Nevada Division of Environmental Protection

Permitting Information
Thacker Pass Concerned Citizens Community Meeting

22 April 2021

Presented by:
Bureau of Mining Regulation and Reclamation
and
Bureau of Air Pollution Control
NDEP Permitting Overview – Thacker Pass Project

What State Environmental Permits Does the Mine Need?
What Permits Have Been Applied for?
What is Required in the Applications?
Who Reviews the Permit Applications?
How Long Does it Take?
What Factors Influence the Decision to Issue or Deny a Permit?
What is the Status of the Permit Applications?
How can the Community get Involved in the Permitting Process?
What Happens After NDEP Issues a Permit?
Two Permits Issued by BMRR and Required to Mine in Nevada:

- **Reclamation Permit**
  Ensures the Site is Reclaimed to a Productive Post-Mining Land Use
  Cost Estimate and Financial Assurance are Required

- **Water Pollution Control Permit**
  Protects Waters of the State from Degradation
BUREAU OF MINING REGULATION AND RECLAMATION

WHAT FACTORS INFLUENCE THE DECISION TO ISSUE OR DENY A PERMIT?

Does the Application Satisfy Applicable State Laws and Regulations?

Nevada Laws:
Reclamation of Land Subject to Mining
NRS 519A.010 – 290
Water Pollution Control
NRS 445A.300 – 730

Nevada Regulations:
Reclamation of Mining Operations and Exploration Projects
NAC 519A.010 - 635
Mining Water Pollution Control
NAC 445A.350 – 447

Big Picture Questions:
Will the Site be Left Safe, Stable, and Capable of Providing a Productive Post-Mining Land Use?
Will Waters of the State be Protected from Degradation?
Will Public Safety and Health be Protected?
WHAT IS A MINING RECLAMATION PERMIT?

- Requires a List of Affected Acres of Land, by Disturbance Type
- Requires a Plan to Reclaim Disturbance to a Post-Mining Use
- List and Plan Inform a Detailed Cost Estimate for Reclamation
- Establishment of Financial Assurance Ensures Plan can be Executed
- On Public Land, Collaboration with BLM
- Cost Estimate Update Every Three Years

Thacker Pass Reclamation Permit

- Reclamation Plan and Cost Estimate Currently Under Review
- Concurrence on Plan, Acreage, and Financial Assurance Coordinated with BLM
- Notice of Final Decision Anticipated in Spring/Summer 2021
- No Public Comment Period (Federal Land Status)
- May Appeal Within 10 Days of Notice of Final Decision
- Decision May be Delayed Pending Legal Challenges to BLM Decision
What is a Mining Water Pollution Control Permit?

- Authorizes the operator to construct, operate, and close the mine in accordance with approved designs and plans.
- Requires the operator to apply to renew the permit every five years.
- Does not authorize release or discharge of any contaminants from the mine that have the potential to degrade waters of the State.

What Can You Expect to See in the WPC Permit?

List of Fluid Management Systems and how Regulatory Compliance Will be Demonstrated and Achieved
Monitoring and Reporting Requirements
Permit Modification Requirements
Permit Requirements, Conditions, and Limitations
Accompanying Fact Sheet
MINING WATER POLLUTION CONTROL PERMIT
PERMITTING PROCESS

The Permitting Process Generally Consists of:

- Administrative Completeness Review (30 Days; More if Additional Info Needed)
- Technical Review (90 Days; More If Additional Info Needed)
- Draft Permit and Public Notice
- Public Comment Period (30 Days)
- Public Hearing if Requested
- Comment Review
- Notice of Decision Regarding Issuance of Permit
### Mining Water Pollution Control Permit

#### Site Characterization, Facility Design, Operating Plans, Monitoring

<table>
<thead>
<tr>
<th>What does NDEP Evaluate in the Application?</th>
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<tbody>
<tr>
<td><strong>Site Characterization</strong></td>
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<tr>
<td>What waters (surface and underground) are nearby? Are they jurisdictional? What type of rock is being mined? What contaminants of concern could mobilize from it?</td>
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<tr>
<td><strong>Facility Design</strong></td>
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<tr>
<td>How will chemicals be contained? Where does stormwater go?</td>
</tr>
<tr>
<td><strong>Operating Plans</strong></td>
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<tr>
<td>How will ore be processed? Where will mining waste be placed?</td>
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**MINING WATER POLLUTION CONTROL PERMIT**

