



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



## Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

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 second floor of the Bryan Building, at 901 South Stewart Street. There is also the option to participate virtually using the link below.

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

Join the Lifesize meeting using Skype for Business:

<https://skype.lifesizecloud.com/13511830>

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#

The meeting will also be video-conferenced in Las Vegas in the Red Rock Conference room at the NDEP offices, located at 375 East Warm Springs Road. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

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### Permanent Regulation R038-22: Bureau of Air Quality Planning - Adopt by Reference

R038-22 proposes 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 in 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.

### **Permanent Regulation R033-22: Bureau of Corrective Actions - Regulatory Changes Related to the Certified Environmental Manager Program**

The proposed amendments pertain to NAC Chapter 459. 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 3 years of relevant environment experience within the 5 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 (CEUs) 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.

#### **Additional Information:**

Persons wishing to comment on the proposed actions of the 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 is located 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), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC's website at:

<https://sec.nv.gov/meetings/sec-regulatory-meeting-june-15-2022> The proposed regulation denoted in this notice, is, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/>.

For additional information, contact Sheryl Fontaine, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, phone (775) 687-9374, or email at [sfontaine@ndep.nv.gov](mailto:sfontaine@ndep.nv.gov).

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library  
900 North Roop Street  
Carson City, Nevada 89701-3101

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Churchill County Library  
553 South Main Street  
Fallon, Nevada 89406-3306

Lyon County Library System  
20 Nevin Way  
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District  
Director of Marketing and Community Relations  
7060 W. Windmill  
Las Vegas, Nevada 89113

Mineral County Public Library  
P.O. Box 1390  
Hawthorne, Nevada 89415

Douglas County Public Library  
1625 Library Lane  
Minden, Nevada 89423-0337

Pershing County Library  
1125 Central Avenue  
Lovelock, Nevada 89419

Elko County Library  
720 Court Street  
Elko, Nevada 89801-3397

Storey County Library - Closed  
Posted at Clerk's Office  
Address below:

Esmeralda County Library  
Corner of Crook & 4th Street  
P.O. Box 430  
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office  
Drawer D  
Virginia City, Nevada 89440

Eureka County Library  
10190 Monroe Street  
Eureka, Nevada 89316

Tonopah Public Library (Nye County)  
P.O. Box 449  
Tonopah, Nevada 89049

Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445-3095

Washoe County Library System  
301 South Center Street  
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)  
625 South Broad Street  
Battle Mountain, Nevada 89820

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301