



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Wednesday, March 18, 2020 at 9:30 am in Carson City. The meeting will be held in the Tahoe Conference Room (second floor) of the Richard H. Bryan Building, 901 South Stewart Street. The meeting will also be video-conferenced in Las Vegas at the Nevada Division of Environmental Protection office located at 2030 East Flamingo Road, Suite 230. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

R084-19: Bureau of Sustainable Materials Management

The proposed amendments pertain to NAC Chapter 444. To remain consistent with federal hazardous waste regulations and maintain authorization to enforce them in lieu of USEPA, Nevada is required to periodically update its state hazardous waste regulations in response to changes made at the federal level. Once regulations are updated, Nevada can complete the authorization application package. Changes to existing state regulations follow the “Guidelines for State Adoption of Federal RCRA Regulations by Reference” and provide fuller equivalence with current federal hazardous waste regulations in addition to cleaning up and simplifying state regulations. The RCRA and other amendments proposed for adoption are federal rules that the regulated business/industry must comply with regardless of whether EPA or NDEP implements them.

No economic impact will be realized by the public or by the enforcing agency. The proposed amendments do not overlap, duplicate, or conflict with any other state or federal regulations and are not more stringent than what is established by federal law. The proposed amendments do not address fees.

R120-19: Bureaus of Air Quality Planning & Air Pollution Control

NDEP is proposing to amend NAC 445B.221, adoption by reference and applicability of certain provisions of federal law and regulation. The state regulations were last updated in May 2018. The update includes rulemakings under 40 CFR Part 51, “Requirements for preparation, adoption, and submittal

of implementation plans,” Part 60, “Standards of performance for new stationary sources (NSPS),” and Part 63, “National emission standards for hazardous air pollutants for source categories (NESHAP).”

The federal rules adopted by reference in NAC 445B.221 are federal requirements that the regulated business/industry must comply with, regardless whether EPA or NDEP implements them. Industry prefers that NDEP implement the federal rules because NDEP has an active working relationship with industry and will implement the federal regulations in as effective and efficient manner as possible.

No economic impact will be realized by the public or by the enforcing agency. The proposed amendments do not overlap, duplicate, or conflict with any other state or federal regulations and are not more stringent than what is established by federal law. The proposed amendments do not address fees.

R121-19: Bureau of Water Pollution Control

NDEP is proposing to amend NAC 445A. Specifically, NDEP proposes to modify its regulations regarding wastewater operator certification; plants for sewage treatment classification (NAC 445A.2862; NAC 445A.2866; NAC 445A.2868; NAC 445A.287; NAC 445A.289; and NAC 445A.2912). NDEP proposes to revise requirements to obtain Restricted Certification and renewal of those Restricted Certifications and to revise the initial education required to test for certification.

Following the adoption of the Wastewater Operator Certification program regulations in May 2018, the SEC requested that NDEP provide a review of the program. NDEP's review identified areas for improvement associated with Restricted Certifications in addition to the education requirements for testing. NDEP proposes to make Restricted Certifications renewable and to reduce the initial education requirements for certification due to the annual contact hours that are now required. A renewal fee for restricted certification was also added. Language for fees, renewals, and decertification was amended to provide clarification.

The proposed regulations do not mandate additional actions or costs on the regulated community. The proposed addition of a renewal fee for Restricted Certificates will allow for the maintenance of Restricted Certificates in lieu of retesting every 5 years, eliminating testing fees. No economic impact will be realized by the public and costs incurred by NDEP will be managed with existing permit fees. The proposed amendments do not overlap, duplicate, or conflict with any other state or federal regulations and are not more stringent than what is established by federal law. The proposed amendments will provide an opportunity to renew restricted certifications. The renewal fee will be \$70 every 2 years. The new fee will compensate for the time and resources that will be required to review renewals of restricted certificates for education and Continuing Education Units (CEU) requirements.

Additional Information: Persons wishing to comment on the proposed actions of the 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), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21st Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC's website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-march-4-2020>. The proposed regulation denoted in this notice, is, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/>.

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 Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 5:00 p.m. on March 13, 2020.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District
Director of Marketing and Community Relations
7060 W. Windmill
Las Vegas, Nevada 89113

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Storey County Library - Closed
Posted at Clerk's Office
Address below:

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Campton Street
Ely, Nevada 89301