



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, December 5, 2023, at 9:00 am. The meeting will be held in the Bonnie Bryan Room, on the first 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\\_MjU3MzIzYTUtOGRlNy00MDZmLThlMGMtNTdiMWI5ZmlwN2U3%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22f7cf1a57-aa9a-4aa8-ab6b-9414ab15f56e%22%7d](https://teams.microsoft.com/join/19%3ameeting_MjU3MzIzYTUtOGRlNy00MDZmLThlMGMtNTdiMWI5ZmlwN2U3%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22f7cf1a57-aa9a-4aa8-ab6b-9414ab15f56e%22%7d)

*Meeting ID: 215 584 681 750*

*Passcode: fKHM88*

*Click to call from Mobile (audio only)*

*+1 775-321-6111,,897380519#*

*Call in by Phone (audio only)*

*United States: +1 775-321-6111*

*Meeting extension: 897 380 519#*

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 this 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 R061-23: Bureau of Air Quality Planning - Public Notification of Ambient Air Quality Standards Exceedances**

R061-23 proposes to amend Nevada Administrative Code (NAC) 445B.22097 by adding a new section that pertains to notifications made by the agency to the public about events during which the ambient air quality standards may be exceeded and about the potential health hazards associated with these events.

The proposed changes are expected to have no economic impact on the public or on the Division.

**Permanent Regulation R062-23: Bureau of Air Quality Planning - Repealing Regulations Pertaining to the Alternative Fuels Program**

R062-23 proposes to repeal the regulations for the administration and enforcement of the Alternative Fuels Program codified in Nevada Administrative Code (NAC) 486A.010 to NAC 486A.250, inclusive.

On May 29, 2019, Senate Bill 42 repealed NRS 486A.010 to 486A.200. The repealed statutes provided the statutory authority to administer the Alternative Fuels Program pursuant to NAC 486A.010 to NAC 486A.250, inclusive. NDEP is proposing to repeal NAC 486A.010 to NAC 486A.250, inclusive. Repealing these regulations would resolve the inconsistency between regulatory requirements and statutory authority and prevent confusion.

The proposed changes are expected to have no economic impact on the public or on the Division.

**Permanent Regulation R075-23: Bureau of Air Pollution Control - Removing the Requirement to Submit Duplicate Copies of a Completed Permit to Construct Application**

R075-23 proposes to remove the requirement to submit two copies of a completed permit to construct application that is subject to the Chemical Accident Prevention Program (CAPP). Repealing this requirement will improve efficiency in administering the CAPP and will minimize the resources needed.

This amendment aligns with Governor Lombardo's Executive Order 2023-003 encouraging executive agencies to streamline and simplify their regulations.

The proposed regulation is expected to have little to no economic impact on the regulated community or the Division.

**Permanent Regulation R130-22: Bureau of Safe Drinking Water - Increase Lab Certification Fees and General Housekeeping**

R130-22 proposes to revise the categories of analytes for which laboratories may be certified; revise certain fees relating to certification for laboratories that analyze certain substances; replace certain obsolete references with the State Environmental Commission and the Bureau of Safe Drinking Water of the Division of Environmental Protection of the State Department of Conservation

and Natural Resources; and revise references to certain standards and publications adopted by reference.

The proposed changes are expected to have some economic impact on the regulated community. The fee increase would include an initial 40% increase in fees the first year, a 15% increase in year two, 10% annual increases for the two following years (years three and four), and a 5% increase in year five. The need for a 3% increase for inflation will be evaluated annually from year six forward. These fee increases will allow the agency to continue to ensure the viability of the Laboratory Certification Program.

**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 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 will also be available on the SEC's website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-january-19-2023>. 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 November 28, 2023.

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