

NEVADA STATE ENVIRONMENTAL COMMISSION
A G E N D A
SEPTEMBER 11, 2002

The Nevada State Environmental Commission will conduct a public hearing commencing at **9:30 a.m. on Wednesday, September 11, 2002, at the Nevada Division of Wildlife's Conference Room B, 1100 Valley Road, Reno, Nevada.**

This agenda has been posted at the Clark County Public Library and Grant Sawyer Office Building in Las Vegas, Washoe County Library and Division of Wildlife in Reno, Division of Environmental Protection and Department of Museums, Library and Arts in Carson City. The Public Notice for this hearing was published on August 12, August 20 and August 27, 2002 in the Las Vegas Review Journal and Reno Gazette Journal newspapers.

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.

- I. Moment of Silent Reflection in memory of the victims of September 11, 2001**
- II. Introduction of newly appointed Commissioner Richard Reavis**
- III. Approval of minutes from the December 11, 2001 and March 8, 2002 meetings. * ACTION**
- IV. Water Quality Awards of Achievement**
- V. Regulatory Petitions * ACTION**

1. Petition 2002-08 (LCB R102-02) is a permanent amendment to NAC 445B.737 to 445B.774, the vehicle emission control program. The amendments tighten the heavy-duty motor vehicle opacity standards; requires equipment to have the built-in capacity to adjust for altitude and ambient conditions; increases the number of model years to which the standards are applicable; exempts those engine families that have been exempted by California and requires vehicle owners to replace missing emission control labels. The amendments also clarify wavier provisions and align the heavy-duty gasoline vehicle tampering provisions with the existing Nevada annual emission program. Amended is NAC 445B.739, 445B.7665, 445B.767, 445B.768, and 445B.774. NAC 445B.7655 is repealed.

2. Petition 2002-07 (LCB R037-02) is a permanent amendment to NAC 445A.286 to 445A.292, the Water Pollution Control Treatment Works to update terminology. The regulation amends NAC 445A.289 and 445A.90 by removing the Grade V wastewater treatment operator requirements. Fees for Operator in Training in NAC 445A.287 are repealed and fees for late renewal is reduced. The reference to the Nevada Water Pollution Control Association is deleted and substituted with the term "designee". The wastewater plant classification for the purpose of wastewater treatment operator certification is clarified. The requirements for wastewater facilities are amended to clarify the criteria for classification of operators. NAC 445A.291 "Plants for sewage treatment: certification of persons in responsible charge" is repealed.

3. Petition 2002-09 (LCB R103-02) is a permanent amendment to NAC 445B.001 to 445B.395, the air pollution control program. The amendments provides for a new Class I Operating Permit to Construct Program, an amendment to NAC 445B.327 for a late fee assessment for annual fees and minor technical corrections to the regulations. These amendments reorganize and consolidate the structure of the Class I, II and III operating permit regulations and provide clarification of the methods of calculating heat input. A new Operating Permit to Construct program has provisions relating to definitions, applicability, application requirements, content of the permit, timelines involved in the permit, and renewals. NAC 445B.22097 is amended to clarify the eight-hour Ozone standard and the addition of a 2.5 micron particulate standard. NAC 445B.221 is amended to add various subparts on Hazardous Air Pollutants of the Code of Federal Regulations, NAC 445B.327 is amended to provide for new Operating Permit to Construct Fees, amendments to Surface Disturbance Fees and replacement and change of location permit fees. The Prevention of Significant Deterioration Fees are consolidated in NAC 445B.327, and a penalty amount for late fees is included. NAC 445B.291, 445B.300, 445B.303, 445B.313, 445B.323, and 445B.335 are repealed.

4. Petition 2002-11 (LCB R104-02) is a permanent amendment to NAC 444.842 to 444.9555, regulations relating to hazardous waste management and facilities. The amendment updates the reference to the federal code of regulations (CFR) from July 1, 2001 to July 1, 2002 in NAC 444.8427, 444.8475, 444.850 444.8632, and 444.9452. NAC 444.8455 and 444.8455 is amended to require emergency preparedness and contingency plans for containers and tanks. NAC 444.86325 is amended to remove the prohibition on the implementation of 40 CFR Section 261.2(c)(3). These amendments require hazardous waste recyclers to comply with standards similar to hazardous waste treatment and storage facilities.

