



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



## Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Wednesday, September 13, 2017 at 10:00 am in Carson City. The meeting will be held in the Nevada Legislative Building, Room 4100, located at 401 South Carson Street. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

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### **R014-17: Bureau of Air Quality Planning & Bureau of Air Pollution Control**

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 State of Nevada is seeking Beneficiary Status in the matter of the Volkswagen 2.0L Partial Consent Decree Environmental Mitigation Trust Agreement. The State likely qualifies as a beneficiary due to the environmental harm suffered by the State from emissions that exceeded EPA-compliant levels emitted by the diesel-powered Subject Vehicles identified in the settlement manufactured by the Volkswagen Group. To qualify as a beneficiary, the State must certify that it shall 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. The 2.0L Partial Consent Decree requires the Volkswagen Group within the next two years to take steps to address the emissions from at least 85% of the Subject Vehicles. This will be accomplished through either a vehicle buyback/early lease termination program, or through an emissions modification recall program. NDEP expects that these programs will be effective in substantially reducing future emissions from the Subject Vehicles.

The regulatory amendment is needed to allow the State of Nevada to qualify for Beneficiary Status. 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 (electric vehicle charging stations) that are intended to mitigate the excess nitrous oxide emissions produced by the Subject Vehicles. The expected reductions in emissions resulting from these projects, combined with the long-term environmental benefits of providing charging infrastructure which may help facilitate a transition to clean electric vehicles, 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.

#### **R015-17: Bureau of Air Quality Planning & Bureau of Air Pollution Control**

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 because 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 or 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.

**Additional Information:** 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 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), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC's website at: [http://sec.nv.gov/main/hearing\\_0917.htm](http://sec.nv.gov/main/hearing_0917.htm). The proposed regulations denoted in this notice, including previous drafts, are, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/>

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 4:00 p.m. on September 8, 2017.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library  
900 North Roop Street  
Carson City, Nevada 89701-3101

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Churchill County Library  
553 South Main Street  
Fallon, Nevada 89406-3306

Lyon County Library System  
20 Nevin Way  
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District  
Headquarters  
833 Las Vegas Boulevard North  
Las Vegas, Nevada 89101-2062

Mineral County Public Library  
P.O. Box 1390  
Hawthorne, Nevada 89415

Douglas County Public Library  
1625 Library Lane  
Minden, Nevada 89423-0337

Pershing County Library  
1125 Central Avenue  
Lovelock, Nevada 89419

Elko County Library  
720 Court Street  
Elko, Nevada 89801-3397

Storey County Library - Closed  
Posted at Clerk's Office  
Address below:

Esmeralda County Library  
Corner of Crook & 4th Street  
P.O. Box 430  
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office  
Drawer D  
Virginia City, Nevada 89440

Eureka County Library  
10190 Monroe Street  
Eureka, Nevada 89316

Tonopah Public Library (Nye County)  
P.O. Box 449  
Tonopah, Nevada 89049

Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445-3095

Washoe County Library System  
301 South Center Street  
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)  
625 South Broad Street  
Battle Mountain, Nevada 89820

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301