**WHAT’S THE TIMELINE?**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>April 3, 2020</td>
<td>Application Submitted</td>
</tr>
<tr>
<td>July 17, 2020</td>
<td>Application Deemed Administratively Complete</td>
</tr>
<tr>
<td>July 17, 2020</td>
<td>Technical Review Begins</td>
</tr>
<tr>
<td>October 29, 2020</td>
<td>Technical Questions Issued to Applicant</td>
</tr>
<tr>
<td>December 29, 2020</td>
<td>Additional Technical Questions Issued</td>
</tr>
<tr>
<td>March 1, 2021*</td>
<td>Response Received from Applicant</td>
</tr>
<tr>
<td>Spring 2021*</td>
<td>Draft Permit and Public Notice Issued 30-Day Public Comment Period Begins</td>
</tr>
<tr>
<td>Summer 2021*</td>
<td>Public Hearing (Not Required Unless Requested; Highly Likely)</td>
</tr>
<tr>
<td>Summer 2021*</td>
<td>Notice of Decision Regarding Permit Issuance</td>
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*BMRR is currently reviewing LiNV responses to our technical questions. Draft permit issuance, public comment period, hearing and decision dates are dependent on the content of the responses, as well as the content of public comments. This is a tentative timeline and additional time may be required.
**BUREAU OF MINING REGULATION AND RECLAMATION**

**WHAT HAPPENS AFTER A PERMIT IS ISSUED?**

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**Inspections, Compliance Monitoring, Reporting, Enforcement**

**Quarterly Inspections**
- Verify Field Conditions
- Construction & Disturbance QA/QC
- Waste Rock & Tailings Placement
- Housekeeping & Evidence of Spills
- Condition of Containments & Chemical Storage
- Success of Reclamation & Vegetation
- Processing Facility Operations

**Ongoing Compliance Monitoring**
- Quarterly Groundwater Sampling
- Weekly Leak Detection Monitoring
- Ore and Waste Sampling
- Reported to NDEP Quarterly

**Enforcement for Noncompliance**
- Work Plans to Remediate Issues
- Fines & Penalties
- Permit Revocation
MINING PERMIT INFORMATION
WANT TO KNOW MORE?

Visit our website:
• [https://ndep.nv.gov/land/mining](https://ndep.nv.gov/land/mining)
• List of Applications Currently Under Review
• Mining Records Search
• General Information, Maps, and FAQs
• Bureau Contacts

DCNR Mining Blogs: [http://dcnr.nv.gov/blogs](http://dcnr.nv.gov/blogs)
The air quality operating permitting process is detailed and complex, but generally consists of:

- Administrative Completeness Review
- Technical Review
- Public Notice
- Public Hearing
- Comments Review
- Permit Decision
BUREAU OF AIR POLLUTION CONTROL
CLASS II AIR QUALITY OPERATING PERMIT PROCESS

Administrative Completeness Review (10 working days)
- Emission Units
- Air Pollution Control Devices
- Stack Parameters
- Emissions Calculations and Potential to Emit
- Surface Area Disturbance
- Environmental Evaluation and Air Dispersion Modeling
- Process Narrative/Flow Diagrams/Site Plan

Technical Review (60 calendar days)
- Emissions Calculations Verification
- Federal/State Applicability Determinations
- Air Dispersion Modeling Analysis Verification
- Requests for Information
- Draft Permit & Technical Review Document
What Can You Expect to See in the Air Permit?

General Conditions
Specific Operating Conditions
Throughput Limits
Emission Limits
Monitoring, Recordkeeping & Reporting
Source Testing
Specific Federal Regulations
Surface Area Disturbance & Fugitive Dust
Public Notice (30 days)

- Proposed Permit Decision
- Posted on https://ndep.nv.gov/posts/category/air
- To receive notices, sign up at https://ndep.nv.gov/ under Get Notices and select “Air Quality Info & Notices”

Public Hearing

- Additional opportunity for public comment
BUREAU OF AIR POLLUTION CONTROL
CLASS II AIR QUALITY OPERATING PERMIT PROCESS

Comments Review

- Written comments from the public
- Comments made during the public hearing

Permit Decision

- State and federal air quality requirements
- Maintenance of national and state ambient air quality standards
- State Implementation Plan
- Expiration, Renewal & Revision
BUREAU OF AIR POLLUTION CONTROL

WHAT FACTORS INFLUENCE THE DECISION TO ISSUE OR DENY A PERMIT?

Does the Application Satisfy Applicable State Laws and Regulations?

