

# **Environmental Briefing Summary**

## **Nevada Vision Stakeholders Group**

### **Air Pollution Control:**

#### **1. Green House Gases (GHGs)**

In December, EPA issued an endangerment finding declaring that GHGs threaten public health and welfare and allows regulation under the Clean Air Act (CAA). This allows EPA to finalize GHG standards for certain vehicles and ultimately include stationary sources. Any source that emits pollutants in amounts greater than 250 tons would be subject to regulation. For GHGs this level is very low and millions of new sources would become subject to regulation. EPA proposed “the Tailoring Rule,” which would increase the threshold to between 10,000 and 25,000 tons of emissions.

NDEP currently regulates 11 major stationary sources for non-GHG pollutants. At thresholds proposed by EPA in the tailoring rule, NDEP estimates that there will be over 300 new sources (sources never before regulated) that will need to be permitted including hospitals, universities, commercial buildings and casinos. There is concern that even though EPA will be increasing the federal threshold State and local regulatory agencies would have to go through controversial and burdensome rulemaking to harmonize the thresholds.

As a result of the comments EPA received, the agency is considering increasing the threshold to between 75,000 and 100,000 resulting in the rule applying to a few hundred facilities nationwide. The tailoring rule is expected to be finalized by the end of March and law suits are expected to be filed as soon as it is promulgated. Meanwhile, Congress is considering a 2-year moratorium on the use of the CAA to address GHGs and, just this week, 20 governors (including Governor Gibbons) signed a letter urging congress to halt rulemaking.

#### **2. Criteria Pollutants**

##### **Current Non-attainment Status in Nevada**

Clark County – Serious non-attainment for PM10

- Serious non-attainment for CO (redesignation to attainment requested in September 08)
- Non-attainment for the current ozone standard.

Washoe County – Serious non-attainment for PM10 (redesignation to attainment requested in July 09)

##### **Proposed revision of the Ozone Standard**

In January, EPA proposed to lower the national ambient air quality standard for ground-level ozone (to between 0.60 and 0.70 ppm down from 0.75 ppm). Under this proposed revision Washoe and White Pine Counties will be in non-attainment for ozone at the 0.70 ppm level. If the standard be set lower than 0.70 other rural counties will most likely be affected. Ozone levels in the range proposed by EPA are at or near background levels seen across the rural west. This will make the identification and implementation of effective emission controls difficult if not

EXHIBIT D NevadaStakeholder	Document consists of 3 pages.
<input checked="" type="checkbox"/> Entire document provided.	
A copy of the complete document is available through the Research Library (775/684-6827) or e-mail <a href="mailto:library@lcb.state.nv.us">library@lcb.state.nv.us</a> .	
Meeting Date: 3/12/10	

impossible. Because a non-attainment designation results in the application of additional controls and off-sets, economic development could be affected, particularly in the rural counties.

## **Solid Waste/Recycling:**

### **1. The 75% recycling proposal**

Governor Gibbons has proposed legislation that would require municipalities that generate or dispose of solid waste in excess of 300,000 tons per year to recycle or divert 75 percent within five years. In order to encourage recycling facilities, markets and job creation in Nevada, the diversion or separation will be required to occur in the State. This bill was not placed on the recent special session agenda. The current recycling goal is 25%. As of 2007 (the latest data available) our rate is 21.6%

### **2. Solid Waste Importation**

Recology is proposing to construct a very large solid waste landfill 30 miles east of Winnemucca in Desert Valley. The 634 acre landfill would import about 20,000 tons of waste by rail per week for up to 50 years. NDEP has received two permit applications for this project (air and solid waste). The Air permit was issued last week, but construction of this facility cannot commence until the solid waste permit is issued. That application is still under review and any decision is months away.

Because this facility will be importing most of the waste, it has met with stiff opposition from the community and elected officials. Senator Reid recently announced that he will introduce legislation that would allow state and local governments to refuse waste shipments from other states. Legislation would be required since solid waste is an element of interstate commerce.

## **Water Pollution Control:**

Through a multiagency statewide monitoring network, coupled with water quality standards, Nevada continues to evaluate the health of our rivers, lakes and streams. Waters not meeting standards are placed on a national listing of impaired water bodies. This triggers a requirement for the development of a Total Maximum Daily Load or TMDL which is a plan to restore that water body back to health.

Many waters in Nevada are listed as impaired for one or more parameters. The most common are nutrients (phosphorus and nitrogen), suspended solids and temperature. The root causes of impairment are erosion, loss of riparian vegetation, land use practices, upland wildfires and urban and agricultural runoff.

An important emerging issue is endocrine disrupting compounds or EDCs. These include pharmaceuticals, pesticides and personal care products which may cause impacts to aquatic life including reproduction and growth development. Lake Mead is one of the most studied water bodies in the world for EDCs resulting in Nevada being at the forefront of this emerging issue.

## **Safe Drinking Water:**

The most notable action in the area of safe drinking water in Nevada for the last decade is the reduction of the arsenic standard in drinking water from 50 ppb to 10 ppb. Nevada is highly mineralized and this element is naturally occurring. To achieve compliance with the requirement, drinking water systems usually must construct expensive treatment systems. Currently in Nevada 53 water systems are under a waiver exemption until 2015 or are under non-compliance for arsenic. NDEP operates a grant/loan program to offset the cost of infrastructure construction and federal stimulus funds (\$19 million) have been awarded for this purpose. Unfortunately the need greatly outstrips the available funding.

## **Water Reuse**

Nevada is the most arid state in the nation and we must wisely use our precious water resources. For many years Nevada has encouraged water reuse from community treatment facilities for the watering of parks, golf courses, green belts and other non-potable uses. In Southern Nevada, for every gallon of treated waste water discharged to Lake Mead, a gallon may be removed for domestic use. This has greatly extended the very limited water allocation Nevada has from the Colorado River.

Nevada has been cautiously exploring the concept of treated water reinjection to the subsurface to enhance local ground water resources. We are however taking a “go slow” approach to ensure existing water supplies are not degraded from a quality perspective.

## **Water resources**

The State Engineer is responsible for the equitable allocation of Nevada’s surface and ground water resources. These resources belong to the people of the State of Nevada but though a process outlined in Nevada Water Law, the right to use that water in terms of the volume and use can be obtained by individuals. Once a right is obtained it is a private property right and can be bought, sold, leased and transferred.

Decisions relating to the appropriation of waters within the state are reaching critical mass. Water has become so important and worth so much money, many decisions are being litigated in the courts. It is not uncommon to have issues being heard in the state’s district and supreme courts as well as the federal courts on the same applications. Despite the economic downturn, the DWR hasn’t realized a reduction in workload. Applications continue to be filed, protests to those applications are becoming more prevalent, the issues are becoming more complicated and the ensuing litigation is more common.

Of greatest interest recently is a decision by the Nevada State Supreme Court with regard to Spring Valley in Eastern Nevada which is an element of the proposed ground water importation project to Las Vegas. That decision, read in its broadest context, could impacts thousands of issued water rights dating back to 1947. The Special Session of the legislature in late February attempted to address this matter but did not reach consensus. They requested the State Engineer conduct hearings to craft a solution either through the courts or the legislative process. That workshop is scheduled for March 16.