



## 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 Tuesday, December 7, 2010 at 9:30 a.m. 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.

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### Water Quality Planning \* Action Item

**R129-10: Water Quality Standards for Class D Waters & Removal of Legal References for Certain Tribal Waters:** This regulation proposes changes to Water Quality Standards for Class D waters and removal of Nevada Administrative Code references to Tribal waters on the Fort McDermitt Indian Reservation. When the Nevada Division of Environmental Protection (NDEP) updated the Class Waters to the E. coli bacteria standard in 2008, EPA required Nevada to perform an assessment of the Class D waters, which do not have contact recreation as a beneficial use, to determine if the waters would now meet the fishable/swimmable goal of the Clean Water Act. NDEP is proposing to add contact recreation and the associated bacterial water quality standard to four segments of the Class D waters.

The State of Nevada water quality regulations are not applicable to waterbodies on tribal lands. As a sovereign nation, the Fort McDermitt Paiute and Shoshone Tribes are responsible for regulating the water quality of the river within the boundaries of their land. Changes are proposed to the NAC to remove the segments of these reaches that are on tribal lands.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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 Quality Planning / Air Pollution Control \* Action Item

**P2010-11: Air Pollution Control New Public Notice Provisions For Class II Air Permits:** The Nevada Division of Environmental Protection (NDEP) is proposing to amend one section in the air permitting provisions of NAC 445B, which deals with Class II permit applications. The proposed temporary regulation addresses

public noticing requirements and the timeline for agency action on applications.

Specifically, the regulation would require the Director to act on all Class II permit applications within 60 days after the official date of submittal and would streamline the public notice timeline for Class II applications. It would require all new Class II air permit applications and all applications for a modification (to an existing Class II source) that exceeds a certain threshold be made available for public notice. These regulatory changes respond to U.S. EPA comments on the approvability of the NDEP's public notice provisions into Nevada's applicable State Implementation Plan. The proposed amendments are necessary to align state regulations with the federal Clean Air Act and U.S. EPA rule requirements.

This temporary regulation will not have an immediate or long-term adverse economic impact on the public or the business community. The regulation does not overlap, duplicate or conflict with any regulations of other government agencies. There will be additional costs to the NDEP to administer the new public notice provisions for all new permit applications and for all modifications that exceed specified thresholds. The agency will bear these costs, at this time; no new fees are being proposed.

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## Administrative Services \* Action Item

**R115-10: Financial Assistance for Construction of Wastewater Treatment & Pollution Control Projects:** This regulation would amend NAC 445A. Proposed revisions to the regulation govern financial assistance for construction of wastewater treatment & pollution control projects. Revisions to the regulation are intended to make the Clean Water and Drinking Water State Revolving Fund more consistent with program elements such as the Division of Environmental Protection's Priority List and the Intended Use Plan.

The proposed revisions also remove the requirement that project design be completed prior to project funding. The removal of this requirement will allow communities, which cannot afford up front engineering cost, to utilize state revolving funds for such activities. The proposed regulation also removes confusing language for calculating fixed amounts for planning and design costs.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs 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.

## 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), at the State Library and Archives building in Carson City (100 Stewart Street) and the Nevada Department of Wildlife in Reno (11 Valley Road).

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: <http://www.sec.nv.gov/index.htm>. All of the proposed regulations denoted in this notice, including previous drafts, are also 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 29, 2010.