



Summary Minutes of the
STATE ENVIRONMENTAL COMMISSION (SEC)

Meeting of May 2, 2014 10:00 AM

Bryan Building Carson City
901 South Stewart Street
Carson City, NV

Members Present:

E. Jim Gans, Chairman
Tom Porta, Vice Chairman
Pete Anderson
Cary Richardson
Jason King
Rich Perry
Jim Barbee
Kathryn Landreth

Members Absent:

Frances Barron
Mark Turner
Tony Wasley

SEC Staff Present:

Colleen Platt, SEC/DAG
Valerie King, Executive Secretary
Misti Gower, Recording Secretary

BEGIN SUMMARY MINUTES

The meeting was called to order at 10:00 am by Chairman Jim Gans. Ms. King, the Executive Secretary, confirmed the hearing was properly noticed and that a quorum was present.

1) Public Comments (Discussion): Chairman Gans called for public comment. There was none.

2) Approval of Agenda (Action Item): Chairman Gans asked if there were any changes or comments regarding the agenda. Ms. King confirmed there were no changes to the agenda. Chairman Gans welcomed Colleen Pratt, the SEC's new Deputy Attorney General.

Commissioner Landreth moved to approve the agenda and Vice Chairman Porta seconded. The agenda was approved as presented.

3) Approval of the minutes for the December 4, 2013 SEC meetings (Action Item): Chairman Gans requested comments from the Commission on the December meeting minutes. Commissioner Richardson asked if the minutes could be emailed to the Commissioners when completed to allow the Commissioners to review them while the meeting is still fresh in their minds. Ms. King stated it would be done in the future.

Commissioner Perry moved to approve the minutes as presented and Commissioner King seconded. The motion passed unanimously.

4) Penalty Assessments for Air Quality Violations - (Action Item): Mr. Rob Bamford, Bureau Chief of Air Pollution, and Mr. Francisco Vega, supervisor of the Compliance and Enforcement Branch, presented the violations to the Commission. The handouts provided during the meeting are included as attachments to the meeting minutes.

A. Newmont Nevada Energy Investment, LLC, TS Power Plant - NOVA No. 2453, alleged failure to comply with a permitted emission limit. The recommended penalty amount is \$12,420.00

B. Nevada Slag, Inc. - NOAV No. 2455 and No. 2456, alleged failure to comply with permitted emission limit and alleged failure to operate required air pollution controls. The recommended penalty amount is \$12,600.00.

C. Q&D Construction, Inc. - NOAV No. 2462, alleged failure to comply with a permitted emission limit. The recommended penalty amount is \$3,250.00

D. Hawthorne Army Depot - NOAV No. 2471, alleged failure to comply with a permitted emission limit. The recommended penalty amount is \$20,800.00

E. Rockwood Lithium Inc. - NOAV No. 2472, alleged failure to conduct required compliance source testing. The recommended penalty amount is \$5,000.00.

F. Alston Construction - NOAV No 2476, alleged failure to apply for and obtain an operating permit prior to commencing construction. The recommended penalty amount is \$2,900.00

Newmont Nevada Energy Investment, TS Power Plant: Commissioner Perry disclosed that he had previously been employed by Newmont and that his daughter is currently employed by Newmont, although at a different site. He stated his judgment would not be influenced.

Mr. Bamford informed the Commission that TS Power is a coal-fired energy plant located in Eureka County. The facility is a major stationary source and has a Class I Air Quality Operating permit. According to the permit, the company must test the boiler annually for various pollutants, including sulfuric acid mist. In November 2012, TS Power failed the acid mist emission limit specified in its permit. After reviewing the boiler and control system, the boiler was retested in February 2013 and passed. Mr. Vega demonstrated how the penalty was calculated using the SEC-approved penalty matrix ([Attachment I](#)).

Dennis Laybourn, Environmental Manager at TS Power addressed the Commission. He explained that Newmont was not contesting the penalty and is currently working with NDEP to update its PSD limits, bringing Newmont in line with the plant production and technology.

Motion: Commissioner Richardson moved to accept NDEP's recommended penalty of \$12,420.00 for Air Quality Violation No. 2453. Commissioner Barbee seconded the motion and it passed unanimously.

Nevada Slag, Inc.: Mr. Bamford stated that the facility is located in McGill and processes copper slag, a byproduct from copper ore processed several years ago. The slag is used as a sandblasting agent.

Mr. Bamford stated that NDEP has been unable to reach a representative of Nevada Slag for the past year. The mail has been returned as “undeliverable” and the phone number has been disconnected.

Ms. King stated that the letter sent from the SEC was also not deliverable and the company was identified as “dissolved” on the Nevada Secretary of States website. Deputy Attorney General, Colleen Platt, confirmed that the Bureau of Air Pollution Control and the SEC had properly noticed the company and the Commission could continue with the penalty process.

Mr. Bamford stated that substantive fugitive dust emissions were observed during an on-site inspection conducted on June 27, 2013. The inspector, who is certified to determine dust and smoke opacity, performed visual emission opacity readings on 2 pieces of equipment. The inspector determined opacity was approximately 80% on each unit, which was significantly above the permitted 20% limit. The units did not have water running to them and therefore were not capable of operating properly. He stated the application of the penalty matrix accounts for the severity of the opacity violation and the non-operation of the emission controls ([Attachment II](#)).

Motion: Commissioner Barbee moved to approve the recommended penalty of \$12,600.00 for Air Quality Violations No. 2455 and No. 2456. Commissioner Anderson seconded the motion and it passed unanimously.

Q&D Construction, Inc.: Mr. Bamford explained that the facility is a hot mix asphalt plant that includes a drum dryer which combusts propane to generate heat. The permit has a NOx test requirement. In June 2013, Q&D performed the NOx test, which failed. Mr. Vega demonstrated how the penalty was calculated through the use of the penalty matrix ([Attachment III](#)).

Chairman Gans asked if anyone from the company was in the audience. Ms. King stated she had spoken with a representative who informed her they were not contesting the penalty and would not be present.

Motion: Commissioner Landreth made a motion to accept the recommended penalty of \$3,250.00 for Air Quality Violation No. 2462. Vice Chairman Porta seconded the motion and it passed unanimously.

Hawthorne Army Depot: Mr. Bamford stated the Hawthorne Army Depot operates a munitions detonation rotary kiln that is used to destroy specific types of explosives and munitions by controlled detonation. The permit requires a stack test for dioxins and furans. The kiln exceeded its permit limits during a stack test. Mr. Vega described how the penalty was calculated via the application of the penalty matrix. He stated a base value had been applied for a major source and a multiplier was added for the severity of the failed test. He stated an additional value was added for 2 previous violations in the past 5 years ([Attachment IV](#)).

Tom Erickson, contracted Director of Base Operations and Stephen McKay, who oversees the contracted operator at the Hawthorn Army Depot, were present at the meeting to represent the Hawthorne Army Depot. They did not contest the recommended penalty.

Motion: Vice Chairman Porta made a motion to accept the recommended penalty of \$20,800.00 for Air Quality Violation No. 2471. Commissioner Barbee seconded the motion and it passed unanimously.

