

**NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**NEVADA ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVE**

**FOR THE HEARING OF September 23, 1997**

**HELD AT: Reno, Nevada**

**TYPE OF HEARING:**

<b>YES</b>	<b>REGULATORY</b>
	<b>APPEAL</b>
	<b>FIELD TRIP</b>
	<b>ENFORCEMENT</b>
	<b>VARIANCE</b>

**RECORDS CONTAINED IN THIS FILE INCLUDE:**

<b>YES</b>	<b>AGENDA</b>
<b>YES</b>	<b>PUBLIC NOTICE</b>
<b>YES</b>	<b>MINUTES OF THE HEARING</b>
<b>YES</b>	<b>LISTING OF EXHIBITS</b>

## **NEVADA STATE ENVIRONMENTAL COMMISSION NOTICE OF PUBLIC HEARING**

The Nevada State Environmental Commission will hold a public hearing beginning **9:00 a.m. on Tuesday, September 23, 1997**, at the Division of Wildlife's Conference Room B, located at 1100 Valley Road, **Reno**, Nevada.

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.

Petitions 96019, 96020, 97001, 97002 and 97003 have been previously adopted as temporary regulations by the Environmental Commission. These regulations expire by limitation on November 1, 1997. These temporary regulations are before the Commission for permanent adoption.

**1. Petition 96019 (LCB R-032-97)** amends NAC 486A.010 through 486A.250. The proposed regulation clarifies definitions, and the credit program in NAC 486A.170 is repealed. A new section is added that exempts from program requirements counties with less than 100,000 persons. NAC 486A.180 expands reporting requirements.

There will be no anticipated adverse economic impact to businesses in the short or long term. The proposed regulatory changes will not have a short and long term beneficial economic impact upon businesses. Public agencies will not experience a short and long beneficial economic impact. There is no additional cost to the agency for enforcement. There are no other state or government agency regulations which the proposed amendments duplicate. This regulation does not impose a new fee or increase an existing fee.

**2. Petition 96020 (LCB R-033-97)** amends NAC 445A.22705, Method E1739-95 as adopted by the American Society of Testing and Materials. The reference Method can be obtained from the Society directly rather than the Division of Environmental Protection. This proposed change includes the address and cost of acquiring the document "Method E1739-95".

There will be no anticipated adverse economic impact to businesses in the short or long term. The proposed regulatory changes have neither a short or a long term beneficial effect on business. The public should not experience any short or long term economic adverse impact. There is no additional cost to the agency for enforcement. There are no other state or government agency regulations which the proposed amendments duplicate. This regulation does not impose a new fee or increase an existing fee.

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**3. Petition 97001 (LCB R-031-97)** amends NAC 444.685 to allow solid waste management authorities to waive the requirements of NAC 444.6851 to 444.6859, the provisions of financial assurance, to April 9, 1998.

There may be a modest beneficial effect accruing to both private businesses and for the public located in rural areas of Nevada due to potential reductions in the costs for construction and operation of some rural municipal solid waste landfills. The public should not experience any short or long term economic adverse impact. There is no additional cost to the agency for enforcement. There are no other state or government agency regulations which the proposed amendments duplicate. This regulation is derived from Subtitle D of the Federal Resource Conservation and Recovery Act. This regulation does not impose a new fee or increase an existing fee.

**4. Petition 97002 (LCB R-027-97)** amends NAC 445A.070 to 445A.348, Water Pollution Control, by amending the mining water pollution control fees in NAC 445A.232. The regulation adds new annual threshold categories for chemically processing mine solutions including less than 18,250 tons, 18,250 to 36,500 tons, 36,500 to 100,000 tons and two new categories greater than 500,000 to 2,000,000 tons. Annual fees are proposed to be increased in three increments over six years. The increments cover the period of State Fiscal Years (July 1st to June 30th) 1998 to 1999, 2000 to 2001 and 2002 to 2003. Original and Renewal fees are also increased once but will remain constant to fiscal year 2003.

The change in fees will increase permitting costs for the mining industry. The additional fees will allow sufficient manpower and resources to adequately regulate and accommodate the rapid growth that has occurred in the mining industry. The fees will translate into an increased level of service that will allow for prompt permit issuance, approval of required plans and better coordination with federal agencies. There will be no adverse economic impact to the public, but marginal mining operations could possibly reduce employment due to the fee increases. The increased quality of regulation will better protect the environment, public health and safety. There will be no increased cost to the Division of Environmental Protection for enforcement of this regulation. This regulation does not overlap or duplicate the regulation of another agency. There is no equivalent federal program to compare to this state mining regulation program. This regulation will increase fees for the mining industry. Approximately an additional \$ 4,240,000 will be collected over six years, with an average annual amount of \$ 706,000. The additional funds will pay for regulation of the mining industry including permitting, enforcement and mine closure.

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**5. Petition 97003 (LCB R-028-97)** amends NAC 445A.055 to 445A.066, the Certification of Laboratories to Analyze Substances in Water, by amending the existing regulation to be more consistent with the Safe Drinking Water Acts laboratory certification program by replacing "warning limits" with "acceptance limits". Affected citations includes NAC 445A.057, 445A.060, 445A.061 and 445A.062.

This petition (97003) does not have an adverse economic effect upon the public, nor is there an estimated immediate or long-term economic effect upon the public. There will be no new costs to affected businesses since the current regulations address payments necessary to cover the cost of site evaluations. The regulation will not have an adverse economic effect upon businesses and the regulation will have a beneficial effect by creating more consistency with other state's certification programs and EPA's laboratory certification program. The regulated business community will receive a positive immediate and long term benefit by the increased consistency of the regulations. There will be no additional costs associated with enforcement of this regulation. The regulations do no overlap any existing state or federal regulations. Federal regulations do not regulate this activity. The proposed regulation does not include an increase in fees.

**6. Petition 97004 (LCB R-105-97)** amends NAC 445B.001 to 445B.395 by adding a new provision for a stationary source to request a revision for a air quality Class II operating permit. In addition NAC 445B.011 is revised to reference the NRS. NAC 445B.019, "applicable requirement" is re-defined to delete temporary source; NAC 445B.094 amends the definition of major source to exclude mobile sources as defined under Title II of the Federal Clean Air Act; and NAC 445B.221 is amended to add various subparts for New Source Performance Standard Industrial-Commercial-Institutional Steam Generating Units, Municipal Landfills, dry cleaners, chrome anodizing tanks, industrial process cooling towers, halogenated solvents, wood furniture manufacturing, printing and publishing, tanks, containers, surface impoundments, individual drain system and oil or organic water separators. The term "modification" is supplanted with the term "revision" from NAC 445B.001 to NAC 445B.395. NAC 445B.321 is proposed to be amended to add thresholds in defining minor revisions for Class I operating permits. It is proposed that NAC 445B.024, 445B.025, 445B.026, 445B.039, 445B.040, 445B.089, 445B.100, 445B.101, 445B.150, 445B.238, 445B.240, 445B.241, 445B.243, 445B.244, 445B.245, and 445B.367 be repealed.

The proposed regulation will have a beneficial economic impact on the regulated community and the general public. The proposed regulations will simplify the process for assuring stationary sources are in compliance with applicable air pollution requirements. Approximately 400 facilities could potentially realize a modest benefit upon modification of a operating permit. There will be no additional costs associated with enforcement of this regulation. The regulations do no overlap any existing state or federal regulations. The proposed regulations will be consistent with U.S. Environmental Protection Agency statute 42 USC 7401-7671 and the Federal Clean Air Act Titles I-VII. The proposed regulation does not include an increase in fees.

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7. **Petition 97005 (LCB R-106-97)** amends NAC 445A.266 by expanding the provisions of a general water pollution control permit to include rolling stock for the purpose of working in the waters of the state. In addition, the processing time for the permit shall not exceed 60 days and provisions are established that allows for public hearing upon the notice of intent. This regulation follows the instructions defined in Assembly Bill 594 of the 1997 Nevada Legislative Session.

This petition does not have an adverse economic effect upon the public, nor is there an immediate or long-term economic effect upon the public. There will be a positive economic benefit to businesses, individual and public agencies since rolling stock permits will no longer be treated as temporary permits but as part of a general permit. The Division will see annual revenues for water pollution control permits decrease by approximately \$ 2,500. Permits will be required to be issued within 60 days of the notice of intent. This will have an economic benefit to the regulated community to receive permits within such a limited timeframe. There will be no additional costs associated with enforcement of this regulation. The regulations do no overlap with any existing state or federal regulations. Federal regulations do not regulate this activity. The proposed regulation does not include an increase in fees, however fees will be reduced from the existing \$ 250 to \$ 200 due to the conversion of the rolling stock permit from a temporary to general permit status.

8. **Petition 97006 (LCB R-107-97)** amends NAC 444.8452 "Additional fees to offset cost of inspection and other regulation: Payment; accounting; penalty for unpaid fee." The proposed amendment adjusts the fees charged for disposal and treatment of hazardous waste to make rates at the state owned Beatty facility comparable to California rates. Fees for importation of hazardous waste, not federally regulated, are reduced and fees for treatment are increased by 19 cents per ton.

The proposed regulation will have a beneficial economic effect on the company operating the Beatty facility and may allow the facility to continue to operate until it reaches capacity. Continued operation of the facility will benefit Nevada businesses that generate hazardous waste by providing an in-state disposal facility. The proposed changes will have a modest or negligible economic effect on the public. The local Beatty, Nye County economy benefits from the jobs and economic activity derived from the Beatty facility. Fees charged on the disposal of hazardous waste at the Beatty facility supports the Division of Environmental Protection's hazardous waste regulatory program. There will be no additional costs associated with enforcement of this regulation. The regulations do not overlap any existing state or federal regulations. Federal regulations do not regulate this activity. The proposed regulation would result in lower fees for disposal of imported hazardous waste that is regulated by the state of origin as hazardous waste but not federally regulated as hazardous waste. There is an increase of 19 cents per ton for the treatment of hazardous waste. This fee establishes parity with California fees for treatment of hazardous waste. The fees are deposited in the State's hazardous waste management fund and are used to regulate, manage and cleanup hazardous waste.

