



Proposed Regulation Revision P2024-03
Summary of Public Workshop

Date: August 20, 2024

Time: 10:00 AM – 11:00 AM

Locations:

- Bryan Building
 - 901 S. Stewart Street, Bonnie Bryan Conference Room (First Floor)
 - Carson City, NV 89701

- NDEP Las Vegas Office
 - 375 E. Warm Springs Road, Ste. 200 (Red Rock Conference Room)
 - Las Vegas, NV 89119

- Virtually via Microsoft Teams

Participants:

Name	First Join	Last Leave	In-Meeting Duration	Email	Role
Benjamin Moan	8/20/24, 9:55:58 AM	8/20/24, 10:31:14 AM	35m 15s	bmoan@ndep.nv.gov	Organizer
Ruby Wood	8/20/24, 9:58:50 AM	8/20/24, 10:31:28 AM	32m 37s	rwood@ndep.nv.gov	Presenter
DCNR Conf Rm Red Rock LV (TEAMS)	8/20/24, 9:45:10 AM	8/20/24, 10:31:14 AM	46m 3s	ConfRmRedRock@ndep.nv.gov	Presenter
DCNR Conf Rm Bonnie 1-E (TEAMS)	8/20/24, 9:56:29 AM	8/20/24, 10:31:16 AM	34m 47s	ConfRmBonnie@ndep.nv.gov	Presenter
Dis N Dat	8/20/24, 9:56:14 AM	8/20/24, 10:18:32 AM	22m 17s		Presenter
+17754829670 (Unverified)	8/20/24, 9:56:43 AM	8/20/24, 10:14:35 AM	17m 52s		Attendee
Daniel Burns (External)	8/20/24, 9:56:46 AM	8/20/24, 10:16:58 AM	20m 12s	burnsd@SNHD.ORG	Presenter
Brett Bottenberg (External)	8/20/24, 9:58:14 AM	8/20/24, 10:31:05 AM	32m 50s	bbottenberg@teamues.com	Presenter
Haley Brown (External)	8/20/24, 9:58:45 AM	8/20/24, 10:14:48 AM	16m 2s	Haley.Brown@lvwwd.com	Presenter
Justin (Unverified)	8/20/24, 9:59:14 AM	8/20/24, 10:16:05 AM	16m 50s		Presenter
Durham, Shane (External)	8/20/24, 10:00:27 AM	8/20/24, 10:22:32 AM	22m 5s	sdurham@congruex.com	Presenter
Kurt A. Goebel (External)	8/20/24, 10:00:28 AM	8/20/24, 10:22:22 AM	21m 54s	KGoebel@ConverseConsultants.com	Presenter
Adam Rogge	8/20/24, 10:00:57 AM	8/20/24, 10:17:03 AM	16m 5s	arogge@camsops.com	Presenter
Priscila Landeros (External)	8/20/24, 10:01:04 AM	8/20/24, 10:15:05 AM	14m 1s	PLanderos@teamues.com	Presenter
+18012443323 (Unverified)	8/20/24, 10:01:33 AM	8/20/24, 10:11:41 AM	10m 7s		Attendee
Grandjean, Matt (External)	8/20/24, 10:01:42 AM	8/20/24, 10:14:58 AM	13m 15s	Matt.Grandjean@stantec.com	Presenter
Roberto Gonzalez (External)	8/20/24, 10:02:50 AM	8/20/24, 10:16:50 AM	13m 59s	rgonzalez2@teamues.com	Presenter
+17023085490 (Unverified)	8/20/24, 10:02:52 AM	8/20/24, 10:21:01 AM	18m 9s		Attendee
Thies, Jennifer C (External)	8/20/24, 10:02:57 AM	8/20/24, 10:14:52 AM	11m 55s	Jennifer.Thies@terracon.com	Presenter
+18107729841 (Unverified)	8/20/24, 10:03:18 AM	8/20/24, 10:15:30 AM	12m 11s		Attendee
+17023052067 (Unverified)	8/20/24, 10:04:00 AM	8/20/24, 10:15:43 AM	11m 42s		Attendee
+16023907515 (Unverified)	8/20/24, 10:04:48 AM	8/20/24, 10:18:06 AM	13m 17s		Attendee
Garrett Tabor (External)	8/20/24, 10:05:55 AM	8/20/24, 10:16:55 AM	10m 59s	gtabor@entech-us.com	Presenter
+17025568296 (Unverified)	8/20/24, 10:06:20 AM	8/20/24, 10:15:18 AM	8m 57s		Attendee
Sebastian De La Torre (External)	8/20/24, 10:07:11 AM	8/20/24, 10:31:25 AM	24m 13s	sdelatorre@summitnv.com	Presenter
Robbins, Justin (External)	8/20/24, 10:08:36 AM	8/20/24, 11:33:35 AM	1h 24m 59s	justin.robbins@nsgen.com	Presenter
Julie Kilgore (External)	8/20/24, 10:11:46 AM	8/20/24, 10:14:56 AM	3m 9s	jk@wasatch-environmental.com	Presenter
+12092947027 (Unverified)	8/20/24, 10:18:45 AM	8/20/24, 10:19:34 AM	48s		Attendee

