



DATE	FROM	TOPIC	QUESTION	DIVISION RESPONSE	PERMIT SECTION / REGULATORY CITATION
2/26/2021	GBRW / Basin and Range Watch / Wildlands Defense vs. BLM Lawsuit	Sulfuric Acid Plant	Is technology required to be specified in the permit application? <i>[See GBRW / Basin and Range Watch / Wildlands Defense vs. BLM Lawsuit]</i>	In the submitted application to NDEP, the facility proposes to use a tail gas scrubber manufactured by DuPont Clean Technologies to control sulfur dioxide emissions out of the sulfuric acid plant. The tail gas scrubber will be a required air pollution control device in the air quality operating permit. We reviewed the submitted manufacturer's guarantee for the scrubber, the specifications for the scrubber, and the statistics at other installations which use this scrubber. If you wish to learn more, the information submitted by the facility on the scrubber technology can be found here (the permit number is AP1479-4334): <a href="https://documentviewerpublic.ndep.nv.gov/Common/Login.aspx?ReturnUrl=%2f">https://documentviewerpublic.ndep.nv.gov/Common/Login.aspx?ReturnUrl=%2f</a>	Permit Sections V.X (5) and (6)
2/26/2021	GBRW / Basin and Range Watch / Wildlands Defense vs. BLM Lawsuit	Sulfuric Acid Plant	How will NDEP ensure that the emission controls system yet to be specified will be able to control sulfur dioxide emissions? <i>[See GBRW / Basin and Range Watch / Wildlands Defense vs. BLM Lawsuit]</i>	The facility will ensure sulfur dioxide emissions are under permitted emission limits with initial and annual stack tests and the facility will be required to have a Continuous Emissions Monitoring (CEMS) Unit on the Acid Plant. The CEMS unit will have an initial certification test, daily calibration, and a quarterly audit. In addition, readings from the CEMS unit are transferred every second to a Data Acquisition and Handling System (DAHS) where the reading is recorded and stored. The data can then be reviewed in any time interval that is requested (e.g., 6-minute averages, 30-day rolling averages, etc.). The CEMS unit will allow the facility to be notified quickly if something with the unit is not operating properly.  NDEP will ensure that sulfur emissions are under permitted emission limits by reviewing records and the data logged by the CEMS unit, performing onsite inspections, observing testing related to the CEMS unit, and validating testing reports. NDEP will also review source tests to make sure they were done correctly, and no limits were exceeded.	Permit Sections V.X (5) and (6)

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2/26/2021	GBRW / Basin and Range Watch / Wildlands Defense vs. BLM Lawsuit	Sulfuric Acid Plant	How will future emissions be controlled during increases in production? [See GBRW / Basin and Range Watch / Wildlands Defense vs. BLM Lawsuit]	The facility will be required to submit a revision application if they want to increase production. The revision must be approved and issued before any increase in production will occur. It must be verified that all increases in production will meet ambient air quality standards.	Nevada Administrative Code (NAC) 445B.099, NAC 445B.3465
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Permitting	<p>BLM has approved Phase 1 and Phase 2. It appears NDEP is going to bifurcate Thacker Pass into Phase 1 and Phase 2. There is concern locally that this bifurcated process will allow the company to imply minimized impacts to the community. The company has already played the Phase 1 and Phase 2 game with the community (where they tout Phase 2 jobs, but only mention Phase 1 water use and sulfur use). If the bifurcated approach continues with NDEP; will all cumulative impacts of the entire mine be considered in a Phase 2 permit?</p> <p>A) There is specific concern about the acid plant and class 1 and class 2 air quality permitting. Can two acid plants avoid class 1 air quality permitting by considering each individually in Phase 1 and Phase 2?</p>	<p>For the facility to move from Phase 1 to Phase 2 will require a revision to the permit and will be looked at cumulatively. So, each acid plant would not be considered individually, and their emissions will all be in conjunction with the overall emissions from the facility. If the facility's total emissions, including those from both acid plants, go above Class 2 thresholds then the facility will be required to submit a class 1 application.</p> <p>If the facility proposed to increase production or add new units, they will be required to submit an application prior to implementing any of these changes. None of these changes can be implemented until we have evaluated the application and issued a revised permit.</p> <p>In addition, Public Notice is required on Class 2 Applications when one of the following two conditions are met: the facility is located within 1,000 feet of a school, hospital, or residential area; or the revision increases allowable emissions-specific thresholds. For example, it would appear that if the facility wanted to go from what was proposed in the application to emissions proposed in the phase 2 in the EIS public notice would be triggered by the increase in PM<sub>10</sub> and PM<sub>2.5</sub>.</p>	NAC 445B.187, NAC 445B.3457

