

March 7, 2025

T.J. McCaustland
Manager, Permitting Compliance
Clean Earth, Inc
2095 E Newlands Dr
Fernley, NV 89408

SENT VIA EMAIL AND CERTIFIED MAIL

**RE: Denial of Certificate of Designation Application
21st Century Environmental Management of Nevada, LLC (21EMN)
EPA ID# NVD980895338**

Dear T.J. McCaustland,

The Nevada Division of Environmental Protection – Bureau of Sustainable Materials Management (NDEP-BSMM) received by email the Certificate of Designation Application on September 23, 2024. The Certificate of Designation application fee was received on October 8, 2024.

After review of the Certificate of Designation application, the proposed facility location at 2185 East Newlands Drive, Fernley, Nevada does not meet the siting requirements per NAC 444.8456. The following criteria were not met because the facility is proposed to be constructed within one mile of:

NAC Reference	Requirement	Reason for Unsatisfied Requirement
NAC 444.8456.1(a)(2)	An area zoned solely for residential use.	A residential neighborhood is located approximately 0.7-miles south of the Site.
NAC 444.8456.1(a)(4)	A wildlife management area.	The Fernley Wildlife Management Area which is located approximately 0.5-miles southeast of the Site.
NAC 444.8456.1(a)(6)	An area where surface water or wetlands occur.	Freshwater forested/shrub wetlands are located approximately 0.5-miles southeast of the Site. Two freshwater ponds are located approximately 0.8- miles west and northeast of the Site.
NAC 444.8456.1(c)	A 100-year floodplain.	A Special Flood Hazard Areas, Zone A is located approximately 0.2-miles south of the Site.
NAC 444.8456.1(d)	An area where the water table seasonally rises to within 150 feet of the surface of the ground.	Water levels at the Site range approximately 29 to 37 feet below ground surface.

The NDEP-BSMM denies the application of the Certificate of Designation at the proposed 21EMN facility.

Per NAC 444.847 through NAC 444.8482, any person seeking a variance from the provisions of NAC 444.842 to 444.8482, inclusive, must submit an application for the variance to the Secretary of the Commission. The application must contain all requirements listed in [NAC 444.8472](#).

Additional information regarding the State Environmental Commission can be found on the following website: <https://sec.nv.gov/>

If you have any questions, please contact Jocelyn Moran at 775-687-9477 or jmoran@ndep.nv.gov.

Sincerely,



Jonathan Zittel, P.E.
Permitting Branch Supervisor
Bureau of Sustainable Materials Management

cc: Jeff Kinder, Deputy Administrator, NDEP
Annalyn Settlemeyer, Bureau Chief, NDEP-BSMM
Jonathan Zittel, Permitting Branch Supervisor, NDEP-BSMM
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