



## 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, November 12, 2008 beginning at 10:00 am. The hearing will be held at 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. 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 09/24/08 SEC hearing \* Action Item

2) Settlement Agreements, Air Quality Violations \*Action

- Vanderbilt Minerals Corporation
- Sierra Nevada Construction Inc

3) Arsenic Rule Extensions \*Action - Consent Calendar

Pursuant to the federal Safe Drinking Water Act and Nevada laws and regulations (i.e., NRS 445A.935, and 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.

The Nevada Division of Environmental Protection's Bureau of Safe Drinking Water (BSDW) has established criteria, based on state regulations and U.S. EPA guidance, to screen exempted facilities for a possible two-year extension to the timeline for compliance with the arsenic rule.

Accordingly, at this meeting the SEC will act on staff recommendations for, or against, a two-year extension of the timeline for compliance with the federal arsenic rule for a selected list of water purveyors in Nevada. The list of purveyors is posted on SEC website at: [http://sec.nv.gov/main/hearing\\_111208.htm](http://sec.nv.gov/main/hearing_111208.htm)

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

**4) 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)

## **Air Quality Planning / Air Pollution Control (continued)**

**5) Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units:** This regulation would amend NAC 445B. The regulation adds a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NO<sub>x</sub>, SO<sub>2</sub> and PM<sub>10</sub>. These requirements apply to Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations in the Mason Valley 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 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 P2008-15)

## **Air Quality Planning / Air Pollution Control (continued)**

**6) Regulation T008-08: Nevada's Electrical Generation Unit Greenhouse Gas Emissions Mandatory Reporting Requirements (Temporary Regulation):** The Nevada Division of Environmental Protection (NDEP) is proposing to amend NAC 445B.001 to 445B.3497 of the State "Air Pollution" regulations, by adding a

regulation which mandates the reporting of greenhouse gases (GHG) emitted by certain generators of electricity; the information will be used to create a registry of GHG emissions. The GHG reporting regulation is a requirement of Senate Bill 422, which was passed by the 2007 Legislature.

Adoption of the regulation will create a modest added cost to the electric power generating companies that operate electric generating units that emit GHGs, which have maximum design output capacities of 5 megawatts or more. The proposed regulation entails a total program fee of \$137,000 per year with an optional two percent cost of living increase each year thereafter. The fees collected would support one fulltime equivalent position at NDEP plus administrative costs to implement the program and verify reported data. Companies subject to the regulation would be required to report emissions of six (6) GHGs beginning in 2009; these companies would pay an annual fee based on the level of GHGs emitted.

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. (SEC Reference P2008-20)

## Water Quality Planning

**7) Regulation R186-08: Revision of Molybdenum Aquatic Life Water Quality Standard:** This regulation would amend NAC 445A.144. The regulation, proposes changes to the aquatic life standard for molybdenum. Other minor editorial changes proposed to NAC 445A.144 include revising Section 1 language; changing the location in the table of the Irrigation Standard for Iron; and revising Reference (e).

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 P2008-17)

## Water Pollution Control

**8) Regulation R152-08: Transfer of Regulatory Authorities for Subdivision Review:** The purpose of this regulation is to complete the transfer of authorities covered by Senate Bill SB395. SB395 was passed in 2005; among other actions the legislation transferred statutory and regulatory authorities for subdivision review programs (contained in NRS and NAC 278 respectively) from the Nevada Division of Health to the Nevada Division of Environmental Protection (NDEP). Accordingly, this proposed regulation revises the text references of "Health Division" to "Division of Environmental Protection." The regulation was originally adopted by the State Board of Health in 1982 in order to implement the statutory responsibilities contained in NRS 278.

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 P2008-12)

## Other SEC Business

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

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10) 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 November 04, 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 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.