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Permitting	Do you have a list of what NDEP considers Hazardous Air Pollutant and Regulated Air Pollutants for purposes of Class 1 and Class 2 permitting?	<p>There are 8 regulated pollutants and 187 hazardous air pollutants that we take into consideration during our analysis. The 8 regulated pollutants all have either national and/or Nevada air quality standards. Nevada air quality standards are the same as the federal limits with the exception of hydrogen sulfide which is a state only standard.:</p> <ul style="list-style-type: none"> <li>• PM<sub>10</sub> (particulate matter less than or equal to 10 microns in diameter)</li> <li>• PM<sub>2.5</sub> (particulate matter less than or equal to 2.5 microns in diameter)</li> <li>• SO<sub>2</sub> (Sulfur Dioxide)</li> <li>• NO<sub>2</sub> (Nitrogen Dioxide)</li> <li>• CO (Carbon Monoxide)</li> <li>• Pb (Lead)</li> <li>• O<sub>3</sub> (Ozone) (emissions calculated as Volatile Organic Compounds)</li> <li>• H<sub>2</sub>S (Hydrogen Sulfide) (State only ambient air quality standard)</li> </ul> <p>An air quality standard defines the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without harming public health. Secondary standards are set to protect plants, forests, crops and materials from damage due to exposure to the regulated pollutants.</p> <p>When we do our analysis of the application that has been submitted, we evaluate whether the applicant has taken into account all stationary equipment that has the potential to emit these pollutants based on the information provided in the application.</p> <p>The hazardous air pollutants from the Thacker Pass project are generated from fuel combustion from stationary equipment such as startup burners or boilers. These emissions are calculated utilizing a standardized method developed by the EPA.</p>	NAC 445B.084, NAC 445B.153, NAC 445B.22097, <a href="https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications">https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications</a>

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Emergency Planning	<p>Does NDEP consider the potential for mine accidents (i.e. 13,000 tons of molten sulfur, 14,000 tons of sulfuric acid, and 92,000 gallons of diesel (plant+mine) will be stored at the mine)? Or does NDEP assume the plant/mine will operate without accidents?</p> <p>A) For purposes of bonding? <i>[See NDEP-BMRR]</i></p> <p>B) For purposes of potential air quality and groundwater pollution?</p>	<p>A) Scheduled maintenance, testing, or scheduled repairs which may results in excess emissions of regulated air pollutants must be approved in advance by the NDEP's Bureau of Air Pollution Control (BAPC) and performed during a time designated by NDEP as being favorable for atmospheric ventilation. If there is a malfunction or upset of the process equipment or equipment for controlling pollution or during start-up or shutdown of that equipment, the facility must notify BAPC within 24 hours. Within 15 days, the facility must submit additional information so the seriousness of the excess emissions can be determined by BAPC. The facility must estimate the magnitude of emissions and include the time and duration, as well as the steps that were taken to remedy the malfunction or prevent the reoccurrence. The BAPC will make a determination if a violation occurred.</p>	Permit Section I.G
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Ambient Air Quality Standards	<p>Has NDEP made any on the ground field observance of Thacker Pass? Specifically:</p> <p>A) Water levels and conditions of LNC wells? <i>[See NDEP-BMRR]</i></p> <p>B) Baseline air quality conditions?</p>	<p>B) NDEP has a series of ambient air quality monitors throughout the State; the closest monitor is in Elko. Some Title V (Class I Major Sources) facilities are required to monitor background levels prior to commencing construction but this is not a requirement for any Class 2 Facility. NDEP does apply a background concentration for modeling purposed for PM<sub>10</sub> and PM<sub>2.5</sub>.</p>	NAC 445B.22097

DATE	FROM	TOPIC	QUESTION	DIVISION RESPONSE	PERMIT SECTION / REGULATORY CITATION
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Compliance	How much staff does NDEP have to independently verify compliance via inspections statewide?	<p>The BAPC has positions for 6 inspectors and 2 supervisors to verify compliance with Air Quality Operating Permits in all counties in Nevada with the exception of Clark and Washoe Counties. One inspector is specifically assigned to oversee all minor source facilities in Humboldt County in-order-to maintain continuity and institutional knowledge of the area.</p> <p>However, other inspectors and the supervisor may assist with compliance actions and/or investigations should more resources be required.</p>	

DATE	FROM	TOPIC	QUESTION	DIVISION RESPONSE	PERMIT SECTION / REGULATORY CITATION
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Odors	If my property stinks or has smog as a result of the mine, does NDEP provide any remedy, if the mine is technically meeting air quality standards?	<p>If a property owner detects odors as a result of the mine operation, NDEP will investigate complaints by following applicable regulations.</p> <p>NAC 445B.22087(1) states, "No person may discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property."</p> <p>Complaints of odors must be investigated pursuant to NAC 445B.22087(2), which states, "The Director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed. Possible violations for detected odors must be considered pursuant to NAC 445B.22087(3), which states, "The Director shall deem the odor to be a violation if he or she is able to make two odor measurements within a period of 1 hour. These measurements must be separated by at least 15 minutes. An odor measurement consists of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air. The NDEP utilizes a Nasal Ranger, which is a portable odor detecting device capable of measuring odors with various dilutions in real time.</p> <p>If emissions coming from equipment on site are visible (i.e., smoke from a stack), the NDEP will perform an EPA Reference Method 9 visible emissions observation to determine the level of opacity and determine if a violation has occurred.</p>	NAC 445B.22087

