



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

November 12, 2008

The State Environmental Commission (SEC) has scheduled a regulatory hearing for Wednesday, November 12, 2008 beginning at 10:00 am. The hearing will be held at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

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 09/24/08 SEC hearing * Action Item

2) Settlement Agreements, Air Quality Violations *Action

- Sierra Nevada Construction Inc
- Vanderbilt Minerals Corporation

3) Arsenic Rule Extensions *Action - Consent Calendar

Pursuant to the federal Safe Drinking Water Act and Nevada laws and regulations (i.e., NRS 445A.935, & NAC 445A.490.5), the State Environmental Commission (SEC) has the authority to grant "extensions" to exemptions previously issued by the SEC regarding the federally mandated standard for arsenic in drinking water (i.e., 10 parts per billion). In 2006 and 2007, the SEC granted sixty-four "exemptions" to water purveyors in Nevada to extend the timeline for compliance with the federal arsenic rule.

The Nevada Division of Environmental Protection's Bureau of Safe Drinking Water (BSDW) has established criteria, based on state regulations and U.S. EPA guidance, to screen exempted facilities (see attached list) for a possible two-year extension to the timeline for compliance with the arsenic rule. Accordingly, at this meeting the SEC will act on staff recommendations for, or against, a two-year extension of the timeline for compliance with the federal arsenic rule as depicted on the attached list of water purveyors in Nevada.

Air Quality Planning / Air Pollution Control

4) Regulation 191-08: Reporting Requirements for Excess Air Emissions & Clarification of Procedures for Renewal of Permits (Action): This regulation would amend NAC 445B. This regulation 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.

Air Quality Planning / Air Pollution Control (continued)

5) Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units (Action): This regulation would amend NAC 445B. The regulation adds a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NO_x, SO₂ and PM₁₀. These requirements apply to Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations in the Mason Valley and the Truckee River Basins, respectively; as well as Nevada Power Company's Reid Gardner Generating Station in the California Wash northeast of Las Vegas; and Southern California Edison's Mohave Generating Station near Laughlin. This proposed regulation is necessary to comply with the federal Regional Haze Regulations promulgated in July 1999 (64FR35714).

This regulation will have an economic impact on the regulated industry. In some cases, it requires the installation of new control technologies, an upgrade to existing controls and/or a switch to different fuel. In other cases, the requirements coincide with what is required under existing permit conditions, and so the regulation will impose no additional cost. The proposed regulation will have no economic effect on the public, unless the industry chooses to pass the cost along to the consumer. 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 (continued)

6) Regulation T008-08: Nevada's Electrical Generation Unit Greenhouse Gas Emissions Mandatory Reporting Requirements (Temporary Regulation) (Action): The Nevada Division of Environmental Protection (NDEP) is proposing

to amend NAC 445B.001 to 445B.3497 of the State "Air Pollution" regulations, by adding a regulation which mandates the reporting of greenhouse gases (GHG) emitted by certain generators of electricity; the information will be used to create a registry of GHG emissions. The GHG reporting regulation is a requirement of Senate Bill 422, which was passed by the 2007 Legislature.

Adoption of the regulation will create a modest added cost to the electric power generating companies that operate electric generating units that emit GHGs, which have maximum design output capacities of 5 megawatts or more. The proposed regulation entails a total program fee of \$137,000 per year with an optional two percent cost of living increase each year thereafter. The fees collected would support one fulltime equivalent position at NDEP plus administrative costs to implement the program and verify reported data. Companies subject to the regulation would be required to report emissions of six (6) GHGs beginning in 2009; these companies would pay an annual fee based on the level of GHGs emitted.

The proposed regulation does not overlap or duplicate any regulations of other state or government agencies; to date there are no greenhouse gas reporting requirements in existing federal regulations.

Water Quality Planning

7) Regulation R186-08: Revision of Molybdenum Aquatic Life Water Quality Standard (Action): This regulation would amend NAC 445A.144. The regulation, proposes changes to the aquatic life standard for molybdenum. Other minor editorial changes proposed to NAC 445A.144 include revising Section 1 language; changing the location in the table of the Irrigation Standard for Iron; and revising Reference (e).