Rockwood Lithium Inc.: Mr. Bamford stated that this facility has a Class 2, minor source air quality operating permit. The permit requires initial compliance source testing for four pollutants. Testing was required to occur in May 2013 but was not conducted until October 2013, 5 month after the required timeframe. Mr. Vega reported that in this case, the calculated penalty, using the penalty matrix, takes into account one unit that failed to test for four pollutants. He clarified that the multiplier is based upon the unit, not the number of pollutants required to be tested ([Attachment V](#)).

Scott Reed came forward to represent the company. Mr. Reed informed the Commission the company was not contesting the penalty, rather, they would be completing the required tests within 60 to 90 days. Mr. Bamford stated that Rockwood Lithium and NDEP had been communicating throughout this issue and that Rockwood Lithium had been and continues to be very cooperative.

Motion: Commissioner King made a motion to accept the penalty of \$5,000.00 for Air Quality Violation No. 2474. Commissioner Barbee seconded the motion and it passed unanimously.

Alston Construction: Commissioner Richardson disclosed that the owner of Alston Construction was a former employee but that would not affect his judgment.

Mr. Bamford stated that a NDEP inspector witnessed dirt work being performed on more than 5 acres without a valid permit. Alston Construction was notified that the work required a Surface Area Disturbance permit and submitted an application the same day. Mr. Vega stated the penalty calculation, using the penalty matrix, took into account the number of acres disturbed as the multiplier ([Attachment VI](#)).

Mark Drahos, with Alston Construction, addressed the Commission. He did not contest the recommended penalty amount. He stated that all controls had been in place to mitigate dust; however, the onsite supervisor did not know the permit application had not yet been submitted to NDEP and that a permit was not in place.

Motion: Commissioner Landreth made a motion to accept the recommended penalty of \$2,900.00 for Air Quality Violation No. 2476. Vice Chairman Porta seconded the motion and it passed unanimously.

5) R145-13 Bureau of Air Quality Planning - Ambient Air Quality Standards: (Action Item) Ms. Jasmine Mehta, Bureau Chief for Air Quality Planning, presented the proposed regulation amendments to the Commission using a supplementary handout ([Attachment VII](#)). She stated the amendments are proposed in response to a federal requirement. The proposed amendments will bring the ambient air quality standards table in the Nevada Administrative Code into alignment with the national standards currently in effect and provided specific information regarding the changes.

Chairman Gans ask if there were any comments from the public on the proposed regulation. Mr. Allen Biaggi, representing the Nevada Mining Association (NMA), stated the NMA is in full support of the proposed regulation. He also commented that NDEP had done good work in crafting the regulation package.

Motion: Commissioner Perry moved to adopt regulation R145-13. Commissioner Landreth seconded the motion and it passed unanimously. Commissioner Barbee left during the presentation and did not partake in the vote.

6) Approval of SEC Form 4 - Small business Impact Statement: (Action Item) Ms. King presented the proposed changes to the SEC Form 4. Ms. King informed the commission the 2013 Legislative session resulted in changes to the small business impact statement prepared by state agencies when proposing regulations. She stated the proposed changes to the Form 4 had previously been reviewed and approved by the deputy attorney generals for both the SEC and NDEP.

Motion: Commissioner Landreth moved to adopt Form 4. Vice Chairman Porta seconded the motion and it passed unanimously.

14) Administrator's Briefing to the Commission: (Discussion) Mr. Dave Gaskin, Deputy Administrator of NDEP, addressed the Commission in place of Administrator Colleen Cripps. Mr. Gaskin welcomed Colleen Pratt to the Commission and then addressed personnel changes at NDEP. He stated that Ms. Chris Andres is the new Bureau Chief of Federal Facilities, replacing Tim Murphy who recently retired. He stated that the deputy administrator interviews will be held on May 13th.

Mr. Gaskin stated that NDEP has been working diligently with the Division of Minerals on the proposed fracking regulation. Several workshops were held in March. Both divisions are now going through the public comments and refining the proposed regulation.

Mr. Gaskin stated that a settlement has been reached regarding the BMI Complex with Anadarko/Arco for \$1.1 billion dollars. He said that NDEP is currently planning how best to use the money for a long term clean up remedy at the site.

Mr. Gaskin stated that the Army Corp of Engineers and the EPA recently put out a proposed rule which would redefine the waters of the United States, specifically, what waters would fall under the Clean Water Act. He indicated it will have a potential impact on Nevada. All the states and associations are evaluating the information that has been presented and will be preparing comments. He concluded that the Administrator will be keeping the Commission updated on this matter.

15) Public Comment: (Discussion) Chairman Gans asked for public comments. Hearing none he, asked when the next SEC meeting will be held. Ms. King stated the next meeting will be held October 8, 2014 in the Tahoe Conference Room on the 2nd floor of the Bryan Building.

16) Adjournment: (Discussion) Meeting was adjourned at 12:40pm.

ATTACHMENTS

ATTACHMENT I: Newmont Nevada Energy Investment, TS Power Plant

ATTACHMENT II: Nevada Slag, Inc.

ATTACHMENT III: Q&D Construction, Inc.

ATTACHMENT IV: Hawthorne Army Depot

ATTACHMENT V: Rockwood Lithium Inc.

ATTACHMENT VI: Alston Construction

ATTACHMENT VII: Ambient Air Quality Standards

ATTACHMENT I

Newmont Nevada Energy Investment, Inc. TS Power Plant

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Penalty Recommendation**

For: Newmont Nevada Energy Investment, LLC (FIN A0359)

