



Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on Wednesday, February 21, 2018 at 9:00 am in Carson City. The meeting location is at the Nevada Legislative Building, Room 2134, located at 401 South Carson Street. The meeting will also be video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4406, located at 555 East Washington Avenue.

Please Note: 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 three minutes per person at the discretion of the chairperson.

3) Approval of December 5, 2017, Meeting Minutes (For Possible Action)

REGULATORY PETITIONS

4) Permanent Regulation R155-17 - Bureau of Water Pollution Control (For Possible Action)

The proposed amendments pertain to Chapter 445A. The NDEP is proposing to modify the regulations on wastewater operator certification requirements, certification fees, the classification of sewage treatment plants and the requirements for wells that fall within the area of review during the Underground Injection Control permit process.

Recommendation: Approve and adopt permanent regulatory petition R155-17, as proposed, or take other action as appropriate.

5) Permanent Regulation R156-17 - Bureau of Safe Drinking Water (For Possible Action)

The proposed amendment pertains to NAC Chapter 445A. The NDEP is proposing to amend regulations regarding the Drinking Water operator certification process, certification fees and clarification of existing regulations.

Recommendation: Approve and adopt permanent regulatory petition R156-17, as proposed, or take other action as appropriate.

6) Permanent Regulation R144-17 - Bureau of Air Quality Planning and Air Pollution Control (For Possible Action)

The proposed amendments pertain to NAC Chapter 445B. The NDEP is proposing to amend NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations," to implement relevant federal rules promulgated since the State regulation was last updated during October of 2016. This is a routine activity. The update includes rulemakings under 40 CFR Part 51, "Requirements for preparation, adoption, and submittal of implementation plans," Part 52, "Prevention of significant deterioration of air quality" (PSD), Part 60, "Standards of performance for new stationary sources" (NSPS), Part 61, "National emission standards for hazardous air pollutants" (NESHAP), and Part 63, "National emission standards for hazardous air pollutants for source categories" (NESHAP).

Recommendation: Approve and adopt permanent regulatory petition R144-17, as proposed, or take other action as appropriate.

7) Permanent Regulation R145-17 - Bureau of Air Quality Planning and Air Pollution Control (For Possible Action)

The proposed amendment pertains to NAC Chapter 445B. The NDEP is proposing to amend NAC 445B.22097, "Standards of quality for ambient air." The change includes the revision of the Nevada ambient air quality standards table in NAC 445B.22097 to align it with the national ambient air quality standards (NAAQS) currently in effect. The proposed regulation revises the 8-hour ozone standard in the Nevada standards table from 0.075 to 0.070 parts per million (ppm). The NDEP further proposes to simplify the table by deleting the "National Standards" and "Method" columns because both are for reference only and are often out-of-date with respect to the referenced federal regulations.

Recommendation: Approve and adopt permanent regulatory petition R145-17, as proposed, or take other action as appropriate.

ALTERNATIVE FUEL VARIANCE

8) Petition for Alternative Fuel Variance - Washoe County (For Possible Action)

Pursuant to NAC 486A.200, Washoe County is requesting a 36-month variance from the provisions of NAC 486.160 and NAC 486.180 that address the conditions for the use of alternative fuel vehicles for its support fleet.

In applying to the SEC for a variance, Washoe County has addressed items on SEC Form #6 (Variance for Alternative Fueled Vehicles). Washoe County cites the unavailability of alternative fuel and financial hardship as the principal reasons for the requested variance. Washoe County Equipment Services operates 31 regulated diesel vehicles that are based in eight different locations. Four vehicles are in close proximity to one of the three alternative fuel sites in Northern Nevada, and 27 vehicles are not. The longer drive to alternative fuel sites for the 27 vehicles poses a financial strain - estimated at approximately \$60,747.28 annually due to increased costs of maintenance, increased fuel consumption and a general loss in productivity.

Pursuant to NRS 486A.150.5 (a), the Commission may consider whether compliance with NRS 486A/NAC 486A would: (1) void or reduce the coverage under a manufacturer's warranty for any vehicle or vehicle component; (2) result in financial hardship to the owner or operator of a fleet; (3) be impractical because of the lack of availability of clean vehicles, alternative fuel or motor vehicles that use alternative fuel; or (4) any other reason which the Commission determines is appropriate.

Recommendation: Washoe County recommends that the SEC approve a 36-month variance from the provision of NAC 486A.180, providing the County an exemption from the use of biodiesel in 27 of the County's 314 regulated fleet vehicles, or take other action as appropriate.

9) Administrator's Briefing to the Commission: (Discussion) NDEP Administrator, Greg Lovato, will brief the Commission on the NDEP permit workload, the status of the Anaconda Copper Mine Site and the Volkswagen settlement. An update of the Air Program's use of e-Notices will also be provided.

10) 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 three minutes per person at the discretion of the chairperson.

11) Adjournment

Additional Information: Persons wishing to comment on the proposed actions of the State Environmental Commission (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 can inspect copies of the regulations 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 at **2030 E. Flamingo Rd., Suite 230**.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (**901 South Stewart Street, Carson City, Nevada**); the offices of the Division of Environmental Protection in Las Vegas (**2030 E. Flamingo Rd., Suite 230**), the Nevada Division of Minerals, **400 W. King Street, Carson City, NV** and at the Nevada Department of Agriculture (**405 South 21st Street, Sparks, Nevada**).

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the State Environmental Commission's website at: sec.nv.gov. All of the proposed regulations denoted in this notice, including previous drafts, are or will be posted on the Legislative Counsel Bureau's website.

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 15, 2018.