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State Environmental Commission

Classification [] Proposed [] Adopted By Agency [] Temporary [] Emergency [] Permanent [XX]

R020-15: The NDEP is requesting adoption of these regulatory amendments governing the subdivision process found in Chapter 278 of the Nevada Administrative Code (NAC).

Proposed amendments to NAC 278 serve several functions:

- 1) A temporary amendment related to this petition was adopted by the State Environmental Commission on May 6, 2015. The primary proposed amendment addresses NAC 278.340. Prior to May 6, 2015, the existing regulation prohibited *any* construction from occurring at a proposed Subdivision until a Final Map was approved. An alternative was requested by interested parties to consider allowing mass grading of a proposed Subdivision earlier in the review and approval process. The Temporary Amendments were crafted to ensure the protection of public health, and to maintain a mechanism to ensure that land grading would not negatively impact the engineering design of water and wastewater infrastructure. The permanent amendments would permit grading and construction to begin upon Agency review and approval of water and wastewater utility engineering design "plans for improvement", without having to wait for Final Map approval.

Sections 1, 2 and 5 of the proposed amendments also pertain to Final Map and improvement plan approval processes that are associated with amending NAC 278.340.

- 2) Section 4 of the proposed regulation cleans up an old reference to the State Health Officer's certification of laboratories. This function is now performed by the Division of Environmental Protection, Bureau of Safe Drinking Water.

Authority citation other than 233B: NRS 445A.855 and NRS 445A.860

Notice date: September 11, 2015

Hearing date: October 14, 2015