

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

April 16, 2025

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 3:00 PM on April 16, 2025.

PRESENT:

Commissioner Myles Getto
Commissioner Eric Blakey
Commissioner Matt Hyde
County Manager Jim Barbee
Comptroller Sherry Wideman
Deputy District Attorney Joseph Sanford
Clerk/Treasurer Linda Rothery
Deputy Clerk to the Board Pamela D. Moore
Deputy Clerk Crystal Muschetto

ABSENT:

N/A

Pledge of Allegiance:

The Pledge of Allegiance was recited by the board and public.

Public Comment:

Chair Getto asked if there was any public comment but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk of the Board, that the Agenda for this meeting was posted on the 10th day of April, 2025, between the hours of 1:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

**Commissioner Matt Hyde made a motion to approve the Agenda as submitted.
Commissioner Eric Blakey seconded the motion, which carried by unanimous vote.**

Appointments:

////

////

A- Consideration and possible action re: Appeals filed by Honey Gibbons, Carolyn Kendrick-Heaverne, and Bernadette Francke related to the issuance of a Special Use Permit issued to NNV Investments, LLC for outside storage of hazardous materials and an explosion/combustion testing facility for property located on Bango Road, Assessor's Parcel Number 007-071-79, consisting of 438.42 acres in the Industrial zoning district, whereby the Applicant proposes an outside battery storage yard and a battery testing facility.

NNV Investments LLC is a subsidiary of the Redwood Materials company, which is in the battery recycling and remanufacturing business. The company has other facilities in the USA Parkway area and Carson City. This very large property will have multiple uses. Two uses are proposed at this time and a third will come later. Uses 1 and 2 are of limited scale at this time and will expand over time using phasing.

- Use 1 will store end-of-life batteries on the property in an outdoor setting as staging for later disposition to different routes – this is described in more detail below. Stand-alone outside storage requires a Special Use Permit, as does handling of hazardous materials.
- Use 2 will do battery testing on those batteries that still have storage capacity to determine if they are suitable for later use, such as in the 3rd proposed use. Explosion/Combustion Testing requires a Special Use Permit.
- Use 3 will be submitted later and is a solar power facility that will include battery storage using repurposed batteries that still have storage capacity. A Renewable Energy Facility will require a Special Use Permit in the future.

Outdoor battery storage

The company focuses on lithium-ion batteries, especially those recovered from end of life electric and hybrid cars. Batteries are acquired from different sources and will be brought to the storage yard. Batteries are shipped and stored in large packages. For example, large vehicle battery packs are normally self-contained and smaller batteries are packaged in large drums or other containers. Battery packages will be stored using racks to keep them off the ground. Battery packages will also be covered using tarps, etc. where needed for protection from the elements.

The Application indicates that the battery storage yard is planned to cover 35 acres north of Bango Road and adjacent to the Safety Kleen property. It includes 3 proposed phases. Phase 1 & 2 will include a board or a dry stream pathway running through the property. Phase 3 is more than half of the total area. A recommended condition addresses the timing of this phasing.

Battery storage will be arranged on a grid pattern using 900 sf areas (~30'x30'), spacing of 10' or more, and a height limit of 10'. This provides separation to help contain any fire that might happen. The operational planning uses the International Fire Code standards. **Note** that the Fire Marshal would like changes to this patterning.

The storage yard will be fenced, including security measures such as gates, electronic surveillance, etc. The Applicant verbally indicates there could also be night security guards on-site. The fence will be screened with view obscuring material. The Application indicates that

the site's operational hours will be 6:00 a.m.-6:00 p.m., being a 12 hour day. The day operations will have approximately 12 employees and there could be 1-2 night guards. **NOTE** that a future night operations shift must be approved in a Special Use Permit. The storage yard will have an office and parking area. Temporary services are proposed to start with being a "connex office," generator power, portable toilets, and potable water tank. Temporary services are not normally allowed for permanent businesses. Temporary offices can be approved through a Temporary Use Permit (administrative review). Staff recommends a condition to ensure permanent facilities are installed before the 1st annual review. The Building Official indicates that a permanent foundation will be needed for the office.

R&D Center / battery testing facility

The R&D Center will test batteries for safety in other uses. This is similar to the NNCR/Tesla facility in the county, though the testing is not focused on the extreme-condition testing done at that facility. Even with lower stress testing, fire and explosion of battery packs is possible.

The Application indicates that the R&D Center will be a bit over 2.5 acres located south of Bango Road and SW of a wetland on the property. The testing area consists of a 75'x75' concrete pad that is enclosed by block walls except for the access opening. The Application text also describes a second area of similar size as a future phase and the site plan shows a 3rd phase. A recommended condition addresses the timing of this phasing. The site has a small battery storage area that will use the battery storage pattern described for the storage yard. This would normally require screened fencing but the Applicant verbally indicates that this is for "staging" during testing activity, not for long-term storage. During testing periods, small groups of batteries are moved to the site, as needed.

The Application describes the site has having low visibility from adjacent properties and the highway. With these stipulations, fenced screening is not needed for the testing storage at this time. This may change with site expansion, including later phases. The Application indicates that the R&D's site operational hours will be a few days a month between 6:00 a.m.-6:00 p.m. When operated, there will be 4-5 employees. **NOTE** that the limited use is likely to increase over time, which will increase employees, traffic, demand for facilities, and other impacts. The R&D Center will have an office and parking area. Temporary services are proposed to start with, being a "connex office", generator power, portable toilets, potable water tank. Temporary services are not normally allowed for permanent businesses. Temporary offices can be approved through a Temporary Use Permit (administrative review). Staff recommends a condition to ensure permanent facilities are installed before the 1st annual review. The Building Official indicates that a permanent foundation will be needed for the office.

County Code requires both legal and physical access to the site. These are provided by Bango Road, a county-maintained road in an 80' road easement. While this road is considered paved, it is actually just "double chip sealed", which is not a robust construction standard for heavy truck traffic. Bango Road was previously gravel until the Bango Oil re-refinery (now Safety Kleen) was constructed. At that time, the project was required to double chip seal the road and the county took over maintenance.

The proposed project will increase heavy vehicle traffic, both with extensive grading and with battery deliveries. The Application indicates that battery deliveries in and out of the site are expected to be approximately 10 visits (20 trips) per day. Employee traffic raises this number to an estimated 44 trips per day. Traffic will change with future phasing. While Bango Road may be able to handle the initial traffic, damage and repair needs will increase with phasing. Improvements to Bango Road will eventually be needed in the future but are not required at this time. A recommended condition will require the business to participate in future upgrades to Bango Road in coordination with other industrial users on the road.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. This permit is subject to annual review to ensure compliance with conditions and code requirements until the Planning Commission determines such is no longer necessary.
2. This approval includes authorization for phased construction. All phases must be completed within 5 years or a new SUP must be obtained.
3. Each phase must obtain a Zoning Review to document code compliance, the adequacy of required facilities, and conformance with previous requirements.
4. Expansion of operations with phases may require additional facilities.
 1. Nighttime operations are not authorized and require a new SUP.
5. The project must be constructed and remain in compliance with Churchill County Code, including but not limited to:
 1. Any necessary building permits must be obtained for alterations.
 2. A business license must be obtained or updated.
 3. One parking space per employee is required. At this time, 5 parking spaces are required for the testing facility and 12 parking spaces are required for the battery storage facility. More may be required with future phasing.
 4. Outdoor lighting, including portable lighting towers, shall meet the county's Lighting Code.
 5. A landscape plan shall be provided that meets code standards.
 6. The outdoor storage screening standards must be met. Battery storage in the testing facility may require screening with future phases. The screened fencing along Bango Road shall be shifted for the 10' landscape buffer to be outside the fence. Screening shall be provided around the storage yard, unless a variance is obtained to defer screening until alternative screening features are installed.
6. Temporary Use Permits shall be obtained for the placement of temporary offices.
7. Permanent office facilities shall be constructed before the 1st annual review. This shall include permanent office buildings with foundation, restrooms, service facilities (water well, septic system, and power), and employee and visitor facilities. The facility shall meet acceptable construction standards suitable for human habitation/occupation satisfactory to the Building Department.

8. The county's Road Impact Fee and the Water Fee (payment-in-lieu of water dedication) must be paid for the business at the time of installation of the first office, whether temporary or permanent.
9. Before operations begin, the Applicant shall prepare an Emergency Management and Response Plan to the satisfaction of the Churchill County Fire Marshal. The Applicant shall continue to follow all requirements set forth by the Fire Marshal.
10. Before storing or testing of batteries begins, a Pollution Prevention Plan that is acceptable to the Director shall be prepared by a professional with stormwater management expertise that documents the adequacy of control measures for pollution generated by exploded or burned batteries. The plan may be incorporated into other similar permit or submitted separately. The plan shall include:
 1. Stormwater facilities for the testing area that can be implemented for the 3 phases.
 2. Control measures for pollution runoff generated by fires in the battery storage areas that will prevent pollution from entering ravines and leaving the site that can be implemented for the 3 phases.
11. It is recommended that the Applicant implement particularly aggressive dust control practices during construction and avoid disturbing soil crust unnecessarily.
12. Before fence construction, the existing road easement along the west property line shall be extended with an additional easement that is 60' in width and reaches to the north property line.
13. The facility must participate in future Bango Road improvements that are organized by the county in coordination with other industrial users of the road.
14. Development on the property shall protect ravines from disturbance and shall avoid wetlands. The testing facility driveway shall be designed to pass storm flows rather than impounding them, so water flow to the wetland is not obstructed.
15. The Applicant shall provide documentation of meeting state and federal agency permits and requirements, including but not limited to:
 1. Nevada Division of Environmental Protection, Bureau of Air Pollution, permits or exemption letters for dust control and air/chemical emissions, etc.
 2. Nevada Division of Environmental Protection, Bureau of Water, permits or exemption letters for stormwater control, industrial pollution prevention, etc.
16. A minimum of two (2) people shall be present on-site at all times for potential fire remediation.
17. Operations of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

An appeal of the Planning Commission's decision was filed by Honey Gibbons on March 27, 2025, which cites concerns regarding battery explosion, pollution of water supply, transportation and explosion, not having an Environmental Impact Study done, and location.

On March 28, 2025, Carolyn Kendrick-Heaverne filed an appeal citing concerns regarding misrepresentations in the SUP Application, it being a General SUP, which should be a Major SUP, the need for significant research and review, not having a pre-Application meeting between Planning, Engineering, Fire Marshal, and Road Department staff as required by a

Major SUP, not notifying enough residents affected by this project, not waiting the requested 30-days for tabling the matter, scheduling the meeting during the day when most people are working, dangerousness of lithium batteries causing fires that can't be extinguished, combustion issues, and location.

Finally, Bernadette Francke filed an appeal on April 3, 2025, citing concerns regarding location of the hazardous materials facility next to a hazardous waste recycling facility, need for a scientific study addressing two hazardous facilities located side-by-side, storage of large numbers of batteries stored during summer temperatures and subject to fugitive emissions from Safety-Kleen, location in a watershed and upwind of residents, health and quality of life for residents, need to resolve issues with Safety-Kleen to the satisfaction of nearby residents and independent scientists before taking on another hazardous industry in this area, part of the project being identified as "experimental", and need for a different location.

Notification letters were mailed to the notification list on March 31, 2025. A legal notice was published in *The Fallon Post* on April 4, 2025.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Joseph Sanford, Senior Deputy District Attorney - Civil, stated the process as follows:

- Swearing of witnesses or anyone providing testimony today.
- Description of the project, their review, and conditions of approval by the Public Works, Planning & Building Department.
- Presentation of each of the three appeals, including presentation of any evidence or statements they would like to make. The Commission may ask questions of anyone who is presenting evidence on behalf of the Appellants, which will be done in order by the date in which the appeals were filed (Honey Gibbons, Carolyn Kendrick-Heaverne, and Bernadette Francke).
- Rebuttal by the Applicant, Redwood Materials, with presentation of any evidence they wish to present.
- Discussion by the Commissioners.
- Public comment, which will be limited to 3 minutes and must be directed to the Commission instead of to the Applicant directly.
- The Commission will ask any questions it deems appropriate.

Mr. Sanford asked people to please be respectful to anyone in attendance and all viewpoints. Clapping, stomping, booing or hissing at anyone who is making public comment is prohibited. After public comment and any communication that occurs, the Commission will take its vote.

Clerk/Treasurer Rothery administered the oath to the following individuals: Honey Gibbons, Carolyn Kendrick-Heaverne, Bernadette Francke, Randy Hines, Don Tatro, Bradley Mayhew,

Josh Gubkin, Kurt Gross, Kelsey Owens, Tandis Boynton, Tara Byrne, Estelle Hockemier, and Tribal Chairwoman Cathi Williams-Tuni.

Randy Hines, Public Works Director, stated that this is for a Special Use Permit for outside storage of lithium batteries. There are actually two uses for this. The first use is to store the batteries on the property in an outdoor setting as staging for later disposition to different routes. Use two will be to conduct battery testing of those batteries that still have storage capacity to determine if these are suitable for later use. Based on these two uses, it was determined to be a General SUP.

With that, I will go into the description of each one. The outdoor battery storage is planned to cover 35 acres. The site plan was displayed as he stated the green shaded area north of Bango Road. It includes three proposed phases. Battery storage will be arranged in a grid pattern using 900 square feet, approximately at 30'X30' area. It involves spacing of 10 feet or more and a height limit of 10 feet. One of the conditions of approval actually increased the distance between the stacks to be 15 feet. The storage yard will be fenced, including security measures such as gates, electronic surveillance, etc. The R&D battery testing facility, which is the pinkish area on the map to the south consists of 2.5 acres on the south side of Bango Road. This R&D center will test the batteries for safety and other uses. The Application indicates that the R&D center will be a bit over 2.5 acres located south of Bango Road. The testing area consists of 75'X75' concrete pad that is enclosed by block walls, except for the access opening. The Application text also describes a secondary, of similar size as a future phase, and the site plan show a third phase. The Application indicates that the R&D site operation hours will be a few days a month, between 6:00 AM and 6:00 PM.

Mr. Hines said there were some conditions of approval that were presented to the Planning Commission. I wanted to go over a few of these just to put them on record. Expansion of the operation with phases may require additional facilities. Nighttime operations are not authorized and require a new SUP if they are proposed at a later date. Before operations begin, the Applicant shall prepare an Emergency Management and Response Plan to the satisfaction of the Churchill County Fire Marshal. The Applicant shall continue to follow all requirements set forth by the Fire Marshal. This will include any future codes that are adopted by Churchill County and include improvements to the site to meet code. Before storing or testing of batteries begins, a Pollution Prevention Plan, which is acceptable to the Public Works Director, shall be prepared by a professional, with storm water management expertise, which documents the adequacy of control measures for pollution generated by exploded or burned batteries. This plan may be incorporated into other similar permits or submitted separately. This plan shall include stormwater facilities for the testing area that can be implemented for the three phases and control measures for pollution runoff generated by fires in the battery storage area that will prevent pollution from entering ravines and leaving the site that can be implemented for the three phases. The facility must participate in future Bango Road improvements that are organized by the county in coordination with other industrial users of the land. Development on the property shall protect ravines from disturbance and shall avoid wetlands. The Applicant shall provide documentation of meeting state and federal agency permits and requirements, including but not limited to, Nevada Division of Environmental Protection, Bureau of Air

Pollution Control, permits or exemption letters for dust control and air chemical emissions, etc., Nevada Division of Environmental Protection, Bureau of Safe Drinking Water, permits or exemption letters for stormwater control, industrial pollution prevention, etc. It was added that a minimum of two people shall be present onsite at all times for potential fire remediation. Operations of the business shall be conducted in a manner that does not create a nuisance, public or private, under the Nevada law or Churchill County Code.

Chair Getto asked if there were any questions or comments for Mr. Hines from board or staff but there were none.

Tara Byrne made the Honey Gibbons' presentation by stating that, if you think this is safe, let's put this in your backyard. If you think there will never be any chemical leaking into the ground, let's put your well under the battery pads. You are putting potential lithium bombs next to oil refinery bombs. You are putting the whole public in harm's way. What about a high pressure gas line that runs through the property? I bet you all didn't know that was there. New Nevada has a bunch of property on the Lovelock Highway and Interstate 80, so put it there. All of the truck accidents with these lithium batteries in DOT-approved packaging explode and catch fire. Let's catch one on fire in front of your house. It is not the lithium fire smoke that we are afraid of. It is the chemicals that release into the air. Are they compatible with the emissions that Safety Kleen is emitting? What happens when unloading batteries next to oil tankers on the railroad tracks and the battery explodes? Let's think – is that going to be another Moss Landing? It is not what will happen or when will it happen – it is going to be the inevitable. It will happen! Make a wise decision. Do not put this into our future. It will haunt you. It would be known that County Commissioners Hyde, Getto, and Blakey were responsible for the potential harm and cause to your grandkids. Vote not in that location. Lovelock Highway is a better option. There is less public but the county still gets the jobs and revenue, while being much safer. There are also other people who have put up information, some that I am sure most of you didn't even realize. In addition to the Truckee Canal following just east of the site of the Bench area's canal, lateral boards, north boundary, and dips through the northwest corner. In the 2019 rezoning summary, the southern portion of the parcel, largely south of Bango Road, is noted to have high ground water and areas of wetland. Due to this, under Churchill County Code 16.08.060(D), given the potential problems on the south portion of the site, it appears that further studies by the property's owner should be sought to recognize potential issues before development of southern portions and avoid impacts and future problems. Just be wise. This is stupid, as they have other places to go. Thank you.

Carolyn Kendrick-Heaverne, also known as Sally Heaverne, introduced her daughter, Tandis, who she said makes it possible for her to live at 701 Butte View on Swingle Bench. I filed the appeal because I am surprised that the Planning Commission was able to allow the Applicant, Northern Nevada, to have a Special Use Permit (SUP) that was not a Major SUP. In all of their meetings, which most of us didn't find out about until much later, when they referred to this as a Special Use Permit Application for outside storage of hazardous materials and an explosion combustion testing facility, which should have been filed under a Major SUP but they went ahead and let it go through that way. A Major Special Use Permit definitely would involve something with lithium batteries because they are very volatile and highly combustible. They

have a special chemical reaction, which is ironic because the Applicant expects to stack 900 square feet, 10 feet high of these batteries outside. Lithium batteries favorite thing is heat to make it combust and explode. These are going to be sitting out there in our hot summer sun? Also, they generate their own oxygen so that, when you put water on them, the oxygen molecules get together and create more of a hazard and spread the fire, which is why there have been these fires in Moss Landing, at Fredericktown, Missouri, and many others (I have read there have been 40 major fires but we have only heard about a few of them). There was one just last week in Scotland but I don't know if they have the same rules that we have.

Ms. Kendrick-Heaverne said the Applicants did not answer all of the questions that were required, besides filing for the wrong SUP. They answered "no" to whether the project would have characteristics that are normally objectionable to neighbors. Yes, all of us along Highway 50, near Bango Road, on Swingle Bench, would definitely have problems with this being placed where it is. It is just too close to people. It is too close. As the previous speaker said, it is too close to water resources. There is a Paiute pipeline going straight through the easement and straight through the property. While that easement has apparently been assigned to Northern Nevada, I am anxious to hear whether there is still natural gas going to Silver Springs through that pipeline because that, combined with the oil recycling plant right next to it, would be a major catastrophe. There were other places in the Application where it was asked if the project would use large volumes of water but they answered "no". If there is a fire, you don't put out a fire of lithium batteries with water. As I said, the oxygen molecules come together and make the fire worse. That is why all of the major fires at Moss Landing, Missouri, and other places just have to burn themselves out. I understand there are problems in San Diego now too. The water helps to cool them but it takes 5,500 gallons of water to cool them and still let them burn themselves out, which may take 2-3 days. That happened with a truck coming up from Las Vegas that was full of recyclable lithium batteries. It closed the highway in both directions for 15 hours and it had to just burn for 3 days. They still used 5,500 gallons of water just to cool it down and try to get it not to spread. It is just too volatile and too dangerous. The Applicants are claiming to have 300 gallons of water, which would not do a lot of good.

Ms. Kendrick-Heaverne continued that the requirements for a Major SUP would require preliminary studies, investigations, and discussions by experts, such as chemical engineers so that it would be better understood the way that lithium batteries are so volatile and so combustible. None of this was done because it was passed as a General SUP. The EPA actually requires that lithium batteries be stored in a well-ventilated building with temperature controls but that really didn't do any good in Moss Landing and in Fredericktown, Missouri. They were in buildings and the buildings exploded along with the batteries. However, sitting outside in the hot sun or sitting outside in water during the winters when we have rain or snow would just ignite the batteries. The EPA would require what is called an RCRA Permit for these Applicants to store these batteries. First of all, they would not let them be in stacks outside. The RCRA stands for Resource Conservation and Recovery Act.

Continuing, she had displayed a video of the Moss Landing explosion. She said the Moss Landing fire that they thought was out reignited all by itself in February, a month later. The next video was of the Scotland fire. That is what these fires look like. They don't just burn –

they explode. The next video was of Fredericktown, Missouri, which just occurred 6 months ago. She explained that she just saw a video today that now they have found thousands of fish in their local reservoirs are dead and floating on top. They are still checking the air and water quality but it is not good. This would be right out my window!

Ms. Kendrick-Heaverne expressed her hope that you, our Honorable Commissioners, see that this should be extremely researched by allowing experts to let you know exactly what to expect when you put this in the middle of people and water resources, which have already been discussed. We have the Truckee Canal and Lake Lahontan and the Carson River. It would affect irrigation all the way into Fallon used for crops. Out on the Bench, Marie Duncan irrigates 117 acres every season for her livestock. That would be affected by the Truckee Canal and Lake Lahontan. The lake is also used for recreation. One of these disasters would, basically, end it as we know it.

