



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 - September 13, 2017

The State Environmental Commission (SEC) will hold a meeting on Wednesday, September 13, 2017 at 10:00 am in Carson City. The meeting location is at the Nevada Legislative Building, Room 4100, located at 401 South Carson Street. The meeting will also be video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, located at 555 East Washington Avenue. The meeting will be broadcasted live over the internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Calendar of Meetings."

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 ten minutes per person at the discretion of the chairperson.

#### 3) Approval of May 3, 2017 Meeting Minutes (For Possible Action)

### AIR PENALTIES

Tahoe Western Asphalt, LLC

#### 4a) NOAV No. 2619 (For Possible Action)

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1611-3748.

**Recommendation:** Approve NDEP-recommended penalty amount of \$2,520.00 for NOAV No. 2619, issued to Tahoe Western Asphalt, LLC.

**4b) NOAV No. 2620 (For Possible Action)**

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1611-3748.

**Recommendation:** Approve NDEP-recommended penalty amount of \$6,600.00 for NOAV No. 2620, issued to Tahoe Western Asphalt, LLC, or take other action as appropriate.

**4c) NOAV No. 2621 (For Possible Action)**

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1611-3748.

**Recommendation:** Approve NDEP-recommended penalty amount of \$6,450.00 for NOAV No. 2621, issued to Tahoe Western Asphalt, LLC, or take other action as appropriate.

**4d) NOAV No. 2622 (For Possible Action)**

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1611-3748.

**Recommendation:** Approve NDEP-recommended penalty amount of \$10,875.00 for NOAV No. 2622, issued to Tahoe Western Asphalt, LLC, or take other action as appropriate.

**4e) NOAV No. 2623 (For Possible Action)**

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1611-3748.

**Recommendation:** Approve NDEP-recommended penalty amount of \$6,600.00 for NOAV No. 2623, issued to Tahoe Western Asphalt, LLC, or take other action as appropriate.

**5) Air Quality Odor Presentation (Discussion)**

The Bureau of Air Pollution Control will present to the Commission NDEP's authority associated with the enforcement of odors.

## **SOLID WASTE MANAGEMENT PLAN**

### **6) Revised Nevada Solid Waste Management Plan - Bureau of Waste Management (For Possible Action)**

Nevada Revised Statutes (NRS) 444.570 requires the SEC, in cooperation with governing bodies of Nevada's municipalities, to develop a plan for a statewide solid waste management system. This plan presents the current status of collection and disposal systems within each county and reviews the adequacy of landfill standards. It also seeks to identify economic incentives to encourage efficient use of available resources, reduce waste generation, and optimize recovery of reusable/recyclable resources from the solid waste stream.

**Recommendation:** Approve and adopt the revised Solid Waste Management Plan, as proposed, or take other action as appropriate.

## **REGULATORY PETITIONS**

### **7) Permanent Regulation R014-17 Bureaus of Air Quality Planning & Air Pollution Control (For Possible Action)**

The proposed amendment pertains to NAC Chapter 445B. The NDEP is proposing, under specific circumstances, to provide an exemption from requirements that motor vehicles registered in Nevada that were originally equipped with devices to control pollution, must have those devices correctly installed and in good operating condition.

The regulatory amendment is needed to allow the State of Nevada to qualify for Beneficiary Status in the matter of the Volkswagen 2.0L Partial Consent Decree Environmental Mitigation Trust Agreement and other similar future settlements. To qualify as a beneficiary, Nevada must certify that it will not deny registration to any Subject Vehicle based solely on the fact that it has a defective device installed that renders it ineffective or inoperable for the control of pollution. Instead, the Volkswagen Group, within the next two years, will address the emissions from at least 85% of the Subject Vehicles.

As a beneficiary, the State expects to receive approximately \$25 million to be used for diesel emission reduction projects and zero emission vehicle infrastructure projects that are intended to mitigate the excess nitrous oxide emissions produced by the Subject Vehicles. The expected reductions in emissions resulting from these projects outweighs the future environmental harm presented by allowing the Subject Vehicles to remain on Nevada's roadways.

This regulation will not have an immediate or long-term adverse economic impact on regulated business/industry or the public. 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.

**Recommendation:** Approve and adopt permanent regulatory petition R014-17, as proposed, or take other action as appropriate.

**8) Permanent Regulation R015-17 Bureaus of Air Quality Planning & Air Pollution Control (For Possible Action)**

The proposed amendment pertains to NAC Chapter 445B. The NDEP proposes to revise the air quality public notice rule provisions by removing the requirement to provide public notice of a draft air permit, and other program actions, through publication in a newspaper. The amendment proposes to instead provide for electronic noticing (e-notice) and website access (e-access) of those actions.

The proposed regulation will have a nominal economic impact on the newspaper industry of approximately \$6,600 per year. NDEP spends an average of \$6,600 per year in publication costs. There will be no negative economic impact to regulated businesses. There will be no economic impact to the public and NDEP, the enforcing agency, will save approximately \$6,600 per year.

The proposed amendment does not overlap any other State or federal regulations and is not more stringent than what is established by federal law. The proposed amendment does not address fees.

**Recommendation:** Approve and adopt permanent regulatory petition R015-17, as proposed, or take other action as appropriate.

**9) Administrator's Briefing to the Commission: (Discussion)** NDEP Deputy Administrator, Jennifer Carr, will brief the Commission on management changes, NDEP recycling program activities, Nevada priorities for Low Level Radioactive Waste Management at the Nevada National Security Site (formerly the Nevada Test Site), and status of the Anaconda site.

**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 ten minutes per person at the discretion of the chairperson. (See Nevada Open Meeting Law Manual - Page 58 and 81)

**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 is located 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 September 8, 2017.