



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission sec.nv.gov

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

SEC Meeting Agenda October 06 2009

The State Environmental Commission (SEC) will hold a regulatory hearing on Tuesday, October 6, 2009 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 is the Bryan Building, 901 South Stewart Street (2nd floor, Tahoe Room). The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of the following regulatory petitions and related SEC business.

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

- 1) Approval of minutes 06/17/09 SEC hearing * Action Item

Safe Drinking Water

- 2) Regulation R194-08: Public Water Systems: * Action Item

This regulation would amend NAC 445A. The NDEP is proposing to update its adoption by reference date for regulations that have been promulgated by the U.S. Environmental Protection Agency (EPA) from July 1, 2005 to July 1, 2006. During this period, the EPA codified the Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule which the NDEP hereby proposes to adopt. Related changes to the Design, Construction, Operation and Maintenance regulations are also proposed. Additional amendment proposals include clarifying language related to: the Public Notice Rule; the Lead and Copper Rule; the Interim Enhanced Surface Water Treatment Rule; the Long Term 1 Enhanced Surface Water Treatment Rule; language related to Best Available Technology (BAT) and repeal of a variance provision deemed to be in conflict with another existing provision. The amendments include adoption of 40 CFR 142.61 to 142.65, inclusive, for purpose of better defining BAT for variances. These amendments are necessary in order to acquire Primacy approval from the U.S. EPA for several components of Nevada's Safe Drinking Water Program.

Amendments to NAC445A.65505 to NAC445A.6731 update the regulating agency name in the Design, Construction, Operation & Maintenance regulations from the Health Division to the NDEP and the appropriate district boards of health (County Health Departments). Amendments to 445A.6682 for the fluoridation program clarify current respective roles and responsibilities for the NDEP, the

State Board of Health and the Health Division. Proposed amendments also include various updates to responsibilities of the County Health Departments and cleanup of general regulatory language.

This regulation is likely to have an economic impact on portions of the public and/or the business community at public water systems that require capital improvements for compliance. An unquantifiable benefit to the public exists related to better protection of health and safety and decreased medical costs as a direct result of further regulating disinfection byproducts and waterborne disease. There are additional responsibilities for the NDEP; however there is no additional quantified cost to the agency for enforcement of the proposed regulation as it will be implemented using existing staff. The regulation does not overlap, duplicate or conflict with any regulations of other government agencies and the regulation does not address fees.

Air Pollution Control / Air Quality Planning Regulation

3) Permanent Regulation R088-09: Adopt by Reference Federal Regulations:

*** Action Item**

The Nevada Division of Environmental Protection (NDEP) is proposing to convert the temporary regulation, T036-09, which was adopted at the SEC's June Hearing, to a permanent regulation and to adopt specific ASTM International test methods by reference. NDEP regularly adopts by reference appropriate new and revised federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated by the U.S. Environmental Protection Agency (EPA). NDEP then requests delegation of the NSPS and NESHAP programs to Nevada; however, it is necessary for the state to first adopt the federal rule so that EPA can delegate the implementation.

These proposed amendments update NAC 445B.221 with applicable new and revised federal NSPS and NESHAP rules that became effective after March 2008. This update will allow the regulated industry to continue to work with the state as opposed to the EPA. Additionally, adopting the test methods will allow the NDEP to use methods approved by EPA and recognized by the scientific community to measure emissions from sources.

Because the NSPS and NESHAP rules are federal requirements, Nevada's adoption of them will not have any additional immediate or long-term adverse economic impact on the public or the business community. The agency will absorb any additional cost for implementation 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

4) Administrator's Briefing to the Commission (Non Action Item)

NDEP's Administrator will provide the Commission with an informational update about federal stimulus funding and recent interactions with Nevada's local governments.

5) 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://sec.nv.gov/main/hearing_100609.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.

This agenda has been posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the State Library and Archives in Carson City (100 Stewart Street) and at the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230).

In addition, copies of this agenda have been deposited electronically at major library branches in each county in Nevada.

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 28, 2009.