



## Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on **Wednesday, February 9, 2022, at 09:00 am in Carson City**. Due to the recent COVID-19 surge, this meeting will be held virtually:

Join the meeting: <https://call.lifesizecloud.com/13002081>

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Meeting extension: 13002081#

**Please Note:** This is a stacked agenda and the following items may be taken out of order and/or combined for consideration. Items may also be removed from the agenda, or the SEC may delay discussion relating to an item on the agenda at any time. No public comment may be taken on a contested case or quasi-judicial proceeding prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual. See NRS 233B.126.

**1) Call to Order, Roll Call, Establish Quorum (Discussion only)**

**2) Public Comment:**

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chairperson.

**3) Approval of December 17, 2021 Meeting Minutes (For Discussion and Possible Action)**

## Air Penalty Assessment

### 4) JCR Development, LLC - NOAV No. 2875 (For Possible Action)

Alleged violation of NAC 445B.001 to 445B.3689, inclusive - failure to apply for and obtain an operating permit (FIN A1101).

**Recommendation:** Approve NDEP-recommended penalty for JCR Development, LLC in the amount of \$6,800 for NOAV No. 2875, or take other action as appropriate.

### 5) Premier Magnesia, LLC - NOAV No. 2886 (For Possible Action)

Alleged violation of NAC 445B.001 to 445B.3689, inclusive - failure to construct or operate a stationary source in accordance with any condition of an operating permit (Air Quality Operating Permit AP1459-0433; FIN A0461).

**Recommendation:** Approve NDEP-recommended penalty for Premier Magnesia, LLC in the amount of \$5,000 for NOAV No. 2886, or take other action as appropriate.

## Air Penalty Matrix Updates (Discussion Only)

- 6) The Bureau of Air Quality Planning's Enforcement Branch will introduce a draft framework of updates to their penalty matrix.

## Regulatory Petition

### 7) Permanent Regulatory Petition R085-21 (For Possible Action)

R085-21 proposes a new regulation pursuant to NAC 519A which proposes regulatory definitions and requirements related to the passage of Assembly Bill 148. The new regulation eliminates the ability of a person(s) from obtaining a reclamation permit if they are not in good standing with reclamation requirements in the United States and describes the process for determining good standing.

### 8) Permanent Regulatory Petition R086-21 (For Possible Action)

R086-21 revises existing regulations related to permit application fees and annual permit fees being adjusted for inflation. The revisions also provide for more specific reclamation standards related to final slope topography, updated stormwater controls, and a minimum two-foot earth cover requirement on mine process components for reclamation. The timeframe to post the surety bond has been reduced to 60 days, and the surety release procedures are revised to correlate with existing Federal policies. Other changes are intended to provide clarity and establish expectations for the permitting process to increase permitting efficiencies.

The proposed regulation is estimated to have some economic impact on the regulated entities. The magnitude of this impact will depend on the acreage of the proposed project; smaller projects will see a smaller impact than larger projects. Some of this effect will be offset by an increase in the efficiency of the permitting process.

The proposed regulation is estimated to have no economic impact on the public and a nominal economic impact on the implementing agency. The additional funds collected will enable the implementing agency to maintain program viability by ensuring a balanced budget and adequate staffing, allowing for a more efficient permitting process.

- 9) Administrator's Briefing to the Commission: (Discussion Only)** Administrator Greg Lovato will provide the Commission general management updates.
- 10) Public Comment:** Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chairperson.

#### **11) Adjournment**

**Additional Information:** Persons wishing to comment on the proposed actions of the State Environmental Commission (SEC) may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: **State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249**. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of any regulations to be adopted at the State Library and Archives in Carson City (**100 Stewart Street**), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at **901 South Stewart Street, Suite 4001**, and the Las Vegas office at **375 East Warm Springs Road, Suite 200**.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (**901 South Stewart Street, Carson City, Nevada**); the offices of the Division of Environmental Protection in Las Vegas (**375 East Warm Springs Road, Suite 200**), the Nevada Division of Minerals, **400 W. King Street, Carson**

**City, NV and at the Nevada Department of Agriculture (405 South 21st Street, Sparks, Nevada).**

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the State Environmental Commission's website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-february-9-2022>. Any proposed regulations denoted in this notice, including previous drafts, are or will be posted on the Legislative Counsel Bureau's website.

Members of the public who would like to inspect all supporting materials for this meeting or 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 Sheryl Fontaine, Executive Secretary, **901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249**, facsimile **(775) 687-5856**, or by calling **(775) 687-9374** no later than 5:00 p.m. on December 10, 2021.