**SCHEDULE OF PUBLIC WORKSHOPS**

Pursuant to NRS 233B.061, as revised, public workshops are required to be held for regulatory actions prior to the public hearing. A public workshop will be held on the temporary Petitions 96019, 96020, 97001, and 97003 on **Tuesday September 9, 1997** at 1:30 pm. The workshops will be held at 123 W. Nye Lane, Room 217, Carson City, Nevada.

Petition 97004 (air quality operating permit program) will be discussed on September 8, 1997 at 1:30 pm. The workshop will be held at 123 W. Nye Lane, Room 217, Carson City, Nevada.

Petition 97005 (rolling stock water pollution control general permit) will be discussed on September 10, 1997 at 1:30 pm. The workshop will be held at 123 W. Nye Lane, Room 217, Carson City, Nevada.

Petition 97006 (hazardous waste treatment fees) will be discussed on September 10, 1997 at 9:00 am. The workshop will be held at 123 W. Nye Lane, Room 217, Carson City, Nevada.

Pursuant to NRS 233B.0603(c) the provisions of NRS 233B.064 (2) is 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 upon 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, Carson City, Nevada 89706-0851. Written submissions must be received at least 5 days before the scheduled public hearing.

A copy of the regulations to be adopted or amended will be on file at the State Library, 100 Stewart Street and the Division of Environmental Protection, 333 West Nye Lane - Room 104, in Carson City and at the Division of Environmental Protection, 555 E. Washington - Suite 4300, in Las Vegas for inspection by members of the public during business hours. In addition, copies of the regulations and public notice have been deposited at major library branches in each county in Nevada. Listed below are the locations where the public notice and regulations will be available for inspection and copying:

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Carson City Library, 900 North Roop Street, Carson City;  
Churchill County Library, 553 South Maine Street, Fallon;  
Las Vegas Library, 833 Las Vegas Blvd. North, Las Vegas;  
Douglas County Library, 1625 Library Lane, Minden;  
Elko County Library, 720 Court Street, Elko;  
Goldfield Public Library, Fourth & Crook Streets, Goldfield;  
Eureka Branch Library, 10190 Monroe Street, Eureka;  
Humboldt County Library, 85 East 5th Street, Winnemucca;  
Battle Mountain Branch Library, 625 Broad Street, Battle Mountain;  
Lincoln County Library, 93 Main Street, Pioche;  
Lyon County Library, 20 Nevin Way, Yerington;  
Mineral County Library, First & A Street, Hawthorne;  
Tonopah Public Library, 171 Central Street, Tonopah;  
Pershing County Library, 1125 Central Avenue, Lovelock;  
Storey County Library, 95 South R Street, Virginia City;  
Washoe County Library, 301 South Center Street, Reno;  
White Pine County Library, 950 Campton Street, Ely.

Additional copies of the regulations to be adopted or amended will be available at the Division of Environmental Protection for inspection and copying by the members of the public during business hours. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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, 89706-0851, facsimile (702) 687-5856, or by calling (702) 687-4670 Extension 3118, no later than 5:00 p.m. on **September 18, 1997**.

This public notice has been posted at the following locations: Clark County Public Library and Grant Sawyer Office Building in Las Vegas; Division of Wildlife and Washoe County Library in Reno; and Division of Environmental Protection and State Library in Carson City.

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**STATE ENVIRONMENTAL COMMISSION**  
**Meeting of September 23, 1997**  
Division of Wildlife Conference Room - Reno, Nevada  
Adopted Minutes

**MEMBERS PRESENT:**

Melvin Close, Chairman  
Michael Turnipseed  
Marla Griswold  
Roy Trenoweth  
Robert Jones  
Russell Fields  
Mark Doppe  
Fred Gifford

**MEMBERS ABSENT:**

Joseph Tangredi  
Paul Iverson  
William Molini

**Staff Present:**

Deputy Attorney General Jean Mischel- Deputy Attorney General  
David Cowperthwaite - Executive Secretary  
LuElla Rogers - Recording Secretary

Chairman Close called the meeting to order at 9:00 a.m. and verified that the public notice posting requirements as defined in the agenda for September 23, 1997, were met.

Chairman Close moved to **Agenda Item I - Approval of minutes from the May 29, 1997, meeting:**

**Commissioner Fields made a motion to adopt the May 29, 1997, minutes as presented.**

**Commissioner Turnipseed seconded the motion.**

**The motion was approved.**

Chairman Close moved to **Agenda Item II - Regulatory Petitions**

**A. Petition 96019 (LCB R-032-97)** amends NAC 486A.010 through 486A.250. The proposed regulation clarifies definitions in the Alternative Fuels program, and the credit program in NAC 486A.170 is repealed. A new section is added that exempts from program requirements counties with less than 100,000 persons. NAC 486A.180 expands reporting requirements.

Ed Glick, Nevada Division of Environmental Protection Bureau of Air Quality explained Petition 96019 was adopted as a temporary regulation by the Commission in March. A public workshop, properly noticed to the public, was held in Carson City on September 9, 1997. Comments at the workshop were received from Frank Revell, State Motor Pool, and Clete Kus, Clark County Comprehensive Planning. Mr. Revell commented that the purchasing requirements are difficult because alternative fuel vehicles (except trucks) are not commercially readily available. State Motor Pool would like to see the existing 50% threshold kept until the vehicle manufacturers can produce passenger cars. Mr. Kus expressed support of the existing schedule.

Written comments were received from Southwest Gas in support of the schedule as presented and from the Clark County School District, requesting a slow-down of the schedule.

Chairman Close asked for questions.

Commissioner Gifford asked Mr. Glick to explain Clark County School District's comments.

Mr. Glick explained their bus fleet runs on low-sulfur diesel which the legislature has directed us to determine as an alternative fuel. They have a fleet of approximately 700 gasoline powered light duty vehicles - which at a 10% replacement rate would be 70 vehicles. Their concern is the cost of replacing those vehicles.

Commissioner Fields asked if Clark County School District could use reformulated gasoline (RFG) as an alternate fuel because that does not require much retrofitting of equipment.



Mr. Glick replied that is an option. In California everything is RFG.

Commissioner Doppe referenced Mr. Revell's letter. The infrastructure for alternative fuel is going to develop in Clark County and Washoe County first, where the market is. If you take a vehicle from Reno to Elko and back you will get out of range of the infrastructure. Isn't the regulation written so we can make an exemption regarding vehicles required to head out of town?

Mr. Glick explained the regulation is primarily for vehicles based and operated in both Clark and Washoe Counties where the infrastructure is in place or developing.

Commissioner Turnipseed noted if 50% of the cars in the Clark County Motor Pool travel to another county and need to refuel but the facilities aren't there, then they can't utilize those vehicles.

Mr. Glick explained the regulated entity could request an exemption from the Commission.

Commissioner Turnipseed stated the regulation requires that 90% of the fleet have to be alternate fuel.

Mr. Glick explained it is 90% of the new purchases. Eventually that will compute to 90% of the fleet.

Chairman Close called upon Mr. Broxterman.

Dave Broxterman, Administrative Manager for Clark County School District (CCSD) Facilities and Transportation Services, asked to read a September 22, 1997, letter addressed to Ms. Adele King Malone, Division of Environmental Protection, for the record.

Chairman Close requested a copy of the letter to be marked Exhibit 8.

Mr. Broxterman read the letter into the record:

Dear Ms. Malone,

Please accept this letter as the Clark County School District's opposition to Petition 96019 to amend NAC 486A as detailed in the "Adopted Temporary Regulation of the Nevada State Environmental Commission." The proposal as detailed in Chapter 486A.160 to have all acquisitions for fiscal year 2000 and thereafter be 90 percent alternative fuel vehicles places an onerous financial burden on the School District. We can, however, support a 50 percent level as being fair and attainable through fiscal year 2000 and thereafter.

The Clark County School District, as are most school districts, is severely strapped for operating funds. Current support provided by the State of Nevada is 3,554 dollars per student. The additional cost of a compressed natural gas bi-fuel pickup is 5,800 dollars or 21 percent of the total cost of the vehicle--essentially, the state support for the cost of educating two students. We have 707 gasoline powered vehicles. To replace these vehicles with compressed natural gas bi-fuel vehicles, at the cost of a pickup quoted above, would cost the district approximately 4.1 million dollars. We have already spent four million dollars upgrading all of the district's underground storage tanks in Clark County for spill prevention and detection. Additionally, the availability of compressed natural gas facilities would pose severe operational problems to the school district's facilities support structure that is spread over more than 8000 square miles.

Another factor that must be considered in operating educational support functions at the lowest possible cost to provide the most money directly to the education process is the practice of the Clark County School District in purchasing used Nevada State Highway Patrol cars. These vehicles, although high mileage, is an economical method to support administrative functions in the district. These vehicles are exempted under NRS/NAC 486A from the alternative fuel requirement. To convert these vehicles to an alternative fuel capability would cost more than their original cost and would once again penalize a monetarily strapped school district.

All school district gasoline powered vehicles are inspected and serviced every 3,000 miles. They are emission analyzed annually. If any vehicle is found to be out of emission control standards, it is immediately taken out of service and repaired or salvaged.

Our request is quite simple. Exempt our gasoline powered vehicles from alternative fuel requirements while maintaining the requirement on all of our buses and diesel-fueled vehicles.

Your deepest consideration will be appreciated.

