

LCB File No. R033-98
NOTICE OF INTENT TO ACT UPON REGULATIONS
NEVADA STATE ENVIRONMENTAL COMMISSION
NOTICE OF HEARING

The Nevada State Environmental Commission will hold a public hearing beginning at **9:30 a.m. on Wednesday, March 25, 1998, in Conference Room 4401 located in the Grant Sawyer Office Building, 555 East Washington Avenue, Las Vegas, Nevada.**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations in Chapters 444 and 445B. 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.

1. Petition 98001 (LCB File No. R-033-98) is a proposed permanent regulation amending NAC 445B.590 to require that a waiver from the provisions of NAC 445B.596, the vehicle emission inspection and maintenance program, be increased from \$ 100 for self repair and \$ 200 for shop repair to \$ 450 and that the receipt for parts and services be from an authorized station. The provision to credit waiver expenditures for owner self repair of a vehicle is proposed to be repealed. The proposed amendments are required by the U.S. Environmental Protection Agency to be in effect by 1998 for the enhanced Inspection and Maintenance emission test program.

The proposed regulation is not expected to have an adverse economic impact to the regulated public fleet owners. Authorized Stations will realize an increase of revenue estimated at \$ 333,600 in Clark and Washoe county. Vehicle owners that do not pass the established emission standards will be required to spend an additional \$ 250 to \$ 350 in vehicle repairs in order to receive a waiver from those standards. Based upon the issuance of approximately 1,112 waivers in the preceding year, those vehicle owners will realize a total increase in expenditures of about \$ 333,600. The regulation will result in reduced carbon monoxide emissions in the urban nonattainment areas. The proposed regulation (NAC 445B.590) does not duplicate or overlap any other state or local requirements. This wavier amendment to require an expenditure of no more than \$ 450 from auto emissions standards is required by the U.S. Environmental Protection Agency in 40 C.F.R. Part 51.360. The requirement to have such repairs conducted at an authorized maintenance station is more stringent than federal requirements. Repairs conducted at authorized maintenance stations, where trained and certified emission repair specialists are employed will ensure that the consumer is protected and that repairs are effective. There is no additional cost to the agency for enforcement. There will be no additional fees, nor will there be an increase in fees associated with this regulation.

2. Petition 98002 (LCB File No. R-034-98) is a proposed permanent amendment to NAC 444.570 to 444.7499, solid waste disposal by adding new provisions relating financial assurance

Petition 98001 was submitted to the State Environmental Commission on February 4, 1998. Petition 98001 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 6, 1998.

for municipal solid waste landfills. The regulation establishes a local government financial test and criteria for guarantees. The regulation also establishes a corporate financial test and criteria for financial guarantees for landfill owners and operators.

There may be a modest beneficial effect accruing to both private businesses and for the public located in rural areas of Nevada due to potential reductions in the costs for construction and operation of some rural municipal solid waste landfills. The new financial assurance self-tests should result in lower financial assurance costs for some entities, especially local governments, owners and operators of Municipal Solid Waste Landfills. The public should not experience any short or long term economic adverse impact. There is no additional cost to the agency for enforcement. There are no other state or government agency regulations which the proposed amendments duplicate. The regulation is no more stringent than the federal regulation. The proposed amendments are consistent with those of the federal government and will allow the State to implement the RCRA program. This regulation does not impose a new fee or increase an existing fee.

3. Petition 98003 (LCB File No. R-035-98) is proposed to permanently amend NAC 444.570 to 444.7499 by adding new provisions relating to solid waste public storage bin facilities and transfer stations. The regulations establishes a process for application for approval criteria for transfer stations including the transfer design report, operating plan, design standards, and operating standards. Standards for public storage bins are established. NAC 444.666 is proposed to be amended to remove the provision requiring all-weather roads for approach and exit to transfer stations. NAC 444.628 is proposed to be amended to establish alternative frequencies for monitoring at Class II landfill sites. NAC 444.688 is proposed to be amended to define "operating day" for determining the necessary frequency and criteria for covering landfill sites. NAC 444.7175 is proposed to be amended to provide for alternative requirements for infiltration barriers at Class II sites. NAC 444.747 is proposed to be amended to provide record keeping criteria for Class III landfill sites.

The proposed regulation may have a modest beneficial effect accruing to both private businesses and local governments due to potential reductions in the costs for construction, operation and closure of some municipal solid waste landfills. There will be no immediate adverse or beneficial economic effect on the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The proposed regulations are not more stringent than what is required by the federal Resource Conservation and Recovery Act (RCRA), subtitle D. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

4. Petition 98004 (LCB File No. R-036-97) is proposed to permanently amend NAC 445B.321, minor revisions to Class I air quality operating permits, by clarification of the comment period for Class I minor revisions. This regulation will amend Section 28 of petition 97004, LCB file R-105-97 as adopted by the Environmental Commission January 22, 1998.

