

UEPA GUIDE FOR APPLICANTS - GAS, WATER & WASTEWATER FACILITIES

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This guide has been prepared to assist applicants in understanding the Utility Environmental Protection Act ("UEPA") application process. Use of this guide and/or the examples provided herein does not ensure approval of an application. It is the applicant's responsibility to be familiar with the relevant and applicable statutes and regulations. The PUCN is not expressing preference for any previous applicant or representative of that applicant in providing any examples of applications contained in this guide.

OVERVIEW OF REQUIREMENTS SPECIFIC TO UEPA APPLICATIONS

UEPA permits are addressed in NRS 704.820 through 704.900, and NAC 703.415 through 703.427. The NAC includes specific definitions of certain natural gas, water and sewer service facilities. This section provides an overview of some UEPA-specific substantive and procedural requirements. However, Applicants should thoroughly review statutes, regulations and Commission procedures prior to filing a UEPA permit application. ***It is the applicant's responsibility to be familiar with all relevant and applicable statutes and regulations, and to comply with them.***

NRS 704.860 defines "utility facility" for the purpose of UEPA permitting. Utility facilities for which a permit is required include, but are not limited to, gas transmission lines, storage plants, compressor stations and associated facilities constructed outside an incorporated city. For example, in Docket No. 12-01017, an application was filed regarding 24 miles of pipeline from a valve station to a mine. Utility facilities also include water storage, transmission and treatment facilities (other than those for mining operations). For example, Docket Nos. 11-06020 through 11-06022, was an application for construction of arsenic treatment facilities, backwash tanks, and 8-inch piping. Sewer transmission and treatment facilities are also considered utility facilities covered by UEPA requirements.

NRS 704.865 requires that the UEPA permit be issued by the Commission prior to the commencement of construction of a utility facility. Exemptions from this requirement include, but are not limited to, the replacement of existing utility facilities, construction of utility facilities under the exclusive jurisdiction of an agency of the federal government, and construction of facilities owned by a

cooperative or nonprofit corporation/association subject to the provisions of the National Environmental Policy Act of 1969. For example, Las Vegas Valley Water Authority, Truckee Meadows Water Authority, Lincoln County, City of Elko and City of Gardnerville are government entities and, therefore, not subject to UEPA requirements.

Pursuant to NRS 704.865(2), UEPA permits may be transferred to a person who agrees to comply with the terms, conditions and modifications contained therein, subject to the approval of the Commission. See, for example, Docket No. 11-07007.

NRS 704.870 requires that an application for a UEPA permit contain certain information, including, but not limited to, a description of the

facility and its location, a description of any reasonable alternate location, and a summary and copies of any environmental impact studies. For example, see the description of alternate locations, detailing the benefits/burdens of each, and stating the reasons why the proposed location was chosen in Docket No. 10-05018.

When a federal environmental analysis is required, NRS 704.870 implements a specific process for filing an initial application and, later, an amended application with the Commission. In that case, the applicant must file an initial application with the Commission (and each other permitting

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entity) no later than the date when the federal application is filed, including a general description of the proposed utility facility and a summary of the studies the applicant anticipates will be made of the environmental impact (Draft EA/EIS). Within 30 days of the issuance of the Final EA/EIS, the amended application must be filed with the Commission (and each other permitting entity).

NRS 704.870 contains other requirements, such as proof of publication of certain notices and service of the application on other governmental entities.

For a general example, see Docket Nos. 11-06020 through 11-06022, in which an application was filed for construction of arsenic treatment facilities, backwash tanks, and 8-inch piping.

NRS 704.880 provides that the Commission may dispense with a hearing on a UEPA application in certain circumstances.

NRS 704.885 provides the circumstances in which parties may participate in a UEPA proceeding at the Commission.

NRS 704.890 provides that the Commission must make certain findings in order to grant a UEPA application. If the Commission finds that a proposed facility should be modified, it may condition its permit upon such modification. Where other permits and approvals are still outstanding at the end of the Commission's UEPA proceedings, the Commission must condition its permit on the acquisition of those other permits and approvals.

NRS 704.8905 provides timelines for Commission action on applications for UEPA permits, and for action by other permitting or reviewing entities. The Commission has 150 days to grant or deny an application filed pursuant to NRS 704.870(1) and 120 days from the filing of an amended application pursuant to NRS 704.870(2) to grant or deny the application.

NRS 704.891 provides for reports to be filed with the Commission providing certain information regarding the utility facility. The reports must be filed on or before the date on which construction of a utility facility is commenced, and again on a date no later than 12 months before the scheduled date of commercial operation of the facility or 30 days before the actual date of commercial operation of the facility, whichever occurs first.