Sincerely yours,

David C. Broxterman

Administrative Manager

Mr. Broxterman revealed that NRS 486A.10 reads "a conversion to alternative fuels only if sufficient financial assistance is provided". Our contention is that the state is not providing us with sufficient financial assistance to comply.

Commissioner Gifford inquired if he had similar feedback from Washoe County School District (WCSD).

Mr. Broxterman revealed he had talked to them and a WCSD representative is present. I also spoke with other counties who are not quite at the 100,000 level, and they have severe concerns - Elko County has 17,000 miles to operate. CCSD travels the long distance from Laughlin to Mesquite and there are no CNG facilities in between. The initial cost is in conversion and when you compare the number of vehicles in the Las Vegas Valley to the 600 vehicles CCSD would have to convert that is less than 1% of the vehicles in the Valley. That would not make a significant impact on the air quality within the Las Vegas Valley.

Commissioner Fields asked Mr. Broxterman if CCSD could use reformulated gasoline.

Mr. Broxterman replied trucking that fuel from Southern California has been discussed.

Billy Key, CCSD Vehicle Maintenance Coordinator, explained CCSD does not have cost figures on that fuel. The new diesel fuel priced was 12 cents per gallon more so I assume the RFG would be a minimum of that.

Mr. Broxterman stated that computes to about a 12% increase in operating fuel costs.

Commissioner Gifford asked Mr. Glick if it would require an amendment to the petition to grant an exemption.

Mr. Glick explained the director is allowing an exemption on a year-to-year basis for a delay. An exemption of undetermined length of time would come before the Commission and the Commission would grant that.

Commissioner Gifford expressed his sympathy to these arguments. The school systems are getting saddled with so many requirements and additional expenses.

Mr. Broxterman explained schools are dependent upon the state legislature at the level that we are financed at and that becomes a fixed figure. Local entities, cities and counties, benefit from an increase in the sales tax that results in surplus funds but school districts stay at the same level from the end of the biennium to the start of the next biennium.

Chairman Close asked Mr. Broxterman if CCSD is asking to remain at the 50% level?

Mr. Broxterman replied our proposal is that we remain at that. Anything that we have that is diesel powered will always be on the low-sulfur diesel fuel and we assure you that we do maintain a very strict emissions control program that is performed once a year on all our vehicles.

Chairman Close asked Mr. Glick if it is correct you can grant a year-to-year administrative exemption without coming back before the Commission?

Mr. Glick replied yes. The person or entity asking for an exemption must come back to the director every year to request an exemption.

Deputy Attorney General Deputy Attorney General Jean Mischel explained, for informational purposes, NAC 486A.200 is the provision that actually delegated that authority to the director. It is granted up to a 12 month period and may be renewed for additional periods of not more than 12 months. There are criteria that the director must apply if there is an exemption granted. If he determines that:

- (a) clean alternative fuel vehicles meeting the requirements of a covered fleet are not available for purchase, lease or acquisition by other means; or
- (b) a commercial facility which sells clean alternative fuel is not available in the area in which the covered fleet is operated and providing a facility to dispense clean alternative fuel would be economically impractical for the

covered fleet."

Ms. Mischel reminded the Commission the implementation schedule does not apply to Elko County because both the statutory applicability and the regulatory section exempt counties with a populace of less than 100,000.

This Commission has an authority separately to grant exemptions to this regulation. You could do that through an amendment to this regulation or through a separate petition but you would have to go to public hearing.

David Cowperthwaite, Executive Secretary, reminded the Commission about 1½ years ago the City of Mesquite petitioned us to implement this provision and the Commission did accept that so a precedent has been set in regards to an exemption.

Commissioner Turnipseed asked Mr. Broxterman to explain his normal replacement schedule.

Mr. Broxterman explained CCSD purchases high mileage (72,000 -100,000) highway patrol vehicles. We purchase very few new vehicles.

Commissioner Turnipseed asked, isn't reformulated gasoline already available in Las Vegas for the winter months?

Mr. Broxterman explained ethanol is added to the gasoline and what we buy every day has that product in it.

Commissioner Turnipseed asked, doesn't that qualify for the alternate fuel?

Mr. Glick explained reformulated gasoline is a different configuration. In both Clark and Washoe County during the winter months 2.7% - 3.5% alcohol is added to the existing stock. It is still not the same formulation as reformulated gasoline, it is different in toluenes, benzenes, and lower sulfur requirements so reformulated gasoline is still a different item. At this point reformulated gasoline has to be trucked into Las Vegas.

Commissioner Turnipseed noted if CCSD replaces 10% of their cars a year that would be 70 vehicles. Their option then, to combat the regulation, would be to buy 6 that would comply with the regulation and 1 that would not, or rebuild the old ones.

Mr. Glick explained the regulation says new acquisitions but it does not make a distinction of whether they are new, used, or how you get them, it just says new acquisitions.

Mr. Doppe noted if you replace 600 vehicles in 10 years replacing 10% would be 60 vehicles. If the conversion costs \$5,000 per vehicle that computes to an additional \$300,000 a year and that strikes me as a very small number. I know that right now CCSD has out to bid approximately 12 remodel jobs, each of which are .5 million - 3 million dollars per school and there are approximately 6 or more new schools out to bid in the 5 - 10 million dollar range. That is in a three-month period. You are talking millions and millions of dollars going for new construction as opposed to \$300,000 a year to convert your entire fleet. That does not seem to be an unreasonable commitment to ask from the largest, most visible employer in Clark County who also operates one of the largest fleets in Clark County.

Mr. Broxterman explained those are different pots of money. Capital funds come from bond issues voted in by the electorate and those funds have to be dedicated to that purpose alone. We must use general fund money allocated to us by the State and it cuts a very fine line. CCSD gained 13,000 students this year. Approximately 35% of our busing involves special education students which doubles, triples, and quadruples the cost of transportation.

Chairman Close stated your buses are diesel so they qualify.

Mr. Broxterman agreed. We have no school buses that are not alternate fuel at this time.

Chairman Close asked what percentage of CCSD's passenger cars meet the requirements.

Mr. Broxterman replied none of our light pick-ups, light trucks and sedans meet the alternate fuel requirement now.

Chairman Close asked is that because you purchase your sedans from the highway patrol?

Mr. Broxterman replied we have a lot of old vehicles that were there long before the requirements came into being and we purchase very few new vehicles. The sedans we are driving are 92's and 93's and yes, they were blue with a stripe down the side, now they are all white.

Chairman Close continued, so you are proposing that you would continue, for an indefinite period of time, having none of your light duty vehicles qualify under this program.

Mr. Broxterman agreed. Unless we find a source of reformulated fuels within the area that would at least be half-way competitive with the gasoline price.

Chairman Close stated it seems like there should be some progress toward meeting the alternate fuels requirement rather than just staying at zero.

Mr. Broxterman explained we can't just have a conversion, we need available alternate fuel vehicles when we travel to areas outside the city (Mesquite & Laughlin) to be able to make those distances.

Commissioner Jones complimented CCSD on recycling vehicles but commented you do have a responsibility, being the educational center of our state, to set an example. I know you promote the idea of environmental concerns in every other area and that is what this about. I know you have fiscal constraints but I think it is important that the school district be an example for environmental compliance rather than an example for trying to exempt itself. If the educational system won't do it, who will?

Mr. Broxterman explained CCSD is acquiring pickups that will use alternate fuel sources but there is competitiveness for the money in the general budget. There is literally an argument of whether we do this or whether we have sports activities in the middle schools. A balancing act goes on at every meeting, what do we provide on the educational side versus the support side. It is a problem with every trustee in Southern Nevada. Commissioner Turnipseed commented if this regulation is adopted it could serve as an instrument you could take to the interim finance committee to get a special appropriation out of the emergency fund so you could comply with the regulation.

Chairman Close called on Clete Kus.

Clete Kus, Clark County Department of Comprehensive Planning, explained he was attending on behalf of the Clark County Board of County Commissioners in support of Petition 96019, to make permanent the regulations requiring the acquisition and use of alternative fuel vehicles in counties with population above 100,000.

Mr. Kus explained Clark County was recently redesignated by the EPA as "serious" for carbon monoxide and motor vehicles contribute in excess of 85% to the carbon monoxide problem in the Las Vegas Valley. We still struggle with particulate matter, PM10, and a component of that is attributed to the use of diesel vehicles and buses. Recently the EPA passed new standards for ozone and over the next 3 years the EPA will be making its determination on our status for that particular pollutant. Reviewing the most recent 3 years of data we are right on the line with respect to ozone. A portion of ozone is associated with gasoline and diesel vehicles and the pollutants associated with ozone, nitrogen oxides, with the combustion of the vehicles. Clark County continues to struggle with air quality while facing tremendous growth. The Board of County Commissioners has taken a proactive position in terms of dealing with air quality and alternative fuels. In 1993 the board adopted the Clark County Alternative Fuel Strategy setting direction for the county to move forward to implement a program to incorporate this new technology for the purposes of improving air quality in the valley and to work cooperatively with all of the local governmental agencies in the Las Vegas area. Participants in this initiative include the City of Las Vegas, the City of North Las Vegas, the City of Henderson, and the University of Nevada, Las Vegas. Through this initiative we have created a public/private partnership to reduce the capital costs associated with the fueling infrastructure as well as fostering the economy and getting the local knowledge in place to support this initiative in terms of retrofitting the vehicles. We have proceeded past that point where the auto manufacturers are making available for purchase new alternative fuel vehicles - both in what is called a dedicated, that runs solely on natural gas, as well as a dual-fuel that will work on either natural gas or gasoline. The county has had natural gas vehicles since 1991. We presently have approximately 160 vehicles in operation and during this fiscal year we will take delivery of another 50 vehicles. In terms of fuel use in the Las Vegas Valley, we are displacing over 100,000 gallons on a monthly basis. In establishing the strategy, just through the county's fleet of acquiring approximately 300 vehicles annually and targeting high mileage vehicles, we are looking to substantially reduce pollution from carbon monoxide, volatile organic compounds and chemicals as well as nitrogen oxides in the excess of hundreds of tons per year.