Finally, we are asking that you revoke the permit as it was granted, require the Applicants to submit an Application for a Major Special Use Permit, and, hopefully, mandate, although you probably won't, that they try to find another place to put this project. I totally agree that we need to recycle these batteries but they shouldn't be in an area with a high population with soil, air, and water concerns. There was a map in my thumb drive that I didn't see but it shows that Northern Nevada owns a lot of property in Churchill County so the county would not have to lose out on tax revenue or jobs. On this map, all of the red dots are properties that Northern Nevada owns, which could be used for storage and it would be much farther away from people, their property, their water, their soil, their air. We are asking that you please revoke this SUP and send it back for more preliminary review before the Planning Commission re-considers it.

////

////

////

////

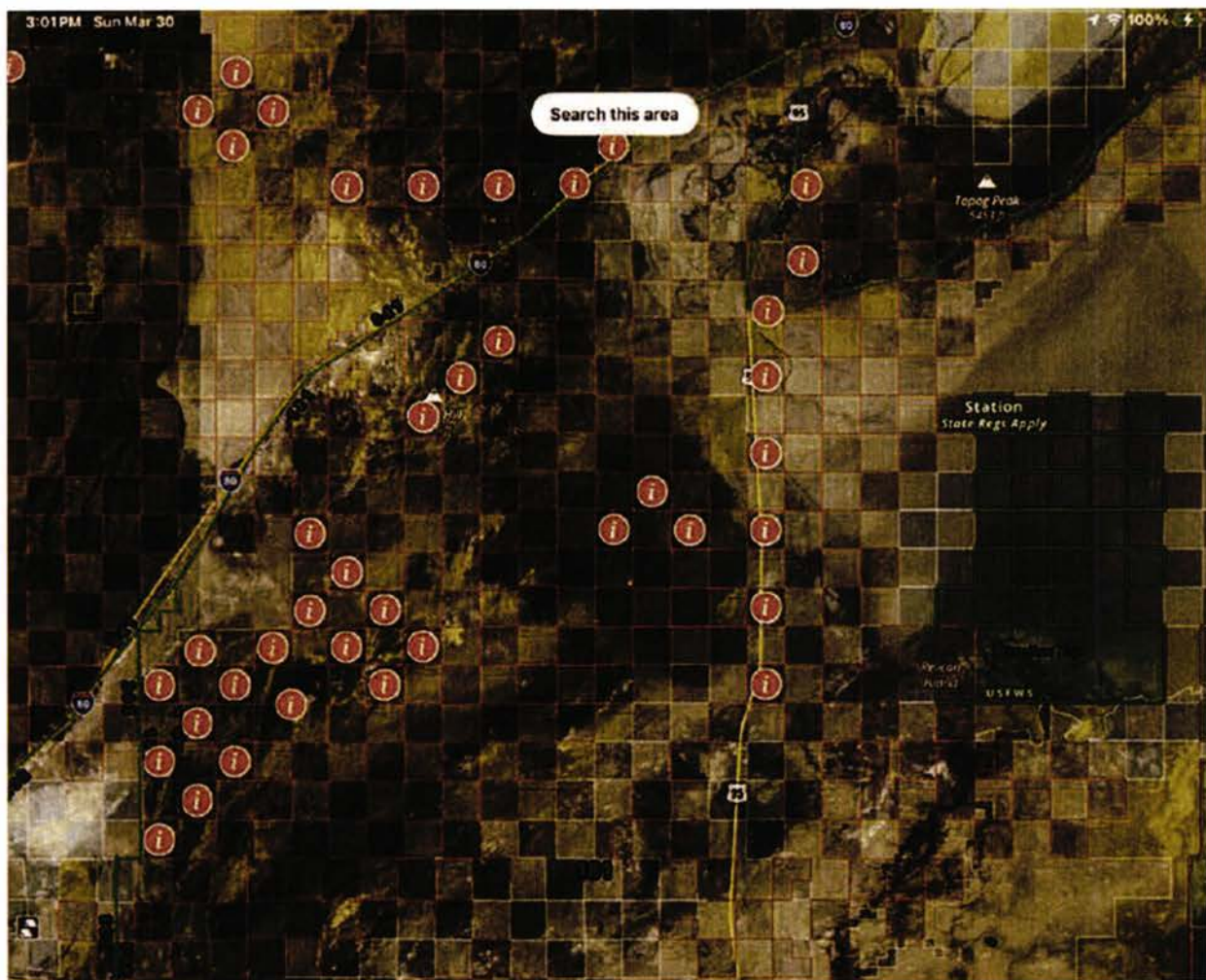
////

////

////

////

////



Bernadette Francke, at 5555 Rivers Edge Drive, said Carolyn pretty much covered what I had written in my appeal. There are so many unknowns to this, including have there been any studies about having two hazardous industries side-by-side, one that potentially can have fugitive emissions floating over to a battery recycling and dismantling process. Have there been any studies of the temperatures that we have here with these batteries being stored outside? I know they are supposed to be in the shade but we could, potentially, have weeks and weeks and weeks of 100° temperatures in July and August. I understand that it is zoned industrial. There are some questions floating around about when this zoning took place and what happened at that time but I think there should be more transparency about the zoning process up there.

Ms. Francke said you heard, in the two Planning Commission meetings, that the people up there who live around the Safety Kleen area are still subject to emission odors to this day. Up to this time, you would think that this could have been solved. If these are state-of-the-art companies, spend the money to do this right because these odors should not be happening in this day and age with the technology that is available. It is a threat to the health and safety of people who live around there. These emissions come down to our area on Rivers Edge Drive. I can tell you when they are off-loading the oil. You can smell burning oil. I can tell you when they have the

stacks open because it smells like dead animal. I can tell you when they are cleaning the stacks because it is some kind of a chemical that they try to disguise with another odor. That is just the three that I am familiar with. I think that somehow the issues with the emissions from Safety Kleen should be resolved before we go into another hazardous industry, not to say that recycling isn't necessary, it is just pick an appropriate location. I am not even so sure that the Lovelock Highway is appropriate, as the wind blows north from there. It needs to be way away from populations.

Ms. Franke added that she believed that they said part of their phase is experimental, which is another reason for a very isolated area. Experiment all you want where it doesn't impact any residents.

She added that she had included some images from the 2010 Desert Research Institute's study that was Commissioned by Churchill County to study when it was Bango Oil, which didn't come across very well. The study included the wind flow of emissions and they triangulated dates and times that people who live there called and said they smell an odor with wind data because they put a weather station there. They could plot that these emissions followed the wind flow down along the river corridor and onward.

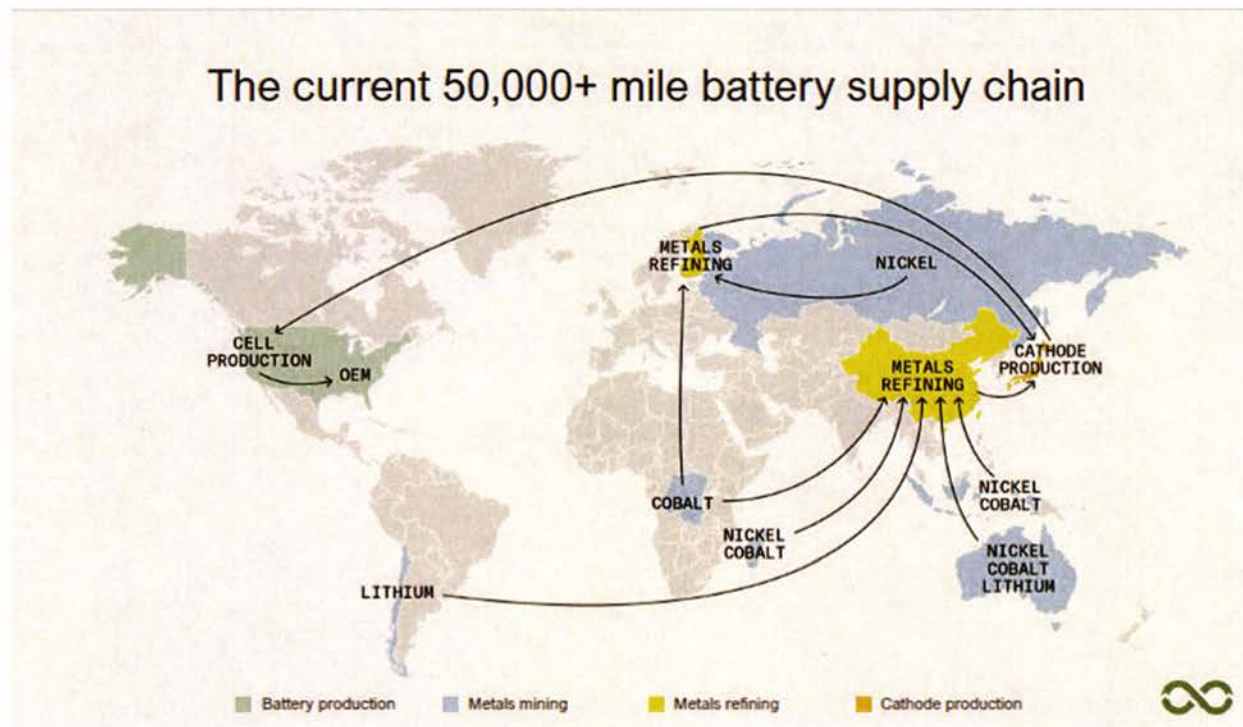
Ms. Franke stated that these are her concerns and said she just feels like, especially for those people who live up there, they paid their dues already with having a sort of industry come in that wasn't prepared to do it correctly from the get-go. It is improving. As I said, the technology is there to do it right. Sometimes, when complaints are given, all of a sudden those emissions go away for a while but then it comes back again. I just hope you will consider a different location that is way away from any populations, even a small population. What kind of future do we want to leave? With the little girl that was right next to me, she is going to grow up here. What kind of air do you want her to breathe?

Don Tatro, with Redwood Materials, said he appreciated the opportunity to present before you today. He thanked everyone for coming, as he believes it is best to have an engaged community and hopes that, through this presentation and an overview of how we are different than some of the incidents that have occurred and what our plans are that will be beneficial. I also want to share what our company does as a company and I hope this eases those concerns or totally does away with them. I also want to share why we believe the SUP should be upheld in regards to the Appellants' assertions.

First of all, he wanted to give a 101 of Redwood and who they are. They are a Nevada company and started when the gigafactory was taking off and there was a question of what to do with all of these batteries at their end of life and where will we get this material and how are we going to safely manage it? That was the birth of Redwood Materials. Our whole goal throughout the entire company has been to manage it safely and to ensure these batteries do not go to landfills. As many people are aware, if we counted up the amount of lithium batteries in this room, it would be hundreds if not thousands that we are using on a day-to-day basis. How do we keep those out of landfills? I know, prior to working for Redwood, I was guilty. I threw away things that I didn't even realize were a lithium battery. If we are concerned about groundwater and

these other things, we should be trying to keep them out of landfills, which is Redwood's mission. In a circular economy, how do we reduce our dependency on foreign nations for this material and how do we secure Nevada and the country's energy future? That is how Redwood was founded here in Nevada.

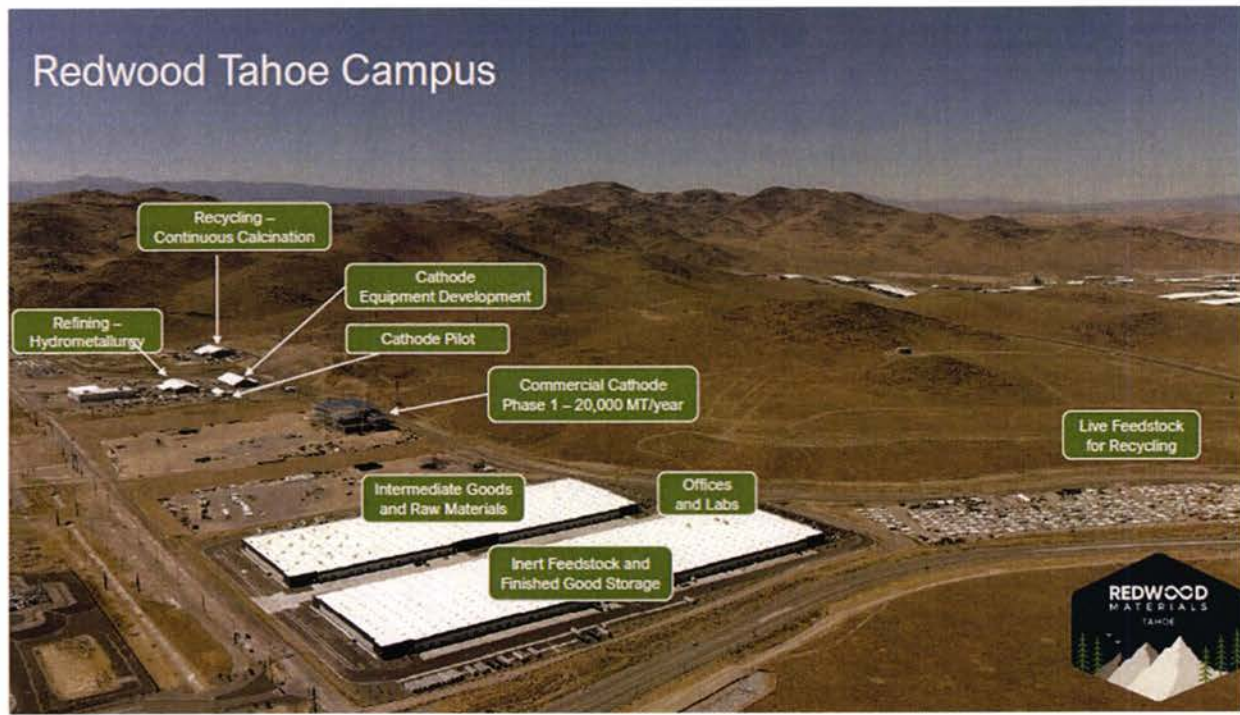
With regard to my why for working for Redwood, when I was looking at the company, this current slide depicts the reason.



This map shows the 50,000 mile tract that the lithium battery goes on around the world. We hear a lot about Nevada's lithium loop and how we are going to advance that but, really, Redwood set out to erase these one line at a time – to bring this onshore, to create Nevada jobs, to create U.S. jobs, to improve our manufacturing, and also to keep this material here in the United States as we continue to increase the use of these batteries.

Next, the photo of the current facility at TRI. The company has been there for about 4 years. It consists of about 300 acres. For reference, the buildings on the bottom of the picture are about 900,000 square feet. To the right is the current storage facility where it says 'Live Feedstock for Recycling'. That is the road I drive up every day to work. I take my kids up that road. We have over 700 people going to work there every day. It is not a concern for me every day when I drive up that road. I am not concerned about the air quality, water, or entering into anything of potential harm. A lot of that is through our mitigation techniques. We are at the forefront of doing this as safely as possible. That feedstock for recycling is paid for by us when it comes out the other side and we manufacture it into battery materials for production in the United States.

That is what runs our business. Fires are something that we do not want - at all cost. We do everything we can to mitigate that risk.



What is proposed before you today is on a larger acreage. We are focused on the 33 acres of current storage, so a similar footprint to this.

Mr. Tatro shared a slide of some of their partners. These are companies that we are working with all over the country and we are receiving their batteries, which is part of the reason why we need more storage. We are grabbing that and either applying it to a second life application or attempting to or looking into that or we are recycling it. We are not doing those operations at this proposed facility. That is currently at TRI and we have been doing it for several years.

////

////

////

////

////

////

Partnerships

CELL MANUFACTURERS

Panasonic

**ULTIUM
CELLS**

E-MOBILITY

lyft

Lime

RAD POWER BIKES

VEHICLE OEMs



ROLLS-ROYCE
MOTOR CARS NA LLC

VOLVO

TOYOTA



CATERPILLAR®

NISSAN

CONSUMER ELECTRONICS

amazon

WM
WASTE MANAGEMENT

ENERGY STORAGE

Southern Company

**Kaua'i Island
Utility Cooperative**
Kaua'i Electric Energy Cooperative



Last year, Mr. Tatro shared what the company did last year, which is a great show of the progress we have made here in Nevada to have a true impact on our energy independence, production, and manufacturing:

Redwood recycled 20 GWh of lithium-ion batteries in 2024

Equivalent to:

60,000

Metric tons

250,000

Electric vehicles

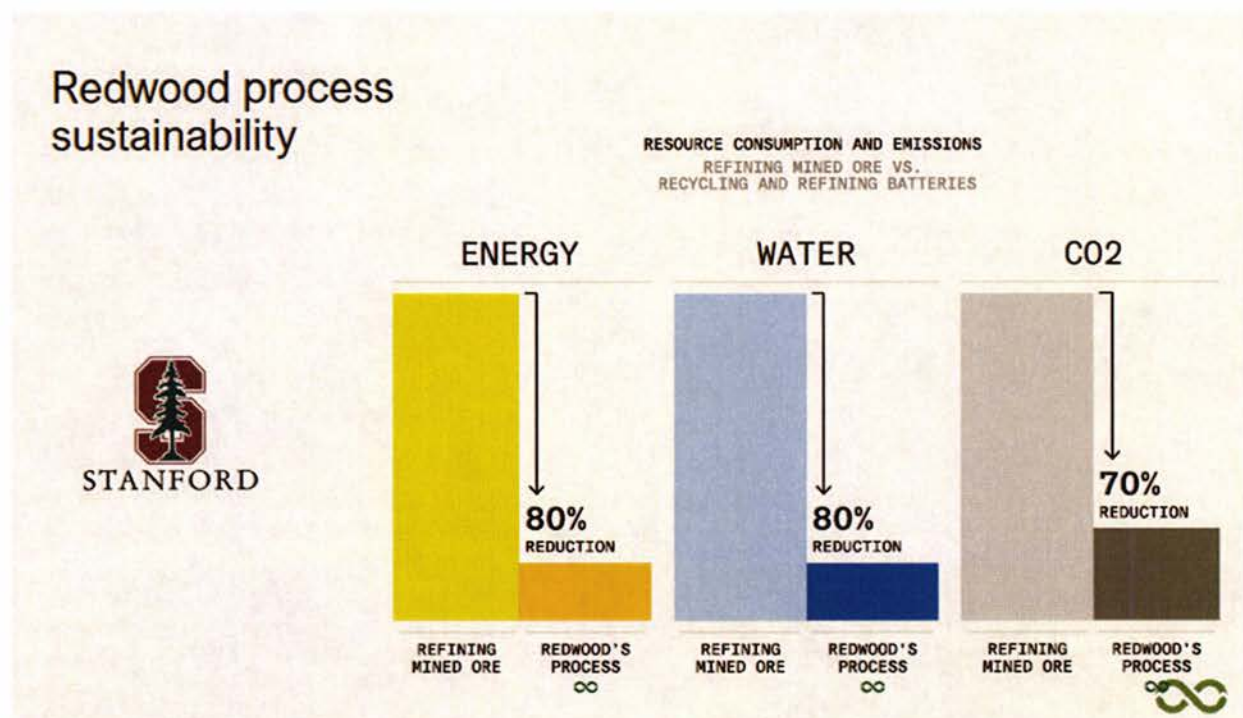
1.567B

Cellphones

When we recycle these, an atom remains an atom, lithium remains lithium, nickel, cobalt, etc. We are able to get over 95-98% of that through our processes. Again, that is done at the TRI facility, not this facility. We are able to extract that and use it in indefinitely. As we look to the future, I truly believe this is a monumental step for Nevada, the lithium loop, as well as the country.

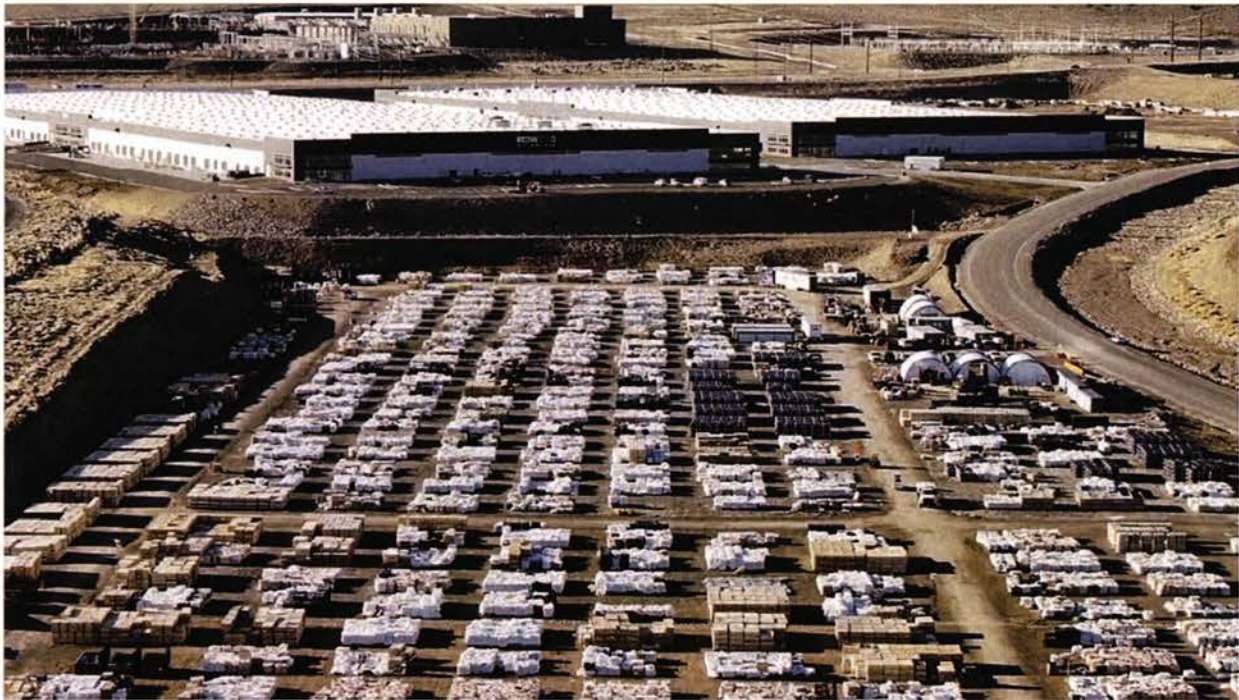
Through our recycling efforts and where we are today and from what we have been able to accomplish, we consider ourselves the first nickel mine in the United States, the first exporter of lithium in decades. We are able to grab this. We hear about a lot of mines or potential extraction in Nevada and a variety of other places but, because we are recycling, we are already able to grab it from your existing cell phone or tools. We are already miles ahead at keeping this here in the United States. Right now, if you extract lithium in Nevada, it still has to enter that 50,000 mile loop around the world, predominantly in Asia, to make its way back here to go into a battery.

