

**LCB File No. R036-97**  
**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 The provision to credit waiver expenditures for owner self repair of a vehicle is proposed to be repealed.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.

**Petition 98004, amending NAC 445B.321, was submitted to the State Environmental Commission on February 9, 1998. Petition 98004 was submitted to the Legislative Counsel Bureau for drafting into regulatory language on February 9, 1998. NAC 445B.321 was previously amended by Section 28 of Petition 97004 (LCB File No. R105-979 adopted by the SEC on January 22, 1998.**

**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 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 will 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 that 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.

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**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.

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,

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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 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.

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

**Petition 98004**

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

AUTHORITY: NRS 445B.210

**Section 1.** NAC 445B.321 is hereby amended to read as follows:

445B.321 1. A minor revision may be made to a Class I operating permit if the revision:

- (a) Does not violate any applicable requirement;
- (b) Does not involve significant changes to the existing requirements for monitoring, reporting or recordkeeping;
- (c) Does not require or change:
  - (1) A determination of an emission limitation or other standard on a case-by-case basis;
  - (2) A determination of the ambient impact for any temporary source; or
  - (3) A visibility or increment analysis;
- (d) Does not establish or change a condition of the operating permit for which there is no corresponding underlying applicable requirement and which was requested in order to avoid an applicable requirement, including:
  - (1) A federally enforceable emissions cap; or
  - (2) An alternative emission limitation pursuant to 42 U.S.C. § 7412(i)(5);
- (e) Is not a modification pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive; and
- (f) Does not result in an increase in allowable emissions that exceeds any of the following specified thresholds:

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- (1) Carbon monoxide, 100 tons per year.
- (2) Nitrogen oxides, 40 tons per year.
- (3) Sulfur dioxide, 40 tons per year.
- (4) PM<sub>10</sub>, 15 tons per year.
- (5) Ozone, 40 tons per year of volatile organic compounds.
- (6) Sulfuric acid mist, 7 tons per year.
- (7) Hydrogen sulfide (H<sub>2</sub>S), 10 tons per year.

2. An owner or operator must request a minor revision on an application form provided by the director. The application must include:

- (a) A description of the modification;
- (b) A description of the emissions resulting from the modification;
- (c) An identification of any new applicable requirements that will apply because of the modification;
- (d) Suggested conditions of the operating permit;
- (e) Certification by a responsible official of the stationary source that the proposed modification complies with the criteria for a minor revision set forth in subsection 1; and
- (f) Any relevant information concerning the proposed change which is required by NAC 445B.295.

3. The director shall:

(a) Determine, in accordance with subsection 3 of NAC 445B.300, whether the application for a minor revision is complete.

(b) Transmit the application to the administrator within 5 working days after the official date of submittal of the application.

(c) Provide notice to any affected state within 5 working days after revision [.

**(d) Provide** and provide a 30-day period for **[public]** comment on the application.

**[(e)] (d)** Within 45 days after the official date of submittal of the application:

(1) Determine whether the proposed minor revision meets the criteria for a minor revision set forth in this section;

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(2) Determine whether the proposed conditions of the operating permit are adequate; and  
(3) If the director determines that the proposed modification does not meet the criteria for a minor revision, deny the proposed revision and notify the applicant and the administrator.

[(f)] (e) If the director determines that the applicant's proposed conditions of the operating permit are not adequate, draft appropriate conditions for the operating permit. Proposed conditions drafted by the director must be submitted to the administrator for review.

[(g)] (f) Notify the administrator of any recommendations from an affected state which the director does not accept.

4. The director may issue the minor revision upon notification by the administrator that the administrator does not object to the minor revision. If the administrator does not notify the director within 45 days after the date on which the administrator received the notification pursuant to this section or within 45 days after the date on which the administrator receives the director's proposed conditions, whichever is later, the administrator shall be deemed to have not objected the minor revision.

5. If the administrator objects to the minor revision, the director shall:

- (a) Deny the application for the minor revision;
- (b) Determine whether the minor revision should be reviewed under the procedures for a significant revision; or
- (c) Revise the proposed revision of the operating permit and forward it to the administrator for review.

6. The director shall take action pursuant to subsection 4 or 5 within 90 days after the official date of submittal of an application for a minor revision or within 15 days after the administrator's 45-day review period ends, whichever is later.

End of Petition 98004

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