

**REVISED PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R020-15

July 24, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 445A.855 and 445A.860.

A REGULATION relating to land use planning; revising provisions related to the time a developer may submit certain plans for improvements for a proposed subdivision; revising provisions related to analyses of water quality; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Environmental Commission to adopt standards for drinking water and regulations for community and public water systems. (NRS 445A.855, 445A.860) **Section 1** of this regulation provides that a developer of a subdivision may, before submitting a final map of a proposed subdivision, submit to the Division of Environmental Protection of the State Department of Conservation and Natural Resources or the district board of health a plan for improvements which shows the systems of water supply and sewage disposal for the area to be developed. If a developer submits the plan for improvements before submitting the final map, **section 3** of this regulation provides that the developer may begin construction once the plan for improvements is approved by the Division or local agency. **Section 4** of this regulation requires a developer to submit to the Division or local agency the quantity of water necessary to conduct analyses of water quality.

Section 1. NAC 278.290 is hereby amended to read as follows:

278.290 ~~{When}~~

1. Except as otherwise provided in subsection 2, when a developer submits a final map of his or her subdivision for review, the developer must also provide a complete plan *for improvements* showing the systems of water supply and sewage disposal for the area to be developed.

2. A developer may submit a plan for improvements for review before submitting the final map. If such a plan for improvements is approved before the final map is submitted:

(a) The plan for improvements must be resubmitted for review to the Division or local agency if any changes are made to the plan before the final map is submitted. The changes must be clearly identified on the plan when it is resubmitted to the Division or local agency.

(b) When submitting the final map for review, the developer must include a certification by the professional engineer of record for the subdivision stating that no changes have been made to the plan for improvements, except for any changes approved in accordance with paragraph (a).

Sec. 2. NAC 278.330 is hereby amended to read as follows:

278.330 1. The Division or local agency shall review and either approve or disapprove the ~~plans for improvements shown on the~~ final map and related plans *or the plan for improvements submitted in accordance with subsection 2 of NAC 278.290* within 30 days after receipt of the map and *related plans* ~~or~~ *or the plan for improvements.*

2. The Division or local agency shall give written notice of its approval or disapproval to the developer. If the Division or local agency disapproves the map or *related plans* ~~or~~ *or the plan for improvements*, its notice must include the reasons for its action.

3. If the developer fails to record an approved final map within the time allowed by NRS 278.360, the developer must resubmit a tentative map through the governing body to the Division or local agency for its review and approval.

Sec. 3. NAC 278.340 is hereby amended to read as follows:

278.340 The developer shall not perform any construction on the site of a subdivision, except that necessary to evaluate the subdivision, until the Division or local agency approves the ~~final map.~~ *plan for improvements.*

Sec. 4. NAC 278.390 is hereby amended to read as follows:

278.390 Analyses of water quality may be performed in the State Public Health Laboratory, or any other laboratory certified by the ~~State Health Officer,~~ *Division*, upon the developer's submission, *in sample containers that are appropriate for such analyses*, of an adequately identified sample consisting of ~~1 gallon of water.~~ *the volume of water necessary to conduct analyses of water quality.*

Sec. 5. NAC 278.510 is hereby amended to read as follows:

278.510 1. Before the developer begins construction of any improvements based on the final map ~~or~~ *or the plan for improvements*, the developer must be able to show proof that ~~the~~:

(a) The map includes a certificate of approval issued by the Division or local agency pursuant to NRS 278.377 and NAC 278.310 ~~or~~; *or*

(b) The plan for improvements includes a written notice of approval issued by the Division or local agency in accordance with subsection 2 of NAC 278.330.

↪ The proof must be available at the jobsite.

2. If the proof is not available at the jobsite, the health authority or other enforcing officer shall issue an order to the developer to cease and desist until such time as proper proof is available.

3. If the developer fails to comply with the order to cease and desist, the enforcing officer shall seek injunctive relief through a court of competent jurisdiction.