Workshop Sign In Sheet:
 Proposed Amendments to NAC 445A and 459
 NDEP Bureaus of Corrective Actions & Water Pollution Control
 901 S. Stewart St. Bonnie Bryan Conference Room
 Carson City, NV 89701
 Aug 20, 2024 @ 10:00 – 10:30 AM



Name	Organization	Email Address	Phone Number	Will you be providing a public comment? Y/N
Ben Moan	NDEP			
Andrew Dixon	NDEP			
Ruby Wood	NDEP			
JEFF COLLINS	NDEP			
KELLY JUSTIN	GES	kelly.dustin@gesnevada.com	775-500-7054	NO

Meeting Sign In Sheet:
 Regulatory Update NAC 445A.8585
 August 20, 2024 @ 10:00 AM



Name	Organization	Email Address	Phone Number
JOHN KARR	NDEP	jkarr@ndep.com	(702) 668-3916

**Public Workshop on Proposed Amendments to Nevada
 Administrative Code 445A.8585
 Meeting Minutes – August 20, 2024**

1. CALL TO ORDER

Ben Moan called the public meeting to order at 10:00 a.m. The public meeting was held in the Bonnie Room of the Richard H. Bryan Building located at 901 South Stewart Street, Carson City, NV and video conferenced to the NDEP Las Vegas office located at 375 East Warm Springs Road, Suite 200, Las Vegas, NV. Remote participation was also available via Microsoft Teams and telephone.

A. NDEP STAFF PRESENT

- Ben Moan – Presenter
- Ruby Wood
- Jeff Collins
- Andrew Dixon
- Lauren Bowen
- John Karr (NDEP Las Vegas office)

OTHERS PRESENT

- 1 members of the public attended in person in the NDEP Carson City office
- 0 members of the public attended in person in the NDEP Las Vegas office
- 16 members of the public attended virtually via Microsoft Teams
- 8 members of the public attended via telephone

2. PRESENTATION ON PROPOSED AMENDMENTS TO NAC 445A.8585

Ben Moan began the workshop presentation at approximately 10:00 a.m.

Ben Moan concluded the workshop presentation at approximately 10:13 a.m. and opened the meeting to public comment.

3. PUBLIC COMMENT

No public comments were made in person in the NDEP Carson City or Las Vegas offices, or virtually via Microsoft Teams or telephone.

4. ADJOURNMENT

The public meeting adjourned at 10:30 a.m.

5. POST-MEETING COMMENT PERIOD

As announced during the public meeting, NDEP accepted comments via phone call, email, or mail through August 27, 2024, at 5:00 PM PDT. No comments were received.



WORKSHOP NOTICE AND AGENDA

Notice of Workshop to Solicit Comments on Proposed Amendments to Nevada Administrative Code Chapter 445A.8585

The Nevada Division of Environmental Protection (NDEP) is proposing regulations that will amend Nevada Administrative Code (NAC) 445A.8585. The following workshop has been scheduled to solicit comments from people interested in the amendments, which are described in general below. The workshop agenda is provided on page 2 of this announcement.

August 20, 2024
10:00 AM to 11:00 AM PDT

The workshop is open to the public and free to attend at the physical locations or virtually as provided below.

Carson City Location:

The Richard H. Bryan Building
Bonnie Bryan Conference Room
901 South Stewart Street
First Floor
Carson City, NV 89701

Las Vegas Location:

NDEP Offices
Red Rock Conference Room
375 East Warm Springs Road
Suite 200 (Second Floor)
Las Vegas, NV 89119

Join the workshop virtually at:

Microsoft Teams: Meeting ID: 265 913 390 367 Pass Code: Z6hBEi

Call in by Phone (audio only): +1 (775) 321-6111 Meeting extension: 952313695#

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify ndepbca@ndep.nv.gov no later than 3 working days before the workshop.