Mr. Kus continued, with our redesignation to "serious" for carbon monoxide we are going to look at ways to force car pooling. With the rapid growth that is occurring that is one of the more cost-effective ways and we know it will be a collection of measures that will get us into attainment.

Mr. Kus complimented Commissioner Jones for his comment to CCSD. The function of the school district is to educate the children. Children are most susceptible to the effects of degraded air quality and clearly this is not the right message that is being sent to them. We have to provide for the health and safety for children and essentially have them learn through example by exploring new technologies to improve the air quality for all the residents of, and visitors to, the Las Vegas area.

Deputy Attorney General Jean Mischel asked how Clark County's implementation schedule compared to the proposed petition.

Mr. Kus explained the strategy itself supports the schedule that isn't in the amendment. When this plan was put together the schedule in your regulation was more aggressive than what the federal government was proposing and we have adopted that. The numbers spelled out in this plan were our best guess at how many vehicles we would be acquiring in future fiscal years and at minimum we will be meeting those specified percentages all the way up to the 90% mark.

Commissioner Jones asked if anyone from the CCSD contacted either you or the City of Las Vegas about leveraging your infrastructure, buying power, or any other methods for conversion for their fleet?

Mr. Kus replied to the best of his knowledge, they have not. I have been involved in air quality for the past 7 years with Clark County and I worked with NDEP staff originally to get this legislation together. The individual that has retired from the CCSD had gone on record previously, in terms of diesel buses, that they were not going to move in that direction in obtaining alternative fuels for their buses which, to the best of my recollection, led to the inclusion of diesel fuels in the regulation as you see it.

Commissioner Gifford asked how many registered motor vehicles are in Clark County.

Mr. Kus replied in excess of 850,000.

Commissioner Gifford asked, would there be a big immediate impact on air quality if CCSD's 700 vehicles were, not deferred forever but, put on some other kind of schedule?

Mr. Kus stated we need to begin to insure that our winter seasons are free of any exceedences of the national standard to get us on the road to attainment. If we can't rely on this regulation to assist us, both in the near term and long term, that will have to be made up from other measures and those other measures are going to be more draconian, burdensome and costly. Other fleets operating in the Las Vegas Valley have not indicated to this Commission any difficulties in abiding by the schedule and financial implications face all local governmental agencies throughout the state.

Commissioner Turnipseed agreed. If they are on the verge of being out of compliance already, Clark County and Washoe County need to do everything that is possible to stay out from under the more draconian measures that would come from EPA.

Chairman Close asked for additional public testimony.

Frank Revell, Administrator for the Nevada State Motor Pool, agreed in principle with the Clark County people about wanting to be in the fore-front of the fight to reduce air pollution in both Washoe and Clark County. As stated in my letter the regulation, as it is promulgated, does put a rather unreasonable burden on some agencies and we know who is polluting the air, it is the 10 million tourists coming to visit all the new hotels. No one, especially myself, has any problem whatsoever with this program except that we are unable, and have been unable for some time, to acquire the types of vehicles we need. Clark County indicates they have no trouble getting vehicles but most of the vehicles they require are trucks. I can purchase trucks but I need compact 4-door sedans. CNG reduces the power of a vehicle approximately 13% to 20% and some of the 4-cylinder cars are unsuitable for conversion because they don't have any power and we have avoid giving those to people who have to drive in major traffic. The

legislature mandates that we buy 4-cylinder compact sedans and those don't perform very well with alternative fuel. Last year Ford introduced their Contour, then promptly got into a fight with the company that provided the kit to convert it so produced a grand total of 378 vehicles in a three week period. In this particular case a dealer in Southern California purchased 30 Contours and added \$2,000 - \$5,000 to the cost and sold them to fleets desperately needing the vehicles. We are also mandated to buy from a dealer in Nevada. I receive proposals from Salt Lake City, Kansas City, and other areas telling me they have Dodge trucks but I can't buy from them. We are in the process now of getting a bid on this years Ford Contour and we are going to comply with the 50% regulation. We want to comply but the problem is the infrastructure isn't catching up with us.

Mr. Revell continued, we talked about my request for an exemption because of the vehicles that have to go away from their prime base. Motor Pool vehicles travel to Ely, Elko, Austin, Eureka and every other town in Nevada every day. If those are alternative fuel vehicles they have to be bi-fuel in order for us to be able to get them back. We have vehicles that have less than 100 miles of range on CNG. I have to spend \$5,000 each for additional tanks for 2 vehicles just so they can get from Reno to Lake Tahoe and back. Range is an issue. It is not an issue for people in Clark or Washoe County who don't drive them out of the county so the issues that are before me are not their issues. We only ask that we be allowed to retain the 50% rate until EPAC catches up at which case it is a moot point because EPAC is going to force us to have it anyway and EPAC does not acknowledge diesel fuel as an alternative fuel.

Mr. Revell continued, reformulated gasoline has been an option. It solves California's problems but does not necessarily solve our pollution problems. We have problems in the winter when we blend MTBE (methyl tert-butyl ether) and/or ethanol into the fuel. If you add that to reformulated gasoline it might not meet some requirements of the individual health departments. We have chemists from 5 oil companies and the state trying to determine if this is going to work.

Mr. Revell summarized, the point I am making is all of the technology is catching up and one of these days we are going to be buying these vehicles by rote but at this point the infrastructure and the availability does not support that type of acquisition requirement.

Commissioner Doppe acknowledged technology is catching up, in certain uses it has already caught up and the Clark County area can use it but you can't always use the technology because it doesn't always suit your needs.

Mr. Revell replied, precisely. We have vehicles we run in Washoe County on CNG and they run very well but the problem arises because those are not the only vehicles I have.

Commissioner Doppe stated he was sympathetic to the argument that:

- a) if you can't get a suitable vehicle that works you can't be expected to comply with the regulation;
- b) if you can't send that vehicle somewhere and expect to get it back for a reasonable cost it is not unreasonable to expect you to comply. Both of those exact circumstances are covered in the exemption language in the regulation right now. I am less sympathetic to the argument that 700 out of 850,000 vehicles is not going to make a difference. I believe that skirts the issue. Maybe 1/100 of 1% is not going to have a meaningful reduction in the air quality tomorrow but it will have a meaningful impact on the infrastructure that gets built around that and then maybe the day after tomorrow we start to have a meaningful impact. If we don't take the first step we can't expect to reach our goal.

Mr. Revell agreed and described additional barriers encountered:

- a) Driver nonacceptance - some drivers refuse a vehicle with a 3,000 pound psi bomb in the back seat. The negative press given to the 3 Chevrolets that exploded has gotten the attention of everybody;
- b) Repair people won't work on these vehicles and sometimes won't even work on computerized vehicles. I've had two occasions where the drivers drove a converted alternative fuel vehicle into a dealer for that brand of vehicle and were told "sorry, we can't do it - we won't deal with this - it has been converted - probably not under warranty and we don't know anything about it so we are not going to fix it"! I had to send a person to both Elko and Winnemucca

to pick up stranded vehicles. Only Jones West Ford in Reno, one General Motors dealer and one Ford dealer in Las Vegas are actively getting their staff trained to work on these vehicles. Technology is going to catch up but it is not there now.

Chairman Close asked Mr. Revell how many vehicles State Motor Pool had.

Mr. Revell replied the Motor Pool currently consists of 643 vehicles.

Chairman Close asked how many of those use alternate fuel.

Mr. Revell replied about 20 plus. We are adding over 30 vehicles to our fleet, the full 50% of the new acquisitions in the affected areas.

Commissioner Jones asked if the people traveling to the rural areas could use pickups.

Mr. Revell replied they do, but sometimes a car is needed for 3 or 4 people.

Mr. Revell explained another problem is getting a vehicle fueled. Drivers arrive in Las Vegas, pick up a car, drive it to the Sawyer Building and drive it back. After a couple of trips someone from my office has to physically take that vehicle 2 miles away to fuel it and that takes 30 minutes. If I have 30 - 35 vehicles in that lot I will have to hire a person to fuel vehicles. I will have to go to the legislature and they are reluctant to give me money to do what they mandate me to do so the IFC point is well taken.

Chairman Close asked how long it would be before there would be a fueling station at the motor pool.

Mr. Revell explained a fueling station costs \$2.5 - \$5 million dollars so we will never have a CNG fueling station on site. We do have options. A small unit called a Fuelmaker costing \$5,000 can be put on site. It fills a vehicle overnight but that would also increase costs. Deputy Attorney General Jean Mischel asked what percentage of your vehicles travel more than 100 miles without refueling?

Mr. Revell replied, approximately 60% in Washoe County and 15% - 20% in Clark County.

Ms. Mischel asked what his acquisition schedule was.

Mr. Revell replied, 50% this year and we can live with a 50% acquisition rate forever. That would not create a problem.

Ms. Mischel asked what percentage of cars are replaced each year.

Mr. Revell replied almost 25%. Out of 600 cars we are going to replace 160 statewide this year.

Chairman Close called for additional testimony.

Marvin Thiessems, WCSO explained the failure of the school bond issue in Washoe County placed an extra financial burden on the school district so we are in the process of reducing our vehicle fleet. To require 50% - 90% of our vehicles to be alternative fuel is a real burden. We also have no place to fuel them, we can't make the trip to Gerlach with an alternate fuel vehicle so we need some consideration with those concerns. WCSO would like to see it reduced back to 50%. Presently we do not have any cars that comply. Our buses comply and we are running some tests with A-55 fuel on some of the buses. Washoe County supports Clark County in their request.

