

**LCB File No. R126-98**

**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 **9:00 a.m. on Thursday, September 24, 1998, at the Division of Wildlife Conference Room A, 1100 Valley Road, Reno, Nevada.**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of permanent regulations in Nevada Administrative Code (NAC) 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.

**Petition 98008 (LCB File No. R-124-98)** is a proposed permanent petition amending NAC 444.8427 to 444.9452, the hazardous waste management regulations. The proposed amendments update those regulations adopted by reference from July 1, 1997 to July 1, 1998 for NAC 444.8427, 444.84275, 444.850, 444.8632 and 444.9452. The major changes proposed by the adoption by reference are new land disposal restrictions treatment standards for metal bearing wastes, including toxicity characteristics for metal wastes and hazardous waste from minerals. The new federal regulations will exclude from the definition of solid waste certain shredded circuit boards in recycling operations as well as certain materials used in wood preserving operations. The proposed amendments are necessary to incorporate changes to the federal hazardous waste regulations to refer to the most current federal regulations, to revise state regulations to be more consistent with federal regulations and to make technical corrections to state regulations.

The proposed permanent regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. The proposed regulation should make it easier for affected businesses to comply by simplifying the requirements. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. The Resource Conservation and Recovery Act (RCRA) Public Law 94-580 was passed by Congress in 1976. Revision of the state hazardous waste regulations is required pursuant to 40 CFR 271.4. This provision requires an U.S. EPA approved state hazardous waste program to be consistent with federal regulations. When federal hazardous waste regulations are revised, state regulations must be updated in accordance with the procedures in 40 CFR 271.21 to remain consistent. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

**Petition 98009 (LCB File No. R-125-98)** is a proposed permanent regulation amending NAC 444.84555 by adding language to expand the application process for a written determination for the construction and operation of a facility for the recycling of hazardous waste including: the basis for determining the economic value of a hazardous waste recycling process; requirements for public participation; and provisions for revocation, modification and appeal of administrator's decision. The proposed amendments are necessary to provide the administrator with the relevant information and facts to properly review written determination applications and determine whether and when it is appropriate to issue, modify, suspend, revoke or deny a written determination.

The proposed amendments are not anticipated to have a significant adverse short or long term economic impact on Nevada businesses. The addition of a public notice and comment period will likely extend the application review process which may impose additional minimal costs on the hazardous waste recycler. The proposed amendments are not anticipated to have a adverse short or long term impact upon the general public. The public will receive a benefit from the information obtained during the public participation process. The amendments are intended to lessen any adverse effects that hazardous waste recycling facilities may have on the public. There will be minor additional costs to the division of environmental protection in providing notice to the public and maintaining a mailing list. These costs are expected to be covered by the application review fees already established for the purpose of reviewing the written determination. The proposed amendments are consistent with, and in addition to, those of the federal government. The proposed amendments do not duplicate or overlap any other existing state regulations. The Resource Conservation and Recovery Act (RCRA) Public Law 94-580 was passed by Congress in 1976. Revision of the state hazardous waste regulations is required pursuant to 40 CFR 271.4. This provision requires a U.S. EPA approved state hazardous waste program to be consistent with federal regulations. When federal hazardous waste regulations are revised, state regulations must be updated in accordance with the procedures in 40 CFR 271.21 to remain consistent. This regulation does not add a new fee, nor increase an existing fee.

**Petition 98010 (LCB File No. R-126-98)** is a proposed permanent regulation amending NAC 445B.221 by the adoption by reference of 40 CFR 63.40 through 63.44, dealing with construction or reconstruction of major sources of hazardous air pollutants and maximum achievable control technology (MACT) requirements. This adoption by reference implements section 112(g) of the Clean Air Act Amendments of 1990, the Operating Permit Program. In addition the date reference to 40 CFR Parts 72 and 76 has been updated from July 1, 1997 to January 1, 1998. The proposed amendments are necessary since the State must have the authority to review construction and reconstruction of major sources of hazardous air pollutants as part of the Part 70 Operating Permit Program.

The proposed regulation will have a positive short and long term economic impact on the regulated facilities. The amendments will simplify the processes for assuring that major stationary sources are in compliance with all applicable air quality requirements. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations will be consistent with U.S. Environmental Protection Agency statute 42 USC 7401-7671 and the Federal Clean Air Act Titles I-VII.

The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

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 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 **September 18, 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 and Division of Wildlife in Reno; and at the Division of Environmental Protection and Department of Museums, Library and Arts, State Library and Archives Division in Carson City, Nevada.

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**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

Petition 98010

EXPLANATION - Matter in italics is new; matter in brackets [ ] is to be omitted.

Authority: NRS 445B.210 and NRS 445B.300

**Section 1.** NAC 445B.221 is hereby amended to read as follows:

445B.221 1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165, and 52.21, and Appendix S of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 1997.

2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 19973:

(a) Subpart A, General Provisions.

