

LCB File No. T008-01

**PROPOSED TEMPORARY REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

**NEVADA STATE ENVIRONMENTAL COMMISSION
NOTICE OF PUBLIC HEARING**

The Nevada State Environmental Commission will hold a public hearing beginning at **10:00 a.m. on Thursday, February 15, 2001, at the Nevada Commission on Tourism, Commission Chamber, 2nd Floor, 401 N. Carson Street, Carson City, Nevada (The Laxalt Building is located immediately south of the Carson Nugget and two blocks north of the Capitol Building)**. If the business of February 15, 2001 is not completed, the hearing shall continue to the next day at the same location, with a starting time of 9:00 a.m.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations. If no person directly affected by the proposed action appears to request time to make an oral presentation, the State Environmental Commission may proceed immediately to act upon any written submission.

Note: The public hearing regarding the Walker River and Walker Lake water quality standards as heard on December 5, 2000 in Yerington, Nevada will be continued at this February 15, 2001 meeting.

1. Petition 2000-12 (LCB R-117-00) is a permanent amendment to NAC 445B.001 to 445B.395, the air pollution control regulations. Amended is NAC 445B.194, which limits the criteria for temporary sources. NAC 445B.287 redefines the requirement when an operating permit or permit to construct is required. NAC 445B.288 redefines insignificant activities. NAC 445B.290 requires new stationary Class I sources to submit an application. NAC 445B.295 redefines the requirements for compliance plans. NAC 445B.316 amends the description of emissions trading to be modified to ensure consistency with 40 CFR Part 70 and provides conditions governing a permit shield. And, finally, NAC 445B.331 is amended for change of location fees for Class I and II sources requiring 10 days advanced notice.

The proposed amendments will require additional review time for industry to evaluate insignificant activities. The proposed amendments will not have an adverse short-term or long-term economic impact upon the regulated communities or the public. There is no overlap or duplication of any other state or government agency. The proposed amendments are no more stringent than what is required in 40 CFR Part 70, the State Operating Permit Program regulations, as established by federal law. The implementation of the proposed regulation is not expected to result in any additional cost by the Division of Environmental Protection for enforcement. This regulation does not provide for any new or increased fees.

Temporary Petition 2001-03 was received on December 15, 2000 from the Division of Environmental Protection, Bureau of Waste Management. This petition is before the Commission on February 15, 2000 for adoption.

2. Petition 2001-03 is a temporary amendment to NAC 444A.005 to 444A.470 to extend programs for separating at the source recyclable material from other solid waste to include public buildings in counties with populations greater than 100,000. The proposed temporary regulations add for public buildings the minimum standards and a model plan which were previously established for the source separation of recyclables at residential premises. Definitions for public building, paper and paper product are added. NAC 444A.120 is proposed to be amended to add public buildings and 444A.130 is amended to provide for a municipality to make available a source separation of recyclable materials at public buildings.

The regulated business community may encounter some startup costs to provide a collection service at public buildings. There may be a modest beneficial long term economic effect on recycling businesses because of the potential to increase the amount of recyclable commodities diverted from disposal. The proposed amendments will have no adverse economic impact upon the public. There will be no additional cost to the Division of Environmental Protection for enforcement of these amendments. There are no other State regulations which the amendments overlap or duplicate. This regulation is no more restrictive or stringent than the federal requirements. There is no federal regulation that requires recycling collection services be provided to public buildings. The amendment does not provide a new fee and nor does it amend existing fees.

3. Petition 2001-04 is a temporary amendment to NAC 232 and/or NAC 444A. The proposed temporary regulation prescribes the paper and paper product recycling procedures for state agencies. The temporary regulation provides criteria for exemption from the recycling requirements, provides for clearly labeled containers, establishes reporting criteria by state agencies and requires a building recycling plan to be submitted to the Division of Environmental Protection.

The regulated business community may encounter some startup costs to provide a collection service at public buildings. There may be a modest beneficial long term economic effect on recycling businesses because of the potential to increase the amount of recyclable commodities diverted from disposal. The proposed amendments will have no adverse economic impact upon the public. There will be no additional cost to the Division of Environmental Protection for enforcement of these amendments. There are no other State regulations which the amendments overlap or duplicate. This regulation is no more restrictive or stringent than the federal requirements. There is no federal regulation that requires recycling collection services be provided to public buildings. The amendment does not provide a new fee and nor does it amend existing fees.

4. Petition 2001-05 is a temporary amendment to NAC 445B.001 to 445B.395, the state air pollution control permitting program. The proposed temporary regulation amends NAC 445B by creating and defining a new classification of operating permits. The new Class III permit will provide eligible sources (those emitting 5 tons or less of specific pollutants) a streamlined permitting process, which includes accelerated permit review and issuance and lower permitting fees. This regulation will provide regulatory relief for small quantity sources.

The regulated business community will see a positive beneficial effect by the reduction in the time and effort to prepared Class III permit applications and reduced fees for application, revision renewal and annual maintenance fees. The proposed amendments will have no adverse economic impact upon the

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public. There will be no additional cost to the Division of Environmental Protection for enforcement of these amendments. There are no other State regulations which the amendments overlap or duplicate. This regulation is no more restrictive or stringent than the federal requirements. The amendment does provide a new fee that reduces the amount currently paid by small quantity sources. The Division of Environmental Protection does not anticipate increased revenues from the new Class III permits, but rather an overall reduction in fees from affected businesses.

5. Petition 2001-06 is a temporary amendment to NAC 459.952 to 459.95528, the chemical accident prevention program. The temporary regulation adds new provisions to incorporate explosives manufacturing into the program, to add construction permit requirements for new chemical and explosive facilities, and other minor technical amendments to the regulations to reflect statutory amendments to the list of regulated chemicals. Facilities that manufacture explosives or ammonium nitrate/fuel oil for sale will be subject to the requirements of the program. A fee structure to regulate explosive facilities is established.