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

8) Regulation R152-08: Transfer of Regulatory Authorities for Subdivision Review (Action): The purpose of this regulation is to complete the transfer of authorities covered by Senate Bill SB395. SB395 was passed in 2005; among other actions the legislation transferred statutory and regulatory authorities for subdivision review programs (contained in NRS and NAC 278 respectively) from the Nevada Division of Health to the Nevada Division of Environmental Protection (NDEP). Accordingly, this proposed regulation revises the text references of "Health Division" to "Division of Environmental Protection." The

regulation was originally adopted by the State Board of Health in 1982 in order to implement the statutory responsibilities contained in NRS 278. 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.

Other SEC Business

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

NDEP's Administrator will provide the Commission with an informational update about the LS Power permit as well as any new events associated with mine closure actions in Northern Nevada.

10) Public Comment * Non Action Items: (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.

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); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230) and at the Nevada Department of Wildlife (1100 Valley Road, Reno, Nevada).

In addition, copies of this agenda 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: SEC.NV.GOV

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 November 5, 2008.

**NDEP Bureau of Safe Drinking Water - List of Water Systems with Arsenic Exemptions and Their Status for Extension
Recommendations to the State Environmental Commission**

	COUNTY	PWS ID#	PUBLIC WATER SYSTEM NAME	ARSENIC (ppb)	POP	DATE OF ORIGINAL EXEMPTION
Systems In Compliance						
1	CH	NV0000046	COUNTRY CLUB ESTATES	31	130	September 6th, 2006
2	CH	NV0000906	JETWAY CHEVROLET	41	40	December 4th, 2007
3	CH	NV0000060	WEST STAR MHP	42	35	December 4th, 2007
4	CH	NV0002541	NAS CENTROID EW RANGE	28	80	September 6th, 2006
5	CH	NV0000849	PINE GROVE UTILITY TRUST	49	25	September 6th, 2006
6	CL	NV0000327	GAYE HAVEN CARE HOME	9	50	May 24th, 2007
7	CL	NV0000146	HITCHIN POST MOTEL AND RV PARK	1	350	May 24th, 2007
8	CL	NV0000219	SEARCHLIGHT WATER COMPANY	10	760	September 6th, 2006
9	EU	NV0002092	NEWMONT GOLD MILL 1	0	100	September 6th, 2006
10	LY	NV0000813	CHURCHILL RANCHOS ESTATES	27	172	September 6th, 2006
11	ST	NV0000879	ALCOA MICROMILL	10	25	September 6th, 2006
12	WA	NV0001085	DESERT SPRINGS UTILITY COMPANY	12	9,710	September 6th, 2006
13	WA	NV0000206	PIONEER HILLS MHP	32	427	September 7th, 2007
Systems Not Eligible/Not Recommended - Population >3,300						
14	CC	NV0000015	CARSON CITY WATER DIVISION	20	56,500	September 6th, 2006
15	CL	NV0000160	MOAPA VALLEY WATER DISTRICT	19	8,000	September 6th, 2006
16	CL	NV0000167	VIRGIN VALLEY WATER DISTRICT	60	17,000	September 6th, 2006
17	DO	NV0002216	EAST VALLEY WATER SYSTEM	36	3,845	September 6th, 2006
18	DO	NV0000066	GARDNERVILLE RANCHOS GID	19	11,500	September 6th, 2006
19	DO	NV0000355	INDIAN HILLS GID	17	5,800	September 6th, 2006
20	EL	NV0005027	SPRING CREEK MHP	44	4,146	September 6th, 2006
21	EL	NV0000036	SPRING CREEK UTILITIES	11	6,792	September 6th, 2006
Systems Not Eligible/Not Recommended - Concentration >30 ppb						
22	CH	NV0000303	OLD RIVER WATER COMPANY	32	300	May 24th, 2007
23	CH	NV0000055	SOUTH MAINE MHP	48	100	September 6th, 2006
24	CL	NV0000109	EQUESTRIAN ESTATES CO OP WATER ASSOC	36	108	September 6th, 2006
25	CL	NV0000147	FRONTIER VILLAGE MHP	42	60	May 24th, 2007
26	DO	NV0000070	TOPAZ LODGE WATER CO INC	38	40	September 6th, 2006
27	EL	NV0000349	HOLLISTER HECLA WATER SYSTEM	31	30	May 24th, 2007
28	ES	NV0000072	GOLDFIELD TOWN WATER	47	350	September 6th, 2006
29	LI	NV0000005	ALAMO SEWER AND WATER GID	36	900	May 24th, 2007
30	LY	NV0000361	CRYSTAL CLEAR WATER COMPANY	47	400	September 6th, 2006
31	LY	NV0002516	FIVE STAR MHP	37	90	May 24th, 2007
32	WA	NV0000193	CRYSTAL TP	35	80	September 6th, 2006

