



Agenda SEC Meeting

The State Environmental Commission (SEC) will hold a meeting on **Tuesday, November 19, 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. The public may also participate and provide public comment, either virtually or telephonically, using the following link or dial-in number:

Join the meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmUzYjM5ZDItMTU3MC00NDNjLWFiMzAtYTlmODQyNWM5YWFm%40thread.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: 221 886 800 244
Passcode: ZgKrzJ

Click to call from Mobile (audio only)
+1 775-321-6111,,646342902#

Call in by Phone (audio only)
United States: +1 775-321-6111
Meeting extension: 646 342 902#

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 (Discussion Only)

Those wishing to make public comment that are participating remotely may do so by calling (775) 321-6111 and using meeting extension 646 342 902#, or by raising your hand through the TEAMS platform so the moderator may call on you.

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.

Additional comments may be submitted to the Commission for inclusion in the meeting minutes.

3) Approval of September 5, 2024, Draft Meeting Minutes (For Discussion and Possible Action)

Regulatory Petitions

4) Permanent Regulation R133-24: Bureau of Safe Drinking Water - Regulatory Clean-up in Response to the Governor's Executive Order EO2023-003

R133-24 is proposing to amend various sections of Nevada Administrative Code (NAC) 445A to streamline, clarify, and improve the regulations to provide for the general welfare of the State without unnecessarily inhibiting economic growth.

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

5) Permanent Regulation R138-24: Bureau of Air Quality Planning - Compliance with Federal Regional Haze Rule and Clean Air Act Requirements

R138-24 proposes to amend Chapter 445B of the NAC to establish the emission limits and control measures required at the Valmy Units and Tracy Unit 4 Pinion Pine to meet Regional Haze reasonable progress requirements instead of closure.

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

6) Permanent Regulation R144-24: Bureau of Air Quality Planning - Clean Trucks and Buses Incentive Program Requirements

On June 9, 2023, the governor of Nevada signed Assembly Bill (AB) 184, creating the Clean Trucks and Buses Incentive Program (Program), which provides voucher incentives for the purchase of zero emission medium- and heavy-duty vehicles, along with various requirements for the Program and other matters relating thereto.

In accordance with AB 184, this regulation includes additional requirements necessary for NDEP to effectively administer the Program.

The proposed changes are expected to have a largely positive economic impact on the businesses that voluntarily participate in the Program. Incentives are available to local governments, state agencies, and nonprofit organizations, which will have a positive economic impact on these entities. In addition, the adoption of zero emission vehicles will help improve air quality in those areas where the vehicles are driven.

7) Permanent Regulation R161-24: Bureau of Sustainable Materials Management - Hazardous Secondary Materials

NDEP is proposing to amend sections of Nevada Administrative Code (NAC) 444 to revise the definition of the Solid Waste Rule that was partially adopted in 2020. These amendments will provide regulatory clarification and framework promoting recycling of hazardous materials. The amendments also provide clear guidelines for the proper management of hazardous secondary materials.

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

Penalty Assessments

8) Reck Brothers - NOAV No. 2892 (For Possible Action)

NDEP to provide an update on the penalty assessment and associated Supplemental Environmental Project from the December 5, 2023, SEC meeting.

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 AP1611-0835.

9) Reck Brothers - NOAV No. 3139 (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 AP1611-0835.03.

Recommendation: Approve the NDEP-recommended penalty for Reck Brothers in the amount of \$21,024 for NOAV No. 3139 or take other action as appropriate.

10) Administrator's Briefing to the Commission: (For Discussion Only) Administrator Jennifer Carr will provide the Commission with general management updates.

11)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.

12)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-sept-5-2024>.

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 August 28, 2024.