NRS 704.895 provides timelines for applications for rehearing and judicial review of a Commission determination on a UEPA permit application, and provides

the scope of judicial review specific to orders of the Commission dealing with UEPA permit applications.

TIPS FOR FILING

1. Review all applicable and relevant statutes and regulations.
2. Draft UEPA filing to include a draft notice. A draft notice form can be obtained from the Commission's website.
3. Provide a roadmap (table of contents) for the application so that the Commission can easily determine that all applicable requirements have been addressed in the application. Easily identifiable headers for each required section are also helpful. A more efficient determination of whether the filing is legally sufficient will prevent unnecessary delays in the acceptance of an application for docketing.
4. If information required pursuant to NRS and/or NAC is not yet available at the time of filing, please state that the information required by that provision is not yet available and state the reason that it is not available.
5. Schedule a pre-filing meeting with Staff.
6. File your UEPA application with the Commission no later than the date an application is filed with the appropriate federal agency (if federal filing is required).
7. Include as much information as possible about the project in the filing. Examples of such information are:
 - Temporary/long-term employment figures with estimated pay.
 - Estimated water usage for construction and operations.
 - Project location description (decide if legal or general is wanted beforehand).
 - If details about project technology are not known, list of the possibilities (for example, mono or poly crystalline PV panels, hybrid or air cooled condenser).
 - List of locations from which workforce will be drawn.
 - List of all alternate locations of the project, including the associated acreage.
 - If possible, details on PPAs signed or to be signed.
 - Discussion of project visibility from roads and urban areas.
 - Electrical one-line diagrams of the project and its interconnection point(s).
 - Capacity information for transmission lines that

are part of the project.

- If possible, copies of transmission service agreements with utilities.
- If possible, estimates for network upgrade costs determined in system impact studies.
- Copies of environmental studies performed (draft and final).
- Copies of transmission system studies performed or expected completion dates.
- Any available records of comments from any public scoping meetings.
- Detail regarding the extent of need for the project and impacts/benefits to the grid.
- Detail regarding the economic benefits to the state.
- Construction schedules, milestones and commercial operation dates.

8. If the project scope changes, inform Staff of the change in as much detail as possible.
9. When filing the amended application (if federal review is required), ensure that the list of required permits is accurate. An inaccurate list will delay the processing of the application, the issuance of an order granting or denying the U EPA permit, and the issuance of the U EPA permit itself.

SAMPLE FILINGS

Below are four examples of filings that were successfully permitted – two water treatment projects, a water main transmission project and a gas transmission project. These filings are available electronically and can provide insight into how to structure an application and the type of information and level of detail that an application should contain.

Docket No. 11-06022 – arsenic treatment facility, a 15,000 gallon backwash tank, 150 feet of 8-inch piping, and associated facilities.

Docket No. 11-06020 – arsenic treatment facility, a 25,000 gallon backwash tank, 150 feet of 8-inch piping, and associated facilities.

Docket No. 10-04013 – 3,175 feet of pipeline and related facilities.

Docket No. 12-01017 – 24 miles of natural gas pipeline and related facilities.

For help accessing dockets on the Commission’s website please contact the Commission.

CONTACT INFORMATION

Applicants may contact the Commission with any procedural questions that arise during the preparation of an application. Below is contact information for the Commission, the California ISO (for projects delivering there), the Nevada BLM and the Nevada State Clearinghouse.

PUCN

Legal Case Manager (775) 684-6176
 Staff Counsel (775) 684-6102
 Regulatory Operations Staff (775) 684-6104

ADDITIONAL CONTACTS

Nevada BLM

www.blm.gov/nv
 Nevada State Office
 1340 Financial Boulevard
 Reno, NV 89502
 (775) 861-6400

Nevada State Clearinghouse

<http://clearinghouse.nv.gov/>
 901 S. Stewart Street, Suite 5003
 Carson City, NV 89701
 (775) 684-2723

POTENTIAL FEDERAL, STATE, COUNTY AND LOCAL PERMITS

This list does not contain every permit that may be required for a project, nor does it imply that all permits below apply to all projects. The list was developed from previous filings made with the PUCN and from discussions with all counties and some local jurisdictions. The list is current as of May 2012.