As part of our process and trying to be good stewards of the environment, originally, as we set out, we brought in Stanford to look at our processes and the impact that would have. We had Stanford as an open book for two years. It took so long to study this because, as they identified issues, we were able to fine-tune our processes and we will continue to do that indefinitely. They found that we represent an 80% reduction of energy, 80% reduction of water, and 70% reduction of Co2 mining that material that we all use on a daily basis. It speaks volumes that we opened our doors to them, showed them the processes, and set out to continue to push these numbers down and to continue to make this a better environment. We are in an entirely closed loop system. We don't have any waste through our entire process – it is circular. It is made to protect the environment, as well as keep this material in circulation.



Mr. Tatro stated that this next slide depicts today. This is their pad and thanks for those who have come and toured the facility. This is 33 acres of existing of batteries where we are currently storing them. We just need additional space. As I mentioned, the increase in the use of lithium, obviously, has increased the inflow to where we are. This is what it looks like. You can

see that road again that I mentioned traveling on every day. I go to work in that office right behind this pad. I think it is good to have a real world example of what we are doing, how it operates, and what we intend to have. I also think that the community here in Churchill County, through the learning process we have had from setting this up, this facility here is not version 1. This isn't our first dance. We have refined our techniques, mitigation practices, our first response, and everything else to lower the likelihood of a what was presented to you earlier. We are continuously upgrading it but this is version 10 or 20 or whatever it is that we are proposing today.



Brad Mayhew said he would walk through the two Special Use Permits and proposed operations at the site. To familiarize the group with what we are talking about, there are two separate Special Use Permits that were approved on March 24th. The first depicted in green is battery storage. This is outdoor storage of the 30'X30' grids that the Planning Department had mentioned earlier. That distance from Safety Kleen is about 5x further than any event we have ever had in terms of issues. We have done it by placing these two locations with an abundance of caution in terms of our neighbors and local risks associated with it. The second Special Use Permit is an R&D and safety testing facility. This involves testing of batteries to ensure that they are safe for second-life usage or other applications.

With regard to why we chose this property, I know there are a number of properties available but we worked with the local government on this before we even made an offer on this property, confirmed that the zoning was appropriate for the usage, so this is an industrial section of the community, zoned for industrial purposes appropriate for the storage and Research & Development activities that we are intending to do. This is similar to what we do today at our existing facilities in the Tahoe Reno Industrial Complex. I want to call out that this isn't

something that is just regulated by the county. This has federal, state, and county oversight. Some of the agencies that we work with are the Department of Transportation, ensuring safe transport, packing, and handling of the materials as it comes through the community; EPA and the Nevada Division of Environmental Protection to monitor our operations to make sure we are handling the universal waste appropriately with a Pollution Prevention Plan and we are not putting the community at any risks; OSHA ensures that we have safe practices for employees and people who are there in this area every single day; local fire departments and others across the country to ensure this meets International Fire Code Standards and has appropriate Emergency Action Plans.



Mr. Mayhew said I will first go into the R&D Testing aspect. We will do two types of testing at the site on the small 2 acre plot of land. We sectioned this plot of land very far away from the Safety Kleen site and the junkyard on the south side of this property. The first part of testing, which is what most of our operations will be, is diagnostic testing. This is nondestructive. We are checking the batteries to ensure that they have high quality and reliability and can be used for second-life applications. The second area is what most people have raised concerns about based on the language in Churchill County Code, which is our safety testing. This isn't something that we are doing on our own but is done at the direction of or in partnership with local Fire Marshals, first responders, and entities like the Underwriters Laboratory to make sure the kinds of batteries we are putting out there are safe and appropriate for the usage we are talking about. This could be propagation testing or deflagration testing. We have engineered the

location to be really controlled on this. It is not something where you will see spread or anything of that nature. It is enclosed by large concrete blocks and the only access is for people to get in and out.

Next, a display was made of the project visualization for the R&D Safety Testing Facility. The road in the middle is Bango Road, so this is on the northwest side of the property looking out toward the Battery Storage Facility.



The second project that we will talk about is the Battery Storage Facility. These are two separate Special Use Permits that were approved. This is for ongoing storage of lithium ion batteries. We described the grid storage in some detail and I will get into that a bit more in the next slide. Mr. Mayhew acknowledged that there have been some concerns raised about how does this look for the community. This is a rendering of what you would see from Highway 50, so it is not visible to the community and located far off the road. Our property is 438 acres. Our storage that we presented here is about 10% of that, so there is plenty of distance from Highway 50, from the community, and from neighbors.

////

////

////

////



Overhead View of Battery Storage Facility



Visibility of Battery Storage Facility off Highway 50

The next display depicted some examples of their current operations, which is about 33 acres, similar in size to what we are talking about for this facility. We store these batteries in accordance with International Fire Code 2024, which requires a 900 square foot grid storage, with spacing in between. The grids are spaced 10 feet on our current property but the Churchill County Fire Marshal has required 15 foot spacing. If there were a fire, this prevents propagation from one grid to the next. In our current operations, we have never seen a fire propagate from one of these to the next and it is done purposely. It is done to provide distance, protection, and enables us to come in and move other pallets away, to access it with fire trucks and things of that nature to put it out quickly. The material comes to us and arrives in Department of Transportation (DOT)-approved packaging and that is what we use for storage. This is safety rated and requires drop testing and things like that. We believe that is the safest method to store these materials. Again, we have spacing and fire lanes as you can see on the bottom right.

////

////

////

////

////

////

////

////

////

Current Operations

Overhead – Current Site



Grid Strategy – Current Site



DOT Approved Packaging



Spacing & Fire Lanes



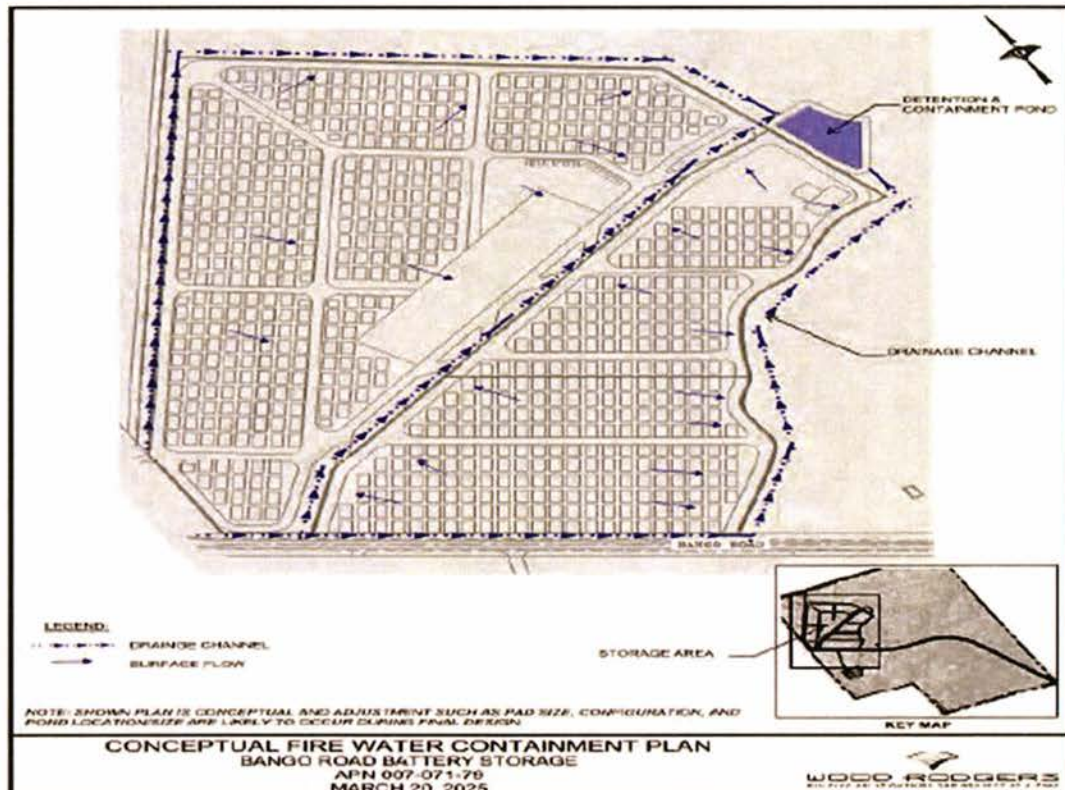
We would like to address some of the concerns raised in the Appeals and really section this into three areas. First, is the Major versus General Special Use Permit. We will not address that directly, as we feel that is the county's responsibility to address and is out of our scope. Second, a lot of concerns have been raised around Bango Oil/Safety Kleen. That is not our operation. We are not Bango Oil or Safety Kleen. We will not address any of the concerns with the neighbors associated to that. However, we will be going into site and Special Use Permit concerns. First, I will address transportation and trucks going through the community. This is DOT-regulated. There is oversight on this aspect. This is the same sort of processes that your standard truck drivers use, which are licensed, packaged appropriately, and things like that. I do not believe there should be concerns from the community around this. This is regulated heavily through DOT. However, we will go into detail on site-specific operations, specifically, water contamination and explosion/fire risks.

This is a depiction of a Conceptual Water Run-off Plan that we are working on with the county and the Planning Commission. We have a detention and containment pond at the southeast side of the storage facility that you can see here. On the bottom, there is a small picture which shows where this resides in the entire property. This is about 10% and this picture is blown up pretty big but it represents about 10% of the 438 acres, again, distanced from Highway 50 and the other neighbors.

////

////

Conceptual Water Run-off Plan



Our water management, stormwater, fire fighting water aspects are regulated by multiple agencies. We have a Stormwater Prevention Plan, Emergency Action Plan, Spill Response Plan, which are all things we work on with the EPA and NDEP to make sure that our facilities and the materials that we are handling do not pose a risk to the public. The normal operations of battery storage will not produce contamination beyond the immediate area. We do not accept leaking batteries, which is considered hazardous waste and that is not something that will ever come to this facility. We will have a detention and retention pond, which is intended for if there was a fire to put water on the batteries. How do we ensure that water doesn't get out into the community? It will all funnel into this detention and retention pond. It will be temporarily held there and then remediated by third parties to make sure that it is handled correctly and the contaminants are removed and do not enter into the community.

Mr. Mayhew continued that there was a comparison made to Moss Landing, which was one of the videos that were shown. I would like to go beyond what was shown on the news in the 24 hours after the event. One, to show why our facility is different and two, even in the worst case absolute disaster type of situation would pose in terms of health risks to the community. First, this is a very different storage strategy than all of the videos that were shown previously. This isn't indoor storage where you risk fires between rooms and buildings where the entire building has risk. We have separation and we have fire lanes to access things. More than anything, though, the energy density is much different. Each grid represents about 1% of the energy

density that you saw at Moss Landing. We have never seen fires go from grid to grid because of our 10 foot separation and, again, Churchill County is requiring even greater separation than what is required by fire code. This is a very different order of magnitude from what was presented earlier. The USEPA, CalEPA, California Department of Public Health, and the County of Monterey Health Department have all done studies after the Moss Landing fire and show that there was no risk to public health, despite the orders that were placed out of an abundance of caution within the 24 hours after the fire.

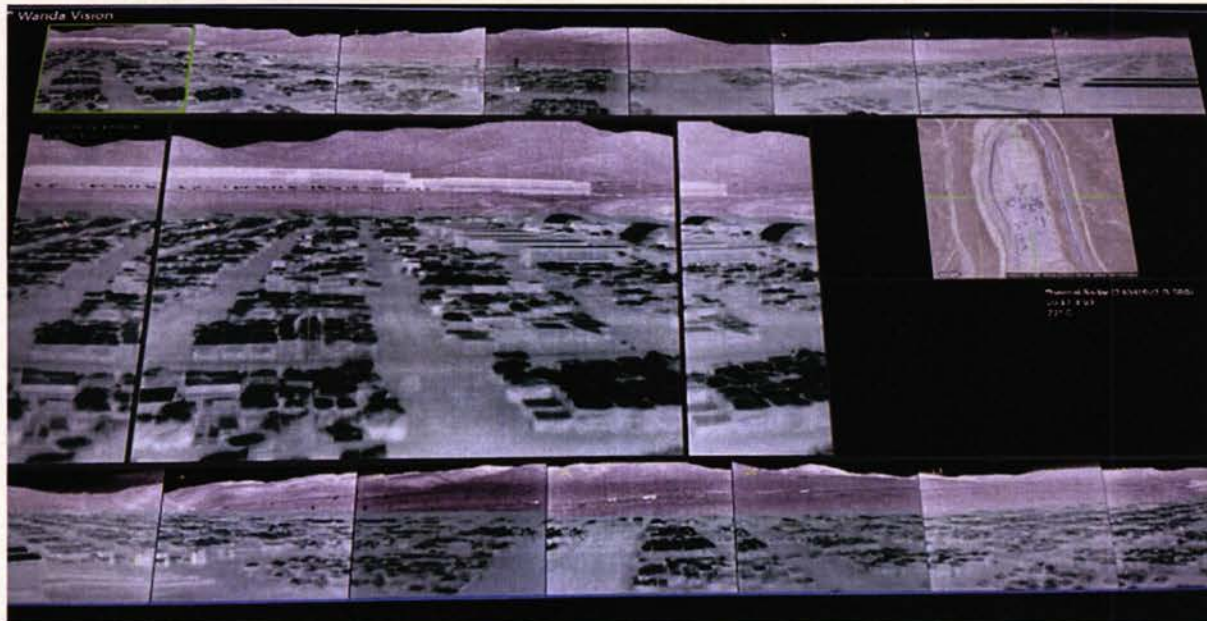
Moss Landing Comparison – Beyond the Headlines

- A full grid event represents only 1.25% of Moss Landing's energy capacity (3.7MW v 300MW)
- No grid-to-grid propagation with 10ft separation
- USEPA – “...**no risk to public health throughout the incident**” [EPA Completes Air Monitoring Near Moss Landing Vistra Battery Fire.pdf](#)
- CalEPA (DTSC) – “[T]here are **not elevated metals associated with the fire in soil.**” <https://www.readymontereycounty.org/home/showpublisheddocument/138609/638751429616230000>
- CDPH – “**Exposure to the metal concentrations found in the agricultural soil samples do not pose a health risk to the public.**” <https://www.countyofmonterey.gov/home/showdocument?id=139055&t=638768749338418629>
- County of Monterey Health Department – “**The reported levels for each sample do not exceed the associated regulatory maximum contaminant level (MCL) or Public Health Goal (PHG) for drinking water.**” [Moss Landing Fire Update: Soil Screening Data Summary County of Monterey Health Department, Environmental Health Bureau January 31, 2025 | County of Monterey, CA](#)

At the end of the day, as Mr. Tatro mentioned, this is material that we are purchasing. It is not trash that we want. This is material that is good for our business. The best thing for us to do is to prevent and respond to fires as quickly as we can. Again, our Special Use Permit meets or exceeds requirements in the International Fire Code. We have 10 feet of separation between grids and have agreed to 15 foot separation for the county, 20 foot from any building, lot line, public street or alley, and we will have fire alarms on the property, specifically, we will use forward-looking infrared (FLIR) cameras. These are state-of-the-art equipment to visualize for our security department any thermal risk associated with the property. These thermal cameras can detect any kind of oddity on the property as it pertains to heat, so it could be ground squirrels we've seen or employees lighting a cigarette. These are all things we have detected and been able to respond to appropriately, as needed. We have in-house emergency response capabilities, which helps to reduce the strain on local emergency departments, specifically, the fire department here. We have 24/7/365 staffing monitoring these alarm systems. We will have 24/7 response on the property, as well. As mentioned, at least 2 people will be there 24/7 and emergency response vehicles equipped to suppress the fires. We will keep isolation areas and stabilization containers to mitigate any thermal events that occur too. This is an example of

those FLIR cameras. Although it is a little difficult to see, you can see a blue dot in the center photo in the very far back of the photo, which would signal alarms. There is some sort of heat profile that is evident on our property today. It would indicate to our security team you should go check this out. It could just be something getting warm, it could be anything, but, at a moment's notice, we will have some sort of profile of that.

FLIR Imaging Capabilities



In the event of a fire, since there are concerns about what it means to the neighbors and for air quality or water quality, this isn't Redwood Material being off on an island figuring out how to do this on our own. This is something that the EPA and, specifically, NDEP is responsible for ensuring that we do things the right way. We, obviously, care a lot about that and want to make sure that we do things in a way where we are good neighbors and good members of the community. NDEP is a regulatory body who makes sure that, when we have a reportable event, we are handling the contamination, remediating the soil, and ensuring that this doesn't get out into the community. We will work with third parties to remediate the contamination and work with NDEP to be sure it is safe for the local population.

To close the loop, which is our company's logo, we are trying to build this circular supply chain to power a sustainable world. We are trying to increase manufacturing and we are trying to be good stewards of the environment. We are trying to keep this out of landfills. That is our whole company's mantra – that is our north star. Finally, this is currently zoned industrial. When we were looking at this, we believed that we are upholding the merits of the code and that the approval by the Planning Commission should be upheld. Throughout the presentation, we have shown that. We already have over 27-30 people coming from Churchill County to the facility that I showed you earlier who are employed with us. We will have 15-25 new jobs just for these

Special Use Permits shown today. We look to be good partners with the community. With that, I am happy to answer any questions.

Chair Getto said, at this time, I would like to open it up to board and staff for any questions, comments, or concerns.

Commissioner Hyde said I want to go back to how a Major versus a General SUP works. When they said that Public Works, Planning & Building agreed that they would meet the requirements for a General SUP, did you know exactly what they were storing? Randy Hines, Public Works Director, said yes. Again, the administrative portions of a Major SUP and a General SUP are the same. We have pre-Application meetings. We had two pre-Application meetings with Redwood Materials and we actually had one meeting with management staff before we had those. Also, we notified all departments within the county, as well, which we do for both Major and General SUPs. We notified outside agencies, just as we would do for either a General or Major SUP. There are a few things that distinguish the Major SUPs being large-scale developments that cover sections of land. This project does not cover sections of land. This portion of the project covers 37 acres, which is a moderate area. The other two things are energy production, which this is not, and manufacturing. We are not manufacturing with this project but we are storing. That is how we determined the General SUP versus the Major SUP.

Commissioner Hyde said what would trigger a Major SUP with regard to the environment? Dean Patterson, Senior Planner, replied that it would involve very large-scale projects, such as geothermal, solar plants, or geothermal exploration. Smaller-scale projects generally do not get designated as a Major SUP. If you have some more specific questions, I would be happy to answer those. Commissioner Hyde said I will come back to that if I need to.

Commissioner Hyde said I have done a lot of digging. I was at your place last week and more questions have arisen. I am a big resource guy. I use my resources and I have spent more time on this than I have with anything in a long time. These batteries that you are getting in are DDR, correct? Mr. Mayhew said some would meet that classification but most do not, however. Commissioner Hyde said I have spent a lot of time on research but I am not a lithium battery expert. Would you say DDR batteries, which stands for Damaged, Defective, or Recalled, are safer to store than a new battery plant that has new batteries? Mr. Mayhew said specific DDR batteries pose higher risk but in comparison to a new battery plant this is very different in terms of energy density, so we recognize the risk with these and we keep them spread far apart. I would say lower risk overall versus what you are describing. Commissioner Hyde said there is risk pretty much with any industry, we can agree on that.

Commissioner Hyde said you are moving the batteries off of where they are at, correct? In Storey County? Mr. Mayhew said that is correct. Commissioner Hyde said you are going to expand, but you're moving those off here—same size, right? Thirty-three acres? Are you looking to expand for more storage here? Mr. Tatro said both. Ultimately we will recycle that material. There is potential that we are just drawing that down and could move it or new shipments could come here. It's a variety of sources. Commissioner Hyde said, on my tour, you said three months—thirty-three acres of batteries—you guys recycle in a three-month period,

can only keep them for a year. Who keeps track of that? Mr. Mayhew said we do and we have to report that out.

Commissioner Hyde said has the EPA came out when you were starting to store batteries, did they do an initial soil sample and have they done any soil samples since? How long have you been storing them, about 3 or 4 years? Mr. Mayhew said we have worked with the EPA directly on written determinations for the property, designations for what the site is doing. I am not aware of soil samples associated with their concerns. I think that is because there are not a lot of concerns around soil contamination. To my knowledge the EPA has not sampled our soil. Commissioner Hyde said I would agree with you because I have done a lot of research through the EPA and it seems like they don't want to even touch this. In 2023, a memo came out and it really didn't explain anything. It's not just your industry, I love what you're doing, I 100% agree with what you're doing. My concern is, I live here and I've lived here for 52 years, my whole life. My concern is, I have got to get facts, in this seat, I can't just look at this objectively, I have to look at it with facts. I'm not hammering you, I'm just trying to gather the facts because my duty is to keep this community safe. Mr. Mayhew said we do have soil samples done when there is a fire at the property and we remediate. I don't believe that we had to get one at the start of our operation but they do monitor it after thermal events.