5. Petition 2002-12 (LCB R105-02) is a permanent amendment to NAC 444.570 to 444.7499, the solid waste disposal regulations. The amendments add a requirement to conduct periodic topographic surveys and to calculate remaining capacity of landfills. The amendments reduce minimum buffer zone requirements for composting facilities and define the type of composting facilities needing to engage the permitting process. The regulations amends the permitting process to allow the inclusion of conditions on permits following the public review and comment period. The regulation provides for more flexibility by allowing remote communities to store waste for more than one week when there is no nuisance or threat to the environment or public health. The minimum design standard for public waste bin facilities for remote communities is increased to allow greater storage. The regulation provides that open burning be allowed for yard waste and clean wood waste in remote communities where no practical alternative exists to dispose of the waste stream. The air pollution control authority has to approve the open burning. Amended is NAC 444.607, 444.628, 444.640, 444.6405, 444.6425, 444.662, 444.66647, 444.667, 444.702, and 444.728.

VI. Regulatory Workshop * ACTION

The Environmental Commission pursuant to NRS 233B will be hold a **regulatory public workshop** on the rules of practice of the Commission. The Commission will be conducting it's annual review of existing rules of practice for adequacy and determine needed changes to update the regulations through a petition for future general regulatory hearings of the Commission.

VII. Variance Request * ACTION

Variance Request by Best Energy LLC located in Churchill county, Nevada for a variance to NAC 444.8456(1)(a)(6) and (1)(d) for a used oil/hazardous waste processing and re-refining facility. This variance request is in accordance with NAC 444.847 through 444.8482.

VIII. Settlement Agreements on Air Quality Violations * ACTION

- A. Modern Concrete; Notice of Alleged Violation #1655
- B. Lander County, Battle Mountain Airport; Notice of Alleged Violations #1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637 and 1638
- C. Eagle Picher Minerals, Inc.; Notice of Alleged Violation #1648
- D. Advanced Crushing; Notice of Alleged Violations #1623 and 1670
- E. Oglebay Norton Industrial Sands, Inc.; Notice of Alleged Violation #1626
- F. Polyone Engineering Films, Inc.; Notice of Alleged Violation #1662
- G. Las Vegas Paving Corporation; Notice of Alleged Violations #1673 and 1674
- H. A & K Earth Movers, Inc.; Notice of Alleged Violation #1676
- I. Humboldt Ready Mix, Inc.; Notice of Alleged Violation #1658
- J. All Lite Asphalt, Inc.; Notice of Alleged Violation #1651
- K. Paul Moore's Sand and Gravel, Inc. Notice of Alleged Violation #1668
- L. Tahoe Reno Industrial Center, LLC; Notice of Alleged Violations #1671 and 1672
- M. US Ecology Inc.; Notice of Alleged Violations #1659, 1660 and 1661
- N. Vanderbilt Minerals, Inc.; Notice of Alleged Violation #1657

- IX. Discussion on Air Pollution Control Permitting Fees for Solid Waste Landfills**
- X. Discussion on the California Heavy Duty Vehicle Emission and Engine Program**
- XI. Status of Division of Environmental Protection's Programs and Policies**
- XII. General Commission or Public Comment**

Copies of the proposed regulations may be obtained by calling the Executive Secretary, David Cowperthwaite at (775) 687-9308. The public notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. The proposed regulations are on the Internet at <http://www.leg.state.nv.us>. In addition the State Environmental Commission maintains an Internet site at <http://www.ndep.state.nv.us/admin/hear2000.htm>.

Persons with disabilities who require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing at the Nevada State Environmental Commission, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851 or by calling (775) 687-9308, by 5:00 p.m. **September 4, 2002.**

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