Chairman Close asked how many vehicles Washoe County School District had.

Mr. Thiessems replied approximately 450. 245 are school buses.

Chairman Close stated if you comply with the 50% standard how many vehicles are you going to replace every year to meet that?

Mr. Thiessems explained because we are reducing our fleet so I would not really be able to say but I would think somewhere in the neighborhood of 10 vehicles would be replaced each year.

Chairman Close called for additional comments. No comments were received. Chairman Close called the public comment portion closed.

Commissioner Fields asked for the meaning of "fleet" in the statute.

Deputy Attorney General Jean Mischel read NRS 486A.080:

"Fleet" means 10 or more motor vehicles that are owned, leased, or operated by the state or local governing body. The term includes fleets that are used by the state, a state agency or a local governing

body. The term does not include long haul trucks for use in interstate transportation or motor vehicles held for lease or rental to the general public.

Commissioner Doppe noted the comments heard today fell into two general categories:

- 1) folks have problems complying for one reason or another because either the technology has not caught up to their needs or the infrastructure is not in place; and
- 2) cost related.

The cost related issues comes down to choices. I appreciate what Mr. Broxterman said about having to weigh a middle school sports program versus this but my opinion is that our mandate to provide clean air to the citizens is equally as important as your mandate to provide a sports program at the middle school level. I vote for clean air and I think everything else needs to follow the clean air, clean water approach. I don't see a good reason to make an exemption, particularly in the relative modest amounts of money these people are talking about on an annual basis. I don't believe there should be an exemption for those things. I believe that the exemption procedure is in place in the regulation to deal with the technology oriented exemptions and I think the administrator has the power to do that. **I support the regulation just like it is written without further need for exemption, except as the administrator feels the need on a case-to-case basis. I put that in the form of a motion.**

**Commissioner Trenoweth seconded the motion.**

Chairman Close called for additional discussion or comment.

No comments were forthcoming.

**The motion carried.**

Chairman Close asked that Exhibits #1, 3, 6 and 8 be included in the record.

Chairman Close moved to Item 2.B.

**Petition 96020 (LCB R-033-97)** amends NAC 445A.22705, Method E1739-95 as adopted by the American Society of Testing and Materials. The reference Method can be obtained from the Society directly rather than the Division of Environmental Protection. This proposed change includes the address and cost of acquiring the document "Method E1739-95".

Allen Biaggi, Deputy Administrator, Division of Environmental Protection explained this was heard and adopted as a temporary regulation on March 6, 1997. A public workshop was held in September and no public comments were received. We had previously suggested that the ASTM Method E1739-95 could be provided by the Division free of charge. It is, however, a copyright document and we are not allowed to provide that free of charge so the regulation merely states that it must be obtained from the American Society of Testing Materials at their Bar Harbor Drive Pennsylvania address at a cost of \$31.00.

Chairman Close called for comments.

No comments were received.

**Commissioner Fields made a motion that Petition 96020 be approved as presented.**

**Commissioner Turnipseed seconded the motion.**

**The motion carried.**

Chairman Close moved to Item 2.C

**Petition 97001 (LCB R-031-97)** amends NAC 444.685 to allow solid waste management authorities to waive the requirements of NAC 444.6851 to 444.6859, the provisions of financial assurance, to April 9, 1998.

Les Gould, Supervisor, Solid Waste Branch, Nevada Division of Environmental Protection, explained this petition was adopted as a temporary regulation in March. The petition allows the division the authority to extend the requirements for municipal solid waste land fills to provide financial assurance for corrective actions for closure and post closure requirements. The extension is until April 9, 1998 from the previous date, April 9, 1997. The extension



was previously made available in federal regulations which Nevada landfills are subject to, in order to allow the owners and operators more time to implement the requirements. Therefore, Nevada has presented that petition to provide that extension in Nevada regulations.

Mr. Gould explained no comments were made by the public at a workshop held in Carson City in early September and no written comments were received.

Commissioner Fields asked if this extension was in response to a request from some solid waste authorities.

Mr. Gould replied no. Basically, we felt to have this extension available was needed in Nevada. It was found that nationwide there was difficulty complying with the requirement for financial assurance. We have a lot of small rural landfills that are somewhat behind the larger landfills in complying with these requirements.

Chairman Close called for additional questions.

Chairman Close called for public testimony.

There were no questions or testimony.

**Commissioner Fields moved for adoption of Petition 97001 as presented.**

**Commissioner Jones seconded the motion.**

**The motion carried.**

Chairman Close moved to Agenda Item 2.D

**Petition 97002 (LCB R-027-97)** amends NAC 445A.070 to 445A.348, Water Pollution Control, by amending the mining water pollution control fees in NAC 445A.232. The regulation adds new annual threshold categories for chemically processing mine solutions including less than 18,250 tons, 18,250 to 36,500 tons, 36,500 to 100,000 tons and two new categories greater than 500,000 to 2,000,000 tons. Annual fees are proposed to be increased in three increments over six years. The increments cover the period of State Fiscal Years (July 1st to June 30th) 1998 to 1999, 2000 to 2001 and 2002 to 2003. Original and Renewal fees are also increased once but will remain constant to fiscal year 2003.

Leo Drozdoff, Bureau Chief, Bureau of Mining Regulation and Reclamation explained this petition was presented to, and adopted by the Commission on May 29, 1997. We are here today to make those regulations permanent.

To refresh the Commission's memory, there are some minor fee reductions for some smaller mining facilities but by and large it is a fee increase which will be felt by the large mining operations.

Mr. Drozdoff explained over the course of a 9-10 month period meetings were held with the regulated industry to develop a workable fee scenario that would meet our bottom line needs at the Division and do that in a way that could be best accommodated by the industry, recognizing that these were large increases. We held 5 meetings with the industry and we also held 5 workshops - in Las Vegas, Carson City, Elko, Winnmeucca and Ely. We had one comment about the thresholds, categories of ore processing, and people that are slightly above those categories pay higher fees. Other than that we did not receive any negative comments. When we came before you on May 29, 1997, we presented a letter written by Martin Jones who is the Environmental Subcommittee Chairman for the Nevada Mining Association saying that while they are not really excited about paying large fees they felt the manner in which we approached the fee increase and the changes we made from what we originally proposed as to what actually got put into the regulation was something they could embrace and work with.

Paul Scheidig, Director of Government and Regulatory Affairs also testified in favor of the fees at that meeting.

Chairman Close requested a copy of the May 29, 1997, letter from Martin Jones be included in the exhibits.

Commissioner Fields stated that letter was used as part of the record when the Commission adopted the temporary regulations and agreed it should be included in this record also.

Chairman Close asked how much this fee increase would raise in additional revenue.

Mr. Drozdoff explained over the 6 year period it would raise approximately 4 million dollars in additional revenue - \$450,000 the first two years, \$650,000 the following two years and \$950,000 the last two years.

Chairman Close asked if that was needed to carry on the programs the Bureau is responsible for.

Mr. Drozdoff explained it was needed to carry on the programs that we are responsible for and to support a contract with the Bureau of Land Management for the liaison position that was requested by the industry.

Commissioner Turnipseed noted obviously some assumptions were made on new starts and ongoing mine activity in order to project your fee needs for the next 6 years. Are there really less new starts than usual?

Commissioner Fields stated it is a real lumpy business it either rains, pours, or nothing happens. The basis for Leo's forecast is pretty much status-quo and I couldn't argue with that.

Commissioner Griswold asked for the total expenditure for the BLM liaison position.

Mr. Drozdoff replied it is \$90,000.00 per year and the effectiveness of that position and program will be evaluated through the course of our normal operations.

Chairman Close called for additional questions.

Chairman Close called for public comment.

Commissioner Doppe complimented Mr. Drozdoff on his method, going to the business community and working with them on the fee increases.

Chairman Close called for additional comments. There were none.

Chairman Close called for a motion.

**Commissioner Turnipseed moved for approval of Petition 97002.**

**Commissioner Fields seconded the motion.**

**The motion carried.**

Chairman Close moved to Agenda Item II.E

**Petition 97003 (LCB R-028-97)** amends NAC 445A.055 to 445A.066, the Certification of Laboratories to Analyze Substances in Water, by amending the existing regulation to be more consistent with the Safe Drinking Water Acts laboratory certification program by replacing "warning limits" with "acceptance limits". Affected citations include NAC 445A.057, 445A.060, 445A.061 and 445A.062.

Adele Basham, Acting Bureau Chief, Bureau of Water Quality Planning, explained this petition was heard by the Commission as a temporary petition in May, changes were made, and it was adopted. Two work shops were held in September and there were no comments. The changes are relatively minor. We inserted the term "satisfactorily" to clarify the regulations and we have changed "warning limits" to "acceptance limits" in all places where warning limits appeared. The reason we did this was that we polled other western states that have a Clean Water Act Certification Program and they all use the term "warning limits" rather than the term "acceptance limits". Also, when the U.S. EPA certifies labs for Clean Water Act work they use "acceptance limits" so it make our program consistent with other states and to make it consistent with the Drinking Water Program we are proposing to change it. The "acceptance limit" is a little less restrictive than the "warning limit" but EPA recognizes that pollution samples are a little more complex and difficult to analyze. One minor change at the end of the regulation where we are changing the word "his" to "the".

Chairman Close called for questions.

Commissioner Turnipseed asked where you have inserted the word "satisfactorily", in most cases follows the U.S. EPA, is there any way to gauge that?

Ms. Basham explained as it is written now "a laboratory must analyze" does not make it clear that they have to do it satisfactorily. Satisfactorily will really be within the acceptance limits or warning limits. So the argument could not be made "well we analyzed it" - A lab has to analyze it properly, satisfactorily.

