



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 December 09 2009

The State Environmental Commission (SEC) will hold a regulatory hearing on Wednesday, December 9th, 2009 at 10:30 am. The hearing location is 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 for 06/17/09 and 10/06/09 SEC hearings * Action Item

2) Settlement Agreements, Air Quality Violations * Action Item

- Frehner Construction Company
- Granite Construction Company
- James Hardie Building Products, Inc
- Road & Highway Builders, LLC
- Sierra Nevada Construction, Inc.
- Wulfenstein Construction, Inc.

Air Quality Planning / Air Pollution Control * Action Item

3) Regulation R004-09: Nevada's Electrical Generation Unit Greenhouse Gas Emissions Mandatory Reporting Requirements: This regulation was adopted as a temporary regulation at the State Environmental Commission's (SEC) November 12, 2008 regulatory hearing. The Nevada Division of Environmental Protection is now proposing to convert the temporary regulation to a permanent regulation. The regulation requires companies that operate electric generating units which emit Greenhouse Gases (GHGs) and have maximum design output capacities of 5 megawatts or more, which is for sale, to report their GHG emissions. The information collected will be used to create a registry of GHG emissions. The regulation is required by Senate Bill 422, which was passed during the 2007 Legislature. The content of the permanent regulation is identical to that of the temporary regulation previously adopted.

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. This regulation does not address fees and will not have an immediate or long-term adverse economic impact on the public or the business community.

4) R130-09: Changes to Motor Vehicle Emission Program: This regulation changes certain emission inspection and maintenance requirements contained in Chapter 445B of the Nevada Administrative Code (NAC). The proposed regulation aligns the motor vehicle inspection and maintenance (I/M) program with recent changes made in statute ([A.B. 414](#)) during the 2009 Nevada Legislative session.

The regulation will expand Nevada's I/M provisions to include diesel-powered vehicles weighing up to 14,000 pounds; it will establish standards for testing emissions from reconstructed vehicles and trimobiles [e.g., three wheel motorized vehicles]; and it will exempt certain trimobiles from emissions testing. The regulation also revises the definition of heavy duty motor vehicle to conform to the statutory changes noted above.

While the regulation does not affect businesses directly, it will have an effect on certain individuals who register vehicles in Clark County or Washoe County (i.e., Las Vegas and Reno). Vehicles subject to the regulation (about 9,500 diesel-powered vehicles in the 10,000 to 14,000 pound weight-range) would require an annual emissions test performed at a nominal cost. Otherwise, the proposed regulation does not overlap or duplicate any regulations of other state or government agencies; it does not directly assess fees, and will only have a nominal economic impact on the public.

5) R147-09: Class I Air Quality Operating Permit to Construct (OPTC): This regulation establishes requirements and timelines for air quality permits involving case-by-case determinations for maximum achievable control technologies (MACT) as required under federal rules governing the National Emissions Standards for Hazardous Air Pollutants. Specifically, the proposed regulation aligns the permit application procedures for applications requiring a case-by-case MACT determination with the procedures for PSD (Prevention of Significant Deterioration) Air Quality Permit applications. The regulation is needed since the current Class I OPTC regulation does not allow sufficient time for processing case-by-case MACT applications and is inconsistent with existing federal rules.

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.

6) R148-09: Revision to Air Emissions Limits at NV Energy's Reid-Gardner Generating Station: This regulation would revise the requirement for SO₂ emission limits at NV Energy's Reid-Gardner [electrical power] Generating Station located northeast of Las Vegas, Nevada. The regulation would lower the emission limits from 0.25 lb/10⁶ Btu to 0.15 lb/10⁶ Btu, 24-hour average, for units 1, 2 and 3. Both the 0.25 lb/10⁶ Btu and the proposed limit would become effective on January 1, 2015 or 5 years after approval of Nevada's Regional Haze State Implementation Plan by the U.S. EPA.

As way of background, the federal Regional Haze Regulations Final Rule (RHR) (64FR35714, July 1999) requires states to establish emission reduction strategies for improving visibility in all 156 mandatory Class I national parks and wilderness areas in the United States. One of the strategies required by the RHR is the application of best available retrofit technology (BART) to certain existing sources. Electrical generating units 1, 2 and 3 at NV Energy's Reid-Gardner Generating Station are subject to the BART requirement.

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

7) Administrator's Briefing to the Commission (Non Action Item)
NDEP's Administrator will provide the Commission with informational updates about the Queenstake agreement, stimulus funding under the American Recovery and Reinvestment Act (ARRA), and initial results of Mercury fugitive emissions research conducted by the University of Nevada, (i.e., the research focused on measuring mercury emissions from a variety of surfaces disturbed by mining activities at Newmont's Twin Creeks Mine, the Cortez Pipeline, and a Barrick mining property).

8) 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/main/hearing_1209.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) at the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230) and at the Department of Wildlife in Reno (11 Valley Road).

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 December 01, 2009.