



## Agenda SEC Meeting

The State Environmental Commission (SEC) will hold a meeting on **Tuesday, June 18, 2024, at 9:00 am in Carson City**. The meeting will be held in the Bonnie B. Bryan conference room on the first floor of the Bryan Building, located at 901 South Stewart Street. Space is limited at this location; therefore, remote participation is encouraged. Additionally, the meeting will be video streamed to the Red Rock conference room at 375 East Warm Springs Road, Suite 200, in Las Vegas. Additionally, the public may participate and provide public comment, virtually or telephonically, using the following link or the dial-in number:

Join the meeting: [https://teams.microsoft.com/join/19%3ameeting\\_YzZiY2NhMjYtZDUzOC00MDM0LTlmOGYtYTE2YjNjNjg1NGlx%40thead.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22f7cf1a57-aa9a-4aa8-ab6b-9414ab15f56e%22%7d](https://teams.microsoft.com/join/19%3ameeting_YzZiY2NhMjYtZDUzOC00MDM0LTlmOGYtYTE2YjNjNjg1NGlx%40thead.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22f7cf1a57-aa9a-4aa8-ab6b-9414ab15f56e%22%7d)

Meeting ID: 216 208 803 342  
Passcode: BTnjK5

Click to call from Mobile (audio only)  
+1 775-321-6111,,447710946#

Call in by Phone (audio only)  
United States: +1 (775) 321-6111  
Meeting extension: 447 740 946#

**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 March 21, 2024, Draft Meeting Minutes (For Discussion and Possible Action)**

**Penalty Assessments**

**4) Q&D Construction, LLC. - NOAV No. 3080 as amended (For Possible Action)**

Alleged failures to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1442-4253.

Recommendation: Approve the NDEP-recommended penalty for Q&D Construction, LLC. in the amount of \$30,000 for NOAV No. 3080 or take other action as appropriate.

**Regulatory Petitions**

**5) Permanent Regulatory Petition R075-24 - Bureau of Air Quality Planning - Repealing Provisions Authorizing Affirmative Defense (For Possible Action)**

NDEP is proposing to amend Nevada Administrative Code (NAC) 445B by removing NAC 445B.326, which pertains to an affirmative defense for an action brought for noncompliance with a technology-based emission limitation contained in an air quality operating permit.

The U.S Environmental Protection Agency has adopted federal regulations that remove the affirmative defense provisions from the Title V program regulations because these provisions are inconsistent with the EPA's interpretation of the enforcement structure of the Clean Air Act. The regulations require that states remove affirmative defense provision from their regulations by August 21, 2024, to comply with Clean Air Act requirements.

The proposed changes are not expected to have any economic impact on the public, the regulated community, or the Division.

**6) Permanent Regulatory Petition R076-24 - Bureau of Air Quality Planning - Clean-Up of Air Regulations (For Possible Action)**

NDEP is proposing to revise parts of NAC 445B to reduce confusion between state and federal requirements, streamline regulatory processes, and repeal regulations that no longer serve a purpose for achieving the intents and purposes of NRS 445B.110 to 445B.640, inclusive. These changes are necessary to improve efficiency in administering Nevada's Air Programs and minimize the resources

needed to understand the regulatory requirements that may affect businesses and the public.

The proposed changes are expected to have minimal (but positive) potential economic impact on the regulated community. These changes are not expected to have any economic impact on the public or the Division.

- 7) **Administrator's Briefing to the Commission: (Discussion Only)** Administrator Jennifer Carr will provide the Commission general management updates.
- 8) **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.
- 9) **Adjournment**

**Additional Information:** Persons wishing to comment on the proposed actions of the State Environmental Commission 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 meeting 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-meeting-june-18-2024>.

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 June 13, 2024.