



Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on **Wednesday, June 15, 2022, at 9:00 am in Carson City**. The meeting will be held in the Tahoe Room on the 2nd Floor of the Bryan Building, located at 901 South Stewart Street. Space is limited at this location; therefore, remote participation is greatly encouraged. Additionally, the meeting will be video streamed to the Red Rock conference room at 375 East Warm Springs Road, Suite 200, in Las Vegas. Additionally, the public may participate and provide public comment, virtually or telephonically, using the following link or the dial-in number:

Join the meeting: <https://call.lifesizecloud.com/13511830>

Join the Lifesize meeting using Skype for Business:
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Click to call from Mobile (audio only)
United States: +1 (877) 422-8614, 13511830#

Call in by Phone (audio only)
United States: +1 (877) 422-8614
Meeting extension: 13511830#

Please Note: This is a stacked agenda, and the following items may be taken out of order and/or 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. No public comment may be taken on a contested case or quasi-judicial proceeding 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. See NRS 233B.126.

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

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 9, 2022, Meeting Minutes (For Discussion and Possible Action)

Regulatory Petition

4) Permanent Regulatory Petition R033-22 (For Possible Action)

NDEP is proposing to amend NAC 459 to increase fees for the Division for certifying individuals as an environmental manager (NAC 459.972), a handler of underground storage tanks (NAC 459.9722), a tester of underground storage tanks (NAC 459.9723), or as a provider of approved underground storage tank training programs (NAC 459.97232). The biennial renewal fee is also increased (NAC 459.9728). The proposed fee increase is from the current fee of \$100 to \$150. These fees have not been increased since adoption of the regulation in 1991 and represent approximately 70% of the estimated increase per the National Consumer Price Index. Additionally, the regulation amendment increases the examination fee for certification from \$150 to \$200; this represents approximately 60% of the estimated increase per the National Consumer Price Index. Finally, the regulation amendment retains the qualification requirement in NAC 459.972.3.(a) that requires "A bachelor's or advanced degree from an accredited college or university ... "; but eliminates NAC 459.972.3 (b) "A relevant professional registration or certification recognized by the Division and at least three years of relevant environment experience within the five years immediately preceding the date of the application" and NAC 459.972.3(c) "An equivalent combination of appropriate education or experience, or both as determined by the Division." Also, NAC 459.9728 is amended to require holders of a certificate to complete 24 continuing education credits within two years before the renewal of their application.

The requested increase in fees will support the Division with implementation of this program. Additionally, NDEP underwent a program audit from July 2020 through November 2020 from the Governor's Finance Office, Division of Internal Audits (DIA). The recommendations from this audit were presented to the Executive Branch Audit Committee on January 28, 2021, in DIA Report No. 21-04. One of the recommendations was: "Strengthen Certified Environmental Manager Certification Requirements - Strengthening CEM certification requirements will ensure individuals hired to manage remediation projects have a strong working knowledge of geological and engineering principles needed to carryout remediation projects." The DIA also concluded that certification standards in other states suggest that Nevada's certification and renewal requirements are not as robust with no retesting or continuing education requirements.

The proposed amendments will add \$50 to the cost for certification and \$50 to the cost for a biennial renewal. 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.

5) Permanent Regulatory Petition R038-22 (For Possible Action)

The proposed amendments pertain to NAC Chapter 445B. NDEP is proposing to amend NAC 445B.221, Adoption by reference and applicability of certain provisions of federal law and regulations, to adopt applicable federal rules promulgated since the State regulation was last updated as of March 2020. This is a routine activity. The update includes rulemakings under 40 CFR 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 NDEP is delegated the implementation of certain federal NSPS and NESHAP rules that apply in Nevada. The proposed amendments update the State's "adoption by reference" regulation, so that Nevada can request delegation for the implementation of new and revised NSPS and NESHAP promulgated since the last update. This will allow the regulated industry to continue to work with the State rather than the U.S. Environmental Protection Agency.

The proposed amendments are not expected to have any additional economic impact on the regulated community. 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.

6) Update on the Status of Permanent Regulation R119-20: (Discussion Only) The Bureau of Water Quality Planning will provide an update on the status of this proposed regulation, which outlines an antidegradation policy to maintain and protect better water quality conditions in Nevada's surface waters when a regulated discharge into the water body is proposed. Bureau staff will also solicit input from the Commission on part of the proposed regulation that introduces a process for the Commission to classify a water of the State or segment thereof as a water of extraordinary ecological, aesthetic, or recreational value.

7) Administrator's Briefing to the Commission: (Discussion Only) Administrator Greg Lovato will provide the Commission general management updates.

8) 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.

9) 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 any 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 **375 East Warm Springs Road, Suite 200**.

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 (**375 East Warm Springs Road, Suite 200**), 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: <https://sec.nv.gov/meetings/sec-regulatory-meeting-june-15-2022>. Any 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 Sheryl Fontaine, 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 9, 2022.