Violation: NAC 445B.275.1(c), Failing to comply with a permitted emission limit

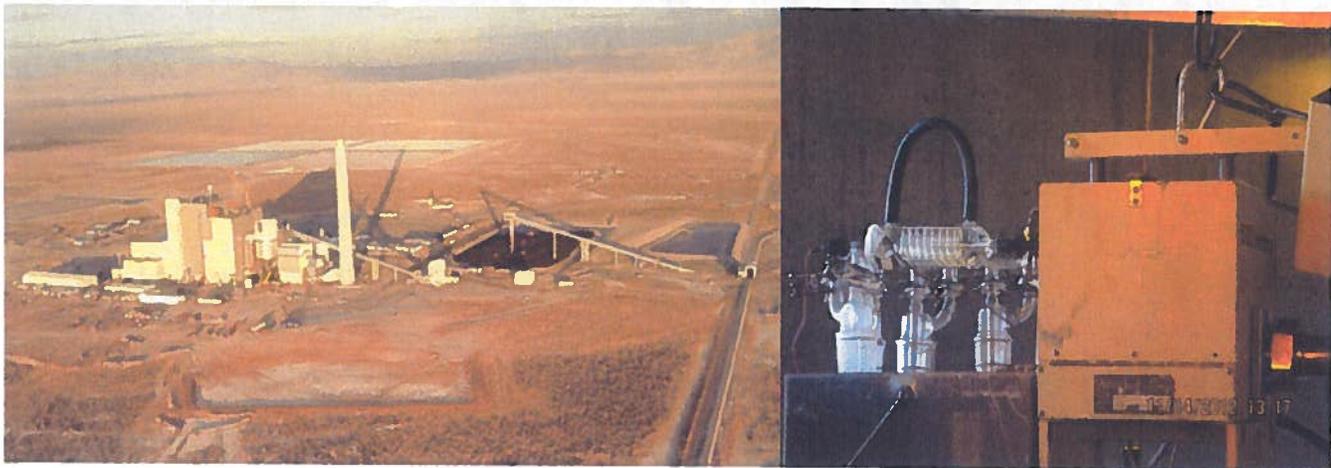
NOAV: 2453

Summary

Newmont Nevada Energy Investment, LLC (NNEI) operates the TS Power Plant in Eureka County, Nevada. Their air quality operating permit requires NNEI to conduct compliance source testing on several emission units. On November 13 and 14, 2012, NNEI conducted compliance source testing on the Subcritical Boiler (System 1). Results from the test showed that they were at 2.85 lbs/hr which is above the federal Best Available Control Technology (BACT) emission limit of 2.06 lbs/day. The boiler was re-tested on February 6, 2013 and the results show they were at 1.93 lbs/hr below the federal emission limit. NOAV 2453 was issued October 31, 2013 for failing to comply with a permitted emission limit.

Proposed Penalty

The proposed penalty was calculated pursuant to the Administrative Penalty Table and calculation worksheet (attached). Please note the highlighted items that are relevant to the calculation. Starting with the Administrative Penalty Table, the base penalty for a major source failing a BACT limit is \$7,500. Referring to the Calculation Worksheet, because NNEI exceeded the limit by 1.38 times the base penalty becomes \$10,350 ($\$7,500 \times 1.38 = \$10,350$). In addition, because NNEI was issued 4 NOAV's in the past 5 years, 20% is added to the base penalty. The total recommended penalty is \$12,420.



Administrative Penalty Table - Violations Related to Source Tests & CEMS Audits

(Note that the Penalty Matrix is used to augment or adjust some penalties)

Permit Class	Failure to Provide adequate (30-day) Notification	Failed Source Test exceedance of permitted emissions limit (minimum; penalty matrix used to assess gravity component)	Late Test or Failure to Test	Failure to Conduct IOCD's	Failure to Conduct Quarterly or Semi-annual audit (per pollutant)	Failure to Conduct RATA (per pollutant)
1	\$1,000	\$7,500 per "major" pollutant", PSD, BACT or NSPS violation; \$5,000 per "SM trigger" pollutants; \$4,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$10,000 to \$20,000	\$30,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
Synthetic Minors	\$1,000	\$5,000 per "SM trigger" pollutants; \$3,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2	\$1,000	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2 - General	\$500	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system		
3	\$500	\$1,000	\$250 per system per month, up to a maximum of \$2,500 per system	\$100 per system per month, up to a maximum of \$1,000 per system		
Time Basis (Guideline)	Each Test	Also requires retest to verify compliance	Each Test	Each Test	Requires Re-certification RATA	

Note: A failed Method 9 Visible Emissions Observation carries a base penalty of \$1,000 as described in the Penalty Matrix.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Newmont Nevada Energy Investment, LLC

Violation: NAC 445B.275.1(c), Failure to construct or operate a stationary source in accordance with any condition of an operating permit.

- Failure to comply with a permitted emission limit during a compliance source test.

NOAV: 2453

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$7,500

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty, $r = 2.85 / 2.06 = 1.38$

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = _____

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3: 1.38

C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) = \$7,500 x 1.38 = \$10,350

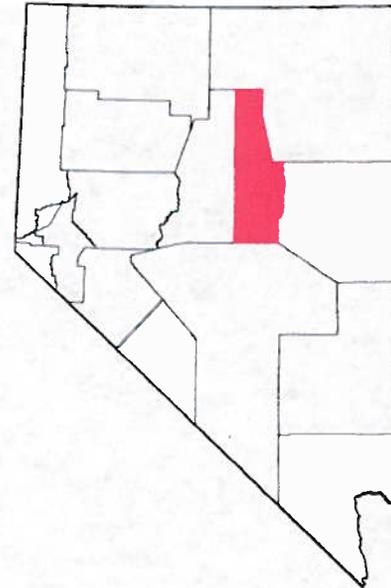
D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{\$10,350}{\text{Dollar Amount}} \times \frac{1}{\text{Number of years and Units}} = \frac{\$10,350}{\text{Total Gravity Fine}}$$

**Newmont Nevada Energy, TS Power Plant
Crescent Valley, NV 89821**



Eureka County



ATTACHMENT II

Nevada Slag, Inc.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Penalty Recommendation**

For: Nevada Slag, Inc (FIN A0527)
Violation: NAC 445B.275 (c); Failure to comply with a permitted emission limit and operate required air pollution controls
NOAV: 2455 and 2456

Summary

Nevada Slag operates a screening and bagging facility in White Pine County, Nevada. On June 27, 2013, an NDEP-BAPC inspector noticed emissions in excess of the permitted emission limit coming from 2 emission units within System 2 and 3. In addition it was discovered that the required air pollution control for System 2 was not operating. All attempts to contact Nevada Slag to discuss the alleged violations have been unsuccessful. NOAV 2455 and 2456 was issued December 9, 2013 for failing to comply with a permitted emission limit and operate required air pollution controls.

Proposed Penalty

The proposed penalty was calculated pursuant to the Administrative Penalty Table and calculation worksheet (attached). Please note the highlighted items that are relevant to the calculation. Starting with the Administrative Penalty Table, the base penalty for a Class 2 source failing a permitted emission limit is \$1,000. Referring to the Calculation Worksheet, because Nevada Slag exceeded the limit by an extremely high amount for 2 emission units the base penalty is multiplied by 12 ($\$1,000 \times 12 = \$12,000$).

In addition, starting with the Administrative Penalty Table, the base penalty for a Class 2 source failing to operate required an air pollution control \$6,000. Referring to the Calculation Worksheet, because the violation occurred for 1 day on 1 emission unit the base penalty is not adjusted. The total recommended penalty is \$12,600.



Administrative Penalty Table - Non-Emissions Air Quality Violations
 (Note that the Penalty Matrix is used to augment or adjust some penalties)

Permit Class	Constructing or Operating without a Permit (per major processing system or unit)	Failure to Install required Air Pollution Control Equipment (per emission unit)	Failure to Maintain Process or Air Pollution Control Equipment [The Penalty Matrix is used to assess the severity of any resulting Excess Emissions]	Failure to Comply with a Permitted Operating Parameter	Failure to Conduct Required Monitoring, Recordkeeping, or Reporting including incomplete or inadequate source test reports (per reporting period or per unit-day)	Failure to Comply with a Stop Order or any provision in a Schedule of Compliance
1	\$10,000	\$5,000	\$1,000	\$1,000	ACC: \$2,000 SAMR: \$1,000 AER: \$1,000 Other: \$600	\$10,000
2	\$3,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
2 - General	\$1,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
SAD	\$500 plus \$50 per acre of planned disturbance	N/A	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
3	800 (per facility)	\$600	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
Time Basis (Guideline)	Minimum; weekly to monthly (discretionary)	Daily	Event	Per standard or basis of operating parameter	Event	Daily