Commissioner Hyde said I will tell you also, on my visit to your site, I had some current concerns about the clay pond. I am not an engineer and those concerns were cleared up. If there is an event, you dig the pond out, send the soil off, I get that. My concern is, in what time frame do you do that? Is there a required time? Mr. Mayhew said there would be an immediate responsive action, absolutely.

Commissioner Hyde said I have got a lot of notes here so bare with me and said, thermal runaway, correct me if I'm wrong, I'm just going to the internet, researching. Mitsubishi did a report on thermal runaway. I read it and wish I could have printed everyone a copy. Thermal runaway happens and one of the big causes is heat, correct? Mr. Mayhew said, yes, it could be a variety of causes. Commissioner Hyde said and sometimes in those batteries, they create their own heat, is what I understand. One of the big contributors to that is ambient temperature. Everything I read says they should be stored as cool as possible so, when I look at where we are at with this and you guys have them covered with white and I am sure the bottom is sealed. I didn't get to go all the way down there. I don't know if you have been in that part of the desert in the summer and we all know where they measure the heat is in the shade, so it could be 110 but how hot is it in the sun, no one really knows. It gets hot, some might say hotter than hell. That's always been one of my concerns and I brought that concern up to you. Can you address that concern? Mr. Mayhew said we have put thermometers on some of our batteries, measured temperature throughout our facility and understand where it is. Where there are issues with lithium ion batteries in terms of temperatures run at 175 degrees Fahrenheit. I don't think this should be something that should be pertinent to the local area. Where there could be issues with this, is like, if it's contained within a metal container and sort of like your car heats up to that same level, we have a process in place to mitigate, keep heat off those metal containers, things like that. The ambient temperature in the area won't get to 170 degrees. Commissioner Hyde said, again, not an expert just putting it out there and that comes from Mrs. Heaverne, she

mentioned something, she clearly did some of the same research I did with the EPA. They are pretty good at dancing around it, right? They are pretty good at recommendations. OSHA doesn't even have a standard. They will get you under the general duty clause like they can always. I know you guys are going to protect your workers and that is what OSHA is designed to do. Secondly, it can also help outsiders. Would you agree that lithium batteries, DDR lithium batteries are hazardous waste?

Mr. Mayhew said it also depends on what the DDR is. You can have a recalled battery that say it was for a vehicle and it didn't have longevity, it didn't hold a charge so there are a host of things. Commissioner Hyde said we will call that retired, we will go DDDR. Mr. Mayhew said that's fine but then we do have a heightened level of oversight for anything that could have an issue but a lot of those wouldn't be an issue for storage but would be for operation. Commissioner Hyde said, generally speaking, the EPA calls them a hazardous material. Mr. Mayhew said hazardous material but not a hazardous waste -- it's not a hazardous waste, it's a universal waste. Commissioner Hyde said exactly. So there are specific guidelines that have to be followed. What concerns me is that I just asked you if the EPA has done any soil sampling out there and if they have, can you tell me anything that they have done to follow up with your initial permits or anything? Mr. Tatro said, through the EPA regulations, NDEP is responsible for our facilities, say, for our air quality permit and a variety of others, we are required to follow NDEP guidelines and some of the NDEP guidelines were not clear enough because it is a new industry. The environmental health and safety team has to work through one phase of our operation, 200+ pages of written determination, requirements, and reporting. We also have other phases along the way. If we did have a fire event, we are required then to sample the soil and prove that it's not contaminated through the third party and NDEP does have to approve the closer of that issue. While there wasn't initial sampling, there are ongoing items that we have to maintain and comply with and work with. NDEP, through the hundreds of pages of regulations that we have and reports that we have to submit weekly, annually, and quarterly, depending on what is in our operations, I would say it doesn't feel like a light touch. They also have to, I know folks know this, you have the Federal EPA guidelines and that is the minimum requirement. Then NDEP has their requirements, as well, so they can add on, similar to fire code when Churchill County adopts whatever you have to adopt the minimum, then you can go above and beyond that and, in many cases, they do.

Commissioner Hyde said you don't want to be a minimum kind of company? Mr. Tatro said no. Commissioner Hyde said would it be fair to say you guys are trying to set the gold standard? Mr. Tatro said absolutely; we consider ourselves a leader in this and we have worked with local jurisdictions, federal jurisdictions, and first responders to improve processes to ensure this isn't a hazard. I mentioned before, in my presentation, our whole company wants to do the right thing. That's what started it and what continues it and it continues to be our north star. Commissioner Hyde said and to make money. Mr. Tatro said we are a private business and unless everyone wants to, when they purchase a lithium ion battery and pay for the recycling. Commissioner Hyde said and maybe they should, maybe we all should because this is new territory right? You guys want to set the gold standard. I'm clearly not an engineer and it took me a lot of research to figure out what we are discussing. Setting the gold standard and beyond, because they are likely to come out with some stiffer regulations on storing these correct, with

whatever they come out with? Do we have anything required for storage of lithium batteries locally with the Fire Department, with what they have done? Mr. Hines said I think that is a better question for Mitch. Commissioner Hyde said because they said to store them between 50 and 80. Commissioner Hyde said we all heard that it was extended to 15 feet but I'm talking about remediation, I'm talking about getting that water. If we are going to put this fire out we are going to use water or we are going to use F800 foam, F500 fireX.

Mr. Tatro said we found it to be the best and we continue to look at every design and every application. I think a good example of us trying to be the gold standard is, we just recently had several Fire Marshals who are looking at the new state fire code. Our office reviewed some codes that we had questions on and one of our first ones, we don't believe it was stringent enough. It was a fire rating for walls, for indoor storage and, if you're going to do that, there is a lot more risk involved. We actually said this should be more. That was one of our codes that we presented to them to be more stringent. I think that is a great example and highlights a very recent scenario where we went above and beyond. We could have just said fine, we don't care, but we do care.

Commissioner Hyde said that is good because we care. I'm going to bounce back to clay, just for a minute, so you had an engineer do the clay? You know, I'm not really sure about this clay, I have made that clear. To me, let's say, we had 33 acres of pavement with good drainage that ran into a 100,000-gallon tank that had monitoring wells around it, making sure that tank stays good, right? Would that be something to consider? Gold standard. Mr. Tatro said, from what we are looking at, the gold standard, and through the engineers, we are open to the best practices but the clay is self-sealing. A lot of times, with an impermeable layer, you can get a leak and that can go undetected. With the clay, it's much easier to create that same barrier and make it impenetrable enough, similar to the other surfaces that you're referring to. Then, to be able to dig, dig, and dig and make sure you don't have contamination, you can seal it back up, so you don't have the risk of an undetected leak. You don't have as much risk there but, again, if the gold standard changes, we will change with it. Commissioner Hyde said but you're setting it. You are going to follow all the state and local requirements, as far as the storage, not the firefighting part, as far as, the storage part of any batteries. I don't care if it's lead acid, do we have a standard locally, we just follow the federal regulations? Mr. Hines said for storage? Commissioner Hyde said we don't have any requirements on top of federal? Mr. Hines said no, sir. Commissioner Blakey said, Commissioner, if it helps you, the current SOP of the fire department does not have any policy towards extinguishing a lithium battery fire. Commissioner Hyde said no policy. Commissioner Blakey said no, not at this time.

Mr. Tatro said if I may on that, I was on the Governor's committee to help address that and help work with them and first responders on how best to approach a lithium fire. They were leaning on us for our expertise and we were trying to help them to come up with and did for first responders.

Commissioner Hyde said since we are back to first responders, I'm going to let someone else go, which might spark more questions. I spoke with some first responders. How many fires, since you have been storing batteries, has the local fire department had to respond to? Your best

guess, a pretty good guess, from the local fire department? Mr. Mayhew said I don't know the exact answer to that, I would probably say you could count it on your fingers. Commissioner Hyde said both hands or one? Mr. Mayhew said I would guess probably one to be honest. Commissioner Hyde said this gentleman said 20+, now, he didn't provide a document and I didn't ask for a document but about how many, 20+? So, is this a fair statement when people say it's not if, it's when? Some of these could have been earlier, right? Now, you are 50.0 or 5.0 from the start but it is just a matter of time.

Mr. Tatro said I believe there was only one, especially for the storage. When you get to the processing, we have also had issues with equipment wired wrong. I think you need to separate it out. Commissioner Hyde said I'm just talking about battery storage. Mr. Tatro said there was only one in March of 2024. Mr. Mayhew said, to answer your question, we will have fires on the property, which is why we are hyper focused on prevention and mitigation, things like that. Commissioner Hyde said I appreciate your honesty, thank you. I have eaten up enough time, I will go ahead and let the other Commissioners weigh in. Chair Getto said thank you, Matt.

Chair Getto said are you guys storing DDR batteries in Storey County currently? Mr. Mayhew said we are. Chair Getto said how many thermal events do you think you have a year? Mr. Mayhew said how many DDR batteries? Chair Getto said how many thermal events for the whole entire storage facility? Mr. Mayhew said I don't know the answer to that off the top of my head.

Chair Getto said how many battery storage facilities are there in Nevada? Not just your company but other industrial-sized battery storage facilities? Mr. Mayhew said I don't know the answer to that either, outside of our own facilities.

Chair Getto said what other industries are around you inside of TRIC, currently? Mr. Tatro said I don't know the answer to that. There are multiple data centers to warehouses to ammunition manufacturers. I don't have the whole list of all of them but, from my understanding, about 40,000 who go to work every day out there.

Chair Getto said I'm not familiar with this whole process but what kind of work within NDEP have you done? I mean, I know NDEP and I see letters from NDEP; we all see letters from NDEP after the fact, but what do you do with NDEP before an event? Mr. Tatro said I believe, just from what we're talking about here, for storing these, you know, we have to be permitted, we have to have SWIFT and we have to have those things in place. Space, but just for storage, I believe that it monitors our operations, inspects our operations, audits our operations. This isn't something where it's like, one touch and we never see them again. We're in touch with them on a weekly basis, at a minimum. Chair Getto said that was all he had for the moment and asked if there were any other questions or comments from the board or staff.

Commissioner Blakey said I guess it's my turn. Mr. Chairman, Commissioner Hyde did an excellent job. If I was a teacher, I'd give him an A plus. I did have a couple follow ups with him. It's disappointing because I don't think I got the answer from staff that I wanted about a Major SUP and battery storage. I didn't like that answer. The thermal runaway is recommended

temperature. As you mentioned, 50 to 80 degrees. We already know that the temperature here is 175 degrees or so. Why do you think it's okay to go above that recommendation that's been written and is out there? Can you explain a little bit further why you think it's okay that they can be hotter than that? Mr. Mayhew said I'm not familiar with that recommendation or where it came from. Our own internal testing is where that number of 175 degrees has come from. We've monitored this again. We have thermometers on different pallets throughout our facility and, yes, 175 degrees is where you start to see thermal issues with batteries, if they're stored in that temperature. I'm not familiar with the other recommendations though.

Commissioner Blakey said I believe that recommendation came from the EPA standards and they recommend them to be undercover as well, but go ahead and speak. Mr. Tatro said what I wanted to also say is that thermal runaway, it doesn't start a fire. Our intent is to look and see as it is heating up, that's plan A. Then we have mitigation techniques around the site for that. The first thing is to see if something is heating up, through the fluid detection we showed you, the 24 hour watch, whatever it is. It doesn't mean something is engulfed in flames. I think it's important for the record to show, when we say thermal, that's heat, right? It's heating up and that's when we want to immediately isolate and remove that battery from any other propagation happening. That's game one. Commissioner Blakey said okay, I'll say it one more time, forgive me if I'm not saying it correctly, the EPA recommends the ambient temperature of the stored product to be 50 to 80 degrees Fahrenheit and undercover. You're storing it outside and you say it's okay to store it up to 175 degrees. Explain to me why that's okay or give me recommended literature that helps disprove this other theory. You can also say that you can't answer the question.

Mr. Mayhew said I don't have literature with me to disprove this recommendation. This is something we monitor and test and keep track of very closely. This is important for the health and safety of our own employees. Obviously, we care about, you know, the community and places where we are and we don't want to put our employees at risk. We're monitoring this. We're making sure this doesn't happen. That's where we came up with this. We've actually looked at data and done it ourselves.

Commissioner Blakey said thank you and you're saying a DDR battery is a damaged battery, correct? Mr. Mayhew said DDR stands for damaged, defective, or recalled. Commissioner Blakey said okay, thank you. You previously said in your opening statement that damaged batteries are packed differently but they would not come to this site. Did I understand that correctly? Mr. Mayhew said hazardous waste will not come to this site. Damaged, defective recalled batteries, is terminology from the Department of Transportation on safe handling and transport of it. Hazardous Waste is something from the Environmental Protection Agency. That's where you see leaking batteries. There's four, corrosivity, toxicity, explosivity, and one other criteria that I can't remember off the top of my head that designate materials as hazardous waste. Hazardous waste won't be allowed at this site. Commissioner Blakey said so a hazardous waste is only something that's leaking? It can be damaged but not leaking and it's not considered a hazardous waste.? Mr. Mayhew said that's correct.

Commissioner Blakey said in what period of time is it determined the batteries are leaking? Do they make it all the way to the storage site and it's like, oh, that's leaking, we're not leaving it here? Mr. Mayhew said no, it's the responsibility of the generator to make sure that it is designated as that before it gets here. We do check on things, as well, to make sure that the generator of this material is designating it correctly when it arrives but it should happen before it arrives to our facility. Commissioner Blakey said and then, did you say that the batteries are packaged off site and brought to the site? They're on a pallet and they're in a steel container, then they're inside the steel container, and then they're wrapped, are they sealed on top of those steel lids and then packaged in the white protective product? Mr. Mayhew said there are different transport standards, depending on if it's a standard battery, a damaged, defective, recalled battery, etc. The temperature management, particularly the white reflect, you know, the kind that reflects the sun off of the steel containers and things like that happens at our facility. That's not a transport requirement. That's a requirement for safe storage. It doesn't have to be transported that way, but that is something we require when it gets to our facility to make sure that it's handled appropriately at the facility. Commissioner Blakey said I'm trying to understand. The batteries come to you in a sealed steel container on a pallet wrapped in white and then they get unloaded then set on the ground? Mr. Mayhew said that's generally correct, yes, we work with our supply base. We have our own, you know, we have kind of our own team. We call the supplier industrialization team that works with suppliers and make sure that they understand the regulations that the DOT uses and real world examples with photos. In some instances, we provide packaging ourselves to the suppliers to make sure they have DOT approved packaging. We're kind of forward leaning in our supply chain to make sure that when it arrives to us, it's in safe condition. Commissioner Blakey said okay, so, if they're sealed like that and there's an event, then the people on staff have to cut the plastic away, remove the steel lid and find the product that's causing the issue. Is that the procedure? Mr. Mayhew said yeah, I think I get where your question is heading, like off gassing within a steel drum, if I understand that correctly. Commissioner Blakey said I'm just trying to figure out how you know you've got a thermal imager that says that something's hot in that box. The process is for a human to take the white plastic off, take the lid off, and find the product that's hot. Is that the process? Mr. Mayhew said not really. I think number one, when the materials come, we make sure that there's a bum hole, we call it on the steel drums, to allow off gassing in and out in case there is a thermal event where there isn't some sort of buildup of the gasses. We put the white plastic on that as part of our receiving procedure to keep heat off the material if there is a thermal event. Our first procedure is to pull the pallet away from other pallets, so those FLIR cameras can show exactly which pallet it is. As you get closer, you can see where, you know, potentially see the heat from (interrupted). Commissioner Blakey said whoever's speaking, can you please respect the person that's speaking? Thank you. Mr. Mayhew said but then you pull the individual pallet that would be having a problem away from the other pallets, to prevent propagation from one pallet to the other. That's why we have the fire lanes. That's why we have the separation there, as well. It is human beings with equipment using proper safety and handling to move pallets away during a thermal event. Commissioner Blakey said okay, it's the Planning Commission, you know, they have findings of facts that you have to prove and make sure that you're meeting all those fact numbers or finding, number one, you know, I agree yes, that's the answer to that question. Number two, yes, to that question. Number four is, yes, to that question because of the conditions. The concerns I have are with question number three. The

project will be constructed and operated in a manner that will not overburden public services and infrastructure. I see that Commissioner Hyde said that another county's Fire Department has had to respond several times. In a period of a year, how many times do you think a fire department should respond to your facility and not be considered an overburden? Mr. Tatro said I don't know the answer to that question but our goal is as few times as possible and, hopefully, not.

Commissioner Blakey said you do understand our fire departments is a 100% volunteer fire department and we are the best fire department in the nation? Mr. Tatro said that is understood, as well. Commissioner Blakey said that's a heavy concern for me. The overburden of our fire department, because they're volunteers and we're a small community. Also, water supply, let's just say we have a major event and you can't tell me that you don't know for sure, that you could not have a major event. There's a certain amount of water that probably needs to be stored on that property at all times because we're a volunteer fire department and we only have so many trucks with water. So how much water do we need to spray? If that's the method, you know, it's still unknown if water is the correct method. It can only help, right? It can only keep things cool. To my knowledge, you're really keeping it cool so you can let it burn off. You still have to spray water, you know, periodically to keep it cool. We only have so many trucks with water but, when we run out of water, it's going to take a while to establish a water shuttle. Are you opposed to housing water on the property, once permanent water is achieved and prior to, like, day one, have X amount of gallons of water on the facility? I'm just saying, just because of my knowledge of the fire department, that a tank that holds 50,000 gallons of water could suffice for that parameter. How do you see that? Mr. Mayhew said our permanent facilities will require us to have a well and ongoing water supply. So that's something we work with the Planning Commission on and we're fully supportive of that. I think the long story to your answer is, like, we'll work with the fire department. We'll do what the best practices are if more water is needed on the property. I think that's reasonable. We want to partner with the fire department to make sure this is safe operation and we're using best practices to support it. Commissioner Blakey said I understand that. I've been in situations through my career and ran out of water and it wasn't a pleasant sight and we no longer had control, so that's huge concern of overburdening the public services by not having enough water readily available. I understand I didn't really see it written in the conditions, like perfectly, that there would absolutely be a vehicle on site with X amount of water, with X amount of people in it, 24 hours a day. I'd like to make sure that gets in the conditions, if this is approved. We have to get to a motion that there's a truck with water. How much water? How many people are in that truck? How many hours a day? You know, that's something to think about. Well, I didn't really see it written in the conditions, like, hey, XYZ truck with this much water is going to be on site. It just says two people will be on site. Mr. Tatro said two people. We believed that to be a condition that we needed to have and would have the two folks on site and the vehicle with emergency response. We have the F500 foam on that vehicle ready for suppression efforts. Commissioner Blakey said I guess what I want is, I want it to be clearly written so there's absolutely no misunderstanding of what the county wishes or, therefore, we have no one that shows up with an excuse for an answer. Mr. Mayhew said we're supportive. That's our standard operating procedure.

Commissioner Blakey said okay. There is a neighborhood that's close by. As a fire department or as a community, we have to plan for a disaster. If the fire is large, what does it do to our community? If the fire is extremely large, what does it do to the person, the company that's next to you, and how ignitable is that company? We understand that the company is not anywhere near the model of your company. That is something to think about because, when that fire took off that day, it's very unknown for how many days and, as we've already established, with lithium batteries we don't really have a good method to put them out just yet. We just sort of have to keep them cooled off. So, once again, we're volunteer fire department. How many of those people need to go back to work? How many people can stay on staff for long periods of time? So I've decided that I've made my point on number three, overburden of the public services. I have nothing more to say about number three.

Number Five is that does not create adverse environmental impacts, including, but not limited to noise, glare, fumes and odor that may be determined either through public health, public safety, or general welfare of the persons or property in the vicinity, or the wildlife and or natural resources. A question I have for staff is, was the Public Health Department consulted about this project and were there any comments on the air quality if an event was to happen? That could just simply be a yes or no answer and if you say yes, what did they tell you? Mr. Mayhew said which agency? Commissioner Blakey said the Public Health Department. Mr. Mayhew said I don't know. I don't have the list in front of me, so, I guess I don't know that one. There's certain ones that we do regularly, like NDOT, for example, NDEP, I can't remember if the Health District was in that one. Commissioner Blakey said okay, thank you. There's potential for environmental impacts. You definitely have to have a great and exceptional management plan for those. I'm sure staff will make sure that plan is, so, don't meet them with hesitation. You know, do something if this was to go forward.

Commissioner Blakey said concerning the conceptual water runoff plan, can you provide an explanation as to what the drainage canals and containment pond will be lined with? Mr. Mayhew said it would be lined with clay; it's included in the plan. We touched on it briefly but I think the two kinds of leading candidates are polymer, like a plastic lining, or clay lining. The risk with the polymer lining is that you could have rips that go undetected and contaminants could get out. The clay lining is considered best practice, and that's why we've settled on that one.

Chair Getto said question on top of that too, the actual main storage, like the majority of the 33 acres, let's say, is that just going to be the material that's currently at that location or you guys haul in something for that?

Mr. Mayhew said you're talking about our facility in Tahoe-Reno Industrial Complex (TRIC)? Chair Getto said no, the one that you'd be putting in here. Mr. Mayhew said sorry, would you clarify the question? Chair Getto said would you guys come in there and just basically flatten the sand dunes and clay out there? Or would you haul in material, make a pad and stuff like that?

Mr. Mayhew said we would have some. It wouldn't just be the dirt that exists there. We have base rock and other things to make it appropriate for the storage, so we'd haul in the right material. Chair Getto said, okay, thanks. Go ahead, Eric, sorry.

