



State of Nevada

Dept. of Conservation & Natural Resources - DCNR

State Environmental Commission

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John B. Walker
Executive Secretary

The State Environmental Commission (SEC) has scheduled a regulatory hearing on Wednesday, February 11, 2009 at 10 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 located at 901 South Stewart Street, (2nd Floor Tahoe Room). In Las Vegas the hearing will be 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.

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.

[Meeting Agenda](#)  [Public Notice](#) 

1) Written Draft Summary Meeting Minutes 11/12/08 [64 Pages 2.2MB]  **Action Item**
Verbatim Draft Minutes for the 11/12/08 meeting – Audio File  **Listen**

2) Arsenic Rule Extensions – 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 until January 23, 2009.

At the November 12, 2008 hearing, the SEC considered testimony and accepted eligibility criteria proposed by the Nevada Division of Environmental Protection's Bureau of Safe Drinking Water (BSDW) for public water systems seeking Extensions to their original Arsenic Rule Exemptions. On that date, the SEC granted thirty-three 2-year Extensions for public water systems meeting certain eligibility criteria.

At this hearing, the SEC will act on BSDW recommendations for a similar 2-year Extension of the timeline for Arsenic Rule compliance for the **Searchlight Water System**. This is the only water system being considered for an Extension.

[Arsenic Exemption Extension Findings of Fact](#)  **Action Item**

Regulatory Petitions

Air Quality Planning / Air Pollution Control - continued * **Action Item**

3) Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units: This regulation was heard and approved by the State Environmental Commission at their November 12, 2008 meeting. It is being reconsidered to correct a minor error in one of the tables. This regulation would add a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NOx, SO2 and PM10. These requirements apply to Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations in the Mason Valley

Carson City

Kathy Rebert
Recording Secretary
Carson City

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. ([SEC Reference P2008-15](#))

Documents in Adobe PDF File Format 

- [June 27, 2008](#) – LCB Transmittal Letter
- [August 05, 2008](#) – NDEP Revised-Proposed Draft Regulation
- [September 12, 2008](#) – SEC Filing Form 1
- [September 12, 2008](#) – SEC Filing Form 4
- [October 6, 2008](#) – Workshop Notice
- [October 21, 2008](#) – R190-08 Technical Support Documents [HTML](#)
- [October 28, 2008](#) – NDEP revisions 11/12/08 to LCB Proposed Draft Regulation
- [November 12, 2008](#) – NDEP 2nd Revision to LCB Proposed Draft Regulation
- [November 12, 2008](#) – Support Letter" NVEnergy
- [December 11, 2008](#) – LCB Transmittal Letter [Re-draft request]
- [January 4, 2009](#) – LCB Revised Proposed Draft

Waste Management * Action Item

4) Regulation R153-08: Adopt by Reference Changes to the Federal Hazardous Waste Regulations: This regulation would amend NAC 444. The proposed regulation would adopt by reference changes to the federal hazardous waste regulations through July 1, 2008. Proposed changes include the revision to an existing exclusion from the definition of solid waste (and thus from regulation as hazardous waste) for recycled oil bearing hazardous secondary materials and clarifications to previously approved air pollution regulations.

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. ([SEC Reference P2008-14](#))



Documents in Adobe PDF File Format 

- [June 05, 2008](#) – LCB Transmittal Letter
- [June 05, 2008](#) – NDEP Proposed Draft Regulation
- [August 14, 2008](#) – Workshop Notice
- [September 30, 2008](#) – Notes - Regulatory Workshop
- [October 03, 2008](#) – NDEP Re-drafting request to LCB
- [October 20, 2008](#) – LCB Proposed Draft Regulation

5) Motion to Vacate and Reset Hearing on Petition: Declaratory Order and Advisory Opinion Rockview Farms, Inc.  **Action Item**

6) Request: Declaratory Order And Advisory Opinion – Amargosa Citizens for the Environment's ("ACE") [HTML](#) **Action Item**

Public Comments:

- [February 05, 2009 — Rockview Farms. Inc.. Opposition To Petition For a Declaratory Order or an Advisory Opinion](#) 
- [January / February, 2009 Public Comments Submitted to the State Environmental Commission on Agenda Items 5 and 6](#) 

7) Administrator's Briefing to the Commission: Non Action Item

8) Public Comment (Public comment may be limited to ten minutes per person at the discretion of the chairperson; [See AG Reference @ Pages 58 & 81](#)) **Non Action Item**

Additional Information about the meeting process

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.

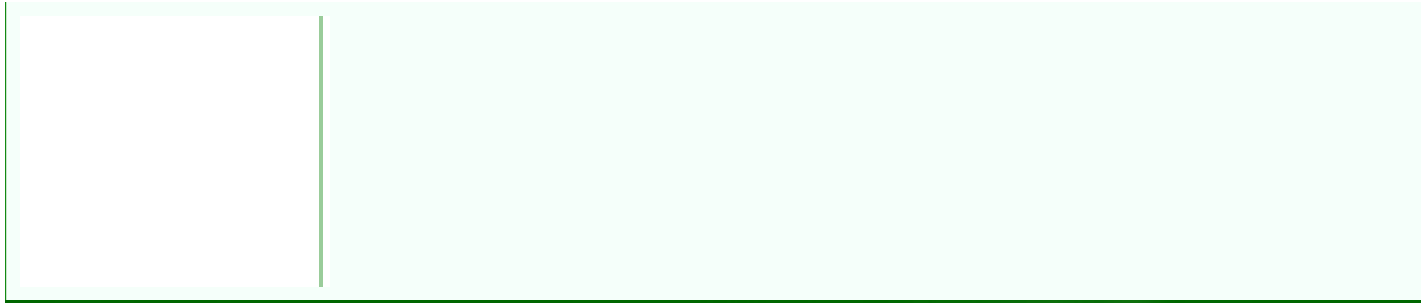
As required by the provisions of chapters [233B](#) and [241](#) of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230) and at the Nevada Department of Wildlife (1100 Valley Road, Reno, Nevada).

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: [SEC.NV.GOV](#). All of the proposed regulations denoted in this notice, including previous drafts, are also posted on the [Legislative Counsel Bureau's website](#)

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 04, 2008.

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