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Nevada Slag, Inc. (FIN A0527)
Violation: NAC 445B.450(c), Exceeding opacity limits
NOAV: 2455

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = 1,000

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty = _____

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = 6

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3:

C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) = \$1,000 x 6 = \$6,000

D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{\$6,000}{\text{Dollar Amount}} \times \frac{2 \text{ units}}{\text{Number of years and Units}} = \frac{\$12,000}{\text{Total Gravity Fine}}$$

Administrative Penalty Table - Non-Emissions Air Quality Violations
(Note that the *Penalty Matrix* is used to augment or adjust some penalties)

Page 1 of 2

Permit Class	Constructing or Operating without a Permit (per major processing system or unit)	Failure to Install required Air Pollution Control Equipment (per emission unit)	Failure to Maintain Process or Air Pollution Control Equipment [The <i>Penalty Matrix</i> is used to assess the severity of any resulting Excess Emissions]	Failure to Comply with a Permitted Operating Parameter	Failure to Conduct Required Monitoring, Recordkeeping, or Reporting including incomplete or inadequate source test reports (per reporting period or per unit-day)	Failure to Comply with a Stop Order or any provision in a Schedule of Compliance
1	\$10,000	\$5,000	\$1,000	\$1,000	ACC: \$2,000 SAMR: \$1,000 AER: \$1,000 Other: \$600	\$10,000
2	\$3,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
2 - General	\$1,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
SAD	\$500 plus \$50 per acre of planned disturbance	N/A	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
3	800 (per facility)	\$600	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
Time Basis (Guideline)	Minimum; weekly to monthly (discretionary)	Daily	Event	Per standard or basis of operating parameter	Event	Daily

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Nevada Slag, Inc. (A0527)
Violation: NAC 445B.450 (c), Failure to operate required air pollution controls
NOAV: 2456

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$600

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty = _____

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = _____

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3:

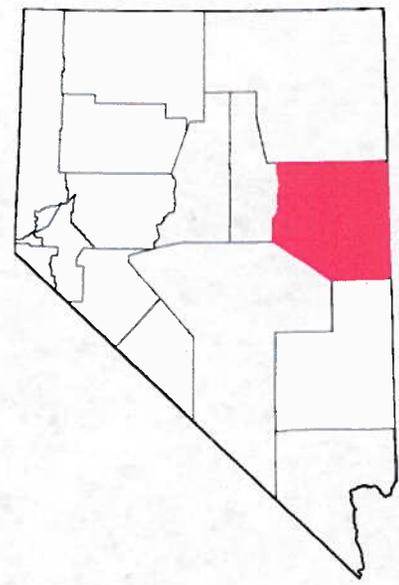
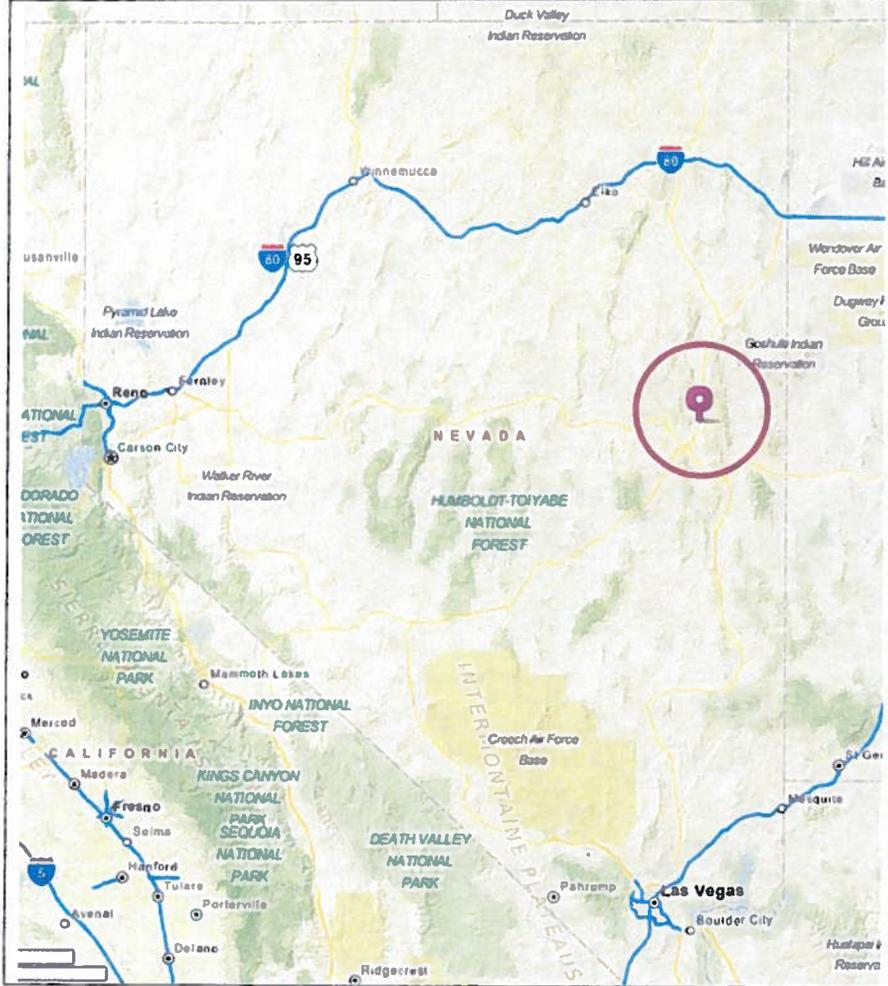
C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) = _____

D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{600}{\text{Dollar Amount}} \times \frac{1}{\text{Number of Days and Units}} = \frac{600}{\text{Total Gravity Fine}}$$

Nevada Slag, Inc.
McGil, NV 89318

White Pine County



ATTACHMENT III

Q&D Construction, Inc.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Penalty Recommendation**

For: Q&D Construction A0643, AP1442-2094.03
Violation: NAC 445B.275(c); Failure to comply with a permitted emission limit
NOAV: 2462

Summary

Q & D Construction, Inc. (Q&D) operates a hot mix asphalt plant in Eureka County, Nevada. Their air quality operating permit requires Q&D to conduct compliance source testing on the drum dryer (System 4). On June 25 and 26, 2013, Q&D conducted compliance source testing on the drum dryer (System 4). Results from the test showed that they were at 201.3.5 lbs/day which is above the permitted emission limit of 156 lbs/day. The drum dryer is currently not operating but will be tested when restarted. NOAV 2462 was issued January 8, 2014 for failing to comply with a permitted emission limit.

Proposed Penalty

The proposed penalty was calculated pursuant to the Administrative Penalty Table and calculation worksheet (attached). Please note the highlighted items that are relevant to the calculation. Starting with the Administrative Penalty Table, the base penalty for a Class 2 source failing a permitted emission limit is \$2,500. Referring to the Calculation Worksheet, because Q&D exceeded the limit by 1.3 times the base penalty becomes \$3,250 ($\$2,500 \times 1.3 = \$3,250$). The total recommended penalty is \$3,250.

