



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 Tuesday, September 20, 2022, at 9:00 am. 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://teams.microsoft.com/join/19%3ameeting_ZWUwZTYxMzMtYTZmYy00NTFhLWizNDUtZjdkMzM2OGGE30DMw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22ddd8c148-951a-40a2-8a5f-489f3867594b%22%7d

Meeting ID: 232 148 638 16

Passcode: qnw5h6

Click to call from Mobile (audio only)

+1 775-321-6111,,783786531#

Call in by Phone (audio only)

United States: +1 (775) 321-6111

Meeting extension: 783 786 531#

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.

Permanent Regulation R103-22: Bureau of Air Pollution Control - Chemical Accident Prevention Program Fees

R103-22 proposes to increase the fees for the Nevada Division of Environmental Protection to ensure the Chemical Accident Prevention Program (CAPP) can continue to perform its statutory requirements including permitting, inspection and compliance of facilities, and appropriate staffing and staff development. CAPP includes one supervisor and five staff engineers. NRS 459.3818 establishes the authority of the State Environmental Commission (SEC) to adopt regulations as necessary to enable the Division to carry out provisions of NRS 459.380 to NRS 459.3874, inclusive. NRS 459.3824 and NRS 459.3829 provide the authority of the SEC to establish annual fees and permit fees. The proposed fee increase is to the annual fees (NAC 459.95334 and NAC 459.953345), permitting (NAC 459.953475), and investigation fees (NAC 459.95521), last updated in 2005, to account for inflation (per the National Consumer Price Index). Additionally, the regulation amendment proposes to add a new fee for confidentiality requests (NAC 459.95333), change of ownership (NAC 459.95523), define unit of explosives for fee purposes (NAC 459.953345), and add an optional 2% increase to the annual, permitting, and investigation fees each fiscal year to account for the possibility for inflation in the future; this change is consistent with the overall Air Program fee structure. After receiving public comments, the annual fees will be on a graduated schedule over two years. The first year will be a 50% increase of the total increase. The second year will be a full increase.

The proposed regulation is estimated to have some economic effect on facilities subject to CAPP registration.

Permanent Regulation R104-22: Bureau of Safe Drinking Water - Best Practices Updates

R104-22 proposes updates that follow current best engineering practices and judgment. Several special exceptions to the existing NACs have been submitted and approved related to these proposed revisions, and many stakeholders have expressed frustration that best practices and judgment do not align with NAC 445A regulations. These amendments seek to revise the regulations to prevent special exceptions from having to be requested during project review.

The proposed regulation is estimated to have no economic impact on the public, public water systems, or the Division.

Additional Information: Persons wishing to comment on the proposed actions of the SEC may participate in the scheduled public hearing (virtually or by phone) 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 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 21st 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 will also be available on the SEC's website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-september-20-2022>. 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/>.

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 Sheryl Fontaine, 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 13, 2022.

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

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

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

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

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

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

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

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

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

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

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

White Pine County Library
950 Campton Street
Ely, Nevada 89301