Petition 98001 was submitted to the State Environmental Commission on February 4, 1998. Petition 98001 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 6, 1998.

There is no estimated adverse or beneficial economic effect upon business by this proposed regulation, either immediate or long term. There will be no immediate adverse or beneficial economic effect on the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The proposed amendment will make the Nevada air pollution control regulations consistent with the federal Clean Air Act law and regulations. The regulations are no more stringent than federal regulations. This amendment will eliminate conflicting provisions and provide for an integrated program.

There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

NON REGULATORY ACTIONS

5. REGULATORY WORKSHOP & REVIEW PURSUANT TO NRS 233B.050(d)

The Environmental Commission will begin reviewing its Rules of Practice (NAC 445B.875 to 445B.899 pursuant to NRS 233B.050, subsection d. After the review the Commission will conduct a workshop pursuant to NRS 233B.061 regarding the development of possible regulations regarding the Rules of Practice, including such topics as management of appeals before the Commission and other relevant matters as may be defined upon the review of the Rules of Practice.

6. COLORADO RIVER SALINITY CONTROL FORUM STANDARDS ADOPTION

The Environmental Commission will be reviewing and consider adoption of the Colorado River Salinity Control Forum's 1996 Review of Water Quality Standards for Salinity. Section 303 of the Clean Water Act requires water quality standards be reviewed from time to time. The Colorado River Salinity Control Forum, composed of seven states in the Colorado River Basin, recommends no change in the numeric salinity criteria at the three lower main reaches of the Colorado River. The 1996 review presents recommended revisions to the plan of implementation based upon hydrologic conditions and water use within the Colorado River Basin.

Persons wishing to comment upon the proposed regulations or any other matter listed above 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 5 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 notice have been deposited at major library branches in each county in **Petition 98001 was submitted to the State Environmental Commission on February 4, 1998. Petition 98001 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 6, 1998.**

Nevada. The notice and the text of the proposed regulations are also available in the State of Nevada Register of 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>.

Pursuant to NRS 233B.0603(c) the provisions of NRS 233B.064 (2) is 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".

Additional copies of the regulations to be adopted or amended will be available at the Division of Environmental Protection for inspection and copying by the members of the public during business hours. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89706-0851, facsimile (702) 687-5856, or by calling (702) 687-4670 Extension 3118, no later than 5:00 p.m. on **March 19, 1998**.

This public notice has been posted at the following locations: Clark County Public Library and Grant Sawyer Office Building in Las Vegas; the Washoe County Library in Reno; and Division of Environmental Protection and State Library in Carson City.

Petition 98001 was submitted to the State Environmental Commission on February 4, 1998. Petition 98001 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 6, 1998.

**PROPOSED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

Petition 98001

Explanation: Matter in italics is new. Matter in [] is material to be omitted.

AUTHORITY: NRS 445B.210 AND NRS 445B.770

Section 1. Chapter 445B of NAC is hereby amended to read as follows:

445B.590 1. Only the department may grant a waiver from the standards for emissions as set forth in subsection 3 of NAC 445B.576 or in NAC 445B.596.

2. Except as otherwise provided in this subsection, an application for a waiver for a motor vehicle powered by gasoline from the provisions of NAC 445B.596 must include receipts *from an authorized station* [or other evidence] that at least [\$200] \$450 has been spent on parts other than a catalytic converter, fuel inlet restricter, or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions. [If the vehicle is repaired by the owner, the application must include receipts or other evidence that at least \$100 has been spent on parts other than a catalytic converter, fuel inlet restricter, or air injection system purchased within 14 calendar days after the initial emissions test. No allowance will be permitted for labor on vehicles repaired by the owner.]

3. Except as otherwise provided in subsection 4, an application for a waiver for a light-duty motor vehicle powered by a diesel engine from the provisions of subsection 3 of NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$750 has been spent on:

(1) Parts other than required emission control equipment; or

Petition 98001 was submitted to the State Environmental Commission on February 4, 1998. Petition 98001 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 6, 1998.

(2) Labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions. Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

4. If the owner of a light-duty motor vehicle powered by a diesel engine repairs the vehicle, an application for a waiver from the provisions of subsection 3 of NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$500 has been spent on parts other than required emission control equipment. No allowance will be permitted for labor on a vehicle repaired by the owner.

Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

5. The department will deny an application for a waiver if the parts have not been installed or the repairs performed as indicated on the receipts presented to the department.

6. The department will allow registration of the vehicle if:

(a) The provisions of NAC 445B.582 have been complied with; and

(b) The department finds after inspection that additional costs exceeding the minimum established in this section are needed to bring the vehicle into compliance.

7. A vehicle which qualifies for repairs under a warranty is not eligible for a waiver.

8. A waiver permits the registration of the vehicle.

End of Petition 98001

Petition 98001 was submitted to the State Environmental Commission on February 4, 1998. Petition 98001 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 6, 1998.