Systems Eligible and Recommended for Extension						
33	CH	NV0003068	CARSON RIVER ESTATES	28	90	December 4th, 2007
34	CH	NV0000047	DELUXE MHP	24	37	December 4th, 2007
35	CH	NV0000061	TOLAS PARK MHP	20	54	May 24th, 2007
36	CH	NV0000058	WILDES MANOR	20	70	December 4th, 2007
37	CH	NV0000903	CMC STEEL FABRICATORS DBA CMC JOIST	16	400	September 7th, 2007
38	CH	NV0000052	OK MOBILE HOME PARK	15	90	September 6th, 2006
39	CL	NV0002501	NPS COTTONWOOD COVE	15	1,354	September 6th, 2006
40	DO	NV0000887	SUNRISE ESTATES	17	91	September 6th, 2006
41	HU	NV0000907	LONE TREE MINE	15	150	May 24th, 2007
42	HU	NV0000162	MC DERMITT WATER SYSTEM	19	200	December 4th, 2007
43	LA	NV0000006	LA CO SEWER AND WATER DIST 2 AUSTIN	14	350	May 24th, 2007
44	LY	NV0000242	WEED HEIGHTS DEVELOPMENT	18	500	May 24th, 2007
45	MI	NV0000357	HAWTHORNE ARMY AMMO DEPOT	30	300	May 24th, 2007
46	MI	NV0000897	SCHURZ ELEMENTARY SCHOOL	14	320	December 4th, 2007
47	NY	NV0000009	BEATTY WATER AND SANITATION DISTRICT	27	1,100	September 6th, 2006
48	WA	NV0001086	SKY RANCH WATER SERVICE CORPORATION	14	2,030	September 6th, 2006
49	WA	NV0003000	VERDI SCHOOL	13	250	September 6th, 2006
Systems Eligible for Extension, But No Proof of Public Notice (as of 10/28/2008)						
50	EU	NV0000043	CRESCENT VALLEY WATER SYSTEM	12	350	May 24th, 2007
51	EU	NV0002573	DEVILS GATE WATER SYSTEM GID 2	12	70	May 24th, 2007
52	HU	NV0005069	HUMBOLDT CONSERVATION CAMP NDOP	15	140	September 6th, 2006
53	HU	NV0002528	TURQUOISE RIDGE JOINT VENTURE	20	250	September 6th, 2006
54	LA	NV0000008	LA CO SEWER AND WATER DIST 1 BM	24	3,026	May 24th, 2007
55	LI	NV0000185	PANACA FARMSTEAD WATER ASSOCIATION	20	800	May 24th, 2007
56	LI	NV0000013	CALIENTE PUBLIC UTILITIES	17	1,500	September 6th, 2006
57	LY	NV0000223	SILVER SPRINGS MUTUAL WATER COMPANY	25	3,000	September 6th, 2006
58	LY	NV0000255	YERINGTON CITY OF	19	2,900	September 6th, 2006
59	LY	NV0002595	SILVER SPRINGS CONSERVATION CAMP NDOP	19	144	September 6th, 2006
60	NY	NV0005028	SHOSHONE ESTATES WATER COMPANY	30	240	December 4th, 2007
61	NY	NV0000237	TONOPAH PUBLIC UTILITIES	13	2,600	September 6th, 2006
62	ST	NV0000878	MASTERFOODS USA	15	140	December 4th, 2007
63	WA	NV0004021	SILVER KNOLLS MUTUAL WATER COMPANY	13	120	May 24th, 2007
64	WA	NV0000896	BRISTLECONE FAMILY RESOURCES	12	25	September 6th, 2006
Systems Eligible but Not Recommended for Extension - Lack of Progress						

* Prepared for Public Notice and Posting October 28, 2008