



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 - May 2, 2014

The State Environmental Commission (SEC) will hold a meeting on Friday, May 2, 2014 at 10:00 am in Carson City. The meeting location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd floor, Tahoe 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) Public Comments: (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.

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

3) Approval of Meeting Minutes: December 4, 2013 (For Possible Action)

4) Penalty Assessments for Air Quality Violations (For Possible Action)

- A. Newmont Nevada Energy Investment, LLC, TS Power Plant – NOAV No. 2453, alleged failure to comply with a permitted emission limit. The recommended penalty amount is \$12,420.00.
- B. Nevada Slag, Inc. - NOAVs No. 2455 and No. 2456, alleged failure to comply with a permitted emission limit and alleged failure to operate required air pollution controls. The total recommended penalty amount is \$12,600.00.
- C. Q&D Construction, Inc. - NOAV No. 2462, alleged failure to comply with a permitted emission limit. The recommended penalty amount is \$3,250.00.

- D. Hawthorne Army Depot - NOAV No. 2471, alleged failure to comply with a permitted emission limit. The recommended penalty amount is \$20,800.00.
- E. Rockwood Lithium Inc. - NOAV No. 2474, alleged failure to conduct required compliance source testing. The recommended penalty amount is \$5,000.00.
- F. Alston Construction - NOAV No. 2476, alleged failure to apply for and obtain an operating permit prior to commencing construction. The recommended penalty amount is \$2,900.00.

NDEP Regulatory Petition:

5) RE: R145-13 Bureau of Air Quality Planning - Ambient Air Quality Standards (For Possible Action)

The NDEP is proposing to amend NAC 445B.22097, "Standards of quality for ambient air," and NAC 445B.311, "Environmental evaluation: Contents; consideration of good engineering practice stack height." We are proposing to revise the Nevada side of the ambient air quality standards table in NAC 445B.22097 to further align it with the national ambient air quality standards (NAAQS) currently in effect. The proposed regulation revises the nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and fine particulate matter (PM_{2.5}) standards in the Nevada side of the ambient air quality standards table. The proposed revision to NAC 445B.311 modifies the environmental evaluation requirements for conducting an air dispersion analysis. Under the existing regulations, a facility is not required to model if it has the potential to emit less than 25 tons per year for each pollutant standard. The proposed regulation increases that threshold for the 2010 1-hour SO₂ and NO₂ NAAQS to 40 tons per year. Currently, as a service to regulated industries, Nevada conducts modeling for facilities below the threshold and will do so for facilities below the new threshold.

These amendments are in response to a federal requirement. If adopted, they will be submitted to the U.S. Environmental Protection Agency (USEPA) as a revision to Nevada's state implementation plan to meet requirements in Clean Air Act § 110(a)(1). The proposed amendments address the implementation of the 2006 PM_{2.5}, 2010 SO₂ and 2010 NO₂ NAAQS in the NDEP's minor source permitting program.

The economic effect of this regulation can only be determined on a case-by-case basis for each affected business. If the environmental analysis shows that the emissions from a business are expected to exceed the air quality standards, the business must revise its operating procedures or install controls to reduce emissions. The cost will range from no cost to the cost of installing emission controls appropriate to the individual situation. It is important to note that the proposed NO₂, SO₂, and PM_{2.5} standards are

federal standards with which industry must comply regardless of whether the USEPA or the NDEP implements them. The proposed regulation will have beneficial effects in terms of improved health and welfare. The NAAQS are established to protect against adverse effects of polluted air on human health. The cleaner the emissions are the fewer health effects will be experienced by those persons downwind of the facility. In addition, the emissions reductions will also benefit public welfare. Such benefits include improved visibility and less damage to materials and ecosystems.

This regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees and it is essential to the functions and operations of NDEP.

6) Approval of SEC Form 4 - Small Business Impact Statement (For Possible Action)

The 2013 Legislative Session resulted in changes to the small business impact statements prepared by state agencies when proposing regulations. The existing Form 4 was approved by the SEC on April 20, 2000. The proposed changes to Form 4 have been reviewed by both the SEC DAG and a NDEP DAG to ensure the new legislative requirements have been captured.

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

NDEP Administrator, Colleen Cripps, will brief the Commission on NDEP personnel changes and also provide an update on state and federal regulatory changes.

8) Public Comments: (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 discretion of the chairperson.

9) 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 Wildlife, 1100 Valley Road, Reno, NV

- 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_0514.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 April 28, 2014.