



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 89701-5249

## SEC Meeting Agenda

September 24, 2008

The State Environmental Commission (SEC) has scheduled a regulatory hearing for Wednesday, September 24, 2008 beginning at 10:00 am. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City will be at the Bryan Building, 901 South Stewart Street, in the Tahoe Hearing Room located on the 2<sup>nd</sup> floor. In Las Vegas the hearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, this meeting agenda has been posted at the following locations: the Nevada State Library in Carson City and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas.

Copies of this agenda and the information noted below were made available to all public libraries throughout the state as well as individuals on the SEC electronic mailing lists. The Public Notice for this hearing was also published on three separate occasions during September 2008 in the Las Vegas Review Journal and the Reno Gazette Journal newspapers. Additional information in support of this agenda is located on the SEC website at [sec.nv.gov](http://sec.nv.gov)

The following items will be discussed and acted upon but may be taken in different order to accommodate the interests and time of the persons attending.

1) Approval of minutes from the June 17, 2008 SEC hearing \*ACTION

2) Approval of the following Settlement Agreements - Air Quality Violations

\*ACTION by Consent Calendar:

Company Name

1. Baker Hughes Drilling Fluids (Lander County)
2. Service Rock Products Corporation (Nye County)
3. Vanderbilt Minerals Corporation (Nye County)

## Mining Regulation & Reclamation

**3) Regulation R080-08: Administrative Changes to Chapter 519A, Reclamation of Land Subject to Mining Operations or Exploration Projects:** This proposed regulation provides clarification of surface ownership for lands affected by applications for reclamation permits. Under section 519A.275 the proposed regulation requires the Division of Environmental Protection (NDEP) to consider comments received from landowners in making final decisions about postmining land use. This is particularly important where permittees do not own title to the surface of affected land that will be reclaimed.

The proposed regulation further requires mine operators to make timely periodic payments to trust funds established for mine reclamation. Such payments need to precede actual mining or exploration activities, and must be sufficient to maintain the trust fund balance at a level at or above the outstanding reclamation obligation at any time.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

## Water Pollution Control

**4) Regulation R181-08: Ground Water:** This regulation would amend Nevada's Water Pollution Control regulations contained in NAC 445A. The Nevada Division of Environmental Protection (NDEP) has historically used federal Safe Drinking Water Act standards for determining or developing groundwater pollution prevention measures in Nevada.

Accordingly, NDEP has developed this regulation to protect groundwaters of the State that have the potential to become a drinking water source. The regulation would provide NDEP with reasonable permitting flexibility to limit discharges to groundwater which would not cause the receiving groundwater to exceed specific criteria defined in the proposed regulation.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

## Air Quality Planning / Air Pollution Control

5) **Regulation 191-08: Reporting Requirements for Excess Air Emissions & Clarification of Procedures for Renewal of Permits:** This regulation would amend NAC 445B. It would update the reporting requirements for excess emissions and scheduled repairs as well as clarify the procedures for renewal of air pollution control permits. In general, the regulation updates and clarifies the permitting regulations to eliminate ambiguity and make them more sensible.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

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## Other SEC Business

### 6) Administrator's Briefing to the Commission \*Non Action Item

NDEP's Administrator will provide the Commission with information updates about the following items: (1) the Division's recently submitted biennial budget; (2) potential conflicts with recent US EPA rule making actions; and (3) a significant mine "closure" in Northern Nevada.

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### 7) Public Comment -- \*Non Action Item

Public comment may be limited to ten minutes per person at the discretion of the chairperson; See AG Reference @ Pages 58 & 81) at <http://ag.state.nv.us/publications/manuals/omlmanual.pdf>

**Additional Information:** Copies of materials referenced in this agenda may be obtained by calling the Executive Secretary, John Walker at (775) 687-9308. The public notice and the text of materials for the meeting are also available on the State Environmental Commission website at: <http://www.sec.nv.gov/index.htm>

Persons wishing to comment on the proposed actions on this agenda 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. Upon adoption of

any regulation, the SEC, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption. 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 John B. Walker, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9308, no later than 5:00 pm on September 17, 2008.