



State of Nevada

Dept. of Conservation & Natural Resources

**State Environmental Commission** [SEC.nv.gov](http://SEC.nv.gov)

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

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## Agenda

### SEC Meeting - October 12, 2016

The State Environmental Commission (SEC) will hold a meeting on Wednesday, October 12, 2016 at 10:00 am in Carson City. The meeting location is in the Bryan Building located at 901 South Stewart Street, 2<sup>nd</sup> Floor, Tahoe Conference Room. The meeting will be video conferenced in Las Vegas at the Nevada Division of Environmental Protection office located at 2030 E. Flamingo Rd., Suite 230.

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 February 10, 2016 Meeting Minutes (For Possible Action)**

**4) Discussion and adoption of a 36 month variance from NAC 486.180, the requirement to purchase alternative fuel vehicles for its support fleet, for the City of North Las Vegas, pursuant to NAC 486.200. (For Possible Action)**

**Recommendation:** Pursuant to NAC 486A.200, approve the 36 month variance from the requirement to purchase alternative fuel vehicles for the support fleet, as requested by the City of North Las Vegas, or take other action as appropriate.

The City of North Las Vegas has requested a 36 month variance from the requirement to purchase alternative fuel vehicles for its support fleet due to financial hardship realized as a result of alternative fuel not being readily available in Southern Nevada.

**5) LCB File No. R091-16: Bureau of Waste Management (For Possible Action)**

**Recommendation:** Adopt Regulatory Petition R091-16 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

In 2015, USEPA examined multiple State program revisions that NDEP's Bureau of Waste Management submitted as a result of previous regulatory amendments intended to better align the State program with the federal program to ensure program administration at the State level. As a result, NDEP agreed to address additional federal regulations and, in addition, streamline the "adopt by reference" process.

**6) LCB File No. R084-16: Bureau of Air Quality Planning & Bureau of Air Pollution Control (For Possible Action)**

**Recommendation:** Adopt Regulatory Petition R084-16 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

To facilitate the administration of the Clean Air Act at the State level, NDEP is responsible for ensuring the State's regulations are aligned with the federal regulations, updating the regulations as needed. 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), and Part 63, "National emission standards for hazardous air pollutants for source categories" (NESHAP).

**7) LCB File No. R085-16: Bureau of Air Quality Planning & Bureau of Air Pollution Control (For Possible Action)**

**Recommendation:** Adopt Regulatory Petition R085-16 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

The proposed amendments pertain to NAC Chapter 445B. The NDEP is proposing to reform the Class II, Class III and Class IV operating permit provisions in an effort to streamline air quality operating permit programs and align the resources spent on permit applications with the benefit to air quality. Upon adoption, this regulatory petition will be submitted to the USEPA to be included in, or used to revise, the Nevada State Implementation Plan required by section 110 of the Clean Air Act.

**8) LCB File No. R098-16: Bureau of Air Quality Planning (For Possible Action)**

**Recommendation:** Adopt Regulatory Petition R098-16 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

The proposed amendments pertain to NAC Chapter 486A, Alternative Fuel in Fleets Program. The proposed amendments will align the program with changes in alternative and conventional fuels and also with new, clean vehicle technologies available to regulated fleets. The amendments will permit the fleets to adopt these technologies and have viable options for compliance while ensuring that fuel and vehicles with lower emissions are being used.

**9) LCB File No. R106-16: Bureau of Corrective Actions (For Possible Action)**

**Recommendation:** Adopt Regulatory Petition R106-16 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

The proposed amendments pertain to NAC Chapter 459. To facilitate the administration of the Underground Storage Tank (UST) Program at the State level, NDEP is responsible for ensuring the State's regulations are aligned with the federal regulations, updating the regulations as needed. The amendments address UST requirements and also include general housekeeping items.

**10) LCB File No. R123-16: Bureau of Corrective Actions (For Possible Action)**

**Recommendation:** Adopt Regulatory Petition R123-16 as a permanent regulation, as proposed by NDEP, or take other action as appropriate.

The proposed amendments pertain to NAC Chapter 459. The amendments facilitate Nevada's environmental certification program to remain effective and responsive to both current standards of practice and federal requirements.

## **11) Administrator's Briefing to the Commission: (Discussion)**

NDEP Administrator, Dave Emme, will brief the SEC on NDEP issues, including management changes, ozone designations, the Volkswagen settlement and the Anaconda Site.

## **12) 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.

## **13) 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 21<sup>st</sup> Street, Sparks, NV; and
- Nevada Division of Environmental Protection, 2030 E. Flamingo Rd, Las Vegas.

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\\_1016.htm](http://sec.nv.gov/main/hearing_1016.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.

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 October 6, 2016.