Nevada Laws:
Air Pollution
NRS 445B.100 - 640

Nevada Regulations:
Air Controls
NAC 445B.001 - 390

Federal Regulations:
New Source Performance Standards
40 CFR Part 60
National Emission Standards for Hazardous Air Pollutants
40 CFR Part 63

Big Picture Questions:
Will all ambient air quality standards be met?  Will the required emission limits be met?  Will Public Safety and Health be protected?
### Timeline for Thacker Pass Lithium Mine Mine Application

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>January 26, 2021</td>
<td>Application Submitted</td>
</tr>
<tr>
<td>February 9, 2021</td>
<td>Application Deemed Administratively Complete</td>
</tr>
<tr>
<td>February 10, 2021</td>
<td>Technical Review Began</td>
</tr>
<tr>
<td>February 24 to April 2, 2021</td>
<td>Additional Information Requested and Received (extended regulatory timeframe 37 days)</td>
</tr>
<tr>
<td>May 14, 2021*</td>
<td>Technical Review Ends &amp; Intent to Issue or Deny Due</td>
</tr>
<tr>
<td>May 17, 2021*</td>
<td>Public Notice Begins</td>
</tr>
<tr>
<td>June 16, 2021*</td>
<td>Public Hearing &amp; Public Notice Ends</td>
</tr>
<tr>
<td>June 17, 2021*</td>
<td>Comments Review Begins</td>
</tr>
<tr>
<td>To Be Determined</td>
<td>Final Permit Decision</td>
</tr>
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*This is a tentative date. If there are days we wait for requested additional information, the timeline will be extended by that number of days, and this date will be revised.*
**BUREAU OF AIR POLLUTION CONTROL**

**WHAT HAPPENS AFTER A PERMIT IS ISSUED?**

**Testing, Inspections, Reporting, Monitoring, Enforcement**

**Testing**
- Initial Opacity Compliance Demonstrations
- Initial Performance Tests
- Initial Certification Test of Continuous Emissions Monitoring (CEMS) Unit
- Annual/Renewal 3rd Party Emissions Stack Testing
- Annual 3rd Party Stack Testing for Comparison with CEMS Unit
- Testing Observed and Validated/Invalidated by NDEP Inspectors

**Inspections**
- Verify Field Conditions
- Ensure Throughputs & Emissions are within Limits
- Ensure Controls are Installed & Operating Properly
- Review Required Records
- Investigate/Resolve Complaints

**Reporting**
- Annual Emissions Reporting
- Excess Emissions Reporting (24-hour and 15-day)
BUREAU OF AIR POLLUTION CONTROL
WHAT HAPPENS AFTER A PERMIT IS ISSUED?

Testing, Inspections, Reporting, Monitoring, Enforcement

Ongoing Compliance Monitoring
- Continuous monitoring of sulfur dioxide emissions at sulfuric acid plant
- Daily calibration of CEMS Unit
- Quarterly Audit of CEMS Unit

Daily monitoring of material throughput and operating hours
Daily calculation of pounds per hour and tons per year emissions
Monthly inspection of air pollution control equipment
Monthly visible emissions observations

Enforcement for Noncompliance
- Fines & Penalties Ratified by State Environmental Commission
- Stop Order
- Permit Revocation
NDEP PERMITTING PROCESS
HOW CAN THE COMMUNITY ENGAGE?

Sign Up to Receive Public Notices
• [https://ndep.nv.gov/posts](https://ndep.nv.gov/posts)
• Scroll to the bottom of the page
• Click “Get Notices” on the right side
• Choose
  • “Mining Regulation and Reclamation Notices”,
  • “Air Quality Info and Notices”
• You will be notified when a Notice of Proposed Action is posted and the 30-day public comment period begins.
• Read the Notice, Draft Permit and Fact Sheet; send us your comments and/or request a hearing
NDEP PERMITTING PROCESS

TIPS FOR PROVIDING EFFECTIVE PUBLIC COMMENTS

A comment can simply express general support or dissent for the permitting action, but the permitting process is not a vote.

How can your comment be most effective?

Provide reasons for your support or dissent:

- Specific data and sources
- Specific impacts
- New information

Avoid opinion-based comments

Identify your experience

Include specific actions the agency should take

If you have questions, contact us!

Remember...

The permitting process is in place to ensure the Agency’s decisions comply with environmental laws.

Good comments can improve the final permit!
Multiple Federal, State, and Local Permits are Required in Nevada before Mining or Milling Can Begin

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Contact

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