Potential Federal Permits

Agency	Permit
BLM	SF 299 (ROW Authorization Permit)
BLM	Plan of Development
BLM	Draft EA or EIS
BLM	Final EA or EIS
BLM	Finding of No Significant Impact
BLM	Record of Decision
BLM	ROW Grants
BLM	NEPA Compliance to Grant ROW
BLM	NHPA Section 110 (EO11593)
BLM	Historic Properties Treatment Plan

BLM	NHPA Section 106 Review (36 CRF 800)
BLM	Cultural Resource Use Permit
BLM	Field Use Authorization
BLM	Archaeological Resources Protection Act Permit
BLM	Decommissioning & Site Reclamation Plan
BLM	Weed Management Plan
BLM	Drilling Operations Permit*
BLM	Geothermal Plan of Utilization*
BLM	Geothermal Unit Agreement Approval*
BLM	Transmission Plan of Development*
BLM	Mineral Material Sale Contract (Gravel)
BLM	Facilities Construction Permit
BLM	Commercial Use Permit
BLM	Temporary Use Permit for Geotechnical Investigations (Form 2920)*
BLM	Site License
BOR	ROW License Agreement
FAA	Determination of No Hazard to Navigable Airspace*
FAA	Notice of Proposed Construction or Alteration (Form 7460.1)*
FERC	Notice of Self Certification as a QF*
USACE	Approved Jurisdictional Determination (Clean Water Act Section 404)
USDOD	R-2508 Complex Sustainability Office Review and Approval
USEPA	Provisional EPA ID Numbers
USEPA	Permanent EPA ID Numbers
USEPA	Title V Air Pollution Source*
USFS	Special Use Permit
USFWS	Endangered Species Act Section 7 Consultation
USFWS	Avian and Bat Protection Plan*
USFWS	Migratory Bird Treaty Plan*
USFWS	Bald and Golden Eagle Protection Act*

*These permits may only apply to electric and/or renewable energy projects.

Potential State Permits

Agency	Permit
NDEP	Class II Air Operating Permits (stationary/temporary mobile sources)*
NDEP	Solid Waste Disposal Facility Permit (operations)*
NDEP	Surface Area Disturbance – Class II Operating Permit (dust control plan)
NDEP	Dust Control Plan – Laydown Area and Parking
NDEP	CEMS Certification Plans (Continuous Emissions Monitoring System)*
NDEP	SPCC – Construction (Spill Prevention Control & Countermeasures)
NDEP	SPCC – Operations
NDEP	Construction Storm Water General Permit
NDEP	General Permit for Storm Water Discharges Associated with Industrial Activities
NDEP	Groundwater Discharge Permit
NDEP	On-Site Sanitary Disposal System (Septic System) Permit
NDEP	Above Storage Tank Permits/Notifications (for petroleum storage)
NDEP	Chemical Accident Prevention Plan
NDEP	Commercial Septic Discharge Permit
NDEP	Clean Water Act Section 402 Permit
NDEP	401 Water Quality Certificate
NDEP	Working in Waterways Temporary Permit
NDEP	National Pollution Discharge Elimination System (industrial activities)*
NDEP	Temporary Construction Water Permit (water rights)
NDEP	Safe Drinking Water (privately owned public water system)
NDEP	Storm Water Pollution Prevention Plan (SWPPP)
NDEP	Underground Injection Control Permit*
NDIR	Pressure Vessel Inspection and Permitting
NDOA	Survey/Removal of Native Cacti and Yucca
NDOF	Incidental Take Permit
NDOF	Conditional Permit for Disturbance or Destruction of Critically Endangered Plants
NDOM	Geothermal Project Area Permit*
NDOT	Occupancy Permit
NDOT	Permit to Open State Highway
NDOT	Over Legal Size/Load Permit

NDOT	Uniform Permit (for transportation of hazardous materials)
NDOT	Traffic Barricade Plan Approval
NDOT	Encroachment Permit (for crossing state highways – electric lines)*
NDOW	Industrial Artificial Pond Permit
NDOW	Permit to Capture, Kill, or Possess Protected Wildlife (or written authorization)
NDOW	Disturbance of Wildlife and/or Wildlife Habitat (not specific to endangered species)
NDOW	Letter of Authorization for Removal of Desert Tortoise from Construction Site
NDOW	Scientific Collection Permit
NDWR	Ground Water Well Approval (point of diversion permits, temporary/permanent)
NDWR	Water Appropriations Permits
NHD	Drinking Water Supplies Permit
NHD	Radiological Logging*
PUCN	Permit to Construct
SFM	Health Permit for Hazardous Materials
SFM	Building Construction Approval
SFM	Hazardous Materials Permit (roving permit)

*These permits may only apply to electric and/or renewable energy projects.

