDA

YES PUBLIC NOTICE

MINUTES OF THE HEARING

LISTING OF EXHIBITS

AGENDA

NEVADA STATE ENVIRONMENTAL COMMISSION PUBLIC HEARING

As provided by Nevada Revised Statutes (NRS) Chapter 233B and Nevada Administrative Code (NAC) inclusive, a panel of the Nevada State Environmental Commission will conduct an appeal hearing on **February 8, 1995 beginning 9:00 a.m.**, at the Division of Wildlife's Conference Room A & B located at 1100 Valley Road, Reno, Nevada.

This agenda has been posted at the Division of Wildlife, Reno and Division of Environmental Protection Office in Las Vegas, Nevada, the Washoe County Library in Reno, Nevada, the Nevada State Library and Division of Environmental Protection Office in Carson City, Nevada.

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. Appeal Hearing - * ACTION

- A. Santa Fe Pacific Pipeline Partners, Ltd., 888 South Figueroa St., Los Angeles, CA 90017; Unocal Corporation, Union Oil Center, Los Angeles, CA, 90017; Southern Pacific Transportation Company, One Market Plaza, San Francisco, CA, 94105; Shell Oil Company, P.O. Box 4848, Anaheim, CA, 92803; Berry-Hinkley Terminal Inc., 147 South Stanford Way, Sparks, NV, 89431; Texaco Refining and Marketing Inc., 10 Universal City Plaza, Universal City, CA, 91608; Time Oil Company, P.O. Box 24447, Seattle, WA, 98124; and Chevron U.S.A. Inc., 575 Market St., San Francisco, CA, 94105 appeals the issuance of Authorization to Discharge (NPDES Permit) No. NV0020893 by the Nevada Division of Environmental Protection.

The Division of Environmental Protection issued water pollution control permit NV0020893 on December 15, 1994 for the dewatering of a sand and gravel pit to control the migration of a plume of contamination in the groundwater. The quarry pit is located at 790 E. Lincoln Way, Sparks, Nevada, 89431 a.k.a. the Helms Pit. The Division asserts that it issued the permit correctly and in compliance with the provisions of the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et. seq) and Chapter 445 of the Nevada Revised Statutes.

The hearing scheduled for Wednesday February 8, 1995 may be continued to February 9, 1995 or to a later date to be determined by the Commission. The hearing, if continued to Thursday February 9, 1995 will be held at the Division of Wildlife's conference room A beginning at 9:30 a.m.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89710, facsimile (702) 687-5856, or by calling (702) 687-4670 extension 3118 no later than 5:00 p.m., February 1, 1995.

NEVADA STATE ENVIRONMENTAL COMMISSION NOTICE OF APPEAL HEARING

A three member panel of the Nevada State Environmental Commission will conduct an appeal hearing in the matter of:

Santa Fe Pacific Pipeline Partners, Ltd., 888 South Figueroa St., Los Angeles, CA 90017; Unocal Corporation, Union Oil Center, Los Angeles, CA, 90017; Southern Pacific Transportation Company, One Market Plaza, San Francisco, CA, 94105; Shell Oil Company, P.O. Box 4848, Anaheim, CA, 92803; Berry-Hinkley Terminal Inc., 147 South Stanford Way, Sparks, NV, 89431; Texaco Refining and Marketing Inc., 10 Universal City Plaza, Universal City, CA, 91608; Time Oil Company, P.O. Box 24447, Seattle, WA, 98124; and Chevron U.S.A. Inc., 575 Market St., San Francisco, CA, 94105 appeals the issuance of Authorization to Discharge (NPDES Permit) No. NV0020893 by the Division of Environmental Protection.

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The appellants assert that the Helms pit discharge is exempt from the NPDES permit requirements under the permit exemption in Section 121(e) of the Comprehensive Environmental Response Compensation, and Liability Act ("CERLA"), 42 U.S.C. § 9621(e); and that the Division of Environmental Protection had no authority to name as permittee, parties who did not submit an application for a permit; and that the Division lacks jurisdiction under the Federal Clean Water Act and the Nevada Water Pollution Control Law to establish effluent limitations in an NPDES permit for pollutants which occur in the groundwater as a result of upgradient nonpoint sources of pollution. In addition, Time Oil asserts that it has not contributed to any contamination that has migrated offsite from the Sparks pipeline terminal and that it should not be required to assume responsibility for controlling offsite contamination.

The hearing will be held Wednesday :

9:00 a.m.
February 8, 1995
Nevada Division of Wildlife
Conference Room A & B
1100 Valley Road
Reno, Nevada

**State Environmental Commission
Public Notice for February 8, 1995
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The hearing scheduled for Wednesday February 8, 1995 may be continued to February 9, 1995 or to a later date to be determined by the Commission. The hearing, if continued to Thursday February 9, 1995 will be held at the Division of Wildlife's conference room A beginning at 9:30 a.m.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89710, facsimile (702) 687-5856, or by calling (702) 687-4670 extension 3118 no later than 5:00 p.m., February 1, 1995.

This notice is issued pursuant to Nevada Revised Statutes (NRS) Chapter 233B. The hearing will be held in accordance with Nevada Administrative Code, (NAC) 445B.875 to 445B.897, inclusive.