Permanent Regulation P2024-07: The NDEP is proposing to amend NAC 445A.2272 and 445A.22735 regarding establishment of action levels for contamination of soil and groundwater. The proposed changes will remove language referencing documents and acts as they existed on October 3, 1996, and replace the language with references to current United States Environmental Protection Agency (EPA) soil screening levels and drinking water maximum contaminant levels. A workshop was held on May 15, 2024, to present the proposed changes. No comments were received during the presentation or during the following seven day comment period.

NAC 445A.8585 references NAC 445A.2272. Therefore, if NAC 445A.2272 is amended as proposed, NAC 445A.8585 will be amended as well. The proposed language changes to NAC 445A.8585 are listed in the following agenda.

AGENDA

(No action items)

Note: Items on this agenda may be taken out of order, may be combined for consideration by the public body, and may be pulled or removed from the agenda at any time.

Proposed Changes to NAC 445A.2272 and 445A.22735

10:00 AM – 11:00 AM

1. Introduction (Discussion)
2. NDEP presentation on proposed changes to NAC 445A.8585 (Discussion)
Presented by Ben Moan
3. The proposed changes are (existing language to be removed is in red, proposed new language is in blue):

Sec. 3. NAC 445A.8585 is hereby amended to read as follows:

445A.8585 If a maximum contaminant level has not been established for a contaminant, a concentration level for the contaminant may be established by using:

1. The naturally occurring background concentration of the contaminant; or
2. An appropriate level of concentration based on the protection of public health and safety and the environment. The appropriate level of concentration of a contaminant must be determined by the Division using the ~~Integrated Risk Information System~~ *Regional Screening Levels for Chemical Contaminants at Superfund Sites* adopted by reference ~~pursuant to~~ in NAC 445A.2272, or an equivalent method approved by the Division.

4. Public comments and questions on proposed regulation P2024-07 (Discussion)*
5. Adjourn

The proposed amendments and related materials will be made available no later than 3 days before the workshop on the NDEP website at <https://ndep.nv.gov/posts>. A copy of materials relating to the proposed regulations may also be obtained at the workshop or from Ben Moan at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701; (775) 687-9396; or e-mail bmoan@ndep.nv.gov.

* Public comments can be delivered during the meeting in person or virtually by joining the TEAMS meeting or calling in using the telephone numbers listed on page 1 of this notice. Members of the public will be invited to speak. Public comment may be limited to three (3) minutes per person.

Notice of this meeting was posted at the following Nevada locations:

- Nevada Public Notice Website - <https://notice.nv.gov/>
- The Nevada Division of Environmental Protection public notice website - <https://ndep.nv.gov/posts>
- Department of Conservation and Natural Resources, 901 South Stewart Street, Carson City
- NDEP's Las Vegas Office, 375 East Warm Springs Road, Suite 200, Las Vegas
- Administrative Regulation Notices website - <https://www.leg.state.nv.us/App/Notice/A/>



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**

Workshop on Proposed Amendments to Nevada Administrative Code 445A.8585

NDEP

**Bureau of Corrective Actions (BCA) &
Bureau of Water Pollution Control (BWPC)**

Aug 20, 2024

10:00 – 10:30 AM

Presented by

Ben Moan, P.E.

HOUSEKEEPING ITEMS

- Public comments are welcome at the end of the presentation
- This meeting is being recorded
- Please introduce yourself for the record before commenting
- Please limit comments to 3 minutes
- For those attending virtually:
 - Please turn off your camera and mute your microphone unless speaking
 - Please raise your hand during the comment section if you'd like to speak
- Written comments will be accepted through Aug 27, 2024

WORKSHOP AGENDA

Proposed Changes to NAC 445A.8585

10:00 AM – 10:30 AM

1. Introduction (Discussion)
2. NDEP Presentation on proposed changes to NAC 445A.8585 (Discussion)
3. The proposed changes are (existing language to be removed is in red, proposed new language is in blue)

Sec. 3. NAC 445A.8585 is hereby amended to read as follows:

445A.8585 If a maximum contaminant level has not been established for a contaminant, a concentration level for the contaminant may be established by using:

1. The naturally occurring background concentration of the contaminant; or
2. An appropriate level of concentration based on the protection of public health and safety

and the environment. The appropriate level of concentration of a contaminant must be

determined by the Division using the ~~Integrated Risk Information System~~ *Regional Screening*

Levels for Chemical Contaminants at Superfund Sites adopted by reference ~~pursuant to~~ *in*

NAC 445A.2272, or an equivalent method approved by the Division.