Commissioner Blakey said, concerning the clay material, I understand your thought process on the liner but for the product and the process that you're doing, does the liner supersede the clay like you know is the best practice? I know you're understanding, but if it's installed correctly, maintained correctly, there should be minimal issues. Especially, if we had monitoring wells around the area, we would know if we had a breach. Do we have someone that's smarter than me to make sure that the clay would be sufficient? Mr. Tatro said our engineering team will work with the Planning Division, will work with everyone to ensure that we are upholding and continuing to have the best practice. If it is determined that something else would be better, we would be happy to change that in the future or as we go through planning. I don't think this is a situation where we're only going to do this clay sort of situation. We've just found it to be better but it seems to be a contentious issue. In all the discussions with engineering, all the discussions with folks on how it would manage the stormwater and how it would manage, in the event of fire suppression water, it seems to be the latter. That's why we're putting it forward, again, it's not set in stone and we would be happy to look at it in the future. Currently, we are working with Planning, as well as updates with any codes or any practices that we come across. Commissioner Blakey said I guess in the conditions there, I would just want to make sure an engineer, licensed engineer, in the state of Nevada, says it's okay to use a clay canal in a clay pond. This is how they're going to do it and it's not going to cause issue. I think, if that's not too much to ask, I mean, I think that's a valid concern. We have to be concerned about the water runoff.

Mr. Barbee said, Mr. Chairman, just to clarify, once this goes through plan and design, it's required by state law to go in front of a licensed engineer, who signs off on that and who will be held accountable for any projects that come in front of this county or any other county in the state of Nevada. It's required to go through planning and design and engineering that is supported by a licensed engineer. We're not engineers and we didn't stay at a Holiday Inn Express and don't pretend to be. That is the process, it's required by state law, as well as, I believe, our county code.

Commissioner Blakey said I understand that, thank you for that, Mr. Barbee. I understand the federal law, state law, and meeting their standards. It's a piece of paper on a computer, a written sentence that says, this is what you're going to do and it's in the conditions. Then, if the state lets us down or the federal government lets us down, then we've covered that. That's where I'm at on that and it may be overlap but at least we've done everything we can do, until we can't do anymore. Then I also would like to make sure that TCID is included and allowed to comment and their comments can be part of the project, because I think they submitted a letter asking to be a part of that. I want to make sure that's written in there, they have the opportunity to be a part of that. Then also, one item I did leave out on the number three, is, if we, for this facility, if it did go forward, requiring the Fire Marshal to do monthly inspections, you know, that would be an overburden of services, as well, because we have to find time for him to go do that. There's no one at your existing site, there's no neighborhoods, there's nothing to compare a

neighborhood to. We know that spraying water on it just cools it off and the wind does blow here, uncontrollably, and it never blows when we really want it to blow, just ask a farmer.

I think Commissioner Hyde got this question answered but, you're starting off with 33 acres and you want to do more storage than 33 acres at some point. Did I understand that answer correctly? Mr. Mayhew said yeah, 33 is our current site in TRIC, which is, I think maybe a slight point of confusion. I think our Application had a slightly different acreage than what we had. It's roughly 10% of our property. I think I'll ask Randy to help me on this. If it's 35 or 45 that we submitted. Mr. Hines said yes, if I recall, it was 35 to 48. Mr. Mayhew said over multiple phases of development. To answer your question directly, like the expansion isn't currently assumed as this. I think if we were to expand, we would need to come back to you all. We have other plans for the rest of the property. Commissioner Blakey said, at this time, in your Master Plan of the property, you have 33 acres allotted for battery storage and you have your Master Plan for something else, for the rest of the entire property? Mr. Tatro said potentially, yes, and if I could add on the total acreage for the storage site, then the distance increases, so it's roughly the 35 acres, I would say, within margin of error, just so if there's, you know, 15 feet spacing. If we were at 36 or the berm or fencing or something like that, as well. We want to be very clear that the 35 acres was submitted with the 10 foot separation. Now we're at 15, so the same within that 10% of the total land usage.

Commissioner Blakey said I don't really know too much information about the high pressure gas line that's under the ground. If we were to have an event there, do we have concerns about that being there, even in the vicinity of it? Is it 20 feet away, is it right on top of it' and no big deal? Mr. Tatro said we're aware of it and have designed around it and it's very far away from any risk. Commissioner Blakey said we can add something to the conditions where we can contact the owner or that pipeline, provide a letter asking if they have any concerns, if that was to move forward. I'm just trying to think of every possible thing. I'm not trying to be difficult but, if you get all these questions answered now and on record, then there shouldn't be any problem and the DA hasn't stopped me yet, so I must be doing okay.

Mr. Barbee said, Mr. Chairman, could I just interject? Chair Getto said, yes, go ahead. Mr. Barbee said we had a major fuel line that was in proximity to a fire, about a year and a half ago. I see the chief shaking his head, he has better information regarding that. We had gone through that process and contacted the owner of that pipeline, which was underground. That was a fuel source that was not deemed a danger and it was an extremely large event to observe. Additional conditions were put on that facility. Based on the history of dealing with that at the county level and if Chief Dooley would have any other comments to add or am I giving accurate information? I think that was my recollection of that night and went out there by the railroad station or the railroad ties. In that specific event, based on the depth of that, was not deemed a danger and that was a jet fuel line. Mr. Tatro said, if I may add, there is an easement around that line, so we're not even allowed near it, and soil insulates, as well. Commissioner Blakey said but, if we have a letter on record that says, if you're this far away, it's no big deal, then that checks that box off for the rest of time, right? I think condition number five is achievable by conditions and recommendations. I think I could get to the point of saying yes to that answer. The only one is number three and I don't know that you can answer that question. I don't think

anyone can answer the question of the impact that it would have. Then it's not so much the fire. I mean, everybody likes to see a big old fire but it's the impact after the fire. You know what happens during a fire, what it's causing, the impacts are what we have to be concerned about the most. That's where it's tough for me to figure out. Just to close, we need to make sure of that before we make a motion. If it does go that way, that we've put something in there about the high-pressure gas line letter, the TCID participation, and land contamination, where they have so many hours to remediate the area if any water is sprayed or if there's any kind of spill or something that, within X amount of hours, somebody will be on site and be remediating that area. Those are the ones I can think of at the moment. I'm still listening, so I'll turn it back to the Chair at the moment.

Chair Getto said we're going to jump back here to some of the questions that he had. Who's inspecting? I think I know the answer to this but who's inspecting the batteries before they come to your facility? Your supplier? Mr. Mayhew said yeah, that's the responsibility of the supplier. The supplier is required to have hazmat trained employees on staff to ship hazardous material by the Department of Transportation. The inspection occurs before it comes to Redwood but we do lean forward into our supply chain. We provide training and assessments in conjunction with our suppliers to make sure they know what they're doing, to do this safely and they meet the requirements of the Department of Transportation. Chair Getto said, when those batteries arrive at your facility, do you have an inspection team that inspects them? Mr. Mayhew said that's the first step as it comes off the truck. We inspect and make sure that it met the Department of Transportation requirements and is a safe load, so we do make sure that it occurs as soon as it comes into our possession, as well.

Chair Getto said are there any other questions or comments from the board or staff?

Commissioner Hyde said I would just like to kind of make a closing comment. I think everything's been pretty well fleshed out. You know, I talk about objective and subjective and I've got to get to the facts. There were a lot of facts presented by the public and there were a lot of facts presented by you. There were a lot of contradictions and I've done a lot of my own research. You can go to the internet and you can contradict anything. I mean, really, I try to stick to government sites, which that might be the scariest. I'm disappointed that we are this far behind with regulation and how this should look. When I say gold standard, it's because we're a gold standard community. We are not going to allow another company to come in here and do what's happened out there prior and we have to have some assurance. I'll be honest with you, correct me if I'm wrong, we have some time to rule on this. Mr. Sanford said if you want to. Yes, this matter has to be resolved within 60 days of the filing of the appeal. That's up to the Commission's pleasure. We can address that if that's where this goes. Commissioner Hyde said I just want you to understand. I've been to your site twice now. What you have there is, as far as your recycling side, I mean, it's gold standard. You're the only one in the country doing it, which is impressive. I think that standard really needs to hold with the battery storage. Now, I'm not sure, you know.

I think on our tour, you said that they were moving those batteries off because they wanted to put in a data center. Mr. Tatro said we don't, currently. Currently, we own that land.

Commissioner Hyde said oh, you're leasing it, correct? Mr. Tatro said correct. Commissioner Hyde said so somebody else wants to sell it. I look out here and I don't know a lot of the people out here but I do know some of them and some of them are like family. When you live here your whole life and you have a whole bunch of people here that live here and that's a concern, I have to rule on facts. The fact of the matter is, if you're not going to be the gold standard, and when I talk about gold standard, we talked about it just now and he said, whatever the gold standard is, we will do and that has to be from now, without any sort of anything. There might be something locally that we require. I think the investment is worth it, because I'll tell you what, if you set the standard, anybody else that wants to do this is going to have to follow that standard, because you're setting it. You have the opportunity right now to make people think twice about ever getting into this. I hope you take that to heart because this is a huge decision. Of course, we can't talk to each other but I can tell there's been a lot of passion put into this by this Commission. I expect, it to look like it looks out there. I don't care if we're just storing it, I want some answers. I'm really concerned about ambient temperature because I want to get the fire out and I don't want to give it a chance to start. It's not so much the fire, it's what happens after the fire, it's what happens with the contaminants. If we can address those concerns I have, then fine. You know, what's the price tag? What's it worth? What is the safety of all these people? When you get that attitude of that can't happen to us, it won't happen here, that's when you get yourself in trouble. We want to make sure we have all this stuff up front and take care of these people, take care of my two granddaughters, take care of my daughter, take care of myself last but we want to make sure we take care of everybody. I truly believe you do and I do believe that you have the capability. You might have to tell JB, this is what it's going to take but let's get to a point and then let's get to that point.

Chair Getto asked if there were any other questions or comments from board or staff?
Commissioner Blakey said not at this time but I reserve the right to speak again.

Chair Getto said we'll come back around. Okay, so this time, I'm going to open up to public comments. Again, it's limited to three minutes. I have hands going up everywhere. We're going to limit you three minutes. I saw your hand first so you can come up here. It's going to be the little red button at the bottom of the microphone. Again, please spell your last name for the record.

I'm Brian Ellis. I live about three miles downwind from the proposed facility. I spent some time in technology and metallurgical engineering and stuff but, like this gentleman said, I'm not an expert in lithium-ion batteries. What I have found is that I don't know how many recycling facilities there are in the world or in the United States but, in November of last year, there was a facility in Missouri that burned to the ground. It was said that they had all the advanced technology. They had the best fire suppression and fire fighting system in the world. Anybody can look that up in Missouri. That might have been the first one and this is the second one. We've seen power storage facilities ignite and burn and they can't be extinguished. There's probably nothing worse than a metallic fire but an electric metallic fire is a terrible thing to deal with if you're a firefighter. Let's just talk about the facts. What happens if you're bringing tons of this stuff? It releases the metals in it, not just the lithium but the nickel, cobalt, copper and then there's tons of plastic that all go in the air, lifted by the heat, rising heat and they do come

down as fallout, with the potential of contaminating much of the Lahontan Valley, its farms, our communities and schools. There's also carbon fiber or graphene involved in the batteries. Now, some of this stuff can go up as a microscopic dust. It can be just as bad as silica or asbestos. It's very short microscopic particles. Also, during the combustion phase, there's a process that combines hydrogen and fluorine to make hydrofluoric acid. It's one of the most potent acids in the world. You might be familiar with nitric acid or neurotic acid. You might clean your pool or your fireplace and it will brighten it up and take the oxide and soot off. Hydrofluoric acid will dissolve your fireplace so it goes up as a vapor with the burning and that's what happened at Moss Landing. There was a lot of people that had burns, like sunburns, their sinuses, their skin was blistered because they were there and it burned their lungs and that's from the hydrofluoric acid. It's pretty risky, really, the technology of recycling, even the batteries themselves are new technology and we're finding problems. Chair Getto said that's going to be your time. Brian Ellis said we need to recycle but we need to be very, very careful in doing it around our communities. Thank you.

Chair Getto said do want to go? You were the next hand I saw, if you want. My name is Cathi Williams-Tuni. I'm the Chairwoman of the Fallon Piute Shoshone Tribe. I am also a lifelong resident of the community, a farmer, a mother, and a tribal leader. I just wanted to say that the Numa, my tribal cattail eaters, were the first people in the Lahontan Valley back in the day when the irrigation system came about. We, as Numa people, agreed to co-steward the Lahontan Valley by sharing with the community so that we could all become proper, more effective farmers as co-stewards of the land that were here first in the Lahontan Valley. We know our lands and we know how to protect and we know how to care for our lands. One of the things that doesn't include protecting our sacred lands is damaging to our environment and our lands. It's never worth money. I also wanted to say that we appreciate our friends and neighbors here in the Lahontan Valley. Like I say, we grew up together. I'm also connected to the Lahontan Valley, not only through my Numa ancestry but also through the City of Fallon, through my great, great grandfather, who was one of the first Irish that settled here in Churchill County. I appreciate our friends and neighbors and I appreciate that, when artifacts of our ancestors are found, the community returns them to us. They appreciate and respect our traditional values and our cultures. We also have protected wetlands on our reservation that are protected by the U.S. Fish and Wildlife Service. We don't want damaged irrigation, you know, we're at the bottom of the line. So, when contaminants happen, we get it, we get it. I think that protecting the environmental damages to our valley can happen no matter how safe they profess and it's not worth it. Finally, I don't like it when entities come into our community and they pit our community against each other. I've heard today, don't put it on Bango put it on Lovelock Highway. Next thing that's going to be mentioned is put out in Stillwater because you guys know we're full of clay. We don't want it in Stillwater either. I feel like, when we get pitted against each other, it divides our community. We've always been a real strong community of church and county, no matter what color we are. Again, because of the winds or the craziness. we all know that when one guy burns weeds, we all smell it for days. So, you know, when one of these fires happen, we're all going to be inundated with it. I just wanted to say that in listening here today, there's too many questions for me than answers. I would like to thank you guys for giving me the opportunity to speak.

Michelle Anderson said, to the Commissioners, thank you for the opportunity to speak today. My name is Michelle and I'm a resident of Churchill County who's concerned. I'm here to express concern over the proposed Redwood Material site near the lake, which is our community's primary water source and in close proximity to residential neighborhoods. As we evaluate this proposal, we must be clear-eyed about the material in question. Lithium battery waste contains toxic substances like lithium, cobalt, and nickel -- materials that pose serious environmental and health hazards, if not properly contained. Even with preventions in place, these contaminants will eventually leak into our soil and our water. Once introduced, they are nearly impossible to remove. This concern is not theoretical for our community. Churchill County has a history with water safety concerns. We remember the Leukemia cluster that impacted so many families while the cause was linked to naturally occurring high arsenic levels. The broader concern was the absence of timely, thoughtful planning to safeguard public health. Those systems were eventually put in place but only after the damage had already been done. This reminds us that meaningful action must be taken before, not after lives are affected. Moreover, the preliminary approval of this project by the Planning Commission occurred before thorough review of long-term community and environmental impact was completed. I believe we can all agree that decisions of this magnitude deserve process rooted in transparency, accountability, and clear commitment to public trust, especially when the community's health is at stake. So, today, I respectfully ask this board to take three critical steps. One, deny the proposed site location near the lake and residential zones until a thorough science-based evaluation can be completed. The proximity to our drinking water demands extreme caution. Require an independent Environmental Impact Study, one conducted by neutral third-party experts not connected to corporate interests. Community trust depends on the credibility of the data used in these decisions. Thirdly, take action to strengthen oversight and safeguards on future planning approvals to ensure facilities with potential environmental impact are not advanced prematurely without full public awareness and expert reviews. This isn't about opposing business or innovation. It's about ensuring that economic progress does not come at the expense of the health, safety, and environmental stability of our community. I believe the community and its leadership are capable of making thoughtful, informed decisions, so let's take the time to get this one right. Thank you.

Chair Getto said thank you again. Everyone will get their chance to speak, if we could just please refrain from clapping or anything like that.

My name is Richard Grondin and this will be very brief. I first want to say I do not object to this lithium storage facility. I only object to where it is being located. I only found out about this a short time ago and I quickly looked it up on the internet, Google, of course. I asked, what are the hazards of lithium battery storage facilities and what do they include? The answer is fire, explosion, toxic gas releases, water contamination, air pollution, and soil degradation. To me, every farmer, every landowner and every person that's living in this county needs to be concerned, very concerned about the location. Again, not the facility itself but where it's location is. It is upwind from the community and we only have one source of water in this community and we're all downstream. Now, I'd like to just reference my background. I've been an analytical inorganic chemist for 40 years in the industry. My industry is metals, mostly mining, and the clay you guys are talking about is, I believe bentonite clay, and I just hope you

guys give this some real good thought because we're all downwind and we're all downstream. Thank you very much.

Estelle Hockemier said thank you so much for representing us. Thank you for your excellent questions to Redwood today, as I appreciate that. I did a little research, as well, and I was hoping you could take some of my homework home and look into it a little. Additionally, I heard the gentleman talking about the stacks and how high they stack them, 15 feet. I did notice that overseas, they had a fire and then, again, the next year, they did not fix their problem and they were stacking it too high and that was one of the leading causes of their fire. These ladies did an excellent job in bringing in some of the video footage of the explosions and the hydro metallurgy. The gentleman who spoke before me was just speaking about the size, the smoke plumes went, you know, we saw the fires that happened in Hazen with the rail ties and we smelled that. That fire burned for a long time. We smelled it for a real long time. One of the concerns I have is that the EPA is not doing investigations on them. They're not looking at that. They are leading the way. I don't want our community to be a guinea pig. I appreciate you taking those questions but I was wondering what would that affect if there was a fire? How would it affect our plants? We do a lot of crops here; we know what effects it would have on us. And then also, the State of Nevada, gave this company a 75% abatement on their property taxes and I know that will affect our firefighters. I want you to look into that -- 75% on property taxes, 75% on wage taxes, and then 100% on their sales tax. Just some questions I hope you can send to them. Maybe they can respond, as well, especially living in our community and using our firefighters, which you know, our sales tax and property taxes pay for. How are we going to take care of that? Thank you for some of those questions surrounding that. If you can take it a little further for me, you may want to say something. You guys have been so patient with us and also looking into the sludge, we use a lot of water to recycle, and where does that go? Eventually, they said they're going to be using well water to put out their fires. The gentleman just now said they're digging a well for that. I think that, with our groundwater level, we can't really handle a fire that's going to burn a week like the Hazen fire did. So, that is all. I just wanted to bring those statistics up about them getting the tax cuts from Nevada.

Chair Getto said thank you, still go ahead. I saw your hand first, Jim.

My last name is Anderson, I'd like for you Commissioners to envision having a cup of water in front of you and you take an Alka Seltzer tablet and you put it in there. That's a visual representation of what is called exothermic reaction. When lithium burns and you put water on it, you get this exothermic reaction. Both engineers that have sat up here nailed it, hydrogen fluoride gas, carbon monoxide, sulfur dioxide, all extremely poisonous. My biggest concern is not about the plant, it's what happens after those gases are released. We do not have medical people in this community capable of dealing with respiratory issues. I can attest to that because I happen to be a respiratory patient. When I have problems, I have to be careful. I go to Reno every single time, so I have frequent flyer miles. The government does not like paying the bill at \$80,000 a clip, but tough. You know what? I don't care how many gallons of yellow paint you guys get out and paint over that brick? It is not a gold standard and I don't believe that they have adequately answered any questions involving the EPA. By the way, my information can

be double-checked through MIT people that are a hell of a lot smarter than I am. It's MIT.edu, the number one science university in the world. Thank you.

My last name is Anderson, as well, I'm a long-time resident. I'm not going to reiterate all the points that have been made, which have all been way more intelligent than some of mine. I do recall coming through the leukemia scare that we still don't even have answers to, which decimated property values. I mean, granted, I got to buy a house for cheap but at the cost of how many other lives? I'm partially looking forward and I want us to grow. I do believe we need to. There are things that we can't have here because we don't have the population base to support it. I would like us to do it conservatively or maybe not quite so risky. Maybe look at putting it at a different place. I know that there are a lot of areas on the other side, near 121 on the other side of S. Taylor, that the military doesn't own. We can go out Lovelock Highway all day long. I would like to see it go somewhere else. The other stuff is in my email that I sent to Mr. Blakey, because he's our Commissioner, and I'm asking you to please consider looking further into this, maybe tabling this until we can find a better place to put it, because I like to be out at Lake Lahontan in the summer. I don't fish out there, for obvious reasons, but we like to be out there. We have our kids, our grandkids, our dogs. I mean, if they have a fire and you put the phone down, we might lose all of that. I'm just asking you to please consider that and I'll yield the rest of my time to someone else.

My name is Kelsey Owens and I'm a resident here in Fallon. I'm here today in opposition of the battery storage facility, as well. Last year, my partner, raised here in Fallon, purchased acreage off of the end of a canal, and we're now excitedly planning our own homestead. This is where we hope to spend our lives, support our neighbors, and grow food watered by our canal. The placement of this battery facility threatens the stream as it threatens all of us who plan a future in this area. You already have the data. Many have already spoken about the Moss Landing fire in January and other similar tragedies. I'm not sure if many are aware but, to emphasize that these are not anomalies, just last night, April 15, a lithium battery fire erupted at the Portland State University campus, at their engineering facility, again, proving that these materials are volatile, even in professional hands. We know hydrogen fluoride is highly toxic gas produced by lithium ion battery fires. It causes severe respiratory damage, as well as skin and eye burns. We know the Monterey fire also resulted in elevated contamination in the soil. High levels of these heavy metals have now been found in the Monterey estuary. These heavy metals cause respiratory issues and increase the risk of neurological disorders and developmental delays in children. We know these heavy metals pose long-term risks to the land and this plant here would threaten our families, our fish, our birds, our farm, our livestock. We know it would also threaten our Paiute and Shoshone neighbors and their homelands. These people have known, since long before our towns and farms were here, this water is life. Also, the representatives of Redwood management here today are assuring us that this Churchill facility will operate differently by spacing batteries farther, storing them outdoors. This shows me that these people do not know the power of our local weather. Wind-fueled fires are a known threat here. We know lithium battery fires are notoriously hard to fight and that the firefighters who have already faced them say they just had to let it burn out, because water is not effective. I'm curious what that pond is supposed to do that they were talking about. I'm curious if their plan is foam or some other means of chemical putting out of a fire. What are the environmental effects

of those chemicals and, if the answer truly is to just let it burn, what does that look like in our powerful winds? And if our local volunteer fire department is responsible for these mistakes, how will they also have the normal capacity for the other fires that regularly endanger our residents? Frankly, the answers provided today were vague and incomplete, at best, and I know I am not satisfied. To continue, we are being led to believe that this is an inevitable future of energy, that these batteries are here to be recycled, and that this is a good thing. Currently, it costs more to recycle lithium batteries than it does to mine fresh lithium, which means, up until now, only about 5% of these batteries actually get recycled, the rest end up in long term storage with an unclear future. That means we are committed to housing these volatile materials for an unknown number of years. This will very quickly be (interrupted). Chair Getto said that'll be your time. Thank you.

