

To: Nevada State Board of Health
Topic: Nevada State Environmental Commission
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February 11, 2022

The Nevada State Environmental Commission was established in 1983 for the purpose of overseeing rules and regulations designed to protect Nevada's air, land and water. The commission works in a judiciary role for the environment and committees it supports. Agencies, organizations and individuals confer with the commission on rules and government actions. Evidence based decisions are made to make sure Nevada's environmental laws are realized without fail and that decisions made by the Nevada Division of Environmental Protection (NDEP) follow the law.

- 1) The commission is made up of eleven members, which include representatives from the following State Agencies:
 - a. Department of Forestry
 - b. Department of Agriculture
 - c. Administrator of Minerals Commission on Mineral Resources
 - d. Department of Wildlife
 - e. State Engineer for the Division of Water Resources
 - f. State Board of Health
 - g. Five members appointed by the Governor
- 2) The commission makes rules. The commission reviews and votes on "regulatory petitions" created by NDEP on items such as pollution standards, environmental permits or how federal rules apply to Nevada.
- 3) The commission hears appeals. This allows the public the opportunity to dispute decisions on enforcement actions or environmental permits.
- 4) The commission levies air penalties. This is the enforcement of the air quality permits, and the following of the permit standards.
- 5) The commission issues orders. In rare instances, orders and opinions create clarity on the intent of environmental rule, law or decision.

Due to the number of mining operations across the state of Nevada, the NDEP and SEC are highly respected organizations and are often being sought out by other states and even other countries, as setting high standards on environmental protection regulations.

In general, the SEC operates much in the same manor as the Nevada State Board of Health, meeting on a quarterly basis to review and approve regulations brought forth by NDEP.

Meetings

The following is an overview of the past two meetings of the SEC:

December 17th meeting:

One petition was reviewed concerning fines issued to a company. The company appealed the notice to the court, which overruled the fine on a technical issue. The Commission reviewed the court order, and with counsel, corrected the issues and directed the re-issuance of the fine notice.

Review of a petition for a variance brought forth concerning the types of services that can be performed under a license to operate a smog check station. The petition was reviewed and then deferred for the applicant and the State to get more information on the regulations and the services that are allowed under the license.

The NDEP State administrator gave a presentation and update about ongoing general administration updates.

February 9th meeting:

The commission reviewed and discussed the issuance of two separate fines for permit and air quality penalties.

- 1 – Reviewed and approved the issuance of a fine to a company operating a material processing operation without obtaining a permit. \$6,800
- 2- Reviewed and approved the issuance of a fine to company operating a material processing operation that was exceeding the allowable dust discharge limit from the operation. \$5,000

Review and discussion on two regulatory petitions.

1. New regulation for definition and requirements related to Assembly bill 148. The regulation will add to licensing requirements to eliminate the ability of obtaining a reclamation permit if they are not in good standing with reclamation requirements in the US and defines the process for determining good standing. Approved
2. Revision to existing regulation to adjust license fees for inflation, update requirements for reclamation standards, storm water control as well as updates on other standards to provide clarity on permitting process. Approved
3. Both regulations were supported by the Nevada Mining Association, which acknowledged and appreciated the NDEP, getting feedback from the organization as well as the public.

NDEP Administrator's Briefing:

1. Presentation of the current review and update on the Air Program penalty matrix. The review is looking at the penalty schedule overall, but in particular to the size of the operations, as well as developing an appropriate scale for remote operations vs those close to urban areas.
2. A second presentation was made on concerning the creation of "Partners for a Sustainable Nevada". The mission is to change the way Nevada thinks about sustainability for our future generations by identifying and promoting opportunities to advance the expands sustainability efforts statewide. The goals are to 1) build a professional statewide network; 2) explore potential policy changes and 3) emerge as Nevada's leaders in sustainability. This was initiated in August of 2021 and is working to create strategies, develop tactics and create a menu of options for focusing on sustainability across the state.