



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on **Friday, December 17, 2021, at 10:00 am in Carson City**. The meeting will be held in the Tahoe Room on the 2nd Floor of the Bryan Building, located at 901 South Stewart Street. Space is limited at this location; therefore, remote participation is greatly 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://call.lifesizecloud.com/10665548>

Join the Lifesize meeting using Skype for Business:

<https://skype.lifesizecloud.com/10665548>

Click to call from Mobile (audio only)

United States: +1 (877) 422-8614, 10665548#

Call in by Phone (audio only)

United States: +1 (877) 422-8614

Meeting extension: 10665548#

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 September 1, 2021 Meeting Minutes (For Discussion and Possible Action)

Penalty Assessment

4) Consideration of Remand in the Matter of Tahoe Western Asphalt, LLC - NOAV Nos. 2783, 2784, and 2786 (For Discussion and Possible Action)

On December 09, 2020, the SEC imposed administrative fines for three Notices of Alleged Violations issued by the Nevada Division of Environmental Protection against Tahoe Western Asphalt, LLC (TWA). Following SEC's decision, TWA filed a Petition for Judicial Review with the First Judicial District Court of the State of Nevada in and for Carson City (Court) on January 11, 2021. The Court found that the SEC's decision did not provide any findings of fact or conclusions of law, and therefore failed to conform to the requirements of Nevada Revised Statute 233B.125. The Court issued an Order Remanding Final Administrative Decision on August 19, 2021.

Petition for Authorization

5) Consideration of Request for Authorization to Perform Additional Services by Valvoline: (For Discussion and Possible Action)

NAC 445B.460 and NRS 445B.785 prohibit 1G vehicle emissions testing facilities from performing services other than emissions testing that may affect vehicles' emissions, including battery replacement. 2G emissions testing facilities are licensed to perform such services due to the additional training and testing that their service technicians receive. Valvoline is petitioning for authorization to perform battery replacement as a 1G testing facility.

6) Administrator's Briefing to the Commission: (Discussion Only) Administrator Greg Lovato will provide the Commission general management updates.

7) 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.

8) 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-december-17-2021>. 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.