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Sulfuric Acid Plant – Emission Limits / Enforcement	<p>In NDEP permitting, the mine claims Sulfur dioxide emissions will only be 41.9 tons a year (in phase 1). Other sulfuric acid plants of comparable size emit 700-2400 tons of Sulfur Dioxide a year. Hence, the mine’s figures have generated skepticism.</p> <p>A) Will the mine be bound to that 41.9 tons a year?</p> <p>B) What would the penalties be, if the mine had a minor exceedance (i.e. something like 43 tons a year)?</p> <p>C) What would the penalties be if the mine had a major exceedance (i.e. in excess of 100 tons a year)?</p>	<p>A) Yes, the mine will be bound to the limits that are in the permit. The facility will be required to conduct initial and annual performance tests and have a continuous emissions monitoring system to monitor Sulfur Dioxide Emissions.</p> <p>B) The penalty could vary considerably depending on the extent of the violations. If the only condition violated was the annual emissions limit the penalty could be as low as \$1,000. If the violation of the annual emission limit was due to other violations such as exceeding the permitted hourly emission limit or annual hours of operation penalties could go as high as \$10,000 per day per violation.</p> <p>C) Violations of this magnitude could result in the issuance of either a “Notice of Findings and Order” to limit operating parameters, as necessary, or a “Stop Order”, especially if the facility exceeded the state or federal ambient air quality standards, the excess emissions significantly exceeded the permitted limit, or if the exceedance resulted in the facility not having an appropriate permit to match the actual emissions. Penalties could be up to \$10,000 per day per violation. Additionally, if the exceedance is such that the source would be subject to federal permitting requirements (Title V or PSD) the U.S. Environmental Protection Agency could initiate an enforcement action with penalties not limited by NRS 445B.470.</p>	<p>A) Permit Section V.X</p> <p>B) Nevada Revised Statutes (NRS) 445B.470.2</p> <p>C) NRS 445B.470.2</p>

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Stack Testing	Is there any way for citizens to independently verify emissions at Thacker Pass?	<p>The application and subsequent requests for information (RFI) are all public record. Citizens can access this application and RFI's from the NDEP website and review all the same information that we have been provided. In addition, the technical review and emission spreadsheet will be part of the public record and available for public review during the public notice period. These documents can be found here (the Permit number is AP14794334):  <a href="https://documentviewerpublic.ndep.nv.gov/Common/Login.aspx?ReturnUrl=%2f">https://documentviewerpublic.ndep.nv.gov/Common/Login.aspx?ReturnUrl=%2f</a></p>	

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Stack Testing	Does NDEP have any process for citizens hire a qualified professional to verify smokestack emissions (or other pollution problems)? Or can the company just lock everybody, except NDEP, out of this mine on public lands?	<p>The NDEP does not have the authority to require a facility to allow members of the public to conduct third party verifications.</p> <p>The facility is required to submit a "Stack Test Protocol" (a detailed plan of the intended timeline and procedures for testing) for NDEP review prior to conducting any testing. The "Stack Test Protocol", as well as any related correspondence, are a public record and can be accessed by the public for review at the same location provided in the previous question. NDEP attends as many stack tests as possible to observe testing while it is conducted; prioritizing testing of facilities that may pose a greater risk to human health and the environment. NDEP inspectors also review all final reports of the testing and use our in-house program to verify the calculations and results that are presented. Upon review of all information, staff deems the test valid or invalid. Testing deemed invalid is required to be repeated in a timely manner.</p> <p>As defined in 40 CFR Part 50 – National Primary and Secondary Ambient Air Quality Standards, Ambient air means that portion of the atmosphere, external to buildings, to which the general public has access (40 CFR § 50.1(e)). As such, NDEP verifies the site meets air quality standards at the locations where the public has access.</p> <p>If there are access restriction requirements from the BLM or MSHA then that will need to be discussed with those agencies.</p>	NAC 445B.252, 40 CFR § 50.1(e)

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Enforcement	It has been asserted that there is billions of dollars' worth of lithium at Thacker Pass; can the mine just pay fines and keep violating air quality standards?	If a company fails to maintain or return to compliance, the NDEP has authority to issue violations and/or a Stop Order, depending on the severity of non-compliance and other circumstances involved in the specific situation. If a company violates the conditions of a "Stop Order" the NDEP has the ability to pursue an injunction through the courts.	NAC 445B.277
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Mobile Sources	It is our understanding that NDEP doesn't consider mobile emissions. LNC will burn over a semi load of diesel a day at the mine site (on mobile equipment). If my property is devalued by poor air quality (or I otherwise suffer injury); can the mine avoid regulation by NDEP by claiming emissions are mobile, instead of fixed emissions?	The facility can only claim that emissions are mobile if they meet the definition of non-road engines. This includes things such as portable generators. If an engine remains stationary for more than 12-months, then we would no longer consider that engine a non-road engine and it may need to be permitted.  Even though we do not permit these non-road engines, they are required to meet the emission standards set by EPA.	NAC 445B.113, NAC 445B.187(3), 40 CFR Part 1068.30
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Tailings Pile Emissions	LNC will import roughly 680,000 tons of sulfur each year, which will be burned creating 5,800 tons of sulfuric acid a day, and the resulting sulfur compounds from acid processing will be dumped on the tailings pile (millions of tons over the life of the mine). Sulfur compounds in landfills have been shown to break down into harmful gasses.  A) What division of NDEP would regulate gasses emitted from the tailings pile (Air Quality or Water Quality/Mining Divisions)?	A) The BAPC does not include gaseous emissions from tailings piles in our calculations for Class 2 sources. The tailings and gangue piles are not anticipated to have an environment that is both wet and has organic matter for bacteria to thrive to deplete the environment of oxygen to produce H <sub>2</sub> S.	

