



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Jennifer L. Carr, *Administrator*

XX, 2025

Fortunato Villamagna
Facility Operator
Comstock Metals Corporation
600 Lake Avenue
Silver Springs, NV 89429

WRITTEN DETERMINATION

Dear Fortunato Villamagna,

The Nevada Division of Environmental Protection – Bureau of Sustainable Materials Management (NDEP-BSMM) has reviewed the **Comstock Metals Corporation** application, initially dated December 12, 2024, with subsequent revisions dated May 27, 2025, and October 13, 2025 requesting a *Written Determination* (WD) for the recycling of solid, hazardous, and universal waste solar panels at the **Solar Panel Recycling Facility** located at 600 Lake Avenue Silver Springs, Nevada 89429 [EPA ID #NVR000099143].

The Comstock Metals waste solar panel recycling process qualifies as recycling under Nevada Administrative Code NAC 444.8437 and is hereby granted a *Written Determination* in accordance with NAC 444.8455 and NAC 444.84555. Please be advised that prior to issuing the WD, the NDEP-BSMM solicited written and verbal comments from the public for a period of 45 days, concluding on **XX, 2025**.

Please be advised that this *Written Determination* is limited to the recycling of solar panels as identified in the facility's WD Application which are designated as solid waste, hazardous waste, and/or universal waste. The Comstock Metals facility is serving as a 'Destination Facility'; and, as such, must maintain compliance with the federal regulations stipulated in 40 CFR 273 Subpart E – Standards for Destination Facilities.

This *Written Determination* does not convey property rights of any sort or any exclusive privilege; nor does this *Written Determination* authorize storage or treatment of any hazardous waste for which a permit is required in accordance with 40 CFR 270 as adopted by NAC 444.8632 through 444.8634, inclusive. Comstock Metals is responsible for the proper management of all incoming and onsite-generated waste streams in accordance with applicable local, state, and federal regulations. Comstock Metals is required to comply with the regulations and requirements associated with a Large Quantity Generator (LQG) and must maintain LQG generator status, despite quantities of waste generated, with the US EPA. Additionally, Comstock Metals must obtain all applicable local permits (e.g. business license, special use permit, health department permit, air quality permit, fire department permit, etc.) as may be required for the facility to operate in the municipal or county jurisdiction.

This *Written Determination* is based on the assumption that the information submitted in the WD Application is accurate and that the facility will be operated as specified in the application. Any inaccuracies found in the submitted information may be grounds for the revocation, suspension, or modification of this *Written Determination* and/or cause for the NDEP to initiate formal enforcement action. Comstock Metals must notify, in writing, the NDEP-BSMM of any changes or deviations from the information provided in the WD Application. Comstock Metals must ensure that the WD Application on record with the NDEP-BSMM properly reflects the current operations at the 600 Lake Avenue Facility at all times by prompt submittal to the NDEP-BSMM of any revised sections or pages for the WD Application.

This *Written Determination* shall allow for the NDEP-BSMM, and/or authorized representatives, upon the presentation of credentials to enter and conduct inspections of the premises at reasonable times. Inspections may include, and are not limited to:

- a. Entering the premises associated with this WD where a regulated facility or activity is located or conducted or where records are kept per the conditions of this WD;
- b. Have access to and copy any records that must be kept per the conditions of this WD;
- c. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by this WD; and
- d. Sample or monitor for any substance or parameter at any location for the purposes of assuring regulatory compliance.

This *Written Determination* shall remain in effect until such time that the WD is modified and reissued, terminated, suspended or revoked by the NDEP-BSMM. The NDEP-BSMM reserves the authority to review and modify this determination at any time.

