



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

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

Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on **Wednesday, June 27, 2018** at 9:00 am in Carson City. The meeting location is at the Nevada Legislative Building, Room 3138, located at 401 South Carson Street. The meeting will also be video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, located at 555 East Washington Avenue.

Please Note: The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the SEC may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the SEC may refuse to consider public comment. See NRS 233B.126

1) Call to Order, Roll Call, Establish Quorum (Discussion)

2) Public Comment:

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chairperson.

3) Approval of February 21, 2018 Meeting Minutes (For Possible Action)

AIR PENALTIES

4) Tahoe Western Asphalt, LLC (For Possible Action)

NOAV No. 2635 - Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1611-3748.

Recommendation: Approve NDEP-recommended penalty amount of \$27,950.00 for NOAV No. 2635, issued to Tahoe Western Asphalt, LLC, or take other action as appropriate.

5) Kennametal Inc. (For Possible Action)

NOAV No. 2637 - Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP3399-0120.03.

Recommendation: Approve NDEP-recommended penalty amount of \$7,175.00 for NOAV No. 2637, issued to Kennametal Inc., or take other action as appropriate.

6) Clean Dried Processing, Inc. (For Possible Action)

NOAV No. 2640 - Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP2047-3612.

Recommendation: Approve NDEP-recommended penalty amount of \$11,902.50 for NOAV No. 2640, issued to Clean Dried Processing, Inc., or take other action as appropriate.

REGULATORY PETITIONS

7) Permanent Regulation R045-18 - Bureau of Mining Regulation & Reclamation (For Possible Action)

The proposed amendments pertain to Chapter 519A. The NDEP proposes to modify the regulations pertaining to reclamation associated with mining activities. The proposed modifications revise, clarify, or add certain definitions and also add renewable energy development and storage as an option to the definition of “productive post-mining use of the land.” NDEP proposes to remove the requirement to provide public notice of a draft permit and other actions via publication in a newspaper; rather, e-notices will be required.

Recommendation: Approve and adopt permanent regulatory petition R045-18, as proposed, or take other action as appropriate.

8) Permanent Regulation R046-18 - Bureau of Mining Regulation & Reclamation (For Possible Action)

The proposed amendments pertain to NAC Chapter 445A. The NDEP proposes to revise or add certain definitions, eliminate all regulations associated with pilot testing, clarify requirements for waste rock management plans & preliminary conceptual closure plans for initial reclamation bonding, post draft permit notices via e-notice as opposed to posting in a newspaper, clarify the termination of a closure permit, revise physical separation regulations, clarify the type of modification referenced in regulation, revise the limitations regarding degradation of water, revise the oversight of mines during project closure planning process through to the actual closure process, and revise provisions to allow NDEP to take

certain actions to prevent degradation of waters when planned or unplanned temporary closure does not effectively manage process fluids.

Recommendation: Approve and adopt permanent regulatory petition R046-18, as proposed, or take other action as appropriate.

9) Permanent Regulation R049-18 - Bureau of Safe Drinking Water (For Possible Action)

The proposed amendments pertain to NAC Chapter 445A. The NDEP proposes to revise certain definitions, amend the time frame for initiation and completion of a water project, provide clarification for how NDEP will manage determinations of "lead free" and compatibility with drinking water construction, provide clarification and updates for use of documents adopted by reference, modify the definition of "sewer main," provide clarification for utility "separations and crossings" regulations, and provide clarification on backflow prevention for fire hydrants connected to public water mains.

Recommendation: Approve and adopt permanent regulatory petition R049-18, as proposed, or take other action as appropriate.

10) Administrator's Briefing to the Commission: (Discussion) NDEP Deputy Administrators Jennifer Carr and Jeff Kinder will brief the Commission on NDEP personnel and agency updates. Also provided will be information regarding NDEP's inclusion on the Environmental Council of States (ECOS) "Results" webpage that communicates a state's story of public health and environmental progress.

11) Public Comment: Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chairperson.

12) Adjournment

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 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**), the Nevada Division of Minerals, **400 W. King Street, Carson City, NV** and at the Nevada Department of Agriculture (**405 South 21st Street, Sparks, Nevada**).

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_0518.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.

Members of the public who would like to inspect all supporting materials for this meeting or 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 June 21, 2018.