Administrative Penalty Table - Violations Related to Source Tests & CEMS Audits

(Note that the Penalty Matrix is used to augment or adjust some penalties)

Permit Class	Failure to Provide adequate (30-day) Notification	Failed Source Test exceedance of permitted emissions limit (minimum; penalty matrix used to assess gravity component)	Late Test or Failure to Test	Failure to Conduct IOCD's	Failure to Conduct Quarterly or Semi-annual audit (per pollutant)	Failure to Conduct RATA (per pollutant)
1	\$1,000	\$7,500 per "major" pollutant*, PSD, BACT or NSPS violation; \$5,000 per "SM trigger" pollutants; \$4,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$10,000 to \$20,000	\$30,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
Synthetic Minors	\$1,000	\$5,000 per "SM trigger" pollutants; \$3,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2	\$1,000	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2 - General	\$500	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system		
3	\$500	\$1,000	\$250 per system per month, up to a maximum of \$2,500 per system	\$100 per system per month, up to a maximum of \$1,000 per system		
Time Basis (Guideline)	Each Test	Also requires retest to verify compliance	Each Test	Each Test	Requires Re-certification RATA	

Note: A failed Method 9 Visible Emissions Observation carries a base penalty of \$1,000 as described in the Penalty Matrix.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Q&D Construction A0643, AP1442-2094.03
Violation: NAC 445B.275(c) Failure to operate in accordance with a permitted requirement. (Failed source test)
NOAV: 2462

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$2,500

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty = $r = 201.35 / 156.00 = 1.3$

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = _____

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3: 1.3

C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) = \$2,500 x 1.3 = \$ 3,250

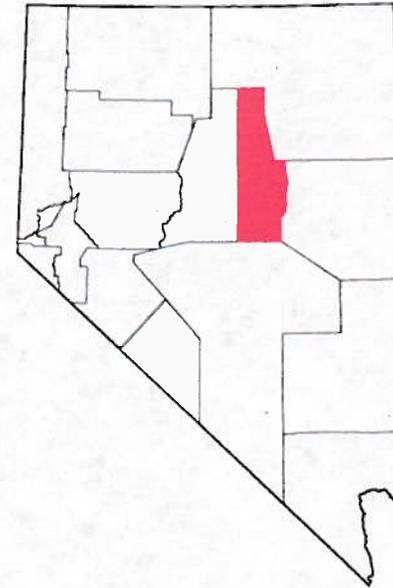
D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{\$3,250.00}{\text{Dollar Amount}} \times \frac{1 \text{ Unit}}{\text{Number of Units}} = \frac{\$3,250.00}{\text{Total Gravity Fine}}$$

Q&D Construction, COLA #2369
Crescent Valley, NV 89821



Eureka County



ATTACHMENT IV

Hawthorne Army Depot

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Penalty Recommendation**

For: Hawthorne Army Depot (HWAD) FIN #A0022
Violation: NAC 445B.275 (c); Failure to comply with a permitted emission limit
NOAV: 2471

Summary

Hawthorne Army Depot (HWAD) operates a munitions handling and demilitarization facility in Mineral County, Nevada. Their air quality operating permit requires HWAD to conduct compliance source testing on several emission units. On April 17 and 18, 2013, HWAD conducted compliance source testing on their munitions detonation rotary kiln (System 30). Results from the test showed that they were at 1.01 ng/dscm which is above the federal National Emission Standard for Hazardous Air Pollutant (NESHAP) limit of 0.40 ng/dscm. The munitions detonation rotary kiln is currently not operating but will re-tested once restarted. NOAV 2471 was issued February 10, 2014 for failing to comply with a permitted emission limit.

Proposed Penalty

The proposed penalty was calculated pursuant to the Administrative Penalty Table and calculation worksheet (attached). Please note the highlighted items that are relevant to the calculation. Starting with the Administrative Penalty Table, the base penalty for a major source failing a NESHAP limit is \$7,500. Referring to the Calculation Worksheet, because HWAD exceeded the limit by 2.525 times the base penalty becomes \$18,900 ($\$7,500 \times 2.525 = \$18,900$). In addition, because HWAD was issued 2 NOAV's in the past 5 years, 10% is added to the base penalty. The total recommended penalty is \$20,800.

Administrative Penalty Table - Violations Related to Source Tests & CEMS Audits

(Note that the Penalty Matrix is used to augment or adjust some penalties)

Page 2 of 2

Permit Class	Failure to Provide adequate (30-day) Notification	Failed Source Test exceedance of permitted emissions limit (minimum: penalty matrix used to assess gravity component)	Late Test or Failure to Test	Failure to Conduct IOCD's	Failure to Conduct Quarterly or Semi-annual audit (per pollutant)	Failure to Conduct RATA (per pollutant)
1	\$1,000	\$7,500 per "major" pollutant", PSD, BACT or NSPS violation; \$5,000 per "SM trigger" pollutants; \$4,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$10,000 to \$20,000	\$30,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
Synthetic Minors	\$1,000	\$5,000 per "SM trigger" pollutants; \$3,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2	\$1,000	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2 - General	\$500	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system		
3	\$500	\$1,000	\$250 per system per month, up to a maximum of \$2,500 per system	\$100 per system per month, up to a maximum of \$1,000 per system		
Time Basis (Guideline)	Each Test	Also requires retest to verify compliance	Each Test	Each Test	Requires Re-certification RATA	

Note: A failed Method 9 Visible Emissions Observation carries a base penalty of \$1,000 as described in the Penalty Matrix.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Hawthorne Army Depot (HWAD) FIN #A0022
Violation: NAC 445B.275 (c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit.
NOAV: 2471