Commissioner Turnipseed asked, to your satisfaction or U.S. EPA's?

Ms. Basham explained we are the agency, along with the Bureau of Licensure and Certification, that issues the lab certification so it would have to be to our satisfaction.

Commissioner Doppe asked, what does it mean switching from "warning limit" to "acceptance limit".

Ms. Basham explained the performance evaluations samples are sent out to the labs, they analyze them and then EPA pools that data and does a statistical evaluation. The statistical numbers are the warning limits and the acceptance limits.

Commissioner Doppe stated, then it does not make a change in the requirements for the water just in the testing, analysis itself?

Ms. Basham agreed.

Chairman Close called for public comment.

There was no public comment.

**Commissioner Jones moved for approval of Petition 97003.**

**Commissioner Griswold seconded the motion.**

**The motion carried.**

**Chairman Close moved to Agenda Item 2:F**

**Petition 97004 (LCB R-105-97)** amends NAC 445B.001 to 445B.395 by adding a new provision for a stationary source to request a revision for a air quality Class II operating permit. In addition NAC 445B.011 is revised to reference the NRS. NAC 445B.019, "applicable requirement" is re-defined to delete temporary source; NAC 445B.094 amends the definition of major source to exclude mobile sources as defined under Title II of the Federal Clean Air Act; and NAC 445B.221 is amended to add various subparts for New Source Performance Standard Industrial-Commercial-Institutional Steam Generating Units, Municipal Landfills, dry cleaners, chrome anodizing tanks, industrial process cooling towers, halogenated solvents, wood furniture manufacturing, printing and publishing, tanks, containers, surface impoundments, individual drain system and oil or organic water separators. The term "modification" is supplanted with the term "revision" from NAC 445B.001 to NAC 445B.395. NAC 445B.321 is proposed to be amended to add thresholds in defining minor revisions for Class I operating permits. It is proposed that NAC 445B.024, 445B.025, 445B.026, 445B.039, 445B.040, 445B.089, 445B.100, 445B.101, 445B.150, 445B.192, 445B.238, 445B.240, 445B.241, 445B.243, 445B.244, 445B.245, 445B.336 and 445B.367 be repealed.

Allen Biaggi, Nevada Division of Environmental Protection, explained Petition 970004 is being pulled at the request of the Division. This is based upon some revisions that were needed, found just a few weeks ago and the need for the Legislative Counsel Bureau to put them in the appropriate language. This will come back to you in the near future but we are not ready to present it today.

**Chairman Close moved to Agenda Item 2:G**

**Petition 97005 (LCB R-106-97)** amends NAC 445A.266 by expanding the provisions of a general water pollution control permit to include rolling stock for the purpose of working in the waters of the state. In addition, the processing time for the permit shall not exceed 60 days and provisions are established that allows for public hearing upon the notice of intent. This regulation follows the instructions defined in Assembly Bill 594 of the 1997 Nevada Legislative Session.

Jim Williams, Chief, Bureau of Water Pollution Control, explained this regulation was developed to comply with Assembly Bill 594 passed in the 1997 Legislature. AB 594 reads "the Commission shall adopt regulations which provide a simplified procedure for approval of permits to work within a navigable river by October 1 of 1997"

We decided to amend the general permit regulation to include "rolling stock" specifically. "Rolling stock" is a term we use for equipment that works in waters of the state and the general permit covers a number of activities that are similar in nature.

A properly noticed workshop, held on September 10, 1997 was attended by three members of the public. They

wanted clarification on how this procedure would be different from the procedure we currently use and how it might impact their activities. We received one written comment that suggested we include construction dewatering as well as rolling stock in the amendment and suggested we delete the language concerning the 60 day comment review period and the hearing. We feel the language in the general permit as it exists would cover construction dewatering and we feel because language concerning the review period and the hearing is in the statutes it should be in the regulation as well.

Chairman Close asked for the purpose of the assembly bill.

Mr. Williams explained the purpose of the bill was to simplify the procedure we currently use to issue these permits. Commissioner Turnipseed felt AB 594 came about as a result of the floods in January. The Division of Water Resources was able to mobilize caterpillars, backhoe's and machinery within 24 - 48 hours of January 2, 1997, but that equipment could not be put into the river without a rolling stock permit. NDEP performed some kind of magic to issue those permits immediately but in some cases, i.e. in Douglas County on the Carson River, it might have held them up for 24 to 48 hours. Also, before machinery is allowed into the river the Corps of Engineers requires that the machine be clean and free from oil and grease.

Deputy Administrator Biaggi explained the bill did come out of Douglas County and was somewhat flood related but goes back farther than that. Due to some frustration on the part of farmers and ranchers on the duration for getting necessary permits to work on the banks and in the bed of the river, particularly in low water. They often must move small gravel dams in order for the water to flow to appropriate places and they must obtain permits from both state and federal agencies to do that work. Assemblyman Hettrick presented the bill to formalize the process that state agencies issue those permits in a timely manner. We had always issued our permits within a week or so, often sooner, and we will always try to issue these permits as quickly as possible.

Mr. Biaggi continued, a requirement of the Clean Water Act is that the machinery be clean. The original Clean Water Act of 1972 cited rolling stock as an issue and this is intended to address that concern so the waters of the state are not polluted.

Chairman Close asked why, if the Bureau issues those permits in less than a week, does the regulation say 60 days.

Mr. Williams explained 60 days was in the statute.

Deputy Attorney General Deputy Attorney General Jean Mischel read AB 594 Sec. 4.2.:

"the regulations must include a limitation on the time allowed for the processing of an application for such a permit to not more than 60 days after receipt by the department of a completed application and any required fees" so 60 days is the outer time limit.

Deputy Administrator Allen Biaggi explained the original bill stated 90 days and the Assembly cut it down to 60 days. Even though the permits are issued within a week there are certain situations where that longer period may be necessary -

Chairman Close interjected, but if it does not meet your standards you can turn it down and then they have to apply again but if it meets standards I think a rapid response would not be inappropriate.

Mr. Biaggi agreed. Traditionally we issue the permits within a few days on the more routine activities and never is it longer than a week. So we will make those commitments and continue to get those permits out quickly but there are those outside situations when there are delays and this binds us to that 60 day period. On some situations we may have to hold a public hearing which requires noticing.

Chairman Close asked, can you extend it beyond 60 days or beyond whatever time period we put into the regulation if it is appropriate?

Ms. Mischel explained the only allowance in extension through the bill language is "unless the administrator determines a public hearing is warranted".

Commissioner Gifford asked under what circumstances would you hold a hearing?

Mr. Williams explained if there was controversy on this particular activity and somebody requested us to have a

hearing.

Chairman Close asked, is it the activity or is it the rolling stock?

Mr. Williams explained the activity is the rolling stock working in the body of water.

Chairman Close stated so it is not then the approval and examination of equipment it is the project.

Mr. Williams explained it is the project itself but the equipment has to meet certain requirements and there are requirements to restore the body of water to its original state.

Commissioner Griswold asked which waters of the state does this apply to.

Mr. Williams explained, all surface water. The statute speaks to navigable rivers and there are only 3 of those in the state. We chose to include all bodies of water because our responsibility is to protect all waters of the state.

Commissioner Turnipseed stated there are different degrees of emergencies and maybe it is not even an emergency.

We may not want a D-9 Caterpillar in Lake Tahoe under any circumstances but in a flood situation using a backhoe to remove some debris when the Carson River or Truckee River is at 20,000 second feet, are different scenarios.

Lew Dodgion, Administrator, Division of Environmental Protection, explained that the existing requirement for getting rolling stock permits is for all waters of the state. What this proposed regulation really does is to tighten up our time frame for all those actions.

Commissioner Fields asked if an open pit mine has not completed its dewatering permits and they are working in an open pit with rolling stock in the water, will this apply to them?

Mr. Williams replied no.

Commissioner Griswold asked if the definition of "all waters of the state" includes a spring?

Lew Dodgion explained the statutory definition of waters of the state are extremely broad to the point where if somebody spit on the sidewalk it becomes waters of the state.

Commissioner Griswold noted the language is broad and that is frightening.

Mr. Williams explained we would have to look at each situation on its own merit.

Commissioner Gifford expressed confusion. Rolling stock would be the equipment and then bank stabilization and restoration are listed. Are we talking a combination of the project plus the equipment or only the equipment used?

Mr. Williams explained rolling stock, equipment, is part of the activity and both are approved at the same time.

Ms. Mischel stated the bill addresses bank stabilization, restoration and to the requirements through the general permit process that the work must be performed in accordance with best management practices, it must not significantly disturb or alter the river bed - so they are addressing more than oil leakages from equipment.

Commissioner Turnipseed explained multiple permits are required for this activity in a navigable stream. A permit from State Lands, possibly a permit from Water Resources, a permit from the Corps of Engineers and a permit from NDEP. Whether it is the activity or the project it is going to be looked at one way or the other.

Chairman Close asked for additional questions.

Chairman Close asked for public comment.

Ray Bacon, Nevada Manufacturers Association asked what happens when you get into a situation like the Newmont Maggie Creek situation? Did they have to get all kinds of permits that lock up the creek in order to get the cleanup fostered? I am not sure we want to do that, we want people to be able to take aggressive action to foster a cleanup.

You now have me confused with your questions.

Lew Dodgion explained if somebody spills something into the waters of the state we want them to take expeditious action to stop it. We don't require them to have the permit up front to do that. We do want them to be on the telephone talking to Leo Drozdoff and Jim Williams telling us what has happened and what they are doing. There will be an enforcement action because of that spill, an investigation into the causes, and a determination of what is an appropriate penalty, if any, and the issue of whether or not they needed to have permit gets discussed at that time.