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Tailings Pile Emissions	<p>LNC will import roughly 680,000 tons of sulfur each year, which will be burned creating 5,800 tons of sulfuric acid a day, and the resulting sulfur compounds from acid processing will be dumped on the tailings pile (millions of tons over the life of the mine). Sulfur compounds in landfills have been shown to break down into harmful gasses.</p> <p>B) What about harmful chemical dust resulting from the tailings pile (Air Quality or Water Quality/Mining Divisions)</p>	B) According to an analysis provided in the BLM's EIS the Clay Tailings Facility for Phase 1 will be made up of 64% Acid leach filter cake (clay material), 17% Neutralization filter cake, 15% Magnesium sulfate salts, and 3% sodium/potassium sulfate salts (Table 4.21). The facility is required to control dust at all times.	Permit Section VIII, NAC 445B.22037
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Odors	The company assures us that this mine/plant will not smell. Is there any way we can hold the company to these promises? Does NDEP have standards for distances away from the mine?	See "Odors" Response Above	
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Odors / Ambient Air Quality Standards	If my property stinks and I can show elevated air pollutants above pre-mine background levels; is this grounds for NDEP regulation?	<p>See "Odors" Response Above</p> <p>The facility must meet Nevada and National Ambient Air Quality Standards at the fence line of the facility.</p>	NAC 445B.22097

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Ambient Air Quality Standards	What are the fines if the mine violates air quality standards?	<p>Penalty recommendations to the State Environmental Commission start with base penalties from the penalty matrix found as Attachment 8 of the SEC_Information_Packet_2021.pdf (nv.gov).</p> <p>The base penalties are determined by the Class of permit and the regulatory or permitting condition that has been violated. The base penalties are used in conjunction with the penalty calculation worksheet found as Attachment 9 of the SEC Information Packet. The penalty calculation worksheet considers the number of violations, the severity of the violations, and the facility's compliance history. If, for example, a facility fails a source test the penalty for a facility the size of the Thacker Pass Mine is \$5,000 per "synthetic minor" pollutant or \$3,000 for all other pollutants. If an emission unit at a facility was found emitting a synthetic minor pollutant at 150% of the permitted limit the penalty would increase from \$5,000 to \$7,500. If the facility has been issued any violations within the last 5 years, the recommended penalty increases by 5% for each prior violation and an additional 150% to 300% if a violation was issued for a similar issue (i.e., failed source test). The limit on penalties that can be levied is \$10,000 per day per violation pursuant to Nevada Revised Statutes (NRS) 445B.470.</p>	NRS 445B.470

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4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Compliance	What frequency would the mine be checked for air quality compliance, and are NDEP compliance checks of a specific required frequency?	<p>Per our agreement with EPA, NDEP shall conduct a Full Compliance Evaluation (FCE) (includes review of records, all required reports, and an on-site inspection) a minimum once every five years. The NDEP shall also, per the agreement, conduct a Partial Compliance Evaluation (PCE) (includes review of all required reports) on all other years that an FCE is not conducted.</p> <p>We have the discretion to conduct on-site inspections on a more frequent basis. And NDEP may also visit site on the basis of an odor or dust complaint.</p>	NDEP's Compliance Monitoring Strategy Plan for Federal Fiscal Years FY23-FY28
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Compliance	What methods does NDEP use to ensure sensor accuracy on emission smokestacks? Does NDEP use methods of determining smokestack emissions, aside from company provided sensors?	The Facility is required to install Continuous Emissions Monitoring System (CEMS) on the Sulfuric Acid Plant stack for sulfur dioxide (SO <sub>2</sub> ) emissions. The CEMS will be required to undergo daily calibrations and quarterly audits to ensure they are operating properly. The facility will also be required to have initial testing and annual testing of stack emissions conducted by a third-party vendor as additional comparisons to verify that the CEMS is continuing to produce accurate readings. In addition, there will be initial and annual or renewal stack test requirements.	Permit Section IV, Section V – Testing for individual units will be listed as required for each unit
4/12/2021	Thacker Pass Concerned Citizens (Edward Bartell)	Ambient Air Quality Standards	Will NDEP gather pre-mine background levels of air pollution, in the Kings River, and Orovada Valleys?	See "Ambient Air Quality Standards" Response Above	
4/22/2021	Thacker Pass Concerned Citizens Meeting (From Chat)	Mobile Sources	Carl Van Warmerdam @ 7:15 PM – Are trucks servicing the mine taken into consideration for air quality?	See "Mobile Sources" Response Above	

