

**Nevada Department Of Conservation And Natural Resources
Nevada Environmental Commission**

HEARING ARCHIVE

FOR THE HEARING OF: September 18, 2003

HELD AT: Reno, Nevada

TYPE OF HEARING:

**REGULATORY XX
APPEAL
RECONSIDERATION
FIELD TRIP
ENFORCEMENT
VARIANCE**

RECORDS CONTAINED IN THIS FILE INCLUDE:

YES - AGENDA & PUBLIC NOTICE

NO - MINUTES OF THE HEARING

NO – RELATED DOCUMENTS

NEVADA STATE ENVIRONMENTAL COMMISSION
Public Notice – Meeting Agenda
September 18, 2003

The Nevada State Environmental Commission will conduct a public hearing “video conference” commencing at **9:00 a.m. on Thursday, September 18, 2003, at the locations listed below:**

Reno

Jones Vargas
Sierra Room
100 West Liberty Street

Las Vegas

Jones Vargas
Third Floor South
Conference Room 2A
3773 Howard Hughes Parkway

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations. If no person directly affected by the proposed action appears to request time to make an oral presentation, the State Environmental Commission may proceed immediately to act upon any written submission.

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 June 19, 2003 hearing. * ACTION**
- II. **Regulatory Petitions– (See Petitions below) *ACTION**
- III. **Non Regulatory Information Item -- Re-designation of Nevada Side of Tahoe Basin for Attainment for CO.**

Regulatory Petitions * ACTION

1) Petition 2003-01 (LCB File RO37-03) is permanent 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 appeals that are substantially similar, the submittal of pleadings 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.

The proposed regulation does not regulate a business; therefore, they are not expected to have any direct economic impact on the regulated community in the immediate term and long term. The regulation is not expected to have any economic effect on the public in the immediate term and long term. The regulation is not expected to result in additional cost by the agency for enforcement. There are not other state or government agency regulations, which the revisions duplicate. The regulation is not more stringent than a federal regulation. The regulation does not provide for a new fee nor increase an existing fee.

2) Petition 2003-03 (LCB File RO64-3) is permanent amendments to NAC 445B.001 to 445B.3497, the air pollution control regulations. The regulation amends NAC 445B.281 to increase and standardize the fines in the schedule for minor violations, including, recordkeeping, fugitive dust, open burning, incinerator burning, odors, excess emissions, testing and sample reporting, monitoring system reporting, and change of location. First offense is increased to \$250, second offense to \$500 and third offense to \$500.

Unless the NAC is violated, there will be no economic impact on the regulated community. If a minor violation occurs, the penalty will be approximately two to five times greater than under current regulation. The regulation is not expected to have any economic effect on the public in the immediate term and long term. The regulation is not expected to result in additional cost by the agency for enforcement. There are no other state or government agency regulations, which the revisions duplicate. The regulation is not more stringent than a federal regulation. The regulation does not provide for a new fee or increase an existing fee, but does increase fines.

3) Petition 2003-04 (LCB File RO65-3) is permanent amendments to NAC 445B.001 to 445B.3497, the air pollution control regulations. The proposed regulation amendments include only minor clarifications, technical corrections and the removal of regulations that are no longer applicable. These are necessary to update and correct the NAC. They will also bring Nevada's program more into alignment with the Applicable State Implementation Plan.

The proposed regulation amendments will not result in additional cost by the agency for enforcement. The proposed regulation amendments do not overlap or duplicate any other state or government agency regulations. The regulation is no more stringent than what is established by federal regulation. The proposed regulation amendments do not provide for a new fee or increase an existing fee.

Non Regulatory Information Item

Re-designation of Nevada Side of Tahoe Basin for Attainment for CO: Pursuant to Section 107(d) of the 1990 Clean Air Act, the Nevada Division of Environmental Protection (NDEP), is submitting a request to the US Environmental Protection Agency for redesignation of the Nevada side of the Lake Tahoe Basin for air quality planning purposes. NDEP is requesting that this area, Hydrographic Area 90, be redesignated from nonattainment to attainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS).

Monitoring data show that the Nevada side of the Lake Tahoe Basin has never violated the one-hour CO NAAQS and has not exceeded the eight-hour standard since 1978. Supporting evidence is included in the "Redesignation Request and Limited Maintenance Plan." This document provides all the evidence necessary for a redesignation, including an attainment demonstration, a discussion of the control measures leading to emission reductions and a Limited Maintenance Plan.

Public Hearing Process & Information:

Pursuant to NRS 233B.0603 the provisions of NRS 233B.064 (2) are hereby provided:

"Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the

principal reasons for and against its adoption, and incorporation therein its reason for overruling the consideration urged against its adoption.”

Persons wishing to comment on the proposed regulation changes may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Environmental Commission, 333 West Nye Lane, Room 138, Carson City, Nevada 89706-0851. Written submissions must be received at least five days before the scheduled public hearing.

A copy of the regulations to be adopted or amended will be on file at the State Library and Archives, 100 Stewart Street, Carson City; the Division of Environmental Protection, 333 West Nye Lane - Room 104, in Carson City, and at the Division of Environmental Protection, 1771 E. Flamingo, Suite 121-A, in Las Vegas for inspection by members of the public during business hours. In addition, the proposed regulations and public notice have been electronically distributed to major library branches in each county in Nevada.

The 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 a website at: <http://www.sec.nv.gov/index.htm> This site contains the current public notice, agenda, the aforementioned proposed regulations and previously filed regulations from past commission hearings.

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 the Executive Secretary, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851, facsimile (775) 687-5856, or by calling (775) 687-9308, no later than 5:00 p.m. on September 11, 2003.

This public notice has been posted at the following locations: Jones Vargas, Clark County Public Library and the Grant Sawyer Office Building in Las Vegas, Jones Vargas, Washoe County Library and the Nevada Division of Wildlife in Reno, and the Division of Environmental Protection and Department of Cultural Affairs in Carson City.