Cody Qualtieri said my concern to this is that it is upwind of us and it's upstream of us. It seems like this kind of Bermuda triangle where it's in the distance. All the emergency services, for example, Silver Springs, Fallon, or Fernley, it's kind of in a dead zone. I don't know what the kind of response could be if things get out of hand. We have like a wind-driven storm. I mean, just recently, we had sustained 40 mile an hour winds with fires here off of Soda Lake Road and there's not much you can do to stop it. I think, due to our topography and our irrigation, we have this inversion layer. If something like this went up, you'd just be marinating in it for probably longer than it is safe to be marinating in it. Yeah, it seems like a case study on the worst place to put it, rather than a suitable place to put it. I say no to Churchillnobl. Thank you.

My name is Esther Moore and I know Matt Hyde, as my boy, Matthew Paniker, went to school with him. I've lived here since 1966. I had a small ranch off on Sorensen Road and I was here back in 54-55 and 56 after World War II, when they sent my father to the base here to teach jets. The beginning of the jets. I am a child of the Navy. For 25 years, they had my father going from base to base, teaching jets, and I moved back here to Fallon for my horses that I had and my horses were Flicker de Bar horses. I raised a lot of horses. I was in horse shows. I did pole bending and barrel racing at the old rodeo grounds. I was in several clubs, horse clubs. I showed my horses and they were all Flicker de Bar horses. I always got first and second places with all of my horses. I wanted you to know I lived here through the Bango Oil thing. I was here every time fighting. The vets could not figure out why my two horses got sick. They couldn't breathe. Their lungs were bad and it was because of Bango Oil getting into their lungs. Later, I had to put my two Flicker de Bar horses down. I loved my horses. I had to go out of the horse business because I had to sell my property on Highway 50, right down from Bango Oil. I never smoked cigarettes in my whole life but my lungs were getting bad because of Bango Oil. I sold my place and moved to Yerington. Wouldn't you know it, that odor came clear over to Yerington and got into the neighborhoods there. We had a meeting about it over there also. Then my boyfriend passed away of 13 years, who was a Vietnam Veteran, Larry Craig. He was here with me when we were fighting Bango Oil and he passed away. I then sold my home over there and moved back to Fallon but I moved down south where I live. Chair Getto said, Esther, that'll be your time. Thank you for your public comment. Ms. Moore said but I wanted you to know what Bango Oil did to me. Chair Getto said thank you for your public comment.

My last name is Love and I've got a lot of concerns. I guess, number one, hasn't been touched on today as the potential loss of property insurance for us. I don't know if you guys heard the testimony in the last meeting. One of our neighbors said their insurance claims that the tier might be raised, we might be dropped out there, due to this facility. What are you guys going to do if our insurance is dropped? How do we deal with that? Chair Getto said we don't have evidence of that up here but continue with your public comment. Ms. Love said that would be a huge issue. Apparently, that was a conversation with the homeowner down the road and his insurance company. I am really bothered that they were able to apply under a General SUP and not under a Major Special Use Permit. It appears that this is really a steppingstone to phase three. In the last meeting, Mr. Mayhew said the first and foremost goal is testing batteries to use in the phase three battery energy storage system, which is experimental using used batteries. It's not done anywhere else. We don't feel that the county, during the 2019 rezoning to industrial did due diligence in considering the protection of the water resources. It's also been admitted that this testing pad site is potentially going to be used for long burn, extreme testing, like the NNRC Testing Site that Tesla has near Hazen. There are a lot of inconsistencies in the Application and what's being hinted at and what's going to happen on that site long term. There should be air monitoring out there. I spoke with Mr. Tatro after the last meeting about whether or not they were going to have testing equipment for gases, for off-gases out there. He said no, but they also claim that they're going to be monitoring their employees. Which is it? This is an experimental project. This is going to be their first testing site and their first BESS using used batteries. I don't understand how they can be applying for only phase one and phase two, when it's clear that phase three is the goal.

My name is Cindy Wright and I don't live out there. I am not against this plant. What I am against is that nothing has been addressed about these trucks coming through town. All you have to do is Google lithium semi truck fires and you will get a list. They can't do anything about those truck fires. Now, I understand we get trucks through this town every day and none of us know what's in them but we also have increased traffic in this town. On a regular basis, there are accidents at these intersections. This plant out there is going to take everybody from I-80 that's been going out to USA Parkway but it will now come down from Lovelock through town. Everybody that went basically up through Fernley and out that way to I-80 to USA Parkway will now be coming through town, which is my concern, because those trucks burned that were on I-80, 14 hours before they could open up the lane and that was just a Tesla truck battery. These things explode, literally explode. Now they talk about them being in these DOT containers. There was just a fire here, not too long ago, of a truck at a truck stop on the back side of the parking lot. It exploded; it literally blew the truck apart. They found several of those DOT containers that were not packed correctly. A lot were but several were not. I understand these people's concerns with the area. Yes, we got the smoke from Hazen, yes, we got the smoke from Bango. What are we going to do in town when an intersection is closed down? How many people are going to be evacuated due to a truck fire sitting in the middle of an intersection in town? That is my concern with this. I'm not against this plant. I think there should be a couple of more things addressed about transportation issues because you're putting a lot of other things at risk, not just with our water and everything else. The whole town can be at more risk with this because there's not a transportation plan and I don't truly trust all of those DOT barrels that they're packed in. That's my concern.

Good afternoon or evening, Commissioners. My name is Bruce Breslow. I represent Churchill Fallon Economic Development. We, as a county, are a member of the Northern Nevada Battery and Lithium Coalition, along with Washoe County, Storey County, Fernley, Lyon County, and the rest of northern Nevada. It's an initiative of the Governor's office, an initiative partnered with the University of Nevada to make this the capital for battery manufacturing and reprocessing, and lithium. China is presently our only source of battery-grade lithium in the world, except for Redwood Materials and what they take out of batteries. The people that testified today are wonderful people and in their toothbrushes and in their phones and in their computers and in their televisions and in a lot of their products are lithium batteries. JB Straubel is the owner of Redwood Materials. He co-founded Tesla. He was the Chief Technology Officer. He built the Gigafactory and, in 2017, after a lot of thought of what are we going to do when these batteries run out of life in 10 years, he founded a company called Redwood Materials to safely reprocess and reuse end of life batteries. They started in Carson City and expanded out to TRIC. They've raised over \$2.5 billion in private capital. They are the gold standard when it comes to reprocessing. They are writing it and they redo it every day, every month, every week, anything that happens, they learn from it, and they have to improve because everybody else is following their lead. They're in the process of building a \$2 billion plant in South Carolina. Now, they want to come to Churchill County, buy 450 acres of land, and use 10% of it for storage of the batteries that are coming out of these vehicles. They have other plans for that property, a lot of technology, campus things, that will go away if we try to apply standards to them that don't exist. OSHA doesn't have a standard yet. EPA doesn't have new standards, yet. If they did, you could apply them here. If you want them to have a water source, put it in a condition to have a water source but be very careful of what you're saying to this company and all of the other companies that we've been working so hard to try to get to come to this area between Highway 50 and I-80. We have 120,000 acres set aside to do just this industrial development.

My last name is Bern. I just want to go ahead and say that I understand we're a part of a coalition but all three of those counties you mentioned have no residents living anywhere around their facilities in the county. Here, we have one neighborhood. We already have a whole subdivision slotted out there off of the Reno Highway, as well. Twenty plus fires, small fires, is just as toxic as one large fire. I think we have to remember that. So, even though we're talking about the big one, 20 plus, that my kids are going to be breathing in, each small fire is just as toxic as the big one. That's all I want to say.

My name is Nancy Upham and I just wanted to say, first and foremost, I'm all for recycling but the location of this project is what I have a really big problem with. Mostly, it is because, as we all know, Churchill County is a watershed and any contaminant, be it airborne or getting into the water, could destroy the aquifer system. We hear these gentlemen talking about remediation from the fire; remediation this, remediation that, but you cannot remediate contamination in our aquifer, I just wanted to point that out.

Chair Getto said thank you. Nancy, next public comment. Is there anyone else that would like to speak to this?

Susan Ellis said I'm also about three miles from the proposed facility. Two people on duty? Think about it, two people! That's a total of maybe six to eight employees total, with shift changes and what have you. If my kid was working there, the first thing I'd tell him, if there was a fire, is to leave and do no fire remediation. I'm sure it takes 20 to 25 minutes for the fire department to get there. What are those two employees going to do? What will they do? Will they jump in the truck and fight the fire? Will they be trained to fight the fire or will they simply get in their cars and leave the facility? Thank you very much.

My name is Bob Getto and I am a Churchill County resident. I'm here to speak for property owners in Churchill County. There's a pretty big way of life here in Churchill County that no one's talked about, yet. We're pretty proud of being property owners and we have what's called the right to use our property, our right for enjoyment of our property. Churchill County spent several decades now developing a quite intensive Master Plan. When it's time to enjoy your own private property that you own and pay taxes on, if every property is zoned agriculture and all of a sudden, I think that farmers sometimes store fertilizer on an agricultural property. I know darn well there are farms and ranches along the river but is that fertilizer properly taken care of since it causes contamination? What if we decide we don't want agriculture on agriculturally zoned property? You know that farmer has a right to do ag. What if we got a businessman that owns a commercial piece of property and he invests in it and wants to start his business? The county has zoning for commercial business and what happens if that businessman does something like, electrical transformers? Those have hazardous material inside of them. If we decide, you know, that we don't want that anymore, are we going to then cause that person not to enjoy their commercially zoned property? We've been down this road before, you have property to zone multifamily, that property owner has the right to put multifamily on there. Now we're going to say, yeah, zone multifamily but we don't like it. In Nevada, we have property rights. We have the right to use our property in accordance to its zoning. If we decide that we don't like lithium batteries, I'd say tomorrow morning, I'd like you guys to start developing a new Master Plan and get rid of industrial zoning because the next person is going to want that or the person after that's going to want that. What if we have an engine recycling place? What if we have this or what if we have that? Are we just going to throw our Master Plan down the tube because we don't like it? I support property rights, as long as you follow the law and meet the criteria.

Chair Getto asked if there was any further public comment but there was not. He said we will turn it back over to board and staff for any additional questions or concerns, if anyone has any.

Commissioner Hyde said they'll go and that's the real crux of this, right? People say, like we're telling them, I'll put it there. This is a private company that bought what we had zoned industrial. We didn't tell them what to buy. They didn't even know exactly what their plan was.

Mr. Sanford said letters were sent out, under the Churchill County Code, which is the same for a rezone as it is for a Special Use Permit.

Commissioner Hyde said it is the same process, so how many letters were sent out within that same process? I agree, we need to but my question still, I'm still stuck on is it the same process for a Major or a General SUP? We went through the same steps that you would have for a Major or General. Mr. Barbee said, correct. Mr. Hines said correct, if it's the same steps. The thing is, it's large projects that consume large amounts of water. Again, we don't have a classification for lithium battery storage. We have to find something similar to use for what we have and that's what we picked. Our determination is a General SUP. Now, they want to move into the phase three and do the power, the generation of power that would require a Major SUP. The administrative portion is pretty much the same for both. The real difference is \$200 – that's really the difference. If we want to collect a \$50,000 deductible to send documents out for third party review, that's an option and that's why that's in the renewable energy.

Commissioner Hyde said you know, I think this is where this could be headed off, right? I'm guilty of it. If I lived out there and I got a zoning letter that was going to have a zoning meeting, I would have read through it and filed it. Would I do that now? Absolutely not, if I had concerns. You know, what really gets me is, in 2019, did we expect Redwood Material? It's zoned the way it is. Did the Planning Department and the Planning Commission take the proper steps? Now, we can't just say, you can't have any industrial out there, correct, because I saw that comment somewhere.

Mr. Sanford said, right, on that issue, I'll just say that this is zoned industrial and there is a right to have industrial uses. This particular use is subject to the standards and the Special Use Permit as outlined by Commissioner Blakey and is put in the staff report. A statement that says, there should be no industrial use or it should be left as desert. I saw in several of the public comments that it is not acceptable. That determination would be a taking of the property and then Churchill County would essentially be buying this property to leave it as desert. As you continue down this path, you make a decision in terms of it being zoned industrial. What use would you accept that is industrial? If you wouldn't accept this one and that's because it is zoned industrial and there is a requirement that a private property owner be allowed to use their property in some fashion. If it's not this, what is it? This particular use is required under a Special Use Permit. There are conditions, findings that this body would have to make. If you have any questions I'm happy to answer them but we cannot say you cannot do anything with this property.

Commissioner Hyde said I can see where we're at, as a Commission. We have to respect the rights of private property owners. I see a lot of private property owners out there and we're up against it with this. The only thing I can do, the only thing I can see, is, I want it to be as absolutely safe as possible. None of us saw this lithium boom coming. Our President right now, he doesn't want to get anything from China, he's pushing for things like this. Now, there are some things that I found out that we could do if they're not meeting the requirements of the Special Use Permit. They can be revoked. These are things that we need to have up front, ahead of this thing. I don't know what happened with Bango Oil. Well, I know it's a black eye but let's not focus on Bango Oil. Completely different industry. I've been there, I wish all of you could go see what they're doing. It's a great service to this country, because I've been worried, what do we do with all these batteries? How green is this? How green are our electric cars? What they're

trying to make is greener, right? I would tend to agree but that's not what's on the table here. What is on the table is we've got a private property owner. I don't, I can't, I don't need the chirping, if you want to come back up and address something, fine. We have a private property owner who bought the property, had it zoned in 2019. It was zoned and I thought it was 2020, 2019, I didn't zone it, I didn't pay attention. So, in 2019, letters were sent out. Do we have some sort of documentation of letters sent out? Mr. Barbee said that information is online, stored in their records from many meetings.

Commissioner Hyde said maybe you can go into the requirement of how far out from that property those letters have to be sent. Mr. Sanford said it's 30 unique property owners and at least a 300-foot radius. In this particular case, you do a 300-foot radius that did not get 30 unique property owners. I think in this room, we're not 4,000 feet in total, which and then obviously people talk, but that is who received written notice, in addition to the publicized Agenda. Commissioner Hyde said I got a letter written, this for the Planning Commission on this issue and because I wanted to know everything was above board. I'm just trying to think back to 2019, clearly, I wasn't in this seat, same code applies to rezoning. Mr. Sanford said yes, I don't believe that code has been amended since 2019 so it would have been the same process at that time.

Chair Getto said any other questions or comments from the board or staff? I think you have another public comment somewhere. Public comment in the back? Behind the podium, if you wanted to come up and use the microphone.

My name is Terry Rogers. I live in Fallon. I'm sure everybody is familiar with Ely and the Downwinders Syndrome that came from the Nevada Test Site, which is almost 150 miles away. When you have wind, which we have here, you can practically set your clock by it. If there's a fire, not if, but when, that stuff is going to travel hundreds of miles.

We get all the smoke from the California wildfires and those fires are way more than 4,000 feet away. Why wasn't everybody in Churchill County notified of the potential impact from this project because, if there's a fire, it's going to spread across the entire state. I don't really understand how this was allowed to proceed. Yes, I understand industrial zoning—but hazardous materials are a totally different thing, than just "industrial." When I think of industrial, I picture a Home Depot warehouse or a furniture factory. I don't think of it as a place for storing hazardous materials. Ely—there are probably hundreds of people there with lifelong health issues because the wind carried nuclear fallout into their area. So you can't tell me that only the people within 4,000 feet of this project would be affected if there's a fire. It will affect everyone in northern Nevada—and probably California too. I really don't understand why anyone would want that kind of storage facility here. They tried to do something similar at Yucca Mountain. It's like they want to make Nevada the dumping ground for all the hazardous material in the country. I don't think that's right for anyone in this state. I've lived in Nevada since 1968 and I just don't get it. Why would anyone want something like that anywhere near their community? That's all I have to say.

Ms. Heaverne said, to me, it sounds a lot like you guys are saying we can't tell them they can't stay there. Well, in the last meeting, they said they'd have two firefighters on-site at all times and that they'd be retired firefighters. I know firefighters. I know what that job does to your body. Retired firefighters are not okay to handle something like this on their own. If they're going to rely on retired firefighters, they should probably have about 20 of them—because that's how many you're going to need if that's the level of physical capability you're dealing with. Second of all, clay? I really think they should at least spend the money for concrete. Thank you.

Bernadette Francke said I don't know where this is going to end up but make it hurt. That's all I can say. If you're going to approve it, build it into the contract. First fire, fine them \$100,000; next time, \$300,000; then just keep it going until it hurts. They'll either do it right or they'll move on. Thank you.

Chair Getto said okay, any other public comment? Seeing none, we'll turn it back over to the board and staff.

Commissioner Getto said we're really stuck between a rock and a hard place here. On one hand, there are private property rights and the question becomes: if we start micromanaging one industry, does that start to cascade into other industries? That's something we have to think seriously about. On the other hand, I'm hearing your concerns — and I want you to know we are taking them seriously. I'm 25 years old and I plan on spending the rest of my life in Fallon. I don't want to be dealing with the repercussions of a decision I made today, 50 years from now. So yes, we are carefully considering what's in front of us. We hear you. As far as next steps go, I'll turn it back over to the board and staff for ideas on how you'd like to proceed.

We could entertain a motion in either direction tonight — it's up to us. I believe we have 60 days from the time the appeal was filed to make a decision. If I'm correct, Sally Heaverne's appeal was filed on March 27, and the other two were filed on March 28 [sic]. We are working within that 60-day window to resolve this.

That resolution could take many forms. Maybe Redwood Materials meets with our staff. We take all the public comment we've received — and we do have it all recorded — and Redwood can come back with something that's more acceptable to the community, to us as a board, and to their company. I'm open to your thoughts.

Commissioner Hyde said, to be fair to everybody involved in this room and the private property owner, I don't see how we move forward tonight if they're not going to meet this community's needs and I'm going to keep using the gold standard, because I stuck you with it. It means we're going to be very well taken care of when this gets put in. What does that look like? I think we need to figure that out. I'll tell you when Bruce said, you know, there are no regulations, there's exactly that, that's actually what scares the hell out of me. That is actually what scares the absolute hell out of me. Every stinkin' one of those are afraid to touch it. That's why I say we need to be the gold standard. If nobody is going to step up and make a gold standard for this and make regulations, maybe it needs to be little old Churchill County because we've got to protect

property rights but we've got to protect the people. I'll tell you, you know, this room is full of people against it. I also heard a lot of support for it. Equally, they're just there for it, so it already passed through that, so they're not even going to bother. Why would they, right? We represent 28,000+ people, a lot of business owners, a lot of people I care about. I'm not taking this lightly. You want to talk about losing sleep, this one did it. I think we need to take a good hard look and sit down with Redwood and come to an agreement for what this looks like and get every one of our concerns taken care of

Chair Getto said, go ahead Eric. Commissioner Blakey said I'm just still concerned about finding number three. Mr. Sanford, I'd like for you to correct me if I go wrong. We are not here to question the property rights of this person. That has nothing to do with our place here today. With regard to the comments from Mr. Breslow, I say thanks for letting us know that if we don't approve this, nobody else is coming to Churchill County. I found that offensive. I also found it unfortunate that I had no idea we are part of a battery coalition partnership. I had no idea and that's unfortunate. Whoever is supposed to be telling me stuff, maybe should start telling me stuff. With regard to finding number three, that is a huge concern for me and we're here to address the findings of this Application. We're here to determine if this business qualifies to be on this property. That's what we're here to determine. It has nothing to do with some of this other stuff and we can't get a good answer to number three. Is it achievable? Maybe, if we don't make a decision today but we have to figure that out. I know what the effects of the other incident were. I know it's not comparable but a fire is a fire. Smoke is smoke. It's either black, white, yellow, red, or blue. We have to think about our volunteer firemen and putting them in harm's way. If it's unnecessary, it's a lot to think about there. If we make a decision today, it's tough for me. If we table the decision today to find out an avenue that I can help approve number three, then it's definitely considerable. Mr. Chairman, I yield my time. Chair Getto said thank you, Commissioner Blakey, would you guys like to go ahead?

Mr. Barbee said I had another question, maybe for Joe. I think wherever you go here, staff is going to need more direction. Is this allowable use on private property or is it not? I feel like we're going into detail of specifically beyond the use. How that use is implemented, which is part of the, basically, if planning, designing, and engineering are involved in putting that together that comes back to the group. If this is approved, walk me through that, Dean or Randy. What if the usage is approved? Then what this does is the company will have to bring this forward to a final approved plan that they can move forward on. I think we're asking for the plan prior, in some ways, prior to the actual approval of the use, which, you know, I'm just being straight, if I'm a company, I'm not going to go to plan and design if I don't have an approved use. I'm not arguing the structure of our system. It is what we have but, so that I understand, and maybe Joe could address it, I don't know.