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4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Stack Testing	<p>Denise Cerri – You mentioned during the monitoring and compliance phase that there is 3rd party verification.</p> <ul style="list-style-type: none"> <li>• Who chooses the 3rd party verifier and who pays for it?</li> <li>• How can be we confident if it is paid for by the mine operator?</li> <li>• What confidence can we have in the results off these compliance tests?</li> </ul>	<p>Stack testing must follow stringent EPA test procedures. Tests, in many cases, are observed by compliance staff. The results of the tests must be submitted within 60 days after testing and certified as to their truth and accuracy by the testing company. [NAC 445B.252.8, Testing and Sampling. "All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the Director no later than 60 days after the testing or sampling, or both."] The compliance team will audit the results. If test results show EPA test procedures were not followed, the test results can be invalidated. If the test results are invalidated, the facility will have to retest within 60 days. If test results show a system failed, the facility will also have to retest within 60 days.</p> <p>The compliance staff has the same training that stack testers get. We also have an in-house program that recalculates the results to ensure sure we get the same results. We work with 3rd parties stack testers frequently and are familiar with them and their personnel.</p>	Permit Section I.H, NAC 445B.252.8
4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	BLM EIS Differences with Air Permit Application Submitted to NDEP	Ed Bartell – Phase I acid plant is 2900 tons maximum capacity. In NDEP process, it is roughly 3300 tons. This is 400 tons more than approved in the Phase I EIS. How do you deal with that discrepancy?	NDEP's reviewed the proposed emissions inventory in the application submitted to us and we verify these emissions by developing and calculating our own emissions inventory. Our analysis also takes into account the location of the equipment. All of these factors will be considered in NDEP's air dispersion model. This model demonstrated that what the mine has proposed will comply with ambient air quality standards. The facility will be held to the emission limits and throughputs in the Air Quality Operating Permit by NDEP.	Permit Sections V.X (2) and (3)

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4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Sulfuric Acid Plant	Karen – Is there a plant similar in size or application and materials to compare this proposed plant to? <i>[From GBRW John Hadder – Kennecott Copper in AZ is the best in the US and LNC is claiming even lower emission levels]</i>	We reviewed the submitted manufacturer's guarantee for the scrubber, the specifications for the scrubber, and the statistics at other installations which use this scrubber. The facility will be required to verify the permitted emissions with initial and annual source tests. They will also be required to have a Continuous Emissions Monitoring System to continuously monitor SO <sub>2</sub> emissions. If the facility violates the limits of the permit, they will be subject to violations and associated fines.	Permit Sections V.X. (5) and (6), Section VI
4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Sulfuric Acid Plant	Karen – Smaller plants that are similar have a hard time meeting the limits that are set, and their plants are much smaller. If smaller plants are having a hard time meeting their emission limits, how is Thacker pass planning on meeting their limits considering this is a much larger plant?	See “Sulfuric Acid Plant” Response(s) Above	
4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Complaints	Terry Crawford – If an individual observes a suspected emission violation how can they report that (to NDEP)?	Individuals can report any suspected air emission violation to the BAPC at 775-687-9349.  They can report any suspected environmental violation to the 24/7 NDEP Spill Hotline at 775-687-9485, or 888-331-6337. Individuals can remain anonymous. Individuals will communicate with a live person when they call the NDEP Spill Hotline.	Permit Section I.G
4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Complaints	Terry Crawford – What is the response time if substantial information is provided?	The response time depends on the nature of the event, please note that NDEP is not an emergency response organization. Depending on the nature of the air issue or violation, we would respond according to when we are able and based on severity.  The facility is also required to report excess emissions within 24 hours and follow up with investigation/findings within 14 days after the initial report (15-day report).	Permit Section I.G

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4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Complaints	Terry Crawford – Different "sections" are issuing their "portions" of the permit. Are these issued as one, can one hold up the whole facility -- one for air, one for water, etc?	There are 3 different permits being issued to this facility from NDEP, 1 from the Air Bureau and 2 from the Mining Bureau. All 3 permits must be issued before the facility can start construction.	
4/22/2021	Thacker Pass Concerned Citizens Meeting (Spoken During Meeting)	Complaints	Terry Crawford – Are technical questions submitted to the facility available for public review?	All technical questions are public records.	
5/25/2021	Public Meeting	Coordinating Agencies	Can you communicate with other agencies regulating lithium mines?	Yes, NDEP is actively working with other agencies, and will continue to communicate any concerns that are applicable to the agency.	
5/25/2021	Public Meeting	Spills	Does NDEP anticipate that a number of spills will occur at the mine?	For BAPC, any emissions above those permitted would be considered excess emissions and a violation of the air permit.	Permit Section I.G
5/25/2021	Public Meeting	Uranium	How is uranium monitored?	Radiation regulations and laws from EPA can be found here: <a href="https://www.epa.gov/radiation/radiation-regulations-and-laws">https://www.epa.gov/radiation/radiation-regulations-and-laws</a> . The Clean Air Act and federal regulations have specific regulations for certain types of radiation sources. This facility is not one of the listed sources. If this were to change, specific monitoring requirements for uranium would be required from the facility.	

