



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) has scheduled a regulatory hearing for Wednesday, September 24, 2008 beginning at 10:00 am. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City will be at the Bryan Building, 901 South Stewart Street, in the Tahoe Hearing Room located on the 2<sup>nd</sup> floor. 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. If a person that may be directly affected by a proposed action does not appear and request time to make an oral presentation at the above referenced hearing, the SEC may proceed immediately to act upon any of the following regulatory petitions or other written submissions described in this notice.

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 06/17/08 SEC hearing \* **Action Item**
- 2) Settlement Agreements, Air Quality Violations \*Action - Consent Calendar

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### Mining Regulation & Reclamation

3) Regulation R080-08: Administrative Changes to Chapter 519A, Reclamation of Land Subject to Mining Operations or Exploration Projects: This proposed regulation provides clarification of surface ownership for lands affected by applications for reclamation permits. Under section 519A.275 the proposed regulation requires the Division of Environmental Protection (NDEP) to consider comments received from landowners in making final decisions about postmining land use. This is particularly important where permittees do not own title to the surface of affected land that will be reclaimed.

The proposed regulation further requires mine operators to make timely periodic payments to trust funds established for mine reclamation. Such

payments need to precede actual mining or exploration activities, and must be sufficient to maintain the trust fund balance at a level at or above the outstanding reclamation obligation at any time.

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 P2008-11)

## **Water Pollution Control**

**4) Regulation R181-08: Ground Water:** This regulation would amend Nevada's Water Pollution Control regulations contained in NAC 445A. The Nevada Division of Environmental Protection (NDEP) has historically used federal Safe Drinking Water Act standards for determining or developing groundwater pollution prevention measures in Nevada.

Accordingly, NDEP has developed this regulation to protect groundwaters of the State that have the potential to become a drinking water source. The regulation would provide NDEP with reasonable permitting flexibility to limit discharges to groundwater which would not cause the receiving groundwater to exceed specific criteria defined in the proposed regulation.

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 P2008-18)

## **Air Quality Planning / Air Pollution Control**

**5) Re: Regulation 191-08: Reporting Requirements for Excess Air Emissions & Clarification of Procedures for Renewal of Permits:** 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. (SEC Reference P2008-16)

## Other SEC Business

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### 6) Administrator's Briefing to the Commission \*Non Action Item

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7) 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>

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#### **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 September 17, 2008.

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 Offices of the Division of Environmental Protection in Carson City and Las Vegas

and at the State Library in Carson City. 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.