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$7,500

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty = $r = 1.01/.4$ = 2.525

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = _____

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3: 2.525

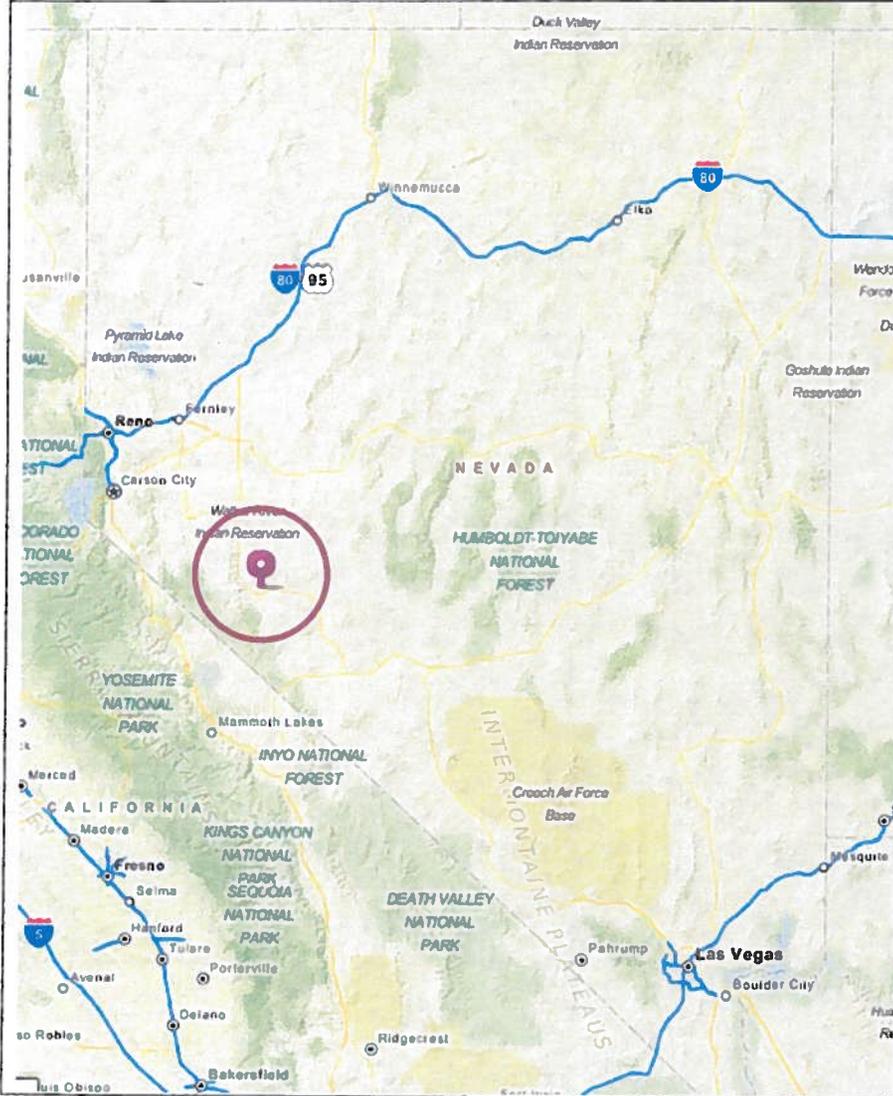
C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) = \$7,500 x 2.525 = \$18,900

D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{\$18,900.00}{\text{Dollar Amount}} \times \frac{1}{\text{Number of Units}} = \frac{\$18,900.00}{\text{Total Gravity Fine}}$$

**US Dept. of the Army, Hawthorne Army Depot
Hawthorne, Nevada 89415**

Mineral County



ATTACHMENT V

Rockwood Lithium Inc.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Penalty Recommendation**

For: Rockwood Lithium (Rockwood) FIN #A0452
Violation: NAC 445B.275(c); Failure to conduct required compliance source testing
NOAV: 2474

Summary

Rockwood Lithium, Inc. (Rockwood) operates a lithium processing facility in Esmeralda County, Nevada. Their air quality operating permit requires Rockwood to conduct compliance source testing on System 17A within 60 days after achieving the maximum production rate but no later than 180 days after startup. Based on the January 23, 2013, startup date provided by Rockwood should have been source tested by May 22, 2013. Rockwood failed to conduct this required compliance source test. The NDEP-BAPC gave Rockwood until October 1, 2014 to conduct the required source testing. NOAV 2474 was issued February 28, 2014 for failing to conduct required compliance source testing.

Proposed Penalty

The proposed penalty was calculated pursuant to the Administrative Penalty Table and calculation worksheet (attached). Please note the highlighted items that are relevant to the calculation. Starting with the Administrative Penalty Table, the base penalty for a Class 2 source failing to conduct required compliance source testing is \$1,000. Referring to the Calculation Worksheet, at the time of the investigation it had been 5 months since Rockwood was required to conduct the source testing. Therefore the base penalty is multiplied by 5 ($\$1,000 \times 5 = \$5,000$). The total recommended penalty is \$5,000.

Administrative Penalty Table - Violations Related to Source Tests & CEMS Audits

(Note that the Penalty Matrix is used to augment or adjust some penalties)

Page 2 of 2

Permit Class	Failure to Provide adequate (30-day) Notification	Failed Source Test exceedance of permitted emissions limit (minimum; penalty matrix used to assess gravity component)	Late Test or Failure to Test	Failure to Conduct IOCD's	Failure to Conduct Quarterly or Semi-annual audit (per pollutant)	Failure to Conduct RATA (per pollutant)
1	\$1,000	\$7,500 per "major" pollutant", PSD, BACT or NSPS violation; \$5,000 per "SM trigger" pollutants; \$4,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$10,000 to \$20,000	\$30,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
Synthetic Minors	\$1,000	\$5,000 per "SM trigger" pollutants; \$3,000 per other pollutant(s)	\$1,000 per system per month, up to a maximum of \$15,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2	\$1,000	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system	\$5,000	\$15,000
					above based on \$2,500 - \$3,000/month penalty for delays in conducting the required audit	
2 - General	\$500	\$4,000 per NSPS violation, \$2,500 other pollutant	\$600 per system per month, up to a maximum of \$10,000 per system	\$200 per system per month, up to a maximum of \$2,000 per system		
3	\$500	\$1,000	\$250 per system per month, up to a maximum of \$2,500 per system	\$100 per system per month, up to a maximum of \$1,000 per system		
Time Basis (Guideline)	Each Test	Also requires retest to verify compliance	Each Test	Each Test	Requires Re-certification RATA	

Note: A failed Method 9 Visible Emissions Observation carries a base penalty of \$1,000 as described in the Penalty Matrix.

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Rockwood Lithium (Rockwood) FIN #A0452
Violation: NAC 445B.450 (c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit.
NOAV: 2474

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$1,000

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty = _____

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = _____

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3:

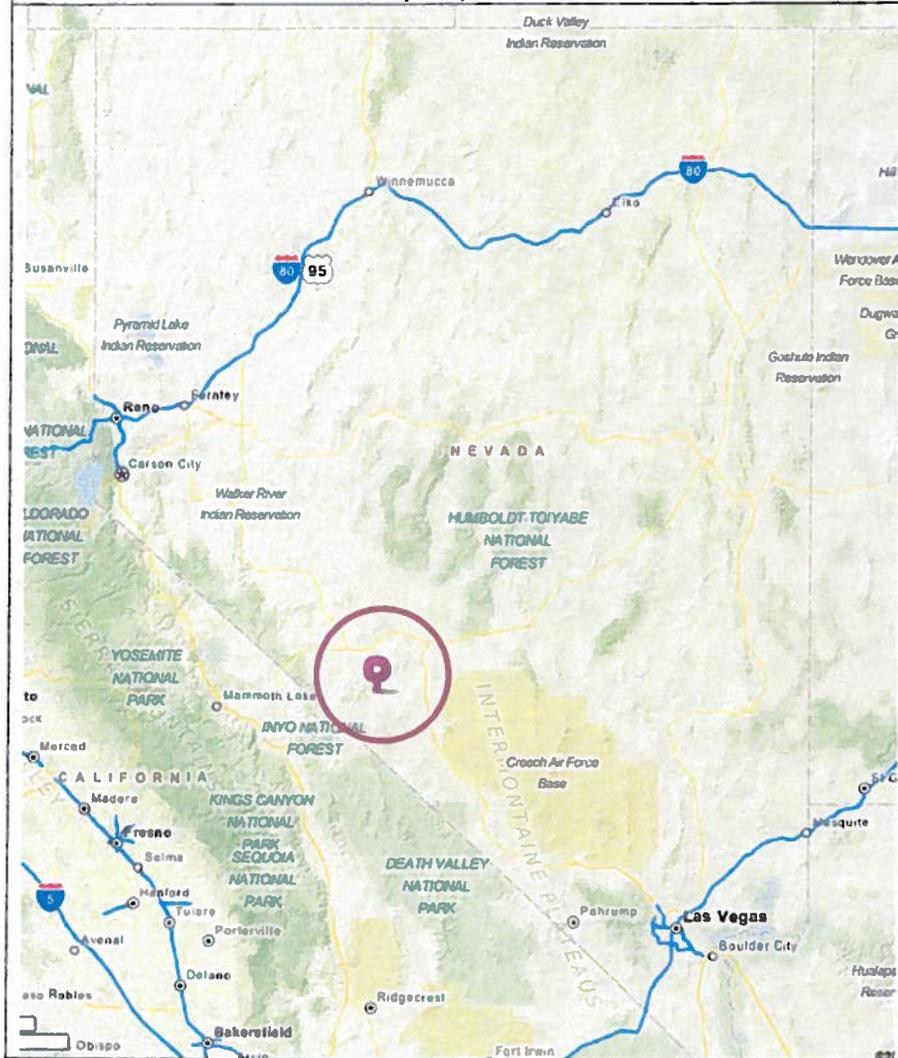
C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) = _____