We don't fine people for remediating a spill because they didn't have the appropriate permit in hand to do that.

Commissioner Fields stated Mr. Bacon may have been referring to the incident that Mr. Turnipseed's shop was

involved with when Maggie Creek disappeared into a fissure and immediate action needed to be taken to stop the draining into this fissure. Did they need a permit for that?

Commissioner Turnipseed explained in that situation my people, as well as the mine people put some visquine in the stream channel and sandbagged it to keep it from going into a fissure until they could come up with an appropriate design to plug the fissure to keep Maggie Creek from disappearing into the fissure. They did not need a permit to put visquine in or sandbag it but they did get all those necessary permits from NDEP, Water Resources and the Corps of Engineers to make the long-term fix.

Chairman Close called for additional comment.

No comments were received.

**Commissioner made a motion that Petition 97004 be adopted.**

**Commissioner Fields seconded the motion.**

**The motion carried.**

Chairman Close moved to Agenda Item B - H.

**Petition 97006 (LCB R-107-97)** amends NAC 444.8452 "Additional fees to offset cost of inspection and other regulation: Payment; accounting; penalty for unpaid fee." The proposed amendment adjusts the fees charged for disposal and treatment of hazardous waste to make rates at the state owned Beatty facility comparable to California rates. Fees for importation of hazardous waste, not federally regulated, are reduced and fees for treatment are increased by 19 cents per ton.

David Emme, Bureau of Waste Management, explained the Bureau would like to withdraw this petition at this time and schedule it for a future Environmental Commission hearing. The petition was to modify and essentially reduce fees on certain types of hazardous waste. It principally affected U.S. Ecology at the Beatty facility. The Division has had a significant issue with U.S. Ecology over past due fees owed the state and it is our position that those past due fees need to be resolved and paid before we want to bring forward a proposal to modify or lower the rate structure. We hoped that would be resolved before today. I expect it to be resolved soon so we will bringing this petition back in the future.

Commissioner Jones stated he had recently seen an advertisement on the television notifying Incline Village residents they could bring their hazardous materials, paint etc. to a location for handling. That is a wonderful idea. Do we do that in different communities?

David Emme explained the Solid Waste Branch uses a portion of the funding we receive from the state tire fee to provide grants and some grants have supported household hazardous waste collection days. We also held one in Fallon.

Commissioner Jones asked if collection days were held in Washoe and Clark County?

Mr. Emme stated he did not believe there had been a collection day in Washoe County. Currently you can take household hazardous waste to Laidlaw and they charge approximately \$1 a pound to take it. Clark County offers household hazardous waste collection, quarterly, through the disposal company. Carson City, through some funds we provided has set up a collection program on an appointment basis at their utility yard.

Commissioner Jones complimented the Bureau for providing outlets so people can dispose of small quantities of this type waste.

Commissioner Doppe noted apparently U.S. Ecology is in trouble. It that because they are not competitive in their rates and what do they owe?

Mr. Emme explained they failed to pay fees for the first two quarters of calendar year 96, a total of \$1.1 million. We negotiated an agreement with them to pay, a somewhat complicated mechanism they came up with but that has not worked out yet. Part of the reason the Beatty facility is in trouble is the rate structure but the corporation as a whole

is in deep financial difficulty. They own facilities in a number of other states.

Chairman Close called for additional questions or public comment.

There were no questions or public comment.

### **Chairman Close moved to Agenda Item III. Settlement Agreements on Air Quality Violations**

Tom Porta, Bureau of Air Quality, reported one settlement agreement for Ames Construction, Inc.

On May 21, 1997, staff inspected this facility and found fugitive dust emanating from the facility, an unpermitted screening plant as well as a radial stacker operating without any type of water spray controls. We issued 3 Notices of Alleged Violation. NOAV 1248 was a minor fine for \$125.00 and Ames Construction has paid that in accordance with the schedule. We held an enforcement conference on July 8, 1997 at which time they did not contend the violations. They agreed to a \$3,200 penalty for the two major violations, NOAV # 1249 & 1250. They have corrected the radial stacker and have put large spray systems on that unit. They have applied for, and received, the air quality permit amendment for the addition of the screening plant.

Chairman Close called for questions. There were no questions.

Chairman Close called for public comment. There was no public comment.

**Commissioner Griswold made a motion the settlement agreement be accepted.**

**Commissioner Fields seconded the motion.**

**The motion was carried.**

### **Chairman Close moved to Agenda Item V. Discussion Items**

#### **A. Status of Division of Environmental Protection's Programs and Policies**

David Cowperthwaite, Executive Secretary, State Environmental Commission, introduced Ms. Tina Leahy, Division of Environmental Administrative Services officer who replaces Lucy Zeier and Marcia Manley who has returned to the Division from Arizona. Marcia formerly worked with the Bureau of Water Pollution Control and is now the Small Business Assistance Program Ombudsman, taking Ralph Capurro's place.

Commissioner Griswold explained she attended a meeting in Elko in regard to the closure of the rural solid waste facilities in Elko County. Elko County thinks they have a plan but is the rest of the state proceeding to close?

Lew Dodgion stated he was not sure he could give a definitive answer. The compliance date is October 9, 1997. I saw an editorial in the Elko Daily -

Ms. Griswold stated she had sent it -

Lew Dodgion continued, Mr. Emme told me that everyone was moving along fairly well but that Elko County was probably bringing up the rear. I think that everyone is proceeding to close, to designate central landfills and a lot of the rural counties are looking at pickup boxes in areas of real small population. I won't say to you that they will all be in compliance on October 9. We may be negotiating compliance schedules with a number of the counties to bring them into complete compliance.

Ms. Griswold asked if many of the counties had initiated the ¼ cent tax bill tax increase?

Mr. Dodgion replied not to his knowledge.

#### **B. Update on Legislation passed in the 1997 Session.**

Mr. Cowperthwaite explained the Division was watching a total of 108 bills, most were administrative type of bills. The Commission will be affected by the following bills:

**AB 071:** The UEPA process has now been turned over to the Division of Environmental Protection for review and the ability to intervene before the Public Service Commission.

**AB 120:** The adoption of Question 8 which allows the legislature to suspend and nullify regulations of the Commission. They now have the prerogative to put a particular regulation on the shelf if they want to. They also

have a procedure to be able to cycle it back if they are not happy with it. If we continue to build a good administrative record and rational logic going into a regulation I think it will be difficult for them to then nullify it.

**AB 122:** Requires workshops in the administrative process. The process in developing and instituting regulations is going to be more prolonged. We have been doing it within a 45 day time frame for permanent regulations but that will now expand to 60 - 90 days from initiation to adoption by the Commission.

Deputy Attorney General Deputy Attorney General Jean Mischel explained a public hearing will be held on October 22, 1997, to amend NAC 233B to add the workshop requirement. Because of the complex nature of the regulations there were many questions asking if a workshop has to take place 30 days prior to the public hearing. Our Administrative Procedures Specialist, Senior Deputy Attorney Doug Walther, has advised us to tell our agencies that the workshops may actually take place on the same day of the regulation hearing. The bill simply states that the workshop has to held with 15 days notice prior to the public hearing.

Lew Dodgion stated he believed that directly circumvents the intent of the workshop. The purpose of the workshop is to get out into the regulated community to find out what their views and desires are then draft the regulation. To have a workshop after you have been in the closet and formulated the regulation is giving the impression that you intend to pay no attention to what the public and regulated entities have to say. I have instructed the Division to hold the workshops, find out what the regulated community and the public wants, and learn how we can work together to meet their desires and our needs. The regulation is then drafted and sent to go to the Legislative Counsel Bureau (LCB) for regulatory language. You can't hold a hearing on anything other than the LCB draft. If you don't hold workshops before you give it to LCB, then you are just paying lip service to that requirement. I don't want staff coming to me saying Deputy Attorney General Jean Mischel and Doug Walther said we can do it on the same day. NDEP will not do it that way.

Deputy Attorney General Mischel stated she did not disagree with that to the extent that are major changes. Minor housekeeping changes are made on a regular basis. If you anticipate that there are going to be major changes it would not make sense at all to try to do it on the same day.

Ray Bacon, Nevada Manufacturers Association supported Mr. Dodgion's position. If we were to start taking that attitude with environmental laws we would start looking like the U.S. EPA. The laws are so complex if you start doing it that way you are just setting us up for disaster.

David Cowperthwaite continued:

**SB 430:** Modifies the I/M Program in allowing for a classic car exemption.

Tom Porta, Bureau of Air Quality, explained the portion that affects the division and will eventually come before the Commission is Section 4 which provides an exemption for all emission standards (including smoking vehicles, I/M testing, annual testing requirements) for what we have to come up with, a definition for "Restored Vehicle". We must incorporate 3 DMV definitions: Old Timers plate - vehicles 40 years and older; Street Rod - 1948 and older; and Classic Vehicle and Classic Rod - vehicles 20 - 25 years older; into that "Restored Vehicle" definition into the I/M regulations which would then exempt these vehicles from any smog requirement. Approximately 60,000 vehicles could potentially fall under this definition. Mr. Porta explained the Division will conduct 4 workshops, 2 in the north and 2 in south, and ask the car groups (Nevada Car Association, Model-A Club, Street Rod Club) for assistance in formulating the definition of "Restored Vehicle" and a regulation which truly does exempt those people who have put money into their cars to bring them back to a restored condition and not allow someone a loophole to simply apply for one of these plates through DMV and then be exempt from the smogging requirements. Commissioner Turnipseed suggested considering a break in the number of miles driven per year. Insurance regulators give a rider if you drive less than 4,500 miles and a vehicle that only drives in parades or rallies will probably not have a huge impact on air quality as opposed to a vehicle that travels to work and back everyday. Tom Porta stated we need to be very careful. Do we or DMV have the manpower to track these type of things. We are asking the help of the car association folks and anybody else that wants to participate in these workshops and



hopefully, we can draft something that is workable and enforceable.