Mr. Patterson said, with a land use permit, what we need is not construction plans. What we need is the overall layout of the project and some of the important parts of the operational activities. That's kind of the limit of what we need for a Special Use Permit. We don't need to know how the wall is constructed of a building. We don't need to know the insulation factor of a building, that kind of thing. We don't need to know how many inches of base go on the parking lot or the use area or how thick the foundation is, that kind of thing. Those are all construction

related issues. What we do want, which shows up in this case, is assurances that safety factors are going to be incorporated into the design and operations, and that would be like the Emergency Management and Response Plan that is talked about in the staff report.

Mr. Barbee said let me go back to that one that was specific. We consulted with the Fire Marshal for those components, which were approved and checked off, right? Which is why I came forward with a recommendation from staff for approval, correct? Mr. Patterson said right. There were a lot of factors that went into showing that you know this operation can be done safely, to minimize fires, to minimize the possibility of a big well. We saw videos of the extreme versions of fires, of course, lithium battery fires happen all over the country, all the time, in people's homes and in their cars and whatever but, overall, they're safe. The factors that the company brought forward to show how they're going to control the extent of those fires, kind of played into the Emergency Management and Response Plan. In addition, there's a requirement for the Stormwater Management Plan. Specifically, to control contaminants in the event that there is a small fire or a not so small fire. Any contamination gets controlled and then cleaned up so it doesn't enter the environment off site of the storage area.

Mr. Barbee said which was their recommendation, based on engineering recommendations, which will be further scrutinized once it goes to plan and design, right? That will be a professional engineer that will sign off on those plans, who can be held accountable legally for any of the outcomes based on that, correct? Mr. Patterson said exactly. These have been applied to an NNRC, which was brought up earlier too, in their battery facility north of Hazen. Essentially, the requirement is that the Stormwater Management Plan gets done and that's going to be done by an engineer. We're going to be looking at it to make sure it meets the requirements for pollution control and whatnot.

Mr. Barbee said my question for the Commission and Joe is maybe give me some guidance on how they would need to do that. If this is delayed, you need to provide specific direction, what you want the staff to queue into conversations with the Applicant. I guess that's what I'm struggling with, that wouldn't be requiring them, basically, to go through the entire plan and design engineering process without land use approval.

Mr. Sanford said sure, I might be able to address that slightly for you. Joe Sanford, again for the record. For a Special Use Permit to be granted, there are five conditions and findings that have to be met. Commissioner Blakey has gone through them. The two that were identified today as being of substantial concern are section three, which is overburdening public services and infrastructure, specifically the fire department in this case. I'll let Commissioner Blakey give best ideas of how that might be addressed to staff. Number five is environmental impacts, glare, fumes, odor, and things like that and how they would affect the populace. Those are the two things that can be mitigated. As we go through the process, this Commission has the right to put conditions on this permit that say you will do an Engineering Plan that addresses these issues. Today, I guess, the use permit is about if those conditions are met, the use would be allowed. The engineering doesn't have to be done up front. It just has to be part of your conditions to say it must be done before operations begin. If you have conditions that satisfy you, you can do it that way. If you can't come up with a condition that satisfies you, that's a different question. If

you have an idea, say about what you would need in terms of fire equipment or fire services that would not overburden the public, those could be added as conditions. If you want staff to do research into what conditions are appropriate, that would be something that you'd need to table and say, this is my concern. I don't believe this is met, please do research to address these issues. Today, it's if you have a condition you can come up with that satisfies you moving forward. If not, you can direct staff.

Mr. Barbee said the question I have, on the fire thing, we've had the Fire Marshal and fire staff basically sign off on the project. It would be hard to attach anything additional. I guess, review it again and sign off additionally or revalidate or re-evaluate that you are good with those conditions and that it was forwarded on the environmental component. I'm actually struggling with that one, as a former member of the State Environmental Commission, as the Director of the Department of Ag in that Nevada Department of EPA and NDEP. Basically, it's required, as was stated, to follow the federal guidelines and can do things in excess. Obviously, there are no guidelines that exist on that. You know, that's a challenge for staff. To come up with environmental guidelines for the county relative to lithium. That would be something to an effect on us going out and finding a private contract. I'm trying to position you guys where you can give us direction, clear direction on what we need to do to resolve this and give everyone their private property rights, as you stated.

Chair Getto said, going back to a rock and a hard place, when you look at the way that our code is written, in those five criteria that we have, the way that it's written, you know, these lithium batteries are not inherently dangerous. It's when accidents happen that they become dangerous. That's something to factor in there and also the fire aspect, as well. Go ahead, Matt,

Commissioner Hyde said I agree it would be really tough to come up with EPA kind of regulations. It's really hard. This is why I say, you know, Redwood Material, it's almost like they're waiting to see what you do. Where does this land? They're kind of waiting to see what you do. It just really spooks me. Nobody wants to touch it. I mean, they handle you under the general duty clause. It says that per the OSHA site.

Chair Getto said, if you have a question or public comment, I know you didn't give public comment, you can come up here and use a microphone, or we can bring one to you. Commissioner Hyde said so I don't have an (interrupted). Chair Getto said let's let him finish real quick, and then we'll come to you.

Commissioner Hyde said I don't have an answer for how or what that looks like. I do believe, like I said, I'm really hung up on how they're actually storing them. I'll be honest with you, I didn't really love it the first time I went there, before I was sitting in this seat. Like, wow, that seems odd. I'm really hung up on the ambient temperature. I'm really hung up on any sort of spillage. If we can address those issues, I think the rest of it we will be able to address. One thing, I don't know if you mentioned, you guys have metal boxes that you put over these, correct? Did you mention that in your presentation? Well, I thought that was interesting when I was out there. That's newer, right? So, yeah, I don't have the answers for that. Everything I read says to keep them out of direct sunlight and in a cool and dry place.

Chair Getto said do you want your public comment right now?

My name is Marie Duncan. I was just wondering why the TCID and BOR or the Fish and Wildlife or the Recreation Department, none of them have ever been present in a meeting that I've gone to. If something happens, all the bad stuff is going to go right down into the canal, which goes into the dam, which goes to each of you guys that have a farm or rancher or live in town. I've never seen anybody send a letter or anybody say anything about what their opinion has been on this. Thank you. I'm sorry.

Mr. Barbee said, if I can give you my clear representation of that, I was in a meeting with BOR and TCID earlier this week and this topic was brought up. They didn't voice any concerns. I don't represent myself representing them. I'm just representing the meeting that I was in on other matters. This was brought up and they didn't voice any concerns.

Chair Getto said I can answer that a little bit further, as well. There is a letter in here in our packet from TCID, saying TCID is neutral as to whether the permit should be or should not be granted. Then there's some other information in there but, basically, they're neutral on the project. They have no stance on it. Then it says, once that plan comes about, everyone gets notified of that plan.

I turn it back over to the board and staff on how you guys want to proceed. In my eyes, I don't think we're going to get anywhere tonight with a yay or a nay. I think we're going to have to table this. We need to challenge our staff and Redwood Materials to listen to public comment and figure out how, you know, take all that public comment, compile it and see what we can come up with that's applicable for all of us and that works for all of us. That's kind of where I'm leading to. I would entertain your ideas.

Commissioner Blakey said I have a couple questions concerning Mr. Barbee's concern on how we're supposed to proceed here. Correct me, if I'm wrong again, I like that statement. Isn't it the Applicant's responsibility to bring us their plan and for it to be acceptable? We shouldn't have to do any work for them to bring an acceptable plan. Is that correct? They've heard the concerns, they see the concerns, they can come to us and then we tell them, not good enough yet, come back, not good enough yet. It's their responsibility. If that's not the case, that's the way I understand it. If that's not the case, then we also need to change that in our code. Commissioner Hyde said that's a good point. Chair Getto said excellent point. Commissioner Blakey said, as far as staff being involved, it's my understanding they review it to make sure it's acceptable but not to create it.

This is Randy Hines for the record. Again, when we present this to the Planning Commission, again, it is for the use, right? If we get into the design portion of that, that's a fiscal impact for the company to do that. Then they could get denied on the use and now they've spent hundreds of thousands of dollars to supply all this information of engineering that we would require after the use is permitted. Again, it's the apples and oranges.

Commissioner Blakey said I'm not asking you to get into the middle of the design. I'm asking for them to present an Application that meets all the findings. Once they meet all the findings, then it should get approved. Now that it's been appealed, we're sort of acting under the pleasure of the Planning Commission right now, because it's been appealed. If I'm wrong, correct me but that's how I see it.

Mr. Barbee said, just for clarity, I'm not suggesting that the staff would write it. I'm saying the staff has reviewed it, brought it forward as a recommendation of approval, therefore, looking for further guidance from you in terms of what that expectation is. I guess we won't be reviewing the next one. I guess that doesn't matter. It would just come back within the 60 days. Joe, is that correct? Mr. Sanford said yes. This appeal would be heard again within 60 days from the date of the filing. I can't remember the exact day of the first appeal being filed. Ms. Moore said that would be April 26. Mr. Sanford said March 26? Mr. Barbee said May 26, 60 days versus 30. Ms. Moore said March 27. Mr. Sanford said okay, so, by May 26 a final answer and decision on an appeal must be made. As far as whose burden it is, it is the burden of an Applicant in a Special Use Permit to provide any evidence that is requested. I guess the question is, you know, where our code doesn't have exact information on some of this, what is it that is being requested to be proven before we come back? I think part of that will just be so that one staff can give you good answers as far as their review and recommendation, as well as, I guess the Applicant can make sure that they provide information to you correctly so that the decision can be made within the 60 days.

Chair Getto said, just for the sake of clarity, real quick too, May 26, was being thrown around. It would actually be for Sally Heaverne on May 28th, that would be the two month period. Then for the other two, Honey Gibbons would be the 27th and then Bernadette Francke would be the 30th [sic]. Just for the sake of clarity, we are going to have to give Redwood Materials direction on what we want to see. If anyone has ideas on that or wants to split what they want, so far, I have Commissioner Hyde's concerns of how those batteries are stored, not in between that 50 to 80 degree Fahrenheit temperature range. Then I have Commissioner Blakey's fire concerns from the Fire Marshal. What are everyone's thoughts on how they want to approach this? Do we want to wait the full two months? Do we want to do a month, in the event that something isn't up to par, up to snuff?

Commissioner Blakey said my major concern is that, and I'll just go through all of 1, 2, 4, and 5. I think you can get those worked out pretty normal. Number 3, they've got to come up with a plan. Whether it's more staff, more equipment, more water, water every three feet, water every 10 feet, I don't know, salt or whatever they put on it or whatever, come back with that plan. We know, without a shadow of a doubt, if there was a fire, it would be out within 10 minutes and they're not going to call the fire department every single time. If the fire department goes out there more than five times in a year, I think that's an overburden of services.

Chair Getto said let's keep in mind, too, this is a in the purview of this board to apply conditions, just as you've stated, that if they happen to go over X amount of Fire Department calls, it can be taken. I mean, then your SUP gets revoked. Commissioner Blakey said that's the kind of ideas to help generate some stuff. Those are my ideas of what I see that could help get

that condition met. Like, how can you mitigate every single fire instantly so we never have that issue.

Chair Getto said I think, regardless, you haven't given your other public comment, so you're more than welcome to your three minutes. We can't expand the notice. How this came about is that Churchill County Code requires us and this code has been around for X amount of years, I'm not sure of the exact year but we have to notify 30 unique property owners or 300 feet. Well, we did the 300 feet but that didn't meet the 30 property owners and then we went out and picked 30 property owners. If we wanted to expand the radius, we would have to change Churchill County Code to do that. That takes two public hearing meetings and it's a whole entire thing but that's something that I wasn't really ever aware of. I was on the Planning Commission for many years. I was never aware there was kind of the basis of how we determine that but that's something that we can look at in the future. What are your thoughts? I do not think we're going to be able to come to a resolution tonight. I think, regardless, we have to table this. It's a matter of we table it for 30 days, 45 days, 60 days, whatever we decide we have to go ahead.

Mr. Hines said I'd like to just add, if there are requirements that you require of us to be definitive, again, we're not the experts in what Mr. Barbee said about, you know, we shouldn't be writing the EPA codes or OSHA codes or anything like that. That's not what we do. If you want certain things from us, we just need to have that definitive, as well.

Chair Getto said I think Commissioner Blakey kind of covered that. I do not think that should be on the county's table of things to do. That's not our job, that's not our responsibility. I think we all agree on that. I don't think we're going to be coming to you guys for any of that information. The other option, as well, is that it's in this board's purview if we want to add condition items tonight and we are allowed to add condition items tonight. Redwood can either accept those conditions and it is what it is or they can turn away. Again, it's completely in our purview what we want to do. I think, you know, for example, Commissioner Blakey, if you wanted to do the fire department and they are called more than two times in a month your permit is revoked. The one that I have a challenge with is how batteries are stored and stuff like that. I do not see a way to easily remedy that by conditions. I guess you could throw a condition in there. They'd have to construct a building but that seems undue and unjust on the property owner.

Mr. Barbee said there are additional questions for Joe. If we put like a tier mark requirement on an SUP, how does that translate to other industrial things? In other words, if we say, you will not be allowed to or you'll have some penalty above two fire calls. How does that, then, put us in a legal bind, if Joe Farmer or Jim Farmer has a fire issue and calls the fire department more than that? Mr. Sanford said, in this case, if it's a condition of the Special Use Permit, it won't affect anybody who is not associated with the special use. It could be an allowed use. There is, I guess, what I'd say is, we don't want to generally tell people that they shouldn't call the fire department as just a general matter. It's design, it's not a good design, to say, please don't call the fire department if you have a fire. I do think that conditions could be worked out in a way with staff to perhaps address that in a way that ensures the same outcome. Which is, you know,

a certain amount of fires in a period of time will cause a revocation or cause a process of revocation to start. I don't want to condition it and say it will be revoked. Chair Getto said Mr. Sanford said that's something that I believe we can work on, based off of what you've said already. Commissioner Hyde said I would say I agree with you Myles. You know, that's my point. I shouldn't be telling, I'm not an engineer, I'm not a fire guy. I shouldn't be making these. This should come from EPA. This should be coming from a way different place than here. Why they aren't doing this I don't know. That is difficult, because maybe they shouldn't be stored inside. Moss Landing was inside, completely different than what they're doing. You know, those were active charge batteries. I don't know what the right answer is. I don't know why they would say, should be recommended, because they don't really want to take a stance. How can we take a stance? I agree Myles. Well, I don't see how we could do that.

Chair Getto said I think I have another public comment if you want to come up and use the microphone, you know, to state your name, spell your last name for the record.

My name is Josh Gubkin and I am an employee at Redwood Materials. I speak on their behalf. I just wanted to make sure that, as we're talking about fire response, you fully heard everything that maybe wasn't seen in the presentation or in some of the materials. I believe we had tried communicating to the Commission before and to the members of the board. I want to make sure that it's on the record. In addition to having two people who would be there 24/7 it is, as they said, 24/7/365 monitoring that goes to the security operations center. As far as what code there is, what do you work off of, there's the International Fire Code. That's what all Fire Marshals go by. They go by the latest and so do we, 2024. We've decided, instead of a 10 foot separation, in conjunction with your Fire Marshal, to expand that 50% so, instead of being 10 feet, it's 15 feet apart. We are already going well beyond what is required. There is code for outdoor storage. That's part of what it is. The grid design is exactly what the International Fire Code says, which is done by a group of Fire Marshals, to come up with what they have determined is safe. We are following that and more. In response to how we are going to impact services, I did want to point out, again, with the cameras that we have, the timing for us being able to respond even with two people who are there, 24/7, because the initial normal response is, you go out there, you find what's been seen on the camera as going thermal. I want to make it clear, going thermal does not mean a fire; it means it's heating up. They see something that's irregular, at which point they can go out there and they can see and find exactly where it is. If it's a battery, a module, a pack, a pallet, they can take a forklift and move it to an isolation zone, which we have presented before. We have areas away from all the other batteries that are there in that isolation zone, through these metal boxes. There's a couple different methods we have. One, just keep them away, to take the metal box, put it over there. If it does go thermal and does turn into a fire, there's something to keep it from propagating and moving to anything else. We have stabilization tanks that is basically putting batteries with a thing of water so that they end up becoming scrap. All the energy from them goes away. This is top of the line, gold standard of what people do in order to protect themselves, their property, their business and the community from fires.

I also wanted to point out, in terms of using resources, the amount of times, because you had asked how many times the fire department came out to our storage facility. I heard a number of

over 20. That is not accurate for our storage facility. The last time the fire department had come out was last March 2024. Since then, because we realized why that happened, why sync got (interrupted). Chair Getto said that'll be your three minutes.

Commissioner Hyde said I guess the only other thing that was really concerning to me, since the EPA doesn't sound like they do a lot of testing, I'd like the soil tested pre and after they start, yearly, to see what it's looking like. I don't think that's a huge ask. Chair Getto said I test all my fields twice a year, every single year, and I have about 100 of them. It works out.

Commissioner Blakey said today we approved a well testing contract. I understand it was with existing testing wells. Do we make, you know, wells or how deep they need to be, or whatever around this property? If it leaves the property, then you would know immediately. You wouldn't wait until it got five miles down the road. Is that even, does that, is that inexpensive enough? Is that a cost feasible enough, if you did three or four or something around the property or you're able to punch the ground every so often and get a sample? Would that clarify that there is no issues you know that.

Chair Getto said earlier today we took care of that problem, for me it is that we're going to test it right now, get a baseline reading and then, from here on out, we will be retesting. Again, just like we talked about in our earlier meeting today, we can dictate where those wells go, how they're tested, the frequency of testing, as that is within our purview. There is the hindrance of the cost, the dollar to the county for that. That is something that we'd have to iron out. I know there are a lot of grants and programs through the conservation districts, watershed groups, you know, so on and so forth. There are all of these avenues we can pursue. Jim, did you have something to add? Mr. Barbee said I will just add that you could add a condition on to this that, once their well is developed, it is one of the wells that will be tested when the Department of Ag comes out and does that through the Cooperative Agreement. I know we're proposing sites to the north and to the south of their location. I'm sure they wouldn't have a problem with that and I see them nodding. The other testing will happen, sooner than later, probably prior to them getting their well in. Once they get their well in, you could have a preliminary test and then have yearly test requirements on that and it's not a huge expense.

Commissioner Hyde said I just want to make it clear, I'm talking about testing the soil so we can get better interaction. Chair Getto said I have everything done already, soil testing, pre and yearly soil testing. Then, we also have our well monitoring program that we implemented at the last meeting. That can be, we can do conditions on that again, however this board sees fit. I think soil testing is done, water testing is done.

We need to get back to how they are stored and possibly the fire concerns. I attended the Planning Commission meeting. The Fire Marshal gave his opinion again. Redwood agreed. I didn't realize it, you know, I guess basic math, I'm a Churchill County High School Graduate, 50% increase of what they are already doing. I'll turn that back over to you, Commissioner Blakey, if you want to address your fire concerns.

Commissioner Blakey said, as the Applicants already addressed, they're pretty much following the 2024 International Fire Code already. I think some amendments just came out for that fire code and others are getting ready to come out. I suggest that they look at those and then, if they are privy to some of the information that's coming out in the 2027 code, if they could start looking at that and just see if it fits better than just doing a part, you know, putting in an amendment, go ahead and put some of those practices in. Now, we are ahead of the game and now we've done every single thing that we could do to mitigate this situation. Then everyone wins -- the citizens win, the customer or the Applicant wins, and we don't get yelled at. That's all of the guidance I have that I can give to them to get them going down that road in order to come back with enough evidence to satisfy number three.

Mr. Barbee said, just for clarity, they have already agreed, although the 2024 isn't out, but they've already agreed to follow those standards. They're coming out now, right? Mr. Hines said yes. I actually did some research. We are actually on 2018 building codes now and that's what they've adopted. We're in the process of adopting 2024. We did the research on the 2018 and the amendments that are coming out for 2024 that are being written for 2027. They meet all the requirements of the 2024 IFC. They meet a few of the amendments of the 2024 IFC, which, again, are from 2027, what's being written now. Then, there are other ones in the amendments and, if we adopt these amendments, the Fire Marshal has to tell them that they have to conform to those amendments, as well. They'll meet 2024, which we haven't adopted, yet, and they've actually met some of the amendments for 2024.

Commissioner Blakey said we are well on the way to have a good plan already. Then, if it's in writing, then it's pretty easy to abide by, because it's in writing and it's simple that way. That's all I have on the fire. Then, as far as the separation, I mean, what are you going to do? I mean, now you're going to either 15 or 50, which you know that 15 is a lot.

Mr. Hines said I know, I don't mean to interrupt you Mr. Blakey but, in the amendments, it actually increases that to 20. The IFC and the amendments increase separation to 20, so the Fire Marshal did the 15 but, again, we haven't adopted those amendments. Commissioner Blakey said we don't have to adopt them for them to bring them into their Application. Mr. Hines said that is correct.

Chair Getto said, Randy, help me out here, because there are 17 different condition items. Where is it? About the Fire Marshal? Is it in here, currently? Number nine, there it is. Yep, right there. If that's also in there, as well so, if there was any change in fire stuff they, regardless, have to work with the Churchill County Fire Marshal at all times.

Mr. Sanford said, Mr. Chair, if I just might add that the condition was written and updated to say that it will adopt whatever is in existence now and whatever the Fire Marshal adopts in the future. Because, I mean, this Special Use Permit would last for potentially a very long time. Instead of setting conditions that are written in stone, now it's written in a way to say whatever gets adopted in the future, potentially in 2040 there might be a completely different set of standards. That's why it's written that way. You can, obviously, add minimums standards if you

would like to but it's written in a way that says the Fire Marshal's current plan, as well as any plan they may adopt in the future.

