



State of Nevada

Dept. of Conservation & Natural Resources

**State Environmental Commission** SEC.nv.gov

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

## Agenda

### SEC Meeting February 13, 2013

The State Environmental Commission (SEC) will hold a meeting on Wednesday February 13, 2013 at 10:30 am in Carson City. The meeting location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd floor, Tahoe Room). The purpose of the meeting is to receive comments from all interested persons regarding the adoption, amendment, or repeal of the following regulatory petition and related SEC business.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the SEC may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the SEC may refuse to consider public comment. See NRS 233B.126

#### 1.) Public Comments: (Discussion)

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to ten minutes per person at the discretion of the chairperson.

#### 2.) Approval of the Agenda: (For Possible Action)

#### 3.) Approval of Minutes: December 5, 2012 (For Possible Action)

#### 4.) Penalty Assessments for Air Quality Violations (For Possible Action)

- A. **Gold Canyon Mining and Construction, LLC** – Penalty Assessments (NOAV) Nos. 2402-2406 for alleged failure to comply with several requirements set for in Class II General Air Quality Operating Permit AP1442-2807.02 COLA 2290 (FIN A1231). The Recommended penalty amount is \$24,600.00.
- B. **Western States Gypsum** – Penalty Assessments for Air Quality Violations (NOAV) Nos. 2416, 2417, 2418, and 2419 as per Class II Air Quality Operating Permit AP1499-0504.02 (FIN A0739). The NOAV(s) alleged failure to obtain a valid air quality operating permit for a regulated emission unit. The recommended penalty amount is \$25,200.00.

- C. **H.E. Hunewill Construction Company** – Penalty Assessments for Air Quality Violation (NOAV) Nos. 2424 for the alleged failure to comply with a permitted opacity limit as per Class II General Air Quality Operating Permit AP1442-0090.02, COLA 2315 (FIN A0037). Recommended penalty \$6,000.00

#### 5.) Motions to Dismiss Appeals of Air Quality Violations (For Possible Action)

- A. Pursuant to NAC 445B.894(4), the SEC will consider NDEP's motion to dismiss the September 2, 2008 appeal filed by **Galtar, LLC** regarding Air Quality Violation Nos. 2140, 2141 and 2142 due to failure to bring the matter for hearing within one year of the appeal.
- B. Pursuant to NAC 445B.894(4), the SEC will consider NDEP's motion to dismiss the December 8, 2006 appeal filed by **Mud Camp Mining Company** regarding Air Quality Violation No. 2084 due to failure to bring the matter for hearing within one year of the appeal.

#### Regulatory Petition: Bureau of Air Quality Planning

#### 6.) R052-12: DMV Smog Check Program: (For Possible Action)

The Nevada Department of Motor Vehicles (DMV) is proposing to amend certain portions of state regulations in NAC 445B that cover the motor vehicle emissions inspection and maintenance program, also referred to as the smog check program. Assembly Bill 414 was passed by the 2009 Nevada Legislature and resulted in (NRS) 445B.767, which established the authority of the State Environmental Commission (SEC) to adopt regulations to create a voluntary program of electronic monitoring of motor vehicle emissions information. The program applies to motor vehicles subject to the motor vehicle emissions inspection and maintenance program in counties whose population is 100,000 or more. In accordance with NRS 445B.767, the proposed regulations have been developed by the DMV in cooperation with the air quality agencies in both Clark and Washoe County.

The DMV is proposing to create a new, voluntary program which will allow fleets to comply with motor vehicle emissions testing requirements by means of engaging the services of an authorized vendor of an electronic data management and monitoring system. Under this program, vendors will attach electronic devices to fleet vehicles that will monitor the vehicles' emission control systems and transmit emissions compliance data directly to the DMV in an electronic format. This electronic means of demonstrating compliance eliminates the need for the fleet owner to take the vehicle to an emissions testing facility for the annual emissions test. By statute, the fleet owner is still responsible for paying the \$6.00 emissions certificate fee that would normally be

charged at an emissions testing facility. The proposed regulations establish the requirements and procedures that fleet operators and authorized vendors must follow to participate in the program.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. As noted above, businesses that qualify as a fleet and sign an agreement with the DMV will still be subject to paying the annual \$6.00 emissions certificate fee for each vehicle in the program, but will not have to pay the inspection service fee normally charged by an emissions testing station. Fleets will also have to pay the electronic data management service fee to the authorized vendor. There will be no additional costs to the State 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.

#### **7.) Administrator's Briefing to the Commission: (Discussion)**

NDEP Administrator Colleen Cripps will provide a short briefing to the Commission about upcoming budget and legislative issues.

#### **8.) Public Comments: (Discussion)**

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to ten minutes per person at the discretion of the chairperson.

#### **9.) Adjournment:**

**Additional Information:** As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, this agenda will be posted no later than three working days prior to the hearing at the following locations:

- Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV;
- Dept. of Conservation & Natural Resources, 901 South Stewart Street, Carson City, Nevada);
- Nevada Division of Minerals, 400 W. King Street, Carson City, NV.
- Nevada Dept. of Wildlife, 1100 Valley Road, Reno NV.
- Nevada Division of Environmental Protection in Las Vegas, 2030 E. Flamingo Rd;

In addition, copies of this agenda have been deposited electronically at major library branches in each county in Nevada. This agenda and the text of the proposed regulation are also available on the State Environmental Commission's website at: [http://sec.nv.gov/main/hearing\\_0213.htm](http://sec.nv.gov/main/hearing_0213.htm). The proposed regulation denoted in this notice, including previous drafts, is or will be posted

on the Legislative Counsel Bureau's website at:

<http://www.leg.state.nv.us/register/> .

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.

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 February 5, 2013.