

**LCB File No. T024-00**

**PROPOSED TEMPORARY REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**NEVADA STATE ENVIRONMENTAL COMMISSION  
NOTICE OF PUBLIC HEARING**

The Nevada State Environmental Commission will hold a public hearing beginning at **10:30 a.m. on Tuesday, December 5, 2000, at the Casino West Convention Center, 11 North Main Street, Yerington, Nevada.**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations. 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 2000-10 (LCB R-104-00)** is a permanent amendment to NAC 445A.119 to 445A.225, the water pollution control standards for water quality. The amendment adds new water quality standards and beneficial uses for Walker Lake and amends the standards for various reaches of the East and West forks of the Walker River. A new control point is proposed to be added on the east Walker River at Bridge B-1475 at the state line with California. Amendments are proposed for NAC 445A.159 to 445A.169, inclusive including Sweetwater Creek and Desert Creek of the Walker River. Amendments vary for each reach defined above, but include: temperature, pH, total phosphates, nitrogen species as N, Dissolved Oxygen, suspended solids, turbidity, color, total dissolved solids, chloride, sulfate, the sodium adsorption ratio, alkalinity and Escherichia coli. It is proposed to revise the time period that adult Lahontan cutthroat trout may be present in the reach from Walker Lake to Weber Reservoir.

The proposed regulation will not have an adverse economic impact on businesses, since the amendments do not regulate business. There is a possible long-term impact of secondary adverse economic effects on the agricultural community if the proposed standards are used by other government agencies to acquire water rights for the benefit of Walker Lake. The standards will provide a long-term protection of Walker Lake that will have a beneficial economic effect on tourism related business. The proposed amendments are not expected to have any economic short or long-term adverse impact upon the public. The implementation of the proposed regulation is not expected to result in any additional cost by the Division of Environmental Protection for enforcement. There are no other state or government agency regulations which the proposed amendments duplicate. The federal government has delegated the responsibility of establishing water quality standards to the state, therefore, there is no federal regulation for water quality standards for the Walker River Basin. This regulation is no more restrictive or stringent than federal requirements. This regulation does not provide for any new or increased fees.

**2. Petition 2001-02** temporarily amends NAC 444.842 to 444.960, the hazardous waste regulations. The proposed amendments update the State's adoption of federal regulations by reference by amending NAC 444.8427, 444.84275, 444.850 and 444.9452 to refer to federal regulations as they existed on July 1, 2000 and modify 444.8632 to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270 and Part 279 as those parts existed on July 1, 2000

There will be no adverse economic impact upon the regulated business community. Conversely, the proposed amendment should make it easier for affected businesses to comply by simplifying the regulations. The proposed amendments will have no adverse economic impact upon the public. There will be no additional cost to the Division of Environmental Protection for enforcement of these amendments. There are no other State regulations which the amendments overlap or duplicate. This regulation is no more restrictive or stringent than the federal requirements. The amendment does not provide a new fee and does not amend existing fees.

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

Persons wishing to comment on the proposed regulation changes 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 five 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 notices 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>. In addition, the State Environmental Commission maintains an Internet site. It is at <http://www.state.nv.us/ndep/admin/envir01.htm>. This site contains the public notice, agenda, codified regulations, and petitions for pending and past commission actions.

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 David Cowperthwaite, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851, facsimile (775) 687-5856, or by calling (775) 687-4670 Extension 3118, no later than 5:00 p.m. on November 29, 2000.

This public notice has been posted at the following locations: Clark County Public Library and Grant Sawyer Office Building in Las Vegas, Washoe County Library in Reno, Division of Environmental Protection and Department of Museums, Library and Arts in Carson City, the Casino West Convention Center and the Lyon County Courthouse in Yerington and the Mineral County Courthouse in Hawthorne, Nevada.

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# PROPOSED TEMPORARY REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

Explanation - Matter in *italics* is new; matter in brackets ~~§~~ is material to be omitted.

Deleted: ~~omitted material~~

Authority: NRS 459.485, 459.490 and 459.500

**Section 1.** NAC 444.8427 is hereby amended to read as follows:

**444.8427 "Facility for community recycling" defined.** "Facility for community recycling" means a facility for recycling hazardous waste which has a yearly capacity that is not more than twice the amount of the type of hazardous waste proposed to be recycled that is generated within the region in this state in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July *1, 2000* ~~§~~.

Deleted: ~~6, 1999~~

**Sec. 2.** NAC 444.84275 is hereby amended to read as follows:

**444.84275 "Facility for community storage" defined.** "Facility for community storage" means a facility for the storage and consolidation of hazardous waste which has a yearly capacity that is not more than twice the amount of hazardous waste that is generated within the county in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July *1, 2000* ~~§~~.

Deleted: ~~6, 1999~~

**Sec. 3.** NAC 444.850 is hereby amended to read as follows:

**444.850 Definitions.** As used in NAC 444.850 to 444.8746, inclusive, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.861, inclusive, have the meanings ascribed to them in those sections.
2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.861, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as that section existed on July *1, 2000* ~~§~~, have the meanings ascribed to them in that section.

Deleted: ~~6, 1999~~

**Sec. 4.** NAC 444.8632 is hereby amended to read as follows:

**444.8632 Compliance with federal regulations adopted by reference.**

1. In addition to the requirements of NAC 444.850 to 444.8746, inclusive, a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements of, and may rely upon applicable exclusions or

exemptions under 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, as those provisions existed on July 1, 2000 ~~§~~, which, except as otherwise modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The state environmental commission may use federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, to interpret these sections and parts.

Deleted: 6, 1999

2. The volumes containing these parts may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh PA 15250, for the following prices:

- (a) Volume 40 C.F.R. Part 2..... \$33
- (b) Volume 40 C.F.R. Part 124 ..... 53
- (c) Volume 40 C.F.R. Parts 260 to 265, inclusive..... 32
- (d) Volume 40 C.F.R. Parts 266 to 299, inclusive ..... 33

**Sec. 5.** NAC 444.9452 is hereby amended to read as follows:

**444.9452 Adoption by reference of provisions of Code of Federal Regulations.**

1. All sections, subparts and parts of Title 40 of the Code of Federal Regulations referred to in NAC 444.940 to 444.9555, inclusive, as modified by NAC 444.9453, are hereby adopted by reference as they existed on July 1, 2000 ~~§~~.

Deleted: 6, 1999

2. The volumes containing these sections, subparts and parts may be obtained from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250, for the following prices:

- (a) The volume containing 40 C.F.R. Parts 260 to 265, inclusive.....\$32
- (b) The volume containing 40 C.F.R. Parts 266 to 299, inclusive.....33
- (c) The volume containing 40 C.F.R. Part 761 .....42

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