Chair Getto said any other questions or comments from the board or staff. Go ahead, Matt.

Commissioner Hyde said you could come up, as it's going to be a question for you. It was kind of my understanding that you can have a bit of a little fire brigade out there, maybe like a little fire truck. Mr. Tatro said that's what the emergency personnel will be in and it is the initial suppression capabilities with the F500. We have that in existence and that would, obviously, be used and improved throughout time. Any additional questions, sir? Commissioner Hyde said no, I was just going back through my notes and I missed a few things. So that was it.

Mr. Tatro said, if I may, we have agreed, through the Planning Commission approval, to a variety of conditions and I think they've been added to but I'm just was trying to get a clear list in my head.

Chair Getto said, currently, and again, this isn't like we're going to approve this. We're just throwing stuff at the wall right now because, again, rock and a hard place here, currently. What I have and please, most of you jump in if I'm missing something, is soil testing prior to batteries being placed on the property then yearly. I'm entertaining whatever here and then also water testing. As soon as you drill that well, we're going to mandate that well be a part of our approved groundwater management plan. At our prior meeting earlier today that well be a part of that plan and will get tested by NDA, Nevada Division of Agriculture, whenever we say, go test that. Well, that's what we currently have. Do you guys have anything you wanted to add to that?

Commissioner Blakey said just making sure that TCID is allowed to comment and interject on the conditions and then a letter regarding the high pressure gas lines, you know, that gets us off the hook and that's not a non-issue.

Chair Getto said thank you for bringing that up.

Commissioner Blakey said I understand we are only at the 2018 fire code. If they're already doing the 2024, that's easy for them, maybe bring in with the amendments of the 2024 and see if that's not enough to fix the problem because it's going to create increase in the spacing. I think in those amendments, there's, like, has to be water valves over so many feet, or something,

Mr. Tatro said, well, in the current amendments, and forgive me if I don't get it 100% right, because, yes, there are hydrant requirements, with spacing issues and that type of thing. I was wondering what was hanging out there and that is kind of what I was looking for. Chair Getto said so that is where you're at right now. That covers your question there? Mr. Tatro said certainly, thank you.

Chair Getto said is there anything else that anyone wants to bring up here? And how do we do we want to write these conditions out and revisit this and allow Redwood to review them, allow

county staff to review them? Do we want to add these conditions now? Again, it's in the purview of what you two want to do here and I'll entertain a motion on whatever.

Commissioner Hyde said I think they're probably going to have to review it with some of their staff. I don't know. Mr. Tatro, you're not going to be able to write them right now, so I would suggest you have staff kind of figure it out and come back with another version and maybe consult. Chair Getto said can I get some clarification on that, Joe? How would that process look and how would that work? Mr. Sanford said I guess I'm not sure the exact question. If your question is, can you direct staff to draft additional conditions and to come back to you to approve? You can do that. You could say, these are the general issues I want covered in conditions by staff, but I approve it today based off of what you are being directed to do. You could do that. It's, I mean, that's a lot of power to staff. As long as you're happy with that and it covers all of your issues, that also is acceptable. We just want to be clear in your motion as to whether you are approving today with staff adding conditions or whether you want to say, these are the conditions I want to be drafted. They might be modified slightly for grammar and things like that but those conditions will be added to the NOFA and we do that all the time. If you have those three or four conditions that you discussed, soil testing, water testing annually, that you will have confirmation from the pipeline that there is no objection to the placement of the batteries under the current configuration, that TCID will have either opportunity to comment and be involved in any engineering design plans from this point forward, those are four conditions that can absolutely just be added today. No special drafting needed. If we want to develop a certain set of language or we're not sure on things today, then you need to direct staff in that direction.

Mr. Hines said, Mr. Sanford, one question too, as far as the engineering, that was mentioned to have that in the conditions, as well. I mean, it's a requirement already but just so it was in writing that engineering plans for site drainage, etc. That was brought up as far as engineered plans and reports and whether we had put that in the conditions, even though it's a requirement. I just remember that question came up, if I recall. Chair Getto said a lot has come up Randy. Mr. Hines said I just want to make sure, again, that's a requirement already. Mr. Tatro said, in addition, Commissioner Blakey was bringing up a number of fire related things, more fire staff, more water. I think he was discussing or listing vehicles and stuff but if that's been resolved, then I guess that doesn't need to be figured out. Chair Getto said that was my other question, too. I think this one's for you, Don. Is that somewhere? Give me a second again, a lot has been said. I've got stuff written on four different papers. Yeah, it was Sally Heaverne who brought up the 300 gallons, can you address that? Mr. Tatro said 300 gallons are what is on the truck but that's not our full suppression capability. We would have to have full suppression. Chair Getto said can you still have water on site silos, whatever it may be? Mr. Tatro said yeah, through the hydrants or the valves with the proper separation that we already do and would do before we stored anything. That was already a condition that 300 gallons is just what drives around and is mobile and then the rest could be connected to that covers the entire site and the conditions that you mentioned, I believe their conditions really were similar to the Planning Commission but we would be happy to add those four conditions too and there's nothing in there that we weren't doing.

Chair Getto said okay. Any other questions or comments from board or staff. Is there any last public comment from anyone that's missed their time for public comment? Come ahead.

Sharon Samson said my question is have we talked to the community that they live in now. The community that's hosting them at this current time? What's their experience? What's their experience with the community themselves? Hopefully, when something of this magnitude comes in, they'll be contributing to our community and also, how are they perceived there? They've already pioneered this in the current location they're at. Has anybody spoken to the leadership of that community? Chair Getto said I've spoken with the Storey County Commissioner. They love having Redwood Materials there but that was only one Commissioner and that's all I know and all that's all I can speak to. Ms. Samson said I think I put it out there that we maybe expand speaking to other people, just to find out.

Mr. Barbee said just addressing that on the record, today we had Taylor Adams here representing EDAWN. He was here to speak in favor of Redwood Materials and how much they appreciate them being a part of EDAWN through Storey County. However, he had to leave prior to public comment, so that was his intent.

Chair Getto said are there any other questions or comments from the board or staff? Okay, which direction do we want to go here? Do we want to add these conditions to this and, you know, check off all of our boxes that we haven't covered? It is up to you guys. I'll entertain a motion if you guys want to go that route.

Commissioner Blakey said does the new fire code requirement amendments require 20 foot? Does that satisfy this storage question that you had? Or was that even, was it related to being? Commissioner Hyde said no, that doesn't matter. It wasn't related to that. It was more related to the temperature of the storage. Chair Getto said is that a big enough concern for you, where you want to address it? Commissioner Hyde said it goes back to the fact that I don't know how you address it, other than you know, some people say store them inside and some people say don't. I'm certainly not the one to ask. Chair Getto said and that's my comment on that one too is that they've been doing this in TRIC for four years and I'm sure they've had their incidences or whatever it may be, but it's never been anything that's been reported. Commissioner Hyde said who is that code through? Mr. Barbee said that's through the International Fire Code, which allows for outside storage of the lithium batteries, correct? International Fire Code. Mr. Hines said I've got the section here. Mr. Barbee said give us that section. Mr. Hines said section 3 to 5.4 battery cycling, storage facilities, they have indoor and outdoor and then they've got the requirements that go along with that. Commissioner Hyde said sure there's valid reason for it then.

Mr. Tatro said, if I could just clear up the inside storage, we find that to be the worst practice and that is when you see these images that were shown today. That is because of indoor storage propagation between the gasses that get trapped by a roof. I just want to make that abundantly clear. Additionally, we're on multiple committees to help with these codes from our experience and we've had Fire Marshals from around the country lean on us for advice in those. We are very active in that and, like I said, we're not going for the easiest way. We actually increased

requirements in the meeting I was in for the state fire code that's currently going through amendments. Mr. Barbee said it's safe to say the Governor's office looks to you as the gold standard in lithium battery storage, currently. Mr. Tatro said I certainly don't want to speak on behalf of the Governor's office but, yes, they've leaned on us for a variety of questions.

Chair Getto said thank you, Don. Are there any other questions or comments from the board or staff, again. Sorry to keep asking but I just want to make sure we get all this out and about.

Commissioner Hyde said I just want to make sure we have something in place for a bad soil test, for a bad water test. I think that is what we have to discuss. Chair Getto said I think that would fall underneath that. Correct me if I'm wrong, Joe, that would fall underneath condition item number 17, operation of the business shall be conducted in a manner that does not create a nuisance, public and or private, under Nevada law or Churchill County Code. Mr. Barbee said basically, you would require a third party to do the test and the Applicant would cover that cost. Mr. Sanford said that is right, if you want to do something that is, I guess, more stringent than nuisance, you would have to add it. I don't know the standard levels enough for what would be a bad test in lithium. I believe the appropriate standard would be to say they'll test it on an annual basis and any levels that are above standard levels will be reported to the board for consideration.

Mr. Barbee said let me add to that. Keep in mind that Churchill County is a lithium hotspot, so there will definitely be lithium in any soil test you do, because that's when we look at that national map on where lithium is. Go ahead, Don.

Mr. Tatro said sorry, I don't mean to interrupt, but, yes, there is a lithium, it covers over, I believe, 1% of the earth's crust. We would test for other material, as well, and then remediate that, if necessary. Hopefully, there are the tests that are all clear but we need to have a baseline there. The lithium would be tested and then it would be set to the standard. There is an acceptable standard for these metals because they are on the periodic table, so they exist. So, you will get lithium, for instance, in a test. Then the EPA does have guidelines for acceptable levels and anything that would exceed that, especially if you test prior to any material being placed, you would have a baseline. If you wanted to include that in a requirement, it could be set to the acceptable levels. Mr. Barbee said, currently, EPA has the acceptable levels for tests on heavy metals. Mr. Sanford said any federal, state, or local adopted regulations and, that way, it'll follow anyone, right, whether it's Redwood or whoever our next person would be. They would have the same level as adopted by either the county, the state, or the federal government. Chair Getto said, Joe, repeat that for me, it is federal, state, sorry. Mr. Sanford said it will meet acceptable levels under any federal, state, or local regulation.

Chair Getto said any other questions or comments from the board or staff? Commissioner Blakey said are we trying to make a motion? Chair Getto said go ahead.

Commissioner Hyde said I still think I'd like to look at this to see what it looks like. A meeting should be brief when it comes back or not. Chair Getto said we have soil testing pre and yearly; water testing pre and then also yearly; the high pressure gas line, which is an easy one; TCID,

which I think is an easy one. With the soil testing, I am fairly confident that, if that's what you guys want to see is that our staff can come up with something that's adequate to that level, especially in reviewing Minutes, as we've talked about it enough. Then also, again, the high pressure gas line. That's a simple letter from whoever owns that easement. TCID has already given us their opinion but they want to see that final plan and that is all they've asked for. The other thing is to meet acceptable levels from federal, state, and the local level and the EPA for lithium content in water. I guess one of the questions, Joe is that, let's say, in a hypothetical again, we have retention ponds, all of this stuff in place already, but let's say in a hypothetical situation, if a test were to come up as positive, what would that process be? We need to specify that in the conditions -- if a test were to come up positive, they have 10 days to get out of town.

Mr. Sanford said this would be under our Special Use Permit conditions. If it was a violation, say, a test came in high we would have, I guess we would have an ability, at the Director's level, to send them a notice saying you're in violation of your Special Use Permit because this test came in high. I believe it's 30 days to correct it in our code. You have 30 days to correct that. If you don't do so, we'll bring you in front of the Planning Commission or the board at an appeal level to revoke your permit.

Chair Getto said I will say this. I've sat on quite a few water boards throughout the years here. Nancy Upham, I believe, was the one that said there is no curing that thing. As soon as it becomes high, it's not a matter of it is in the board's purview to give them X amount of days to be done with their operation under this board's purview? Mr. Sanford said, if you want to put that as a condition, then yes, you could say, upon the occurrence of this, you will cease all operations. If that's going to be a condition, you might want to be very specific on what you mean by the test. Commissioner Hyde said I'd say we don't know what levels that would be. Mr. Sanford said Chair Getto said using federal, state, and local, as well as EPA levels that became above their safe range, then that takes care of that. Mr. Barbee said yes. Commissioner Blakey said, if we do soil testing before they even come on the property, then it just can't get worse than that level, whatever is there. You said there could be lithium already in the land. Mr. Barbee said yes. That would be the point of the baseline that he was referencing. Commissioner Blakey said yes. so, we have to get that done first and then, if it ever gets worse, and that is how they would be reprimanded. Chair Getto said both the soil testing, as well as the water testing, would refer back to federal, state, and EPA levels. The only question is, do you want to put how many days Redwood Materials would have? Hopefully, that never, ever happens. I have faith in what we put in place here, that will, you know, remedy that as much as we can. Commissioner Hyde said we'd have to give them so many days to correct the problem and then, if they couldn't correct the problem, they have to un-mobilize the property, with a guarantee that they would un-mobilize the property, you know.

Mr. Tatro said all I was going to add is that, you know, the current code allows the 30 day remediation. Plus, you know, we've had bad tests on a variety of different things, not us personally, but I mean, it's possible to get a false positive or something like that, so you would want to do an additional test. You would go immediately into remediation with, I guess I don't mean to write a condition for you. I just wanted it to be a feasible timeline to code, 30 days of additional testing, remediation. Then, you know, within the current code, then you could apply

the nuisance clause and I believe I will turn to the attorney. Mr. Sanford said the way it would go, right now in our current code is, once we observed an issue, they would be notified. They'd have 30 days to resolve it, and then at that time, we would bring it in front of the board to make a decision, right, with the idea being, potentially, it's a false positive, potentially it's point one above the level that's preferred and it could be remediated in 30 days. That is why it would come before the board to make a decision to say, no, you're either in or you're out. That means you're done and every day that you're there would be a violation of the code. It wouldn't be okay we've terminated you now you have a year to demobilize. It would be okay you've been terminated, and now you're done and every day that you continue to operate would be in violation of our code. I don't think you need additional time after the revocation process. That would be, potentially, a board in the future and there is no time, it's zero days. You get that 30 days of remediation to make that decision and that's the way our code is written. I would suggest that it just be left to be consistent with the code so that, in the future, if this does come up, someone won't have to come back to this decision to say, okay, we changed from code to 14 days, but in the intervening time, the county code got amended to be 10 days. Which one applies for those kinds of issues? We have a code for this, it does address this and I believe it addresses it adequately.

Chair Getto said any other questions or comments from the board or staff. Hearing none, a motion, please.

Commissioner Blakey said are we making a motion to table it, is that what we're making a motion on? Chair Getto said you can, if you want to do a motion to table it, you can table it. In my personal opinion, I think we have enough here that it is easy enough for our staff and we don't worry or we don't have to review it again. That's completely up to you guys.

Commissioner Blakey said, with the fire requirement, it would meet the 2024 International Fire Code and the amendments that have been approved for battery storage and it also gives the county Fire Marshal the ability to do more than the code, if he so desires to be specific to our county, if necessary. If he knows something about our county and he wants to make sure it is in there, I want to make sure he has that ability to do that. Chair Getto said he does, underneath that section nine. Commissioner Blakey said I want to make sure that it is clear, that there is no workaround.

Mr. Sanford said we'll make sure on that. The only question I would have for you, based off of the change that you're discussing, which is the 2024 amendments that are based on 2027, would have significantly larger spacing. This proposal has 35 acres currently planned for storage. Does the Commission have a viewpoint if, because they're trying to move a certain quantity of batteries that are currently 10 feet apart, if that expands from 35 acres to now 45 acres so they can need that spacing is that accessible to the Commission? Mr. Patterson said that would be outside the scope of their Application and what was then approved before this point. Mr. Sanford said this board has the ability to modify anything that's within this appealed version. Mr. Barbee said that would be, I think, significant on the Applicant because that's a major reduction in the total storage and probably would affect the economy of it. So, if it is a 20

foot spacing requirement, which I think they could agree to, it has to be reflective of the same level of usage. I'm glad Joe brought that up to be very clear.

Commissioner Blakey said, Mr. Patterson, can you share your comments? I mean, you seem to be displeased about that idea. Mr. Patterson said it is opposite to normal planning practices. Commissioner Blakey said, okay, thank you. The board can change the acreage or does it need to go back to the Planning Commission if we change the acreage? Mr. Barbee said I would remind everybody that we're under guidance of counsel, which is an important thing.

Mr. Sanford said I'm happy to address this issue, which is, anything that's appealed from the Planning Commission comes to this board anew, so, this board can make any decision that is related to the Application as it's presented. Now, if it's a significant, for example, you want to approve the solar panel phase three portion of the project today, that is not within your scope. You cannot do that. This is an approval of the use for battery storage. The current plan is 35 acres. Under these conditions, you are changing the conditions to allow it, I believe that's not a material enough change to put it outside of your scope. Chair Getto said that answers that question.

Chair Getto said are there any other questions or concerns? Commissioner Blakey said I am okay letting the land increase if it accomplishes the 20 foot space. Chair Getto said I am fine with allowing that in proportion to what's going on. You're not saying we can just add 10 acres because it's 10 acres. Commissioner Blakey said once they get these in proportion to the product. Chair Getto said whatever they're losing in the spacing, now they can add on to that 35.

Commissioner Hyde said we are also requiring them to follow those guidelines. Chair Getto said yes. Mr. Barbee said it's not a net gain. Chair Getto said exactly. It's for the same amount of batteries will end up on the property. It's no more, it's not no less, the same exact amount, with the condition that we are allowing them that 20 foot spacing now. So, we can add that to the conditions. Joe, does that need to be added to the conditions, correct? Or not? Mr. Sanford said, yes, if you're adopting the 2027 amendment, then yes, that would be a condition. In that number nine section, it would be as adopted by the Fire Marshal, including the 2027 requirements.

Commissioner Blakey said does the Applicant think that you're hearing anything that's not going to work? Chair Getto instructed them to use a microphone. Mr. Mayhew said the only comment I would make is that the 20 foot spacing is a proposed amendment to the 2027 code. So, we are going by proposed amendments, at this point.

Chair Getto said are there any other questions or comments? I think we have stuff covered, soil testing pre and yearly, water testing pre and yearly, the high pressure gas line to figure out who owns that and if that is an objection to them, TCID involvement, and then both the soil testing and water testing would have to meet acceptable federal, state, and local standards. Additionally, the 2027 amendment requirements were from the Fire Marshal, as well. I personally have always viewed the BOR and TCID as pretty much the same operating entity, even though I probably could get into trouble for saying that.

Mr. Barbee said, again, at a meeting that I had with TCID and BOR on other issues, they didn't state any concerns.

Chair Getto said, okay, are there any other public comments? Anyone that hasn't taken their time, that wants to utilize their time? Okay, if there is none, I will entertain a motion. If you need to steal my paper, here, I have horrible handwriting but you can steal my paper.

Commissioner Blakey said do we need to read this? Chair Getto said we are going to take a quick five minute recess to allow us to write this out so then it's taken care of.

Chair Getto later said we will resume this meeting. Joe Sanford is going to read this. We are keeping the original conditions and then adding these conditions, as well. So go ahead, Joe.

Mr. Sanford said the first change is in condition number 9, related to the Emergency Management and Response Plan. I will read it in its entirety. "Before operations begin, the Applicant shall prepare an Emergency Management and Response Plan, to the satisfaction of the Churchill County Fire Marshal. The Applicant shall continue to follow all requirements set forth by the Fire Marshal throughout operation of the facility. The Emergency Management and Response Plan shall comply at least with the conditions set forth in the proposed amendments to the 2024 International Fire Code." Then, the new additions. We kept number 16 from the Planning Commission, which was the two people being present at all times. New condition number 17: "Before storing or testing of batteries begins, a soil test for heavy metals and lithium will be conducted and shall be re-sampled and analyzed on an annual basis. The facility shall not operate outside of standard levels of heavy metals or lithium, as set by federal, state, or local regulations." New condition number 18: "Before storing or testing of batteries begins, a water and well test for heavy metals and lithium will be conducted at the nearest available well", which I believe is the Bango facility, Safety Clean facility, because this well currently doesn't exist, "and thereafter on the onsite well on an annual basis. The facility shall not operate outside of standard levels of heavy metal or lithium as set by federal, state, or local regulations." Number 19: "TCID/BOR shall be allowed to provide input into the final engineering and design plans implemented on the project." Then section 20: "That the owner of the easement for an underground pipeline on the site shall be contacted and shall confirm that no material impact is expected from the site. This shall be waived if there is no response after 60 days of due notice by certified mail." They may not respond and I don't want to put us in a situation where we're trying to hound someone who doesn't have an obligation.

Chair Getto said, on the old set of conditions, we have operating operations of the business shall be conducted in a manner that does not create a nuisance, public or private, under Nevada law or to Nevada law or triple county code, Mr. Sanford said every other condition that was previously in it still remains, including that one that is now number 21. Chair Getto said gotcha. Okay. I was just looking for clarification on that, making sure that's still there. Okay. With that, a motion, please.

Commissioner Blakey made a motion to uphold the Planning Commission's decision, with the conditions that have been edited and updated and new conditions that have been

presented and agreed to by the Commission. Commissioner Hyde seconded the motion, which carried by unanimous vote.

Chair Getto said, Joe, do we need a motion where we actually read in the Churchville County code, APN number, or not? Mr. Sanford said no, I mean, it's going to be within the appeal record. Your motion is sufficient.

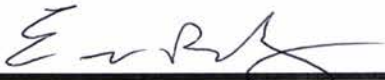
Public Comment:

Chair Getto asked if there was any public comment but there was none.

Adjournment:

The meeting was adjourned at 7:25 PM.

Approved: 
Myles Getto, Chairman

Approved: 
Eric Blakey, Vice-Chairman

Approved: 
Matt Hyde, Commissioner

ATTEST:
Linda Rothery, Clerk/Treasurer


Crystal Muschetto, Deputy Clerk