(b) Subpart D, Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(c) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(d) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

(e) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

(f) Subpart E, Standards of Performance for Incinerators.

(g) Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 30, 1989 and On or Before September 20, 1994.

(h) Subpart F, Standards of Performance for Portland Cement Plants.

(i) Subpart G, Standards of Performance for Nitric Acid Plants.

(j) Subpart H, Standards of Performance for Sulfuric Acid Plants.

(k) Subpart I, Standards of Performance for Asphalt Concrete Plants.

(l) Subpart J, Standards of Performance for Petroleum Refineries.

(m) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

(n) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.

(o) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

(p) Subpart L, Standards of Performance for Secondary Lead Smelters.

(q) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.

(r) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

(s) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.



- (t) Subpart O, Standards of Performance for Sewage Treatment Plants.
- (u) Subpart P, Standards of Performance for Primary Copper Smelters.
- (v) Subpart Q, Standards of Performance for Primary Zinc Smelters.
- (w) Subpart R, Standards of Performance for Primary Lead Smelters.
- (x) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.
- (y) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (z) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (aa) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: Diammonium Phosphate Plants.
- (bb) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (cc) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (dd) Subpart Y, Standards of Performance for Cool Preparation Plants.
- (ee) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.
- (ff) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.
- (gg) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- (hh) Subpart BB, Standards of Performance for Kraft Pulp Mills.
- (ii) Subpart CC, Standards of Performance for Glass Manufacturing Plants.

- (jj) Subpart DD, Standards of Performance for Grain Elevators.
- (kk) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.
- (ll) Subpart GG, Standards of Performance for Stationary Gas Turbines.
- (mm) Subpart HH, Standards of Performance for Lime Manufacturing Plants.
- (nn) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (oo) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.
- (pp) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.
- (qq) Subpart NN, Standards of Performance for Phosphate Rock Plants.
- (rr) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.
- (ss) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- (tt) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (uu) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.
- (vv) Subpart TT, Standards of Performance for Metal Coil Surface Coating.
- (ww) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- (xx) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- (yy) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.

(zz) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.

(aaa) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC)

Emissions from the Polymer Manufacturing Industry.

(bbb) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

(ccc) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

(ddd) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.

(eee) Subpart III, Standards of Performance for Volatile Organic Compound (VOC)

Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

(fff) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.

(ggg) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

(hhh) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.

(iii) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC)

Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

(jjj) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

(kkk) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

(III) Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries.

(mmm) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

3. Title 40 C.F.R. Part 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is hereby adopted by reference as it existed on September 15, 1997. A copy of Subpart Ec may be obtained free of charge from the Nevada Bureau of Air Quality, 333 West Nye Lane, Carson City, Nevada 89706-0851.

4. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 1997.

(a) Subpart A, General Provisions.

(b) *Subpart B, Requirements for Control Technology, Sections 63.40 through 63.44, inclusive.*

(c) Subpart C, National Emission Standard for Beryllium.

[(c)] (d) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.

[(d)] (e) Subpart E, National Emission Standard for Mercury.

[(e)] (f) Subpart F, National Emission Standard for Vinyl Chloride.

[(f)] (g) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

[(g)] (h) Subpart FF, National Emission Standard for Benzene Waste Operations.

5. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as it existed on July 1, 1997.

(a) Subpart A, General Provisions.

(b) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(c) Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(d) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(e) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(f) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(g) Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(h) Subpart OO, National Emission Standards for Tanks - Level 1

(i) Subpart PP, National Emission Standards for Containers.

(j) Subpart QQ, National Emission Standards for Surface Impoundments.

(k) Subpart RR, National Emission Standards for Individual Drain Systems.

(l) Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

6. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on **[July 1, 1997]** *January 1, 1998*. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, and section 1 of this regulation, the provisions of 40 C.F.R. Part 72 apply.

7. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on **[July 1, 1997]** *January 1, 1998*. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, the provisions of 40 C.F.R. Part 76 apply.

8. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and the amendments to Section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted by reference as they existed on July 1, 1997.

9. The “Standard Industrial Classification Manual,” 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366, for the price of \$29.

10. Except as otherwise provided in subsections 3 and 9, a copy of the publications which contain these provisions may be obtained from the:

(a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366. The price is:

(1) For §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, and 51.100(nn).....	\$50
(2) For Part 51, Appendix S.....	50
(3) For § 51.165 .....	50
(4) For Part 51, Appendix W.....	50
(5) For § 52.21.....	42
(6) For Part 60 .....	82
(7) For Part 61 .....	33
(8) For Part 63 .....	81
(9) For Part 72 .....	60
(10) For Part 76.....	60

(b) Division of state library and archives of the department of museums, library and arts for 15 cents per page.

11. For the purposes of the provisions of Parts 60, 61, and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

12. Except as otherwise provided in subsections 6 and 7, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.395, inclusive, and section 1 of this regulation for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

13. For the purposes of this section, “administrator” as used in the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means the director.