



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 5, 2010

The State Environmental Commission (SEC) will hold a regulatory hearing on October 5th, 2010 at 10:00 am. The hearing is scheduled 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). In Las Vegas the hearing will held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

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.

1) Approval of minutes for 06/17/2010 SEC Regulatory Hearings * Action Item

2) Settlement Agreements, Air Quality Violations * Action Items

- Heart of Nature, LLC -- NOAV 2223
- Eagle Peak Rock and Paving, Inc. -- NOAV 2248, 2249, 2257, 2258
- Lake Tahoe Horizon Casino Resort -- NOAV 2232, 2252

3) Administrative Action, Air Quality Violation — Notice of Alleged Air Quality Violation and Order (NOAV) No. 2247 — Cind-R-Lite Cinder Cone Mine * Action Item

Air Quality Planning / Air Pollution Control * Action Item

4) R126-10: Air Pollution Control Permitting Provisions Applicable to State Implementation Plan (ASIP) The Nevada Division of Environmental Protection is proposing to amend four sections in the permitting provisions of NAC 445B. The amendments are in response to U.S. EPA comments on the approvability of the agency's air pollution control permitting provisions into the applicable State Implementation. The amendments align state regulations with the federal Clean Air Act and U.S. EPA rule requirements.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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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Water Quality Planning * Action Item

5) R129-10: Water Quality Standards for Class D Waters & Removal of Legal References for Certain Tribal Waters: This regulation proposes changes to Water Quality Standards for Class D waters and removal of Nevada Administrative Code references to Tribal waters on the Fort McDermitt Indian Reservation. When the Nevada Division of Environmental Protection (NDEP) updated the Class Waters to the E. coli bacteria standard in 2008, EPA required Nevada to perform an assessment of the Class D waters, which do not have contact recreation as a beneficial use, to determine if the waters would now meet the fishable/swimmable goal of the Clean Water Act. NDEP is proposing to add contact recreation and the associated bacterial water quality standard to four segments of the Class D waters.

The State of Nevada water quality regulations are not applicable to waterbodies on tribal lands. As a sovereign nation, the Fort McDermitt Paiute and Shoshone Tribes are responsible for regulating the water quality of the river within the boundaries of their land. Changes are proposed to the NAC to remove the segments of these reaches that are on tribal lands.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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 Quality Planning (continued) * Action Item

6) R127-10: Proposed Changes to the Water Quality Standards for Smoke, Bronco, and Gray Creeks: This regulation addresses water quality standards for Smoke, Bronco and Gray creeks defined under NAC 445A.180, 181 and 182 (445A.1286, 1698 and 1702). The standards for these creeks have not been reviewed since their inception in 1967 (Smoke) and 1973 (Bronco and Gray). Currently, there are no designated beneficial uses (uses) or reach descriptions assigned to these creeks. The Nevada Division of Environmental Protection is proposing to assign uses and reach descriptions for each creek; appropriate water quality criteria will be added based on the proposed uses for each creek.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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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Water Quality Planning (continued) * Action Item

7) R130-10: **Administrative updates Colorado Salinity:** The Nevada Division of Environmental Protection is proposing to make administrative changes to subsection 2 in NAC 445A.143 (445A.1233) to update the reference to the Review - Water Quality Standards for Salinity, Colorado River System (review) to the 2008 Review. No changes to the salinity criteria are proposed.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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 Quality Planning (continued) * Action Item

8) R133-10: **Proposed Changes to Select Water Quality Standards for Nevada Waters in the Snake River Drainage Basin:** The Nevada Division of Environmental Protection (NDEP) has completed a review of the water quality standards for the Nevada waterbodies in the Snake River Drainage Basin. These waters are located in Northern Elko County and consist of the following: South Fork Owyhee River; Owyhee River; Bruneau River; Jarbidge River; East Fork Jarbidge River; Salmon Falls Creek; Shoshone Creek; and Goose Creek. Revisions to select water quality standards are proposed based on EPA recommended criteria, maintaining consistency with standards for other Nevada waterbodies, and other recommendations and information. The water quality standards for the above mentioned waterbodies are contained in the Nevada Administrative Code (NAC) 445A.214 - 225 (445A.1332-1362). NDEP is also proposing to add four new tributary creeks located in the Snake River Drainage system to the Nevada water quality regulations.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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.

Other SEC Business

9) **Administrator's Briefing to the Commission:** **Non-Action Item**
NDEP's Administrator will provide the Commission with informational updates about budget and fiscal issues, mercury program updates, and federal rulemaking initiatives.

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10) Public Comment: **Non-Action Item**

Public comment may be limited to ten minutes per person at the discretion of the Chairperson. (See AG Open Meeting Law Manual, pages 58 & 81, <http://ag.state.nv.us/publications/manuals/omlmanual.pdf>)

Additional Information

Persons wishing to comment on the proposed actions of the State Environmental Commission (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).

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the State Environmental Commission's website at: <http://www.sec.nv.gov/index.htm>. All of the proposed regulations denoted in this notice, including previous drafts, are also posted on the Legislative Counsel Bureau's website at: <http://www.leg.state.nv.us/register/>.

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 p.m. on September 28, 2010.