In addition to maintaining compliance with the state and federal regulations and the information provided in the WD Application, Comstock Metals must provide to the NDEP-BSMM the following:

SCHEDULE OF COMPLIANCE

Task		Date Due
1	Storage of any solar panels onsite is prohibited; all recycling is just-in-time with solar panels being processed within twenty-four (24) hours of their arrival onsite. Comstock shall keep records demonstrating that all solar panels received onsite are processed within twenty-four (24) hours of arrival. Storage of solar panels for more than twenty-four (24) hours shall be reported to the NDEP BSMM in writing within twenty-four (24) hours of discovery of the exceedance. Comstock shall provide, in writing, how many solar panels were stored, length of time they were stored, and corrective measures Comstock will take in the future to prevent the storage.	Ongoing and within twenty-four (24) hours of discovery of the exceedance.
2	Submit and obtain approval from NDEP closure costs that reflect the 'worst case scenario' closing, including appropriate sampling of materials and media (soil, water, etc.), maximum amount of material that may be stored on site, and potential lead abatements for the facility. Provide the closure costs as an update to Appendix K of the WD Application.	At least sixty (60) days prior to the start of operations.
3	Submit documentation of an acceptable financial assurance instrument in the amount of the facility closure cost estimate provided in Appendix K	At least thirty (30) days prior to the

	(Closure Plan, Cost Estimate, and Financial Assurance Documents) of the WD Application.	start of operations.
4	Submit documentation that the facility closure plan and closure cost estimate have been properly updated for any changes at the facility; and that the financial assurance instrument has been adjusted for those changes and/or annual inflation factors.	Annually- by March 1 of each calendar year but not before February 1 of that calendar year.
5	Submit and obtain approval from NDEP for dioxins and furans sampling and analysis plan, including a plan for the facility's management if dioxins and furans are encountered. Submit the information as an update to the WD Application.	At least thirty (30) days prior to the start of operations.
6	Submit an updated EPA ID form to identify the facility as both a Universal Waste (UW) Destination Facility and as a Hazardous Waste (HW) Recycler.	Within thirty (30) days of issuance of this <i>Written Determination</i> . XX, 2025
7	Submit proof of distribution of the Contingency Plan with local authorities and attempts to familiarize local authorities with the facility, as described in 40 CFR 264.37(a) and 264.53	At least thirty (30) days prior to the start of operations.
8	Contact the NDEP-BSMM to schedule a Pre-Startup inspection with NDEP-BSMM staff and the Lyon County Fire Marshal to establish continuing compliance with the Lyon County Fire Marshal.	At least thirty (30) days prior to the start of operations.
9	Submit a P.E. Certified Integrity Assessment of the recycling equipment. Include any engineering design changes (EDC) as part of the report.	Within one hundred eighty (180) days of starting operations.
10	Submit an updated list of obtained permits, licenses, and other agency approvals for Appendix L of the Comstock Metals WD Application.	At least thirty (30) days prior to the start of operations.
11	Submit an Annual Report summarizing the amount of waste received at the facility in the prior calendar year, and the resulting amount of recycled materials and associated waste shipped from the facility in that year by respective product/waste type.	March 1 st every year.
12	Notify the NDEP Spill Hotline by telephone at (775) 687-9485 or online at https://nevadaenvironmentalactivities.ndep.nv.gov/Spill/ReportForm.aspx of any fire, thermal event, incident, or release at the facility and, as prescribed by the NDEP-BSMM, submit a written report to the NDEP-BSMM within fifteen (15) calendar days of the incident pursuant to 40 CFR 264.56(i).	Within twenty-four (24) hours of incident.
13	Submit a biennial report pursuant to 40 CFR 264.75.	March 1 st every even numbered year.
14	Submit any other information, as requested by the Division, to support continued maintenance of this <i>Written Determination</i> .	TBD when requested.

Should any questions arise regarding the Written Determination, please contact Jonathan Zittel by phone at (775) 687-9465 or by e-mail at jzittel@ndep.nv.gov.

Sincerely,

Jennifer L. Carr, PE, CPM, CEM
Administrator
Nevada Division of Environmental Protection

cc: Jennifer L. Carr, PE, CPM, CEM Administrator NDEP
Jeffrey Kinder, P.E., Deputy Administrator NDEP
Annalyn Settlemeyer, Chief, BSMM
Jonathan Zittel, P.E., Permitting Branch Supervisor, BSMM
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