

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R099-14

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, October 8, 2014 at 9:00 am in Carson City. The meeting location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd floor, Tahoe Room). The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this agenda.

Nevada Division of Environmental Protection: (For Possible Action)

R037-13: Bureau of Waste Management - Solid Waste; Tire Fees:

The NDEP Bureau of Waste Management Solid Waste Branch has been funded by Tire fees since 1993. Tire fees have no relation to the regulatory workload of the Solid Waste program; while the number and complexity of regulated facilities has increased, tire fees have remained flat and are no longer adequate to support program needs. The proposed schedule of permit fees will provide a supplemental source of revenue that is directly tied to the regulatory workload. In addition, the proposed fees will enable the Division to offset certain expenses currently funded with hazardous waste fees to help address revenue shortfalls in the Hazardous Waste Management Fund.

The proposed fees would apply to small number of landfill disposal facilities. There will be no significant economic impact on the public if the proposed fee schedule is adopted. If the fees applicable to municipal landfills are passed on to customers, the amount will be insignificant. There will be no additional cost to the agency for implementing the proposed fee schedule. The regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation.

R038-13: Bureau of Waste Management - Hazardous Waste; Revision of Provisions Governing the Regulation of Facilities for the Management of Hazardous Waste:

Nevada Revised Statutes (NRS) 459.500 and 459.510 establishes the authority of the SEC to adopt fees related to regulation of hazardous waste management facilities. The proposed regulation revises existing fees applicable to facilities that treat, store or dispose of hazardous waste. Permit review fees that are charged on an hourly basis for renewal or modification of an existing permit are replaced with a flat fee structure. The structure of annual permit fees is also revised and fees are increased. The regulation is further clarified to indicate that annual permit

fees are applicable to facilities where a remedial action plan has been permitted pursuant to 40 CFR Part 270 Subpart H. Various fees applicable to the volume of waste disposed or treated by a permitted facility are also revised.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. While the regulation does address fees, each of the affected facility owners were contacted individually regarding the impact of proposed fee increases, and all of the facility owners were accepting of the proposed fee increases and none indicated adverse impacts to their business operations. Finally, the proposed regulation does not include provisions which are more stringent than a federal regulation.

R099-14: Bureau of Administrative Services; Drinking Water State Revolving Fund:

The Nevada Revised Statutes (NRS) 445A.270 establishes the authority of the SEC to adopt regulations as necessary to carry out the provisions for the revolving fund account and the set-aside program account. The proposed regulation changes provide for general updates, language clarification, streamlining, organization and cleanup. Proposed changes include added factors to the priority list ranking (NAC 445A.67569). Some of the additional factors will encourage sustainability by awarding additional points for capacity development. Other additions will better outline project types.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not address fees and it is essential to the functions and operations of NDEP.

R102-14: Bureau of Water Quality Planning; Upper Humboldt Class Waters – Water Quality Standards Revision:

State law (NRS 445A.520) requires that standards be set at levels designed to protect beneficial uses for surface waters of the state. Nevada has been delegated authority to set water quality standards under the Clean Water act and federal regulations (40CFR 131.20) require states to periodically review their water quality standards, and as appropriate, update those standards. The proposed regulatory petition will change the Nevada Administrative Code (NAC) by revising the Nevada water quality regulations for the former “Class Waters” located in the Upper Humboldt River Basin. Revisions include the addition of numeric criteria for nitrate, nitrite, total suspended solids, turbidity, color, chloride, sulfate and alkalinity based upon guidance published by the U.S. Environmental Protection Agency (EPA). These additions were deemed necessary to protect the beneficial uses.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the

proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not address fees and it is essential to the functions and operations of NDEP.

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 is located 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), at the State Library and Archives building in Carson City (100 Stewart Street) and at the Nevada Division of Minerals, 400 W. King Street, Carson City, NV.

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 SEC's website at: http://sec.nv.gov/main/hearing_1014.htm . The proposed regulation denoted in this notice, including previous drafts, is or will be posted on the Legislative Counsel Bureau's website at: <http://www.leg.state.nv.us/register/> .

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 4:00 p.m. on October 2, 2014.