





NEVADA  
**STATE ENVIRONMENTAL  
 COMMISSION**

**FINAL  
 MINUTES**

**Regulatory Meeting**

 <b>TIME</b>	 <b>LOCATION</b>
<p>Tuesday, September 9, 2025            9:00 am</p>	<p>Bryan Building            901 South Stewart Street            Bonnie B. Bryan Room, First Floor            Carson City, NV</p> <p>Video Conference            375 East Warm Springs Road, Suite 200            Las Vegas, NV</p>

**SEC members present:**

- Tom Porta, Chairman
- Jason King, Vice Chairman
- Rob Ghiglieri
- Tina Mudd
- Adam Sullivan
- Fred Reeder
- Alan Jenne *(remote)*

**SEC members absent:**

- Katheryn Landreth
- Kacey KC
- J.J. Goicoechea

**SEC staff present:**

- Stephanie N. Itkin, SEC/DAG
- Sheryl Fontaine, Executive Secretary
- Destiney Fitch, Recording Secretary

**Nevada Division of Environmental  
 Protection staff present:**

- Danilo Dragoni
- Nathan Rash
- Shannon Miller
- Andrea Seifert
- Linh Kieu
- Cassie Ehleringer
- Dustin Deitch
- Weston Fettgather
- Alex Lanza
- Gregg Rosenberg
- Jordyn Dashiell
- Michelle Grover

**Public present:**

- Scot Stretch

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## Begin Summary Minutes

### 1) Call to order, roll call, establish quorum (Discussion)

The meeting was called to order at 9:01 am by State Environmental Commission (SEC) Chairman Tom Porta. Sheryl Fontaine, the Executive Secretary, confirmed that the hearing was properly noticed (with some allowable exceptions due to technical issues resulting from a statewide network outage), and a quorum was present. She asked if there was a member from the Attorney General's office. Stephanie N. Itkin, Deputy Attorney General, identified herself. Ms. Fontaine then proceeded with the housekeeping rules for the meeting. Chairman Porta inquired if there were any changes to the posted agenda. There were none. Ms. Fontaine introduced Nancy Padilla, incoming SEC Recording Secretary, and Todd Weiss, acting SEC deputy attorney general (DAG), introduced the new SEC DAG, Stephanie Itkin.

### 2) Public comment

Chairman Porta called for public comment on non-agendized items. There were no public comments.

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### 3) Approval of May 28, 2025, Meeting Minutes (Action item)

Chairman Porta requested comments from the Commission regarding the May 28, 2025, meeting minutes. Hearing none, Chairman Porta called for a motion.

**Motion:** Commissioner Tina Mudd made a motion to approve the minutes, Commissioner Rob Ghiglieri seconded. The minutes were unanimously approved, with Commissioner Alan Jenne abstaining from the vote because he was not present at the May 28, 2025, meeting.

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## Air Penalties

### 4) **Drilling Minerals Industries, LLC – Osino Plant – NOAV No. 3175** (For Possible Action)

Andrew Tucker, Chief of the Bureau of Air Quality Planning (BAQP) with the Nevada Division of Environmental Protection (NDEP), introduced Michelle Grover, Supervisor of the Enforcement Branch for the BAQP. Mr. Tucker reported that during May 28, 2025, hearing, NDEP recommended that the Commission issue a penalty of \$28,900 to Drilling Minerals Industries, LLC (DMI) for Notice of Alleged Violation (NOAV) 3175. The violation was issued due to failing and stopping a source test.

At that time, the SEC directed both DMI and NDEP to explore the possibility of a Supplemental Environmental Project (SEP) in lieu of the monetary penalty. However, DMI later opted to pay the penalty instead, as confirmed in an email submitted to the commissioners, along with the Findings of Fact and Conclusions of Law. Mr. Tucker concluded by stating that, unless there were questions regarding the specifics of the violation or the penalty calculation, he was ready to proceed with addressing any inquiries from the commissioners.

Chairman Porta asked commissioners if they had any questions or comments. There were none. He then asked if there were any representatives from DMI who would like to comment. There were none. The matter was brought back to the Commission for discussion.