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5/25/2021	Public Meeting	Citizen Sampling	Would reports from the community or mining staff regarding sampling issues spark an investigation?	<p>Sampling required by the Air Quality Operating Permit will be required to be obtained by companies contracted by the facility or facility staff; and compliance staff will review the reports.</p> <p>If the community or mining staff have concerns regarding sampling issues, BAPC will consider the information and evaluate within the context of the Air Quality Operating Permit.</p>	
6/24/2021	Public Meeting @ 6 PM	Enforcement	How is a penalty against the mine assessed?	See "Enforcement" Response(s) Above	
6/24/2021	Public Meeting @ 6 PM	Ownership Change	If the mine is sold, how would the air permitting process change?	If the mine is sold the new owner would need to get the Air Quality Operating Permit transferred to them through an Administrative Amendment. The new owner would be required to comply with the requirements in the existing permit. If the new facility wanted to make changes that would increase emissions or add additional equipment the facility would be required to submit an application to revision the permit and will not be able to implement any of the proposed changes until a revised permit has been issued.	NAC 445B.287
6/24/2021	Public Meeting @ 6 PM	Sulfuric Acid Plant	Is the volume of gas (and the sensor) accurate; is there a way to measure the volume of gas being emitted?	<p>Exhaust flows will be determined during annual stack testing for particulate matter, sulfur dioxide, nitrogen oxide, and sulfuric acid mist. The emission rates and stack flows were determined by engineer design. There will be a Continuous Emissions Monitoring System (CEMS) that will continuously monitor the SO<sub>2</sub> concentration of the stack and the exhaust flow rate. From those measurements, a total gas flow rate can be calculated.</p> <p>In order for a CEMS to pass annual audits, the unit must meet a confidence level of 95%.</p>	Permit Sections V.X (5) and (6)

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6/24/2021	Public Meeting @ 6 PM	Citizen Sampling	Should concerned citizens work with NDEP to do independent monitoring?	See "Citizen Sampling" Response(s) Above	
6/24/2021	Public Meeting @ 6 PM	Enforcement	What regulations are these penalties based on?	See "Enforcement" Response(s) Above	
6/16/2021	Information Requests	Information Requests	How long does Lithium Nevada have to answer questions posed by NDEP?	For the application process the facility can take as long needed to answer the questions the BAPC asks. The regulatory timeframe is extended for as long as it takes for the facility to submit a complete response.	NRS 445B.210, NAC 445B.297, NRS 445B.300
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Compliance	"Who monitors the monitors?"	See "Compliance" Response(s) Above	
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Permitting	Do issues with mines in the past affect the permitting decision for this mine?	No. Each application is evaluated upon it's own merit. However, we do utilize institutional knowledge to update permit language based on previous compliance challenges.	
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Permitting	Is the State or the federal government more stringent with environmental protection laws; how does Nevada compare to other States?	<p>The Air Program uses both State and federal requirements to permit the facility. In cases where the requirements overlap with each other, the facility will need to meet both requirements. If one requirement is more stringent than the other, then less stringent requirement is met by the more stringent requirement.</p> <p>The Clean Air Act guides state permitting programs; however, states can add additional and more stringent requirements based on state specific air quality challenges.</p>	

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6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Ambient Air Quality Standards	How often will the site be monitored for impacts to air and water?	For the Air, the facility will be required to monitor hours of operation and throughput on a daily basis. In addition there will be initial and annual or renewal stack testing requirements on many of the systems. The facility will be required to have a Continuous Emissions Monitoring (CEMS) Unit on the Acid Plant for SO <sub>2</sub> emissions. The CEMS unit will have an initial certification test, daily calibration, and a quarterly audit. In addition, Readings from the CEMS unit are transferred every second to a Data Acquisition and Handling System (DAHS) where the reading is recorded and stored. The data can then be reviewed in any time interval that is requested (e.g., 6-minute averages, 30-day rolling averages, etc.). The CEMS unit will allow the facility to be notified quickly.	Permit Sections V and VI
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Permitting	How will people be notified of the public comment period for the intended permit decision?	The Public Notice will be posted to NDEP's website and NDEP's Thacker Pass website will be updated with this information as well. If you have signed up on our website to be notified about notices, you will get an email.	NAC 445B.3457
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Permitting	Are the permits for the mine updated?	The Air permit must be renewed by the facility every 5 years. At this time the facility will be required to submit a renewal application and the BAPC will revisit all calculations and will potentially ask more questions if new information has been provided or known; and will address any new standards that may be applicable to the facility.	NAC 445B.315
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Coordinating Agencies	How do the agencies involved coordinate with one another? Where in this process can the tribe voice its concern with the project?	See "Coordinating Agencies" Response Above.  The tribe can submit comments and/or request a meeting with NDEP at any time.	