D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{\$1,000}{\text{Dollar Amount}} \times \frac{5}{\text{Number of Months}} = \frac{\$5,000}{\text{Total Gravity Fine}}$$

Rockwood Lithium, Inc.
Silverpeak, NV 89047

Esmeralda County



ATTACHMENT VI

Alston Construction

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Penalty Recommendation**

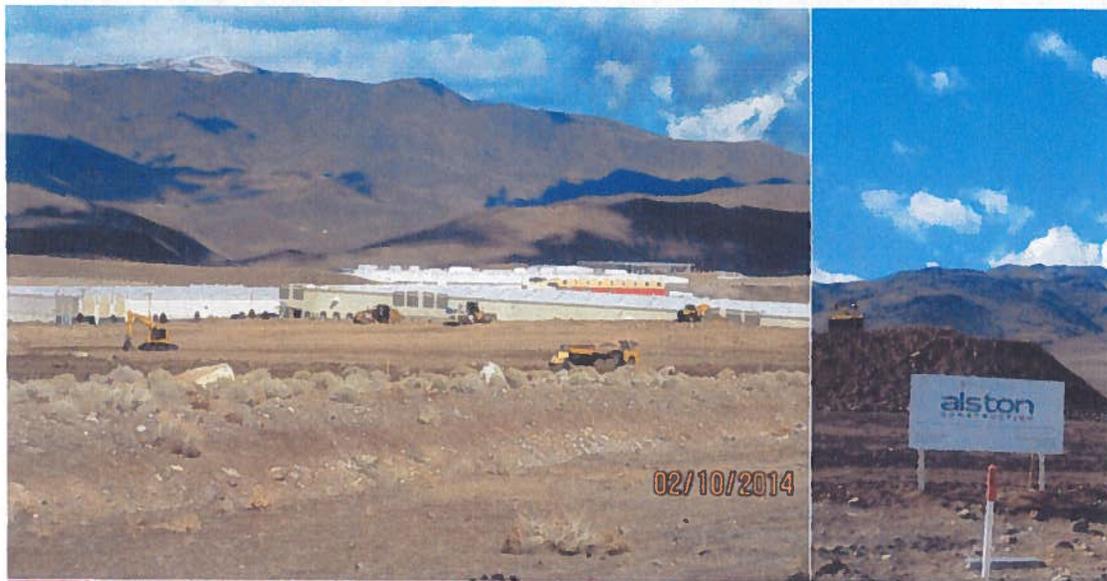
For: Alston Construction, Inc. (Class II SAD AP1629-3442; FIN A1741)
Violation: NAC 445B.275(a); Failure to apply for and obtain an operating permit
NOAV: 2476

Summary

Alston Construction is working on a project located in Storey County, Nevada. It was discovered by an NDEP-BAPC inspector on February 10, 2014 that Alston had disturbed over 5 acres of land without a valid surface area disturbance permit. The same day, Alston submitted an application for a surface area disturbance with a dust control plan to disturb approximately 48 acres. NOAV 2476 was issued February 19, 2014 for failing to apply for and obtain a valid air quality operating permit.

Proposed Penalty

The proposed penalty was calculated pursuant to the Administrative Penalty Table and calculation worksheet (attached). Please note the highlighted items that are relevant to the calculation. Starting with the Administrative Penalty Table, the base penalty for disturbing over 5 acres of land without getting a surface area (SAD) permit is \$500 plus \$50 for each acres of planned disturbance. Referring to the Calculation Worksheet, because the Alston project was planned to disturb 48 acres, \$2,400 was added to the base penalty (48 acres x \$50 = \$2,400). The total recommended penalty is \$2,900.



Administrative Penalty Table - Non-Emissions Air Quality Violations
 (Note that the Penalty Matrix is used to augment or adjust some penalties)
 Page 1 of 2

Permit Class	Constructing or Operating without a Permit (per major processing system or unit)	Failure to Install required Air Pollution Control Equipment (per emission unit)	Failure to Maintain Process or Air Pollution Control Equipment [The Penalty Matrix is used to assess the severity of any resulting Excess Emissions]	Failure to Comply with a Permitted Operating Parameter	Failure to Conduct Required Monitoring, Recordkeeping, or Reporting including incomplete or inadequate source test reports (per reporting period or per unit-day)	Failure to Comply with a Stop Order or any provision in a Schedule of Compliance
1	\$10,000	\$5,000	\$1,000	\$1,000	ACC: \$2,000 SAMR: \$1,000 AER: \$1,000 Other: \$600	\$10,000
2	\$3,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
2 - General	\$1,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
SAD	\$500 plus \$50 per acre of planned disturbance	N/A	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
3	800 (per facility)	\$600	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
Time Basis (Guideline)	Minimum; weekly to monthly (discretionary)	Daily	Event	Per standard or basis of operating parameter	Event	Daily

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Alston Construction, Inc. (Class II SAD AP1629-3442; FIN A1741)

