

NEVADA STATE ENVIRONMENTAL COMMISSION
A G E N D A
September 18, 2001

The Nevada State Environmental Commission will conduct a public hearing commencing at **10:00 a.m. on Tuesday, September 18, 2001, at the City of Las Vegas Council Chambers, 400 East Stewart Ave., Las Vegas, Nevada.**

This agenda has been posted at the Clark County Library and the Las Vegas City Council Chambers in Las Vegas, the Washoe County Library and the Division of Wildlife in Reno, the Department of Cultural Affairs and the Division of Environmental Protection Office in Carson City. The Public Notice for this hearing was published on August 20, August 29 and September 6, 2001 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. Introduction of Commissioner Tim Crowley**
- II. Approval of minutes from the May 10, 2001 meeting. * ACTION**
- III. Regulatory Petitions * ACTION**

Petitions 2001-02, 2001-03, 2001-04, 2001-05, 2001-06, and 2001-07 were previously adopted as temporary regulations by the Environmental Commission on December 5, 2000 or on May 10, 2001. These regulations expire November 1, 2001 and are before the Commission for permanent adoption.

A. Petition 2001-02 (LCB R-037-01) permanently amends NAC 444.842 to 444.960, the hazardous waste regulations. The amended regulations update the State's adoption of federal regulations by reference by amending NAC 444.8427, 444.84275, 444.850 and 444.9452 to refer to the federal regulations as they existed on July 1, 2001 and modify 444.8632 to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270 and Part 279 as those parts existed on July 1, 2001.

B. Petition 2001-03 (LCB R-038-01) permanently amends NAC 444A.005 to 444A.470 to extend programs for separating, at the source, recyclable material from other solid waste to include public buildings in counties with populations greater than 100,000. The amended regulations add for public buildings the minimum standards which were previously established for the source separation of recyclables at residential premises. Definitions for public building, paper and paper product are added. NAC 444A.120 was amended to add public buildings and 444A.130 was amended to provide for a municipality to make available a source separation of recyclable materials at public buildings.

C. Petition 2001-04 (LCB R-039-01) permanently amends NAC 444A. The proposed permanent regulation prescribes the paper and paper product recycling procedures for state agencies. The regulation provides criteria for exemption from the recycling requirements, provides for clearly labeled containers, establishes reporting criteria by state agencies and requires a building recycling plan to be submitted to the Division of Environmental Protection.

D. Petition 2001-05 (LCB R-040-01) permanently amends NAC 445B.001 to 445B.395, the state air pollution control permitting program. The proposed permanent regulation amends NAC 445B by creating and defining a new classification of operating permits. The new Class III permit will provide eligible sources (those emitting 5 tons or less of specific pollutants) a streamlined permitting process, which includes accelerated permit review and issuance and lower permitting fees. This regulation will provide regulatory relief for small quantity sources. NAC 445B.320, dealing with operating permit changes is amended to include additional language to require a detailed description of how increases and decreases will comply with the permit.

E. Petition 2001-06 (LCB R-041-01) permanently amends NAC 459.952 to 459.95528, the chemical accident prevention program. The regulation adds new provisions to incorporate explosives manufacturing into the program, to add construction permit requirements for new chemical and explosive facilities, and other minor technical amendments to the regulations to reflect statutory amendments to the list of regulated chemicals. Facilities that manufacture explosives or ammonium nitrate/fuel oil for sale will be subject to the requirements of the program. A fee structure to regulate explosive facilities is established.

F. Petition 2001-07 (LCB R-042-01) permanently amends NAC 445A.810 to 445A.925, the underground injection control (UIC) program. The amended regulations provide that "other Sensitive Groundwater Areas" can be determined to meet compliance with the proposed regulations. The regulations revise outdated Nevada Revised Statute references, expand minor permit modification criteria and logistics, expand criteria for a temporary permit, outline methods to establish permit limits in the absence of specific standards, and repeal the prohibition on injection of treated effluent. New definitions for cesspool, Class V Rule, delineation, drywell, groundwater protection area, improved sinkhole, other sensitive groundwater area, motor vehicle waste disposal well, point of injection, sanitary waste, septic system, source water assessment and protection program, and subsurface fluid distribution system are defined. Restrictions are imposed on Motor Vehicle Waste Disposal wells. Fees for renewals in NAC 445A.872 are reduced, repealed and incorporated into the existing annual fee. This fee category is expanded to include major modifications.

G. Petition 2001-08 (LCB R-089-01) permanently amends NAC 519A.350, reclamation of land subject to mining operations or exploration projects. The amended regulations provide minor changes regarding surety bonding by allowing up to 75% of the required surety to be satisfied by the corporate guarantee, based upon periodic review by the administrator. The amendments also require that the financial information submitted comply with U.S. Generally Accepted Accounting Principles and that the financial statements submitted be audited.

H. Petition 2002-01 (LCB R-096-01) permanently amends NAC 445A.070 to 445A.348, the water pollution control program by amending 445A.100 the definition for "point source" by adding language that define earth moving equipment, and 445A.309, the definition for "diffuse source" to incorporate runoff in various subsections of the definition. In addition, the definition for "diffuse source" clarifies provisions regarding urban runoff and earth moving activities. The regulation will assist regulated communities in determining when water pollution control permits are necessary.

IV. Settlement Agreements on Air Quality Violations * ACTION

- A. Road & Highway Builders; Notice of Alleged Violations #1563 & 1564
- B. Eagle-Picher Minerals Inc. ; Notice of Alleged Violations #1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1513, 1562 (Clark Plant): 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1519, 1521, 1523, 1525, 1549 1551, 1553, 1555 (Colado Plant).

V. Status of Division of Environmental Protection's Programs and Policies

VI. General Commission or Public Comment

Copies of the proposed regulations may be obtained by calling the Executive Secretary, David Cowperthwaite at (775) 687-4670, extension 3118. The public notice and the text of the proposed permanent 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/envir01.htm>.

Persons with disabilities who require special accommodations or assistance at the meeting are requested to notify David Cowperthwaite, 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) 687-4670, extension 3117, no later than 5:00 p.m. **September 14, 2001.**