DATE	FROM	TOPIC	QUESTION	DIVISION RESPONSE	PERMIT SECTION / REGULATORY CITATION
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Permitting	If there is a difference between State and federal decisions, which decision is upheld?	The Air Program uses both State and federal requirements to permit the facility. In cases where the requirements overlap with each other, the facility will need to meet both requirements. If one requirement is more stringent than the other, then less stringent requirement is met by the more stringent requirement.	
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Ambient Air Quality Standards	Is there an increased air pollution risk by having other mining sites nearby?	Each stationary facility is modeled individually and emissions from each site must meet Nevada and National Ambient Air Quality Standards. And, for this facility, the closest mine or significant facility is over 25 miles away.	NAC 445B.310, NAC 445B.311
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Permitting	What are the steps for all agencies involved to finalize the project?	For the air permit, BAPC will post the documents for Public Notice and will hold a hearing at the end of the 30-day notice period. After this Public Notice period BAPC will review and respond to comments and make any changes to the permit that may be required. Once this review is complete a permit will be issued or denied.	NAV 445B.3457
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Ambient Air Quality Standards	Where are the nearest air monitors?	The nearest Meteorological site is in Winnemucca (Winnemucca NWS - 24128) and the nearest air monitor is in Elko and monitors PM <sub>10</sub> .	
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Compliance	Which agency regulates the mine?	For air emissions, this facility is regulated by NDEP's BAPC.	
6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Compliance	How is air pollution monitored?	See "Compliance" Response(s) Above	

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6/16/2021	Fort McDermitt Paiute and Shoshone Tribe Meeting	Ambient Air Quality Standards	Will the wind push air pollution into the valley?	Based on the expected emissions from the sources, and the modeling performed for the site, emissions will be below the Nevada and National Ambient Air Quality Standards at the boundary of the project area. The modeling was performed used the highest permitted emission limits and the worst-case weather situation that can produce the highest predicted concentration of pollutants outside the plant boundary.	NAC 445B.22097
6/24/2021	Public Meeting @ 1 PM	Odors	At the offload site in Winnemucca, while trucks are unloading chemicals, is there a way for residents near the facility to issue an odor complaint?	See "Odors" Response(s) Above	
6/24/2021	Public Meeting @ 1 PM	Odors	Can a household issue an odor complaint if it's less than 20 people?	See "Odors" Response(s) Above  Yes. A violation for odors can be issued if the BAPC makes two odor measurements within a one-hour period. The two measurements must be separated by at least 15 minutes. An odor measurement consists of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.	Permit Section I.D, NAC 445B.22087
6/24/2021	Public Meeting @ 1 PM	Stack Testing	For third-party emission testers, does Lithium Nevada hire the testers?	See "Stack Testing" Response(s) Above	

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6/24/2021	Public Meeting @ 1 PM	Sulfuric Acid Plant	Have you been able to conduct research on the control equipment being used at the facility; is it similar to how the tailpipe of a car works?	See "Sulfuric Acid Plant" Response(s) Above  Yes, Technically the emission controls work the same as in a car in that the initial emissions from the emission units will be reduced. However, most of the controls will be liquid based in order to control the emission of PM, Sulfur Compounds, and any other water-soluble compound produced. See <a href="https://cleantechnologies.dupont.com/technologies/mecs/technologies-technologies-mecsdupont-clean-technologies-mecs-processes/mecsr-dynawaver-reverse-jet-wet-gas-scrubber-technology/">https://cleantechnologies.dupont.com/technologies/mecs/technologies-technologies-mecsdupont-clean-technologies-mecs-processes/mecsr-dynawaver-reverse-jet-wet-gas-scrubber-technology/</a>	
6/24/2021	Public Meeting @ 1 PM	Dust	How will the dust be controlled?	The facility will use a combination of two water trucks (14,000 gallons and 8,000 gallon), graveling/paving of roadways, dust palliatives, fencing or berming to prevent unauthorized access to disturbed areas, application of water sprays on material storage piles on a regular basis, overhead water spray racks or water hoses, track-out controls, landscape preservation and impact avoidance, pre-watering of areas to be disturbed, and training of equipment operators to recognize fugitive dust generation and having the authority to shut down operations until water truck arrives and sprays water on the disturbed areas.	Permit Section VIII. Surface Area Disturbance Conditions
6/24/2021	Public Meeting @ 1 PM	Spills / Mobile Source	If sulfur trucks unload sulfuric acid, will the emissions (or spills) from that process be deemed mobile or static?	Emissions from the sulfur trucks will be considered mobile while in transit and staging prior to offloading. Emissions during offloading and into the storage facility will be considered static and regulated by the air permit. The BAPC does not permit spills; however, any emissions above those permitted would be considered excess emissions and a violation of the air permit.	NAC 445B.037, NAC 445B.187