Violation: NAC 445B.275(a); Failure to apply for and obtain an operating permit

NOAV: *Draft*

I. Gravity Component

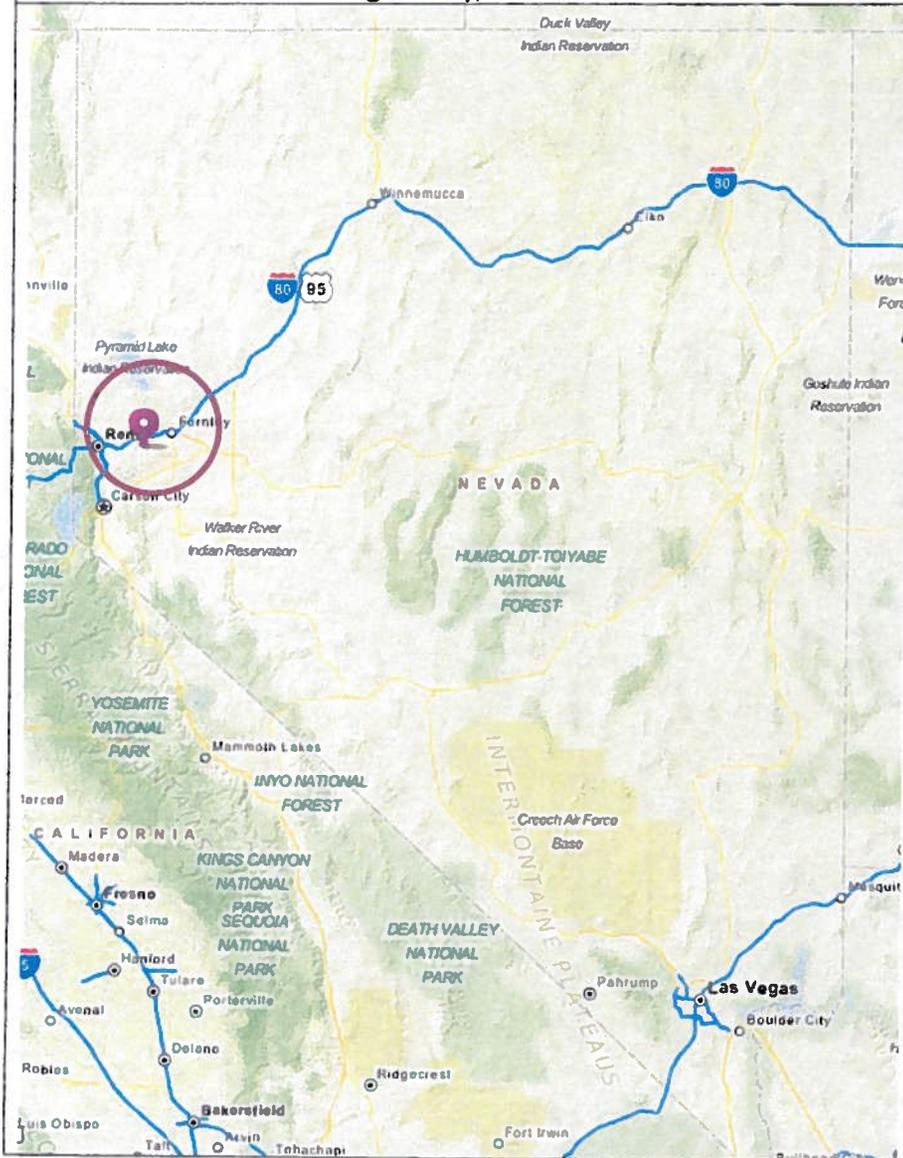
A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$500

II. Total Penalty

<u>\$50</u>	X	<u>48</u>	=	<u>\$2,400</u>
Dollar Amount		Number of acres		Adjustment
<u>\$500</u>	+	<u>2,400</u>	=	<u>\$2,900</u>
Dollar Amount		Adjustment		Total

Alston Construction, Inc.
Virginia City, NV 89440

Storey County



ATTACHMENT VII

Ambient Air Quality Standards



**Proposed Amendments
to NAC 445B.22097
and 445B.311**

May 2, 2014



Overview:

National Ambient Air Quality Standards

- Under the Clean Air Act (CAA), EPA must review the standards for each criteria pollutant every 5 years.
- Criteria pollutants: CO, Pb, NO₂, SO₂, PM, O₃.
- EPA must tighten standards if necessary to be protective of public health & welfare.
- EPA is not allowed to consider cost when setting standards.

Latest Standards that NDEP Must Implement

(New) pollutant standards that NDEP is required to implement:

- **2006 PM_{2.5} (24-hr & annual)**
- **2010 NO₂ (1-hr)**
- **2010 SO₂ (1-hr)**

State Implementation of Federal Standards

- CAA requires that States will implement these federal air pollution standards.
- States must submit a State Implementation Plan (SIP) to implement the standards. Otherwise, EPA will implement them.
- State regulation/implementation cannot be less stringent than federal law.

Time Constraints and Possible Sanctions

- States have 3 years to implement a new standard after EPA promulgates it.
- If a State is late or deficient with implementation, EPA requires solution (“FIP”).
- State’s federal funds may be sanctioned (i.e., highway funding).
- State loses program approval and all permit activity must go directly through EPA (EPA Region 9 in San Francisco).
- NDEP is under an accelerated timeline by which it must submit SIP to EPA. “FIP clock” expires October 2014.

History of Proposed Revisions

- Stakeholder meeting on November 6, 2013.
- Workshop on November 26, 2013.
 - Received several comments and worked with industry. Revised proposed amendments based on comments.
- Workshop to discuss revisions on March 20, 2014.

Current NAC Implementation

- **NAC 445B.308:** For new or modified source, applicant must submit environmental evaluation for Director to determine attainment of NAAQS.
- **NAC 445B.310:** Applicant for new or revised permit must submit with the application an environmental evaluation if
 - ☐ New project > 25 tpy PTE of a reg. pollutant
 - ☐ Modification, if existing source has PTE > 25 TPY for a reg. pollutant and modification has PTE > 10 TPY for a reg. pollutant.

Current NAC Implementation

- **NAC 445B.311:** Contents of Environmental Evaluation.
 - Eval for new or modified source must contain... “a dispersion analysis of each regulated air pollutant.”
- **NAC 445B.22097:** Standards of Quality for Ambient Air.
 - Director shall use Nevada Standards in considering whether to issue a permit.

Proposed Revisions to NAC 445B.22097

- **Adds to the Nevada side of the table:**
 - 1-hour Nitrogen Dioxide standard
 - 1-hour Sulfur Dioxide standard
 - Annual mean and 24-hour standard for PM_{2.5}
- **Adds language to ensure the new standards are no more stringent than the federal standards.**
 - “...the Director shall use the form of the standards set forth in 40 C.F.R. §§ 50.11, 50.13 and 50.17, as those provisions existed on the effective date of this regulation, to ensure that the Nevada standard is no more stringent than the National standard in determining whether the stationary source will comply with the Nevada standards in areas where the general public has access.”
- **Clarifies how measurements of PM_{2.5} and Lead are to be made.**

Proposed Revision to NAC 445B.311

- Adds a section that exempts applicant from providing air model for 1-hour SO₂ or 1-hour NO₂ if PTEs are less than 40 tons per year for new source or modification of source.



Questions and Comments?

Rob Bamford

rbamford@ndep.nv.gov

Jasmine Mehta

jmehta@ndep.nv.gov

ATTACHMENT VIII

SEC Form 4

FORM #4

NEVADA STATE ENVIRONMENTAL COMMISSION SMALL BUSINESS IMPACT DISCLOSURE PROCESS PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

If **Yes** to either of questions 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM #4
SMALL BUSINESS IMPACT STATEMENT
(NRS 233B.0609)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*
2. The manner in which the analysis was conducted (if an impact was determined).
3. The estimated economic effect of the proposed regulation on small businesses:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects
4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. *(Include a discussion of any considerations of the methods listed below.)*
 - A. Simplification of the proposed regulation
 - B. Establishment of different standards of compliance for a small business
 - C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine.
5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*
- 6.. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.
8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and that the information contained in this statement is accurate.

Administrator, NDEP

Date

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>