Commissioner Adam Sullivan commented on the time that had been spent discussing alternative options for how DMI might avoid paying the penalty, only for the company to ultimately decide against pursuing those alternatives. Commissioner Tina Mudd inquired whether the company had been informed of the available options for paying the penalty prior to the matter being brought before the Commission. Mr. Tucker confirmed that DMI had been informed of the available options early in the process and was given time to consider them before the matter was presented to the Commission for discussion of a SEP. Commissioner Jason King commented on how much progress has been made on the process of presenting air penalties to the Commission in terms of efficiency and transparency over the past 15 years. Chairman Porta agreed and asked if there were any additional comments or questions from the Commission. There were none.

Chairman Porta asked if there was anyone from the public wishing to comment. There were no comments. The matter was brought back to the Commission.

**Motion:** Commissioner Sullivan made a motion to approve the NDEP-recommended penalty for Drilling Mineral Industries, LLC in the amount of \$28,900 for NOAV No. 3175 which included the Findings of Fact and Conclusions of Law. Commissioner Mudd seconded.

The motion passed unanimously.

## 5) Nevada Cement Company – NOAV Nos. 3152 and 3191 (For Possible Action)

Mr. Tucker recommended issuing penalties to Nevada Cement Company in the amounts of \$7,000 for NOAV 3152 and \$60,000 for NOAV 3191, for a total of \$67,000. NOAV 3152 was issued for failure to maintain controls and NOAV 3191 was issued for failure to install required air pollution control equipment. Mr. Tucker explained that Nevada Cement Company is a major source facility, operating under a Class I Air Quality Operating Permit, which allows for a significantly higher potential to emit than lower class permits – approximately 360 tons per year of particulate matter with a particle diameter of ten micrometers or less (PM10) and approximately 215 tons per year of PM2.5. Due to this high potential to emit, the proposed penalty is higher than what commissioners typically see. Ms. Grover provided details of the inspections conducted by NDEP compliance staff and presented a breakdown of the proposed penalties. She asked commissioners if they had any questions.

Vice Chairman Jason King inquired whether Nevada Cement Company was aware of its permit terms and referenced the penalty breakdown, noting that \$5,000 (per day) of the total penalty was due to twelve days of operation before any action was taken. Ms. Grover stated that Nevada Cement Company was aware of the terms of their permit and the enforcement policy but stated she was uncertain whether they knew the penalty amount. Commissioner Fred Reeder asked about the length of time required for NDEP to notify facilities of their inspection results. Ms. Grover and Mr. Tucker assured the commissioners that inspectors are accompanied by facility staff during inspections and that a close-out meeting is conducted before the inspector departs the site to review any identified issues.

Commissioner Alan Jenne and Mr. Tucker discussed the distinction between failure to install and failure to maintain air pollution control equipment, providing clarification on both points.

Chairman Porta questioned why, given Nevada Cement Company's long-standing history of holding air quality permits in Nevada, the company would operate equipment known to require control measures without those measures in place. Ms. Grover explained that the control equipment had been removed due to interference with internal testing and was later reinstalled. She added that NDEP could not speak on behalf of the facility regarding its decision to continue operations while the controls were not in place. Commissioner Mudd commented that NDEP could have calculated the penalty based on the number of days elapsed since the equipment in question was last inspected but instead elected to calculate the penalty from the day of the inspection forward, resulting in a much lower penalty. Ms. Grover confirmed that this is standard practice for the Division.

Chairman Porta asked if there was anyone from Nevada Cement Company who wished to

speak. Vice President of Eagle Materials, Stephanie Timmermeyer, introduced herself, along with Adam Doppenberg, Plant Manager of the Fernley facility, and Joseph Prary, Environmental Manager of the plant. She stated that they were not present to dispute the findings, the fine, or the application of the penalty matrix. She emphasized that the plant had made improvements and investments to ensure future compliance.

Ms. Timmermeyer expressed that Nevada Cement Company valued its relationship with NDEP and that they were available to answer any questions from the commissioners.

Chairman Porta opened the floor for public comment on the agenda item. No members of the public came forward to speak. He then asked if there were any comments or discussion from the Commission. There were none. He concluded by noting that Nevada Cement Company has been operating in Nevada for a very long time and that there have been no violations reported in the past five years.

**Motion:** Vice Chairman King made a motion to approve the penalty of \$7,000 for NOAV 3152 and the penalty of \$60,000 for NOAV 3191 pursuant to the Findings of Fact and Conclusions of Law. Commissioner Sullivan seconded. The motion passed unanimously.