4. Public comments and questions on proposed regulation P2024-07 (Discussion)
5. Adjourn

BACKGROUND

- On January 12, 2023, Governor Lombardo issued Executive Order 2023-003 directing state agencies to review their existing regulations for potential removal or revision of regulations that are obsolete or are unnecessarily onerous.
- During the subsequent review and public comment period, it was pointed out that Nevada Administrative Code (NAC) 445A.2272 referenced and adopted the United States Environmental Protection Agency (EPA) Integrated Risk Information System (IRIS), as it existed on October 3, 1996, for establishing soil action levels (concentrations) for hazardous substances and hazardous or regulated waste.
- NAC 445A.22735 references and adopts The Safe Drinking Water Act and 40 C.F.R. Part 141, as they existed on October 3, 1996, for establishing action levels in groundwater.

BACKGROUND

- It may be difficult to obtain copies of IRIS as it existed in 1996
- The IRIS process for risk assessment is complicated and relies on extensive knowledge of toxicology, exposure assessment, and many calculations
- In practice, BCA and certified environmental managers (CEMs) routinely use 2009 and 2014 guidance that references EPA Regional Screening Levels (RSLs) for initial soil action levels
- For groundwater, BCA and CEMs routinely use current National Primary Drinking Water Regulations (maximum contaminant levels or MCLs) for groundwater action levels
- On May 15, 2024, BCA presented the changes to NAC 445A.2272 and 445A.22735. No comments were received during the workshop nor during the following 7-day comment period
- During review by the Nevada Legislative Counsel Bureau, it was determined that changes to NAC 445A.2272 would impact NAC 445A.8585

PROPOSED CHANGES

NAC 445A.8585

Existing language to be removed is in red, proposed new language is in blue

Sec. 3. NAC 445A.8585 is hereby amended to read as follows:

445A.8585 If a maximum contaminant level has not been established for a contaminant, a concentration level for the contaminant may be established by using:

1. The naturally occurring background concentration of the contaminant; or
2. An appropriate level of concentration based on the protection of public health and safety and the environment. The appropriate level of concentration of a contaminant must be determined by the Division using the ~~Integrated Risk Information System~~ *Regional Screening Levels for Chemical Contaminants at Superfund Sites* adopted by reference ~~pursuant to~~ in NAC 445A.2272, or an equivalent method approved by the Division.

PROPOSED CHANGES

NAC 445A.2272

Existing language to be removed is in red, proposed new language is in blue

3. The State Environmental Commission hereby adopts by reference the ~~Integrated Risk Information System, adopted by the Environmental Protection Agency, as it existed on October 3, 1996. A copy of the system is available on-line through the Internet and may be obtained from an Integrated Risk Information System Representative at (301) 496-6531, free of charge.~~
Regional Screening Levels for Chemical Contaminants at Superfund Sites, including all tables therein and the associated User's Guide, adopted by the United States Environmental Protection Agency, as it existed on the date on which the Legislative Counsel files this regulation with the Secretary of State pursuant to NRS 233B.070. A copy of this material is available, free of charge, at the Internet address <https://www.epa.gov/risk/regional-screening-levels-rsls>.

SUMMARY AND NEXT STEPS

- Changes will remove references to outdated federal regulations and replace them with current practice and updated values.
- NDEP did not identify “a direct and significant economic burden” that would be imposed upon a small business due to the proposed changes.
- The Nevada Legislative Council Bureau has reviewed the proposed changes to NAC 445A.2272, 22735, and 8585, and has finalized wording for consideration by the State Environmental Commission (SEC).
- The SEC will hear arguments and vote on the proposed changes at a date and time TBD. If the SEC adopts the amended regulations, the regulations will be submitted for final approval by the Legislative Commission.
- If substantial language changes are made subsequent to this workshop, NDEP will hold another workshop.

A vertical photograph on the left side of the page shows a scenic mountain landscape. In the foreground, a clear blue river flows through a field of tall, golden-brown grasses. The middle ground is filled with a dense forest of evergreen trees. In the background, several rugged mountain peaks are visible under a clear blue sky.

Public Comment

Submit written comments to:

Ben Moan, P.E.

NDEP Bureau of Corrective Actions

Phone: 775-687-9396

Email: bmoan@ndep.nv.gov

NDEP

901 S. Stewart Street

Suite 4001

Carson City, NV 89701

By 5:00 PM PDT on **August 27, 2024**⁹