



State of Nevada

Dept. of Conservation & Natural Resources
State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a regulatory hearing on Wednesday, June 17, 2009 at 9:30 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 02/11/09 SEC hearing * Action Item
- 2) Settlement Agreements, Air Quality Violations *Action - Consent Calendar

Corrective Actions

3) Regulation R189-08: Leaking Underground Storage Tank and Corrective Action Regulations: This regulatory petition revises the Underground Storage Tank regulations and the Corrective Action regulations that address environmental site cleanups. These regulations are contained in the Nevada Administrative Code at NAC 459.9921 to 459.999 and NAC 445A.226 to 445A.22755 respectively.

The proposed regulations consolidates cleanup requirements for hazardous substance, hazardous waste, or regulated substance released from underground storage tanks and all other release sources. The regulations also make revisions to site assessment procedures to accommodate all types of releases from minor incidents to large sites with long operational histories of potential releases. The regulations better define abatement actions and they refine soil action levels to include consideration of all potential exposure pathways. Detail has been added in the regulations to address requests for exemptions from groundwater corrective actions. The regulations also seek to clarify the transition from Underground Storage Tank compliance requirements, to the initiation of a Leaking Underground Storage Tank cleanup case.

The regulations 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 Pollution Control / Air Quality Planning

4) **Temporary Regulation T036-09:** The Nevada Division of Environmental Protection (NDEP) is proposing to update NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations." NDEP is proposing to adopt into state regulation sections of the federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) rules that have been adopted by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register since the NAC was last updated, as well as certain test methods.

These proposed amendments are necessary so that Nevada can request delegation for the implementation of new and revised federal NSPS and NESHAP rules that became effective after March 2008. This update will allow the regulated industry to continue to work with the state as opposed to the EPA. Additionally, adopting the test methods will allow the NDEP to use methods approved by EPA and recognized by the scientific community to measure emissions from sources.

The regulations 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

5) **Administrator's Briefing to the Commission** *Non Action Item

6) **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:

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.

In addition, copies of this public notice and the accompanying regulations have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are 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 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 June 09, 2009.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, this public notice has been posted at the following locations: The Nevada Department of Wildlife in Reno and the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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.