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## Regulatory Petitions

### 6) Permanent Regulation R149-24P: Bureau of Water Quality Planning – Revising Water Quality Standards for Algal Toxins (For Possible Action)

Jason Kuchnicki, Chief of NDEP's Bureau of Water Quality Planning (BWQP), introduced Seth Alm, Supervisor of the Surface Water Quality Standards, Assessment, and Monitoring Branch. Mr. Kuchnicki introduced regulatory petition R149-24P and provided an overview of the Clean Water Act (CWA), explaining that the CWA was originally established to address public concerns about water pollution and aimed to make all U.S. waters fishable and swimmable by 1983. He acknowledged that, although substantial progress had been achieved, new water quality challenges had since emerged. He explained that the U.S. Environmental Protection Agency (EPA) delegated authority to NDEP to implement CWA program elements in Nevada, and that part of the EPA's role is to ensure that the State's water pollution control regulations comply with the CWA. Mr. Kuchnicki emphasized that the EPA retained final authority over any proposed surface water quality criteria. He then explained that the CWA requires states to adopt surface water quality standards which describe the goals or desired conditions of surface water bodies and that Nevada's standards are included in Nevada Administrative Code (NAC) chapter 445A and form the legal basis for controlling pollutants entering surface Waters of the State.

Mr. Kuchnicki outlined and summarized the three fundamental components of Water

Quality Standards – Designation of Beneficial Uses, Criteria to Protect the Beneficial Uses, and Antidegradation – which are used to maintain and protect water quality. He also stated that Nevada adopted Antidegradation regulations that align with State statutes and federal regulations in March 2024, which included the structure for tiered levels of protection. Nevada’s Antidegradation regulations were approved by EPA earlier in 2025. He then introduced EPA’s recommended criteria to support the goal of the CWA to have all waters fishable and swimmable, or 304A criteria, and then turned the presentation over to Mr. Alm, who discussed algal toxins and their association with harmful algal blooms (HABs). Mr. Alm explained the public health risks posed by toxins such as Microcystins and Cylindrospermopsin and described the necessity of regulation R149-24. He stated that the proposed regulations establish new numeric surface water quality criteria for these toxins in Nevada to support the Beneficial Use “Recreation Involving Contact with Water.” Mr. Alm also described the green-line edit to the proposed regulations, which adds the letter “s” to the end of the term “Microcystin” in two places. He explained the rationale behind using a “water year” approach as opposed to defining a “recreational season” when making a beneficial use support determination and summarized the “duration” component of the proposed criteria. He then stated that the proposed regulations have been reviewed by the EPA. Mr. Alm then briefly described NDEP’s HAB taskforce, Strategic Response Plan, and issuances of Recreational Advisories during known or suspected HAB events. Finally, Mr. Alm presented a summary of data collected by NDEP during the summer of 2024 field season, including the range of observed toxin levels and number of HAB Recreational Advisories issued.

A public workshop was conducted both in-person and virtually on August 11, 2025, with written comments accepted through August 14, 2025. Two written comments were received. Mr. Alm concluded by noting that supporting materials – including the proposed regulation, a rationale document, a fact sheet, and the EPA’s nationally recommended criteria – were publicly available on the NDEP website, and that the proposed regulations would not add any administrative burden to the Division. He asked the commissioners if they had any questions.

Commissioners and Mr. Kuchnicki went over the public comments received during the August 11, 2025, public workshop. Commissioner Reeder and BWQP staff discussed jurisdiction of, coordination with, and impacts to tribal lands, including Pyramid Lake, as well as Virginia Lake in Reno. Commissioner Mudd questioned if this regulation would have any effect on the permit process for contractors and noted the high cost that water quality treatment can add to a project. Mr. Kuchnicki assured commissioners that algal toxins would not be included in the permit because the toxins are generated from algae and not from discharge, and discussed with commissioners some other types of permitted discharges that could contribute to algal growth. Commissioner Jenne questioned the three 10-day rolling periods in a calendar year and asked if this was the standard that BWQP was seeing in other states. Mr. Alm confirmed that other states have adopted these criteria but reiterated that EPA left the use of a “water year” versus “recreational season” up to the states and that while Nevada has chosen the “water year” approach, some other states are

using the “recreational season” approach. Mr. Kuchnicki further clarified the three 10-day rolling period concept. Chairman Porta questioned the coordination between the Department of Public and Behavioral Health and NDEP in issuing advisories. Mr. Kuchnicki explained that the BWQP takes the lead on the HAB taskforce in coordinating with Public Health and several other State and federal agencies to keep the public updated on advisory levels. Chairman Porta asked members of the public if they had any comments on this agenda item. There were none. Chairman Porta brought the agenda item back to the Commission for discussion.

