



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, October 2, 2019** at 9:30 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 4401, 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 December 12, 2018 Meeting Minutes (For Possible Action)

REGULATORY PETITIONS

4) Permanent Regulatory Petition R036-19: Bureau of Water Quality Planning - Cadmium - (For Possible Action)

NDEP is proposing to amend NAC 445A.1236 to align with the most current recommended numeric criteria published by the U.S. Environmental Protection Agency (EPA) for cadmium to protect the aquatic life beneficial use.

Recommendation: Approve and adopt permanent regulatory petition R036-19, as proposed, or take other action as appropriate.

5) Permanent Regulatory Petition R037-19: Bureau of Water Quality Planning - Colorado River (For Possible Action)

NDEP is proposing to amend NAC 445A.070 - 445A.2234, Standards for Water Quality, by making changes to the water quality standards (WQS) tables in the lower Colorado River basin from Las Vegas Valley to the Nevada/California state line.

Recommendation: Approve and adopt permanent regulatory petition R037-19, as proposed, or take other action as appropriate.

6) Permanent Regulatory Petition R043-19: Bureau of Water Quality Planning - Selenium (For Possible Action)

NDEP is proposing to amend NAC 445A.1236 to align with the most current recommended numeric criterion published by EPA for selenium to protect the aquatic life beneficial use.

Recommendation: Approve and adopt permanent regulatory petition R043-19, as proposed, or take other action as appropriate.

7) Permanent Regulatory Petition R046-19: Bureaus of Air Quality Planning & Air Pollution Control (For Possible Action)

NDEP is proposing to amend NAC 445B.327. The amendment seeks to update the Air Program's approach to how fees are assessed to: a) align the revenue generated by the operating permits program to the increasing costs associated with the implementation of the Air Program, and b) redistribute fees fairly across the regulated industry to reflect workload and resources required to implement the state's Air Program.

The basic fee structure for the operating permits program has not been altered or amended since 2006. In that time, the state has grown and the size and scope of the air pollution control program has increased.

Recommendation: Approve and adopt permanent regulatory petition R046-19, as proposed, or take other action as appropriate.

8) Bureau of Water Pollution Control: Update regarding Certified Wastewater Operator Program (Discussion)

During the February 21, 2018 SEC meeting, the Commission requested the Bureau of Water Pollution Control to provide an update on the impacts realized within the Certified Wastewater Operator Program as a result of adopting permanent regulation R155-17.

9) Administrator's Briefing to the Commission: (Discussion) Administrator Greg Lovato will brief the Commission on items including the status of NDEP's public notice process changes, an update regarding the NDEP Strategic Plan, staff changes associated with non-supervisory environmental scientist positions,

pending water pollution control permit actions and an update on the Anaconda Mine Site.

10) 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.

11) 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_1019.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 September 25, 2019.