



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, June 12, 2012 at 9:30 a.m. The hearing location is the Bryan Building in Carson City, Nevada - 901 S. Stewart Street, 2nd floor Tahoe Room. 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.

Bureau of Air Quality Planning: (For Possible Action)

R03812: Ambient Air Quality Standards: The Nevada Division of Environmental Protection (NDEP) is proposing to amend NAC 445B.22097, "Standards of quality for ambient air," and NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations." The agency is proposing to update the national ambient air quality standards (NAAQS) portion of the standards table in NAC 445B.22097 to align it with the federal standards currently in effect. If adopted, this regulation may be sent to the U.S. Environmental Protection Agency for approval into the Nevada state implementation plan.

In NAC 445B.221, the agency is proposing to adopt federal regulations by reference that will provide a deferral for carbon dioxide emissions from bioenergy and other biogenic sources under the Prevention of Significant Deterioration (PSD) and Title V permitting programs. This will allow Nevada's industry to defer the application of the PSD and Title V permitting requirements to biogenic carbon dioxide emissions from bioenergy and other biogenic stationary sources for three years. The regulation will also revise methods for measuring filterable PM₁₀ and PM_{2.5} and condensable particulate matter emissions from stationary sources.

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 NDEP 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 and it is essential to the functions and operations of NDEP. (SEC #P2012-03)

Bureau of Mining Regulation & Reclamation: (For Possible Action)

R044-12: Mining Reclamation: The Nevada Division of Environmental Protection (NDEP) is proposing to amend certain sections of state regulations contained in NAC 519A that govern reclamation of land subject to mining operations. Pursuant to the Governor's Executive Order 2011-01, this regulation would repeal the provision that allows a lesser surety amount than currently required to complete certain reclamation activities. The proposed regulation would remove requirement for submission of an annual fee or arrangement of a third-party review if a corporate guarantee is used for financial assurance.

The regulation further requires reclamation plans to reference use of "Best Management Practices" for erosion and sediment control, as well as, describe methods for noxious weed control during reclamation. Revisions are also made to certain provisions related to the use of insurance as a reclamation surety. Finally the regulation would clarify information needed for the transfer of a permit, it would require reclamation cost estimates reflect a third-party contractor performing the work, and it would add a provision that NDEP consider comments from local land use management agencies regarding postmining private land uses.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community and there will be no additional costs to NDEP for enforcement of the proposed regulation. The regulation does not address fees, and it is essential to the functions and operations of the agency.

While the regulation is no more stringent than what is established by federal law, it does overlap with other regulations of the Federal Bureau of Land Management (43 CFR 3809). Specifically, the reclamation cost estimate required by the regulation represents the cost which would be incurred by the state or federal agency having jurisdiction over the mining lands proposed for reclamation. (SEC #P2012-04)

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.

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).

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://sec.nv.gov/main/hearing_0612.htm. All of the proposed regulations denoted in this notice, including previous drafts, are or will be 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 5, 2012.