**Motion:** Commissioner Sullivan made a motion to approve the proposed regulation R149-24P as prepared by NDEP with the green-lined typographic edits outlined by Mr. Alm. Vice Chairman King seconded. The motion passed unanimously.

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## **7) Permanent Regulation R025-25: Bureau of Safe Drinking Water – Lead and Copper Rule Revisions and Improvements (For Possible Action)**

Andrea Seifert, Chief of NDEP’s Bureau of Safe Drinking Water (BSDW), introduced Alex Lanza, Supervisor of the Compliance Branch for the BSDW. Ms. Seifert gave a brief overview of the regulations to be adopted by reference: the Lead and Copper Rule Revisions (LCRR), the Lead and Copper Rule Improvements (LCRI), and the Consumer Confidence Report Rule Revisions (CCRR). Ms. Seifert stated that these amendments would allow NDEP to continue to seek approval for and obtain primary enforcement responsibility (primacy) from the EPA for Nevada’s Safe Drinking Water Program, which regulates public drinking water systems using a combination of State regulations and federal regulations adopted by reference. Ms. Seifert provided a brief description of the requirements and responsibilities of Nevada’s primacy for federal drinking water programs.

Mr. Lanza provided an overview of the LCRR, which requires water systems to submit a service line inventory; provide annual notification to customers with known or potential lead service lines, or unknown service lines; and issue public notifications within 24 hours if a lead action level exceedance (ALE) occurs. He then introduced the upcoming LCRI, which will take effect November 1, 2027. Under the LCRI, the lead action level will be lowered from 15 parts per billion (ppb) to 10 ppb. Public water systems (PWS) will be required to update their inventories to include connector materials and any new service lines not previously documented. They must also continue notifying customers about Galvanized Requiring Replacement (GRR) lines and unknown service lines.

Mr. Lanza explained that the EPA will require all lead and GRR service lines to be replaced within ten years of the LCRI compliance deadline. Systems must also identify unknown service lines and submit a replacement plan for GRR and known lead service lines by November 1, 2027. This plan must be publicly accessible and available online for systems

serving over 50,000 people. Additionally, the LCRI will require validation of non-lead service lines through visual inspections. Water systems will have seven years after the compliance deadline to validate a specified percentage of their non-lead service lines. Systems must also submit a list of all schools and childcare facilities that they serve. Lead testing will be required annually for 20% of elementary schools and 20% of childcare facilities served by the water system, while secondary schools will be tested upon request.

Water systems will be required to provide pitcher filters or point-of-use devices that remove lead to customers if there are three or more lead ALEs within a rolling five-year period. Beginning November 1, 2027, systems must also deliver lead and copper test results to customers at tap sample sites within three business days. This is intended to help customers take timely action to reduce their exposure. Mr. Lanza noted another key change under the LCRI: if any single sample exceeds 10 ppb, the system must conduct a distribution system and site assessment. Follow-up samples must be taken at the affected site, and the system must submit a recommendation to the State outlining the next steps to reduce lead levels. Mr. Lanza asked commissioners if they had any questions.

Commissioner Reeder inquired about who was responsible for the cost of service line replacement. Ms. Seifert indicated that service line replacement on private property was the responsibility of the property owner. Cassie Ehleringer, an Environmental Scientist with BSDW, introduced herself and confirmed that under the LCRI, if a lead or GRR service line exists on the customer side, the water system was not required to pay for it but is required to periodically inform/remind customers about the health risks of lead. She added that systems need to document their efforts to notify customers to avoid penalties. While homeowners would not be penalized for not replacing lines, the water system is required to comply. If the issue was on private property, customers could not be forced to replace service lines, but the system had to document the notification and refusal. Commissioner Reeder also asked about the risk of contaminating the system if the private lead service line does not have backflow prevention in place. Ms. Seifert suggested the risk would be low and Ms. Ehleringer explained that the Lead and Copper Rule is unique because most sources of lead and copper are typically from premise plumbing, which is why samples are taken at customer taps – where the risk exists. Chairman Porta requested clarification regarding the size of water systems affected by the point-of-use sampling requirements. Ms. Seifert clarified that the regulatory revisions would apply to all community and non-transient, non-community systems, statewide, regardless of population size. Chairman Porta asked for clarification about the private, point-of-use aspect and Ms. Seifert confirmed that the “private” portion of the water line refers to everything downstream of the water meter – the public water system is responsible for repair and replacement of the water line up to and including the water meter. And while the property owner is responsible for replacement of the line on the private side, the water system is also responsible for collecting information about the private portion. She further explained that the discussion about “point-of-use” devices or pitcher filters as a means of compliance referred to the case of multiple ALEs in the system. In this case, the water system is required to supply point-of-use devices for installation on faucets or pitcher filters to remove lead. There were no

additional questions.