Chairman Close noted 60,000 cars is a large number to be exempted.

Mr. Cowperthwaite continued:

**AB 355:** Environmental Audit bill.

Allen Biaggi stated the environmental audit bill has been drafted and reviewed by Assemblyman Sandoval, the chief sponsor of AB 355. We will hold public workshops in both Northern and Southern Nevada late this fall and we will have the regulations to the Commission after the first of the year. AB 355 allows a company to do an environmental audit, essentially an evaluation systematically and objectively, of their operations to insure that they are in compliance with all applicable environmental requirements. Going into the audit they have to enter into an agreement with the Division on the scope of the audit, how it will be done, and name the contractor to be used. They have to report to us when the audit is completed and what the findings of that audit are. In consideration of that they are provided some privilege with regards to fines and penalties associated with what the audit finds. If they were in violation of some water pollution control requirements penalties would not be assessed based upon the voluntarily disclosure of those violations. The Division is not responsible for an environmental audit. The company does it with the recognition that they are insuring environmental compliance and if there are violations that they won't be fined or have sanctions placed against them for reporting those violations.

Mr. Dodgion added they also have to enter into an enforcement agreement to rectify a violation.

Ms. Mischel asked if that is a hard and fast application.

Mr. Biaggi explained the regulations deal with the process to enter into the agreement with the Division.

Ms. Mischel stated she could envision a scenario of somebody who has had a long history of violations who must do the environmental audit. We already have disclosure requirements, so why would you give them a break?

Mr. Biaggi explained that the audit is voluntary. It is not mandatory.

Mr. Cowperthwaite continued:

**AB 594:** AB 594 has been resolved today by adoption of Petition 97005.

**AB 266:** A modification of the Chemical Accident Prevention Program. A specific provision in the bill says "the regulated facility obtains an exemption from the State Environmental Commission. The State Environmental Commission shall adopt by regulation procedures retaining such an exemption" -

I do not know what the total impact of this bill is but I do know it brings together the existing Chemical Accident and Prevention Program, the OSHA Program and the 112R Program which is a Air Pollution Control Program requiring assessments of risk according to facilities, in terms of if they have had an upset or breakdown. These programs are all meshed together at this point.

Lew Dodgion explained there will definitely be regulations to implement the requirements of the Clean Air Act and to merge that program with our existing CAP Program. This bill brings Timet into the Chemical Accident Prevention Program. Timet has continued to have numerous chlorine and titanium tetrachloride spills and their quantities were below the existing threshold in the law so the law was amended so titanium tetrachloride was added to the list. Also, any company that had less than the threshold quantity of hazardous material and had reportable releases at more than 2 in a given 12-month period was brought into the program. That was strictly to bring Timet into the program. The air quality regulations will be complex but we hope to have a regulation before you next spring.

Commissioner Turnipseed requested an update on the perchlorate problem.

Allen Biaggi explained perchlorate is a solid rocket fuel, an oxidizer that has been manufactured in the Las Vegas Valley since the late 1940's. It is produced at Kerr-McGee, at the BMI Complex, and at the former Pepcon facility which had a fairly catastrophic explosion in 1988. The compound is essentially a salt, a chlorine and 3 or 4 oxygens, and it historically has been unregulated by EPA and by the states. The issue first surfaced at AeroJet in California where it was found that the perchlorate was being used to evaluate plume definitions rather than more hard to find

things such as TCE and PCE. California was finding it in high concentrations in ground water and decided they ought to look at the health ramifications. About the same time, some new analytical technologies came in place where they could detect perchlorate in a low part per billion level and it was found at Vandenberg Air Force Base, NASA Ames Research Center and a couple of other spots in California. They also looked at the water source coming out of the Colorado River where it was found in the low parts per billion levels, probably in the 7 or 8 parts per billion. Southern California Municipal Water Authority traced that up the Colorado River to the Las Vegas Wash where it was in fairly high concentrations. Lew Dodgion, the Southern Nevada Water Authority and U.S. EPA held a press conference about 1½ months ago to inform the public that an investigation was initiated on finding the source or sources of perchlorate in the Las Vegas Valley and those investigations have been ongoing for a few weeks. It looks like there are two potential or major sources, Kerr McGee and Pepcon.

Mr. Biaggi explained there is very little known about this compound. There are no health based standards for it on the federal level right now so we have asked EPA to evaluate what the health ramifications are and what potential treatment technologies can be used once we can intercept to control the sources. The soonest health-based study will probably come out a year from today. EPA won't have theirs in place probably until the year 2000. So this is going to be a long-term and difficult process and it is just one more issue associated with Las Vegas Wash and Lake Mead Water Quality.

Chairman Close stated a man who appeared on T.V. said that he was an equipment operator and buried barrels of this stuff in the ground. Can that be retrieved or have the barrels deteriorated?

Mr. Biaggi explained that was primarily at the Pepcon facility. We have received a number of concerns from former workers who indicated that there was a landfill there which is potentially a source of the contamination.

Our thought is that landfill is probably not as great a source as some of the ponds that may have been present there in years past. The ponds actually provided a driving force and a head to get it down to the ground water. Our intent, and Pepcon is cooperating fully with us at this point, is to further evaluate the source or sources of the contamination. If it is landfills there are steps that can be taken to remedy those problems.

Commissioner Jones asked what are the known health effects of perchlorate? There must have been some when the original study was made.

Mr. Biaggi explained the original study of perchlorate came out in 1952. It was a study of the impacts of perchlorate on the thyroid gland. They were giving people with overactive thyroids high levels of perchlorate to bring the level of thyroid activity down and that is the basis for the California preliminary standard, that is in place right now, of 18 parts per billion. It is probably not good science to base your drinking water standard on one study done in 1952. EPA is initiating a study and the U.S. Air Force has a study going on right now which will be out next year.

Ray Bacon, Manufacturers Association, explained the total number of people involved in a 1952 study was only about 12 people who all suffered from Graves Disease and that is when they established the use of perchlorate as the treatment for Graves Disease. California has taken the safety factor off the dosage that is used to treat Graves Disease and that is what they have set the standard on, It is arbitrary. Graves Disease affects about 500 people in the entire country.

Attorney General Deputy Attorney General Jean Mischel noted the newspaper recently reported one mile of the beach or shoreline was closed to swimming.

Mr. Biaggi explained this relates to bacteriological issues associated with the Las Vegas Wash - fecal coliform, fecal stress. The Vegas Wash flow is primarily related to the waste water treatment plants which do significant disinfection of the waste water before it goes into the Las Vegas Wash. However, there are dry weather and wet weather flows from run-off from streets and lawns and there is a high fecal contamination in all southwestern cities - Phoenix, Tucson, Las Vegas and Los Angeles - primarily from animals, associated with those flows. The Environmental Commission recognized those concerns in the 1970's and designated the Las Vegas Wash as non-contact recreation. With the increasing population in the Las Vegas Valley a number of people were not aware of

that designation. It was not posted and there was a concern that people were recreating in the Las Vegas Wash. "No Swimming" signs are now posted from North Shore Road to Las Vegas Bay. It is not a new closure it is just informing people of the historical designation for those waters.

Mr. Cowperthwaite informed the Commission of an increase in the per diem. Mileage increased from 31¢ to 31½¢ per mile and in-state lodging increased from \$39.00 to \$43.00 per night. There was no change in the rate for meals.

Chairman Close called for additional questions.

No questions were received.

Chairman Close adjourned the meeting at 11:40 a.m.

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STATE ENVIRONMENTAL COMMISSION  
EXHIBIT LOG

Hearing Date: September 23, 1997

Location: Reno, Nevada

#	Item	Item Description	Reference Petition #	Accepted Yes/No
1	2 page letter dated September 2, 1997	Addressed to Chairman Melvin Close from DeeAnn Parsons, Administrator, Nevada State Energy Office Association. In support of Petition 96019	96019	YES
2	1 page letter dated September 5, 1997	Addressed to Commissioners from Sandy Harmon, Executive Director Economic Development Authority, Esmeralda/Nye Counties  Supports rate decreases and opposes rate hikes.	97006	YES
3	1 page letter dated September 4, 1997 and attached 2 page letter dated February 21, 1997.	Addressed to David Cowperthwaite, Executive Secretary from David C. O'Neil, Southwest Gas Corporation.  Opposes change to the implementation schedule.	96019	YES
4	1 page letter dated September 12, 1997	Addressed to Environmental Commission from Joannie Revert, Chairman, Beatty Citizens Advisory Council.  In support of Petition 97006.	97006	YES
5	1 page letter dated September 11, 1997	Addressed to Environmental Commission from Marina Anderson, President, Beatty Chamber of Commerce  In support of Petition 97006.	97006	YES
6	3 page letter dated September 12, 1997	Addressed to Environmental Commission from Frank Revell, Administrator, State of Nevada Department of Administration Motor Pool Division  Proposes holding vehicle acquisition level at 50%.	96019	YES

STATE ENVIRONMENTAL COMMISSION  
EXHIBIT LOG

Hearing Date: September 23, 1997

Location: Reno, Nevada

#	Item	Item Description	Reference Petition #	Accepted Yes/No
7	1 page letter dated September 22, 1997	Addressed to Environmental Commission from Senator Mike McGinness  Supports new fee schedule.	97006	YES
8	2 page letter	Clark County School District	96019	YES
9	1 page letter dated May 16, 1997	Addressed to Environmental Commission from Martin R. Jones, Chairman, Nevada Mining Association (Exhibit 1 at May, 1997 Hearing) Urges Commission to adopt regulation and increase fees	97002	YES