



Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on **Tuesday, September 20, 2022, at 09:00 am in Carson City.** Capacity at the physical locations is limited; remote participation is encouraged.

Join the Microsoft TEAMS meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZWUwZTYxMzMtYTZmYy00NTFhLWlzNDUtZjdkMzM2OGE3ODMw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22ddd8c148-951a-40a2-8a5f-489f3867594b%22%7d

Meeting ID: 232 148 638 16

Passcode: qnw5h6

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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 June 15, 2022, Meeting Minutes (For Discussion and Possible Action)

Air Penalty Assessments

4) Kennametal, Inc. - NOAV No. 2905 (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 AP3399-0120; FIN A0531).

Recommendation: Approve NDEP-recommended penalty for Kennametal, Inc. in the amount of \$5,040 for NOAV No. 2905 or take other action as appropriate.

5) Robertson's Ready Mix - NOAV No. 2895 (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 AP3273-3982; FIN A0121).

Recommendation: Approve NDEP-recommended penalty for Robertson's Ready Mix in the amount of \$7,200 for NOAV No. 2895 or take other action as appropriate.

6) Wulfenstein Construction Company, Inc. - NOAV No. 2888 (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 AP1611-0519; FIN A0475).

Recommendation: Approve NDEP-recommended penalty for Wulfenstein Construction Company, Inc. in the amount of \$9,000 for NOAV No. 2888 or take other action as appropriate.

Regulatory Petitions

7) Permanent Regulatory Petition R103-22 (For Possible Action)

R103-22 proposes an amendment to NAC 459, increasing the fees for the Nevada Division of Environmental Protection's Chemical Accident Prevention Program (CAPP). This increase in fees will ensure that CAPP can continue to perform its statutory requirements including permitting, inspection, and compliance of facilities with appropriate staffing levels and staff development.

8) Permanent Regulatory Petition R104-22 (For Possible Action)

R104-22 proposes revisions to existing regulation NAC 445A in order to reduce/minimize special exception requests during project review by aligning regulations with current best engineering practices.

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-september-20-2022>. 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 September 13, 2022.