



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

Agenda

SEC Meeting - February 10, 2016

The State Environmental Commission (SEC) will hold a meeting on Wednesday, February 10, 2016 at 9:00 am in Carson City. The meeting location is in the Bryan Building located at 901 South Stewart Street, 2nd Floor, Tahoe Conference Room. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this agenda.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the SEC may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the SEC may refuse to consider public comment. See NRS 233B.126

1) Call to Order, Roll Call, Establish Quorum (Discussion)

2) Public Comment: (Discussion)

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to ten minutes per person at the discretion of the chairperson.

3) Approval of the Agenda: (For Possible Action)

4) Approval of October 14, 2015 Meeting Minutes (For Possible Action)

5) Penalty Assessment for Barrick Goldstrike Mines, Inc. - Air Quality Violations: (For Possible Action)

Recommendation: Approve the NDEP-recommended penalties for Barrick Goldstrike Mines, Inc. for NOAV 2561 at \$8,250.00 and NOAV 2562 at \$38,692.50 for a total penalty amount of \$46,942.50, as proposed, or take

other action as appropriate.

NOAV 2561 - Failure to comply with Source Testing on March 26, 2015
Recommended Penalty - **\$8,250.00**

NOAV 2562 - Failure to comply with Source Testing on July 7, 2015
Recommended Penalty - **\$38,692.50**

6) R130-15: Bureau of Water Quality Planning - Lower Humboldt Class Waters, Water Quality Standards Revision (For Possible Action)

Recommendation: Adopt Regulatory Petition R130-15 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

The proposed changes to the Nevada Administrative Code (NAC) revise the Nevada water quality regulations for the former “Class Waters” located in the Lower Humboldt River Basin. Revisions include the addition of numeric criteria for nitrate, nitrite, total suspended solids, turbidity, color, chloride, sulfate, and alkalinity based upon guidance published by the U.S. Environmental Protection Agency (EPA). These additions were deemed necessary to properly protect the beneficial uses.

Nevada Revised Statutes (NRS) 445A.520 requires standards to be set at levels designed to protect beneficial uses for surface waters of the state. Nevada has been delegated authority to set water quality standards under the Clean Water act and federal regulations (40CFR 131.20) require states to periodically review their water quality standards, and as appropriate, update those standards. A review of the available data, scientific literature and EPA guidance indicated that the proposed standards be modified to protect the beneficial uses currently designated for these waters.

The proposed revisions are expected to have some beneficial economic effect on the public, both immediately and long-term. Overall, the current water quality standards have beneficial effects in terms of protecting public health and welfare and supporting aquatic, wildlife and recreational uses. All of these factors provide economic benefits to the public. The proposed changes will provide additional protection of the beneficial uses, thereby improving the level of public benefit. There will be no additional costs to the State for enforcement of the proposed regulation and it does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not

include provisions which are more stringent than a federal regulation, it does not address fees and it is essential to the functions and operations of NDEP.

7) R101-14 - Bureau of Water Quality Planning - Lahontan Reservoir, Water Quality Standards Revision (For Possible Action)

Recommendation: Adopt Regulatory Petition R101-14 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

The proposed amendment revises water quality standards for the Carson River and Lahontan Reservoir (NAC 445A.1822 - 445A.1824). Proposed changes include: 1) separate the delineation of the Lahontan Reservoir from the Carson River; 2) revise phosphorus, chloride and alkalinity criteria; and 3) clarify that the dissolved oxygen criterion applies only in the epilimnion when the reservoir is stratified. Lahontan Reservoir water quality standards were last reviewed in 1984 and these revisions were deemed necessary to update water quality criteria based upon more recent data, scientific literature and guidance published by the EPA.

NRS 445A.520 requires that standards be set at levels designed to protect beneficial uses for surface waters of the state. Nevada has been delegated authority to set water quality standards under the Clean Water Act and federal regulations (40CFR 131.20) require states to periodically review their water quality standards, and as appropriate, update those standards. A review of the available data, scientific literature and EPA guidance indicated that the proposed changes be made to the water quality standards to protect the beneficial uses currently designated for these waters.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not address fees and it is essential to the functions and operations of NDEP.

8) Administrator's Briefing to the Commission: (Discussion)

NDEP Administrator, Dave Emme, will brief the SEC on the Beatty Site fire, the Anaconda/Yerington Mine Site, NDEP staff changes and other relevant NDEP issues.

9) Public Comment (Discussion)

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10) Adjournment

Additional Information:

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, this agenda was posted no later than three working days prior to the hearing at the following locations:

- Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV;
- Dept. of Conservation & Natural Resources, 901 South Stewart Street, Carson City, NV;
- Nevada Division of Minerals, 400 W. King Street, Carson City, NV;
- Nevada Dept. of Agriculture, 405 South 21st Street, Sparks, NV; and
- Nevada Division of Environmental Protection, 2030 E. Flamingo Rd, Las Vegas.

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

This agenda and the text of the proposed regulation, including previous drafts, are or will be posted on the on the Legislative Counsel Bureau's website at: <http://www.leg.state.nv.us/Register/> .

This agenda and supporting material for the above referenced meeting are posted on the State Environmental Commission's website at: http://sec.nv.gov/main/hearing_0216.htm . Supporting material is also available at the office of the State Environmental Commission, 901 South Stewart St., Suite 4001, Carson City, NV. Anyone desiring supporting material or additional information is invited to contact Valerie King at (775) 687-9374.

Persons wishing to comment on the proposed actions of the SEC may appear at

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

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

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 5:00 p.m. on February 5, 2016.