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6/24/2021	Public Meeting @ 1 PM	Mobile Sources	If the emissions are classified as mobile, will the odor regulations still apply?	Odor regulations are only regulated at stationary sources.	NAC 445B.22087
6/24/2021	Public Meeting @ 1 PM	Ambient Air Quality Standards	Is the impact to wildlife considered for air permitting?	Secondary ambient air quality standards have been put into place to provide protection against damage to animals. "The Clean Air Act identifies two types of national ambient air quality standards. Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings." [ <a href="https://www.epa.gov/criteria-air-pollutants/naaqs-table">https://www.epa.gov/criteria-air-pollutants/naaqs-table</a> ]	NAC 445B.22097
6/24/2021	Public Meeting @ 1 PM	Sulfuric Acid Plant	Is there an example of a similar facility operating within emission limits; is this technology being used in the U.S.?	See "Sulfuric Acid Plant" Response(s) Above	
6/24/2021	Public Meeting @ 1 PM	Odors	What will the smell be like from the expected emissions; is there equipment to measure odor/emissions outside of the plant?	Based on expected emissions of H <sub>2</sub> S, the maximum 1-hr concentration of H <sub>2</sub> S will be 6.4 micrograms/cubic meter. The expected concentration of H <sub>2</sub> S will be 0.0052 ppm. Odor detection of H <sub>2</sub> S starts at 0.010 ppm. It is anticipated that there shouldn't be any detectable H <sub>2</sub> S odors from the stationary sources.	NAC 445B.22087
6/24/2021	Public Meeting @ 1 PM	Tailings Pile Emissions	Who regulates the gas coming from the tailings pile?	See "Tailings Pile Emissions" Response(s) Above	

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6/24/2021	Public Meeting @ 1 PM	BLM EIS Differences with Air Permit Application Submitted to NDEP	BLM EIS Differences with Air Permit Application Submitted to NDEP	See "BLM EIS Differences with Air Permit Application Submitted to NDEP" Response Above	
6/24/2021	Public Meeting @ 1 PM	EPA Review	Why is NDEP requesting review from EPA if it's not required; are documents from that review publicly available?	While not required, NDEP can request that EPA review a Class 2 permit. This may be done on projects with new processes with applicable federal requirements and/or a high level of public interest. The EPA provided comments and permit language changes were incorporated; and the draft permit will be available during the public notice process.	
6/24/2021	Public Meeting @ 1 PM	Mobile Sources	Will plant at offload site be considered mobile or stationary; will the plant be permitted?	If the offload plant only consists of loading of trains to trucks, then activities at that source would only be considered mobile sources. If the site had units such as boilers or conveyors, then the facility could potentially need to be permitted if the activities met the Class 2 thresholds.	NAC 445B.037, NAC 445B.187
6/24/2021	Public Meeting @ 1 PM	Sulfuric Acid Plant	Will NDEP be able to constantly review lithium Nevada's continuous monitoring system?	No, NDEP will not be able to constantly review the Continuous Monitoring System. However, the facility is required to submit reports every quarter. The facility's quarterly audit reports are reviewed by the BAPC. Also, the facility is required to self-report when emissions are exceeded. Additionally, a Relative Accuracy Test Audit (RATA) of the CEMS conducted by a source testing company must be performed annually and will also be reviewed by BAPC.	Permit Section VI.A.11

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6/24/2021	Public Meeting @ 6 PM	Citizen Sampling	Are there companies that do independent air monitoring; would NDEP accept their submissions?	<p>Information about NDEP Air Quality Monitoring can be found here: <a href="https://ndep.nv.gov/air/air-quality-monitoring">https://ndep.nv.gov/air/air-quality-monitoring</a>.</p> <p>In regard to monitoring a facility's air emissions, the public can review stack test documents and related correspondence including Stack Test Protocols, Stack Test Reports, and Stack Test Report Reviews on NDEP's Document Viewer. Source test invalidation letters and failed source test notifications can also be viewed on-line.</p> <p>If independent air monitoring is conducted and provided to NDEP, BAPC will consider the information and evaluate within the context of the Air Quality Operating Permit.</p>	Permit Section I.H
6/24/2021	Public Meeting @ 6 PM	Enforcement	Can NDEP stop a facility from operation immediately if there is a serious violation?	If there are serious violations of the Air Quality Operating Permit NDEP does have the authority to stop operations immediately.	NAC 445B.190, NAC 445B.277
6/24/2021	Public Meeting @ 6 PM	Enforcement	How is a penalty against the mine assessed?	See "Enforcement" Response(s) Above	
6/24/2021	Public Meeting @ 6 PM	Ownership Change	If the mine is sold, how would the air permitting process change?	If the mine is sold the new owner would need to get the Air Quality Operating Permit transferred to them through an Administrative Amendment. The new owner would be required to comply with the requirements in the existing permit. If the new facility wanted to make changes that would increase emissions or add additional equipment the facility would be required to submit an application to revision the permit and will not be able to implement any of the proposed changes until a revised permit has been issued.	NAC 445B.287

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