Mr. Lanza continued his presentation with an overview of the recent revisions to the CCRR, which govern the annual water quality reports required for community water systems. He explained that the updated rule now mandates a clearly defined summary section that highlights critical information, such as any violations or water quality exceedances. To improve accessibility, water systems are encouraged to use electronic delivery methods for distributing the reports. Additionally, all CCRRs must now include instructions on how customers can request translation or language assistance services, ensuring equitable access to drinking water information. He added that for systems serving more than 10,000 customers, the CCRRs must be distributed twice per year. Mr. Lanza concluded his remarks by inviting questions from the commissioners; none were raised.

Mr. Lanza went over the Bureau's public outreach and community engagement efforts in support of the regulations and stated that the BSDW did not receive any comments or questions regarding adoption of the regulations during or after the workshops. He asked the commissioners if they had any questions. Chairman Porta referred back to Commissioner Reeder's question regarding the identification of an issue with the water line and whether the method and cost sharing of achieving compliance was at the discretion of the water system. Ms. Seifert confirmed that it is the responsibility of public water systems to enforce the regulations and pay for the costs of repair and upgrades, referring to the availability of low- and no interest loans from the Office of Financial Assistance and other funding sources. Vice Chairman King commented on the lack of feedback and comments from the public on these regulation changes. Ms. Seifert explained that the initial compliance deadline for the new federal rules was last year and that EPA had been handling enforcement of the new federal rules until states were able to update their state regulations. As a result, water systems have already been working on this and have submitted an initial service line inventory to NDEP under their primacy agreement. Mr. Lanza also explained that the BSDW had been informing the regulated community and had been answering questions regarding these proposed regulations for the past few years, taking a proactive approach so that the regulated community was aware that the regulations were coming. This likely contributed to the lack of comments received from the public. Commissioner Mudd asked about the completeness of the service line inventories. Ms. Seifert stated that the BSDW has received inventories from approximately 95% of the State's water systems, although many of those have identified service lines of "unknown" material, especially on the private side. Mr. Lanza mentioned that the Bureau is providing technical assistance to the remaining five percent of systems that have not yet complied.

Chairman Porta asked if there were any more questions from the Commission. There were none. He opened the agenda item to the public for comment. There were none.

**Motion:** Vice Chairman King made a motion to approve proposed regulation R025-25P as shown in the LCB File. Commissioner Mudd seconded. The motion passed unanimously.

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## 8) Administrator's Briefing to the Commission (Discussion)

Jennifer Carr, NDEP Administrator, provided an update on the cyber-attack that impacted the State of Nevada on Sunday, August 24, 2025. The attempted breach targeted the State's databases, resulting in a security incident and temporary system outages. As a result, State offices were closed on Monday, August 25, 2025, and staff returned to work on Tuesday, August 26, 2025. Ms. Carr expressed appreciation for the staff's adaptability, noting their efforts in cross-training, conducting field inspections, and completing office filing during the outage.

Chairman Porta inquired whether any financial systems were compromised from loan or grant programs; Ms. Carr confirmed there were none. They also discussed the scheduling of the next meeting and anticipated regulatory topics. Chairman Porta asked if there were any further questions for Ms. Carr; there were none.

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## 9) Public Comments

Chairman Porta inquired whether there were any public comments, either online or in person. There were none.

## 10) Adjournment

Chairman Porta thanked participants and adjourned the meeting.

## **ATTACHMENTS**

**ATTACHMENT 1: Drilling Minerals Industries, LLC – NOAV No. 3175**

**ATTACHMENT 2: Nevada Cement Company – NOAV Nos. 3152 and 3191**

**ATTACHMENT 3: PowerPoint – Regulatory Petition R149-24P**

**ATTACHEMENT 4: PowerPoint – Regulatory Petition R025-25P**