Potential County Permits

County	Permit
Churchill (775) 423-7627	Building Permit(s) Special Use Permit(s)
Clark (702) 455-4314 (702) 455-5942 (702) 455-3000	Development Agreement Dust Control Permit Grading Permit Major/Minor Stationary Source Permit (Emissions)* Off-Site Improvement Permit ROW Encroachment Permit Special Use Permit
Douglas (775) 782-6212	Building Permit Design Review Approval (Entitlement) Site Improvement Permit Special Use Permit
Elko (775) 738-6816	Building Permit Conditional Use Permit ROW Encroachment Permit

Esmeralda (775) 485-3483	No permits
Eureka (775) 237-5372	No permits
Humboldt (775) 623-6333	Conditional Use Permit (for rural areas) Special Use Permit (for urban areas)
Lander (775) 635-2860	Building Permit Dust Control Permit (for work near highways) Septic System Permit (for rural areas) Special Use Permit (Construction and Operations) Temporary Occupancy Permit (for sewage disposal systems)
Lincoln (775) 962-5165	Building Permit Development Agreement Grading Permit Multiple Species Habitat Conservation Plan Special Use Permit
Lyon (775) 463-6592 (775) 463-6591	Special Use Permit
Mineral (775) 945-3671	Building Permit Special Use Permit
Nye (775) 513-9119	Building Permit Conditional Use Permit Drainage Plan Approval Fire Safety Compliance Certification (outside of Pahrump, NV) Flood Damage Prevention Permit (outside of Pahrump, NV) Road Improvement Plan Approval Site Development Plan Special Use Permit
Pershing (775) 273-2700	Building Permit County Road Encroachment Permit Grading Permit Special Use Permit
Storey (775) 847-0966	Building Permit Grading Permit ROW Encroachment Permit Special Use Permit Will Serve Letter (sewer)

Washoe 775-328-2030	Building Permit Class I-B Air Quality Operating Permit* Dust Control Permit ROW Encroachment Permit Special Use Permit
White Pine (775) 289-6500 Ext. 215 (775) 293-6547	Building Permit (within 1 mile of Ely, NV) Conditional Use Permit (within 1 mile of Ely, NV) Height Variance (over 35 feet)* Special Use Permit

*These permits may only apply to electric and/or renewable energy projects.

Potential Local Permits

Jurisdiction	Permit
City of Boulder City (702) 293-9282	Building Permit Electrical Permit Fencing Permit Fire Detection & Protection System Installation Permit Grading Permit Miscellaneous Commercial Permit(s) Parking Permit ROW Grant Sign Permit
City of Fernley (775) 784-9900	Building Permit Civil Plan Review Grading Permit Special Use Permit
City of Henderson (702) 267-1500	Special Use Permit
City of Las Vegas (702) 229-1239 (702) 229-4731	Building Permit Special Use Permit
City of Reno (775) 334-2063	Class I-B Air Quality Operating Permit* Commercial Building Permit Electrical and Plumbing Permit Fire Sprinkler/Suppression/Alarm Permit Special Use Permit

City of Sparks (775) 353-2306	Special Use Permit
Truckee Meadows Regional Planning Agency (775) 321-8385	Special Use Permit

*This permit may only apply to electric and/or renewable energy projects

LIST OF COMMON ABBREVIATIONS

- BLM – Bureau of Land Management
- BOR – Bureau of Reclamation
- Commission – Public Utilities Commission of Nevada
- EA – Environmental Assessment
- EIS – Environmental Impact Study
- FAA – Federal Aviation Administration
- FERC – Federal Energy Regulatory Commission
- ISO – Independent System Operator
- NAC – Nevada Administrative Code
- NDEP – Nevada Division of Environmental Protection
- NDIR – Nevada Division of Industrial Relations
- NDOA – Nevada Department of Agriculture
- NDOF – Nevada Division of Forestry
- NDOM – Nevada Division of Minerals
- NDOT – Nevada Department of Transportation
- NDOW – Nevada Department of Wildlife
- NDWR – Nevada Division of Water Resources
- NEPA – National Environmental Protection Act
- NHD – Nevada Health Division
- NHPA – National Historic Preservation Act
- NRS – Nevada Revised Statutes
- PPA – Power Purchase Agreement
- PUCN – Public Utilities Commission of Nevada
- PV – Photovoltaic
- ROW – Right of Way
- SFM – State Fire Marshal
- Staff – Regulatory Operations Staff of the PUCN
- UEPA – Utility Environmental Protection Act
- USACE – United States Army Corps of Engineers
- USDOD – United States Department of Defense
- USEPA – United States Environmental Protection Agency
- USFS – United States Forest Service
- USFWS – United States Fish & Wildlife Service