Previously unregulated businesses will now be subject to regulation under the program. The program amendments will have an associated cost for regulated businesses, with the basic benefit being the reduced risk of catastrophic accidents and improved facility operation and efficiency. The cost of compliance will require new fees for permits. This regulation is not anticipated to have an adverse economic impact upon the public. The Nevada Division of Industrial Relations shares jurisdiction through delegation of the federal Process Safety Management regulations. The Division of Environmental Protection has a Memorandum of Understanding to coordinate activities where statutory overlap occurs. This regulation is no more restrictive or stringent than the federal requirements. The fees will cover the cost of a contractor to deal with the explosives manufacturers and for the cost of permitting facilities. The amount of fees to be collected is undetermined, with fees for permitting based upon an hourly rate charged for processing the applications.

Pursuant to NRS 233B.0603 the provisions of NRS 233B.064 (2) are hereby provided:

"Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporation therein its reason for overruling the consideration urged against its adoption."

Persons wishing to comment on the proposed regulation changes may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Environmental Commission, 333 West Nye Lane, Carson City, Nevada 89706-0851. Written submissions must be received at least five days before the scheduled public hearing.

A copy of the regulations to be adopted or amended will be on file at the State Library, 100 Stewart Street and the Division of Environmental Protection, 333 West Nye Lane - Room 104, in Carson City and at the Division of Environmental Protection, 555 E. Washington - Suite 4300, in Las Vegas for inspection by members of the public during business hours. In addition, copies of the regulations and public notices have been deposited at major library branches in each county in Nevada. The notice and the text of the proposed regulations are also available in the State of Nevada Register of

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Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. The proposed regulations are on the Internet at <http://www.leg.state.nv.us>. In addition, the State Environmental Commission maintains an Internet site. It is at <http://www.state.nv.us/ndep/admin/envir01.htm>. This site contains the public notice, agenda, codified regulations, and petitions for pending and past commission actions.

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 David Cowperthwaite, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851, facsimile (775) 687-5856, or by calling (775) 687-4670 Extension 3118, no later than 5:00 p.m. on February 9, 2001.

This public notice has been posted at the following locations: Clark County Public Library and Grant Sawyer Office Building in Las Vegas, Washoe County Library in Reno, Division of Environmental Protection, the Department of Museums, Library and Arts and the Commission on Tourism in Carson City, the Casino West Convention Center and the Lyon County Courthouse in Yerington and the Mineral County Courthouse in Hawthorne, Nevada.

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Agency Draft of Proposed Temporary Regulation T008-01

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STATE ENVIRONMENTAL COMMISSION

Petition 2001-03

Explanation: Matter in *italics* is new; matter in is to be omitted.

Deleted: ~~omitted material~~

AUTHORITY: §§ 1 to 3, NRS 444A.020

Section 1. Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

As used in NAC 444A.120 to 444A.130, inclusive, “public building” means any building occupied by:

- 1. Any component of the University and Community College System of Nevada and used for a public purpose related to the system;*
- 2. The State of Nevada or any county, city, school district or other political subdivision of the state and used for any public purpose;*
- 3. Any component of the United States government and used for a public purpose.*

Section 2. Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

As used in NAC 444A.120 to 444A.130, inclusive:

(a) “Paper” includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, laminate, binder, coating and saturant.

(b) “Paper product” means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, laminate, binder, coating and saturant.

Section 3. NAC 444A.120 is hereby amended to read as follows.

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444A.120 Approval of program: Submission of request for approval and other material; criterion for approval.

1. A municipality which makes a program available pursuant to NRS 444A.040 shall submit a request for approval of the program to the department. The request must be accompanied by:

(a) In a municipality whose population is more than 25,000:

(1) A statement setting forth the location of and types of recyclable material collected by each recycling center.

(2) A description of the program for the disposal of hazardous household products which sets forth:

(I) The location of and types of material collected by each collection site; and

(II) The schedule for the collection of the hazardous household products.

(3) A copy of all ordinances which:

(I) Govern the program; or

(II) Provide for the participation of the municipality in a program adopted by an adjoining municipality.

(4) Any other documentation and information which demonstrates that the program will ensure that the municipality will meet the goal set forth in NAC 444A.110.

(b) In a municipality whose population is more than 100,000, in addition to the documentation and information required by paragraph (a), copies of all contracts and agreements to provide for the separation at the source of recyclable material from other solid waste originating from the residential premises *and public buildings* where services for the collection of solid waste are provided.

2. The department shall approve a program if the department determines that the program will contribute to the achievement of the municipality's goal set forth in NAC 444A.110.

3. As used in subsection 1, "recycling center" means a facility designed and operated to receive, store, process or transfer recyclable material.

Section 3. NAC 444A.130 is hereby amended to read as follows:

444A.130 Program for disposal of hazardous household products; program for separation at source of recyclable material.

1. A municipality which makes available in that municipality a program for the disposal of hazardous household products shall provide for the collection at least semiannually of used or waste motor oil, motor vehicle batteries and:

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(a) Paint and products associated with painting; or

(b) Any other household, garage or garden products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. If a program for the disposal of hazardous household products is made available, it must be implemented on or before January 1, 1994.

2. A municipality which makes available in that municipality a program for the separation at the source of recyclable material *at residential premises* shall designate at least three recyclable materials to be so separated.

3. A municipality which makes available in that municipality a program for the separation at the source of recyclable material at public buildings shall designate at least three recyclable materials to be so separated.

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