



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

**Summary Minutes of the
STATE ENVIRONMENTAL COMMISSION (SEC)**

Meeting of May 6, 2015 10:00 AM

Bryan Building Carson City
901 South Stewart Street
Carson City, NV

Video Conference
2030 E. Flamingo Rd., Ste. 230
Las Vegas, NV

Members Present:

E. Jim Gans, Chairman
Jason King
Kathryn Landreth
Rich Perry
Cary Richardson
Bob Roper
Mark Turner
Tony Wasley

Members Absent:

Tom Porta, Vice Chairman
Jim Barbee

SEC Staff Present:

Colleen Platt, SEC/DAG
Valerie King, Executive Secretary
Misti Gower, Recording Secretary

Members of the Public Present:

Robert Sack, Washoe County Health Dist.
Jess Traver, The Builders
Aaron West, BAWN Builders Alliance

**Members of the Public Present Via Video
Conference:**

Jill Craig, City of Boulder City

BEGIN SUMMARY MINUTES

1) Call to order, Roll Call, Establish Quorum: (Discussion) The meeting was called to order at 10:00 am by Chairman Jim Gans. Ms. King, the Executive Secretary, confirmed the hearing was properly noticed and that a quorum was present.

Chairman Gans took a moment to welcome the new State Forester, Bob Roper to the Commission.

2) Public Comments: (Discussion) Chairman Gans called for public comment. There was none.

3) Approval of Agenda: (Action Item) Chairman Gans asked if there were any changes or comments regarding the agenda.

Agenda Item #

Commissioner Turner moved to approve the agenda as changed and Commissioner Landreth seconded. The agenda was unanimously approved.

4) Approval of the minutes for the December 3, 2014 SEC meetings: (Action Item) Chairman Gans requested comments from the Commission on the December meeting minutes. Hearing none, he asked for a motion.

Commissioner Landreth moved to approve the minutes as presented and Commissioner Turner seconded. The motion passed unanimously.

5) Petition for Variance: City of Boulder City: (Action Item) Ms. Jill Craig, Environmental Coordinator for the City of Boulder City presented the request to the Commissioners. Ms. Craig stated the request is due to the unavailability of alternative fuels and financial hardship. A thirty six month exemption from the use of biodiesel is requested. The Boulder City fleet will continue to meet reporting requirements. If the request is denied, the city fleet vehicles would need to drive thirty miles to purchase biodiesel, increasing emissions during travel would contribute to local air pollution.

Biodiesel was dispensed from a fuel station located at the Boulder City maintenance yard. In November of 2013, the Southern Nevada Health District notified the City that the fuel tanks must be repaired or taken out of service. The forty year old tanks were taken out of service. The City's goal is to re-establish a fuel station for biodiesel and unleaded at the maintenance yard. Boulder City has budgeted to remove and replace the City fuel stations and anticipates the fuel station project will be funded in Fiscal Year 2016-17 being operational by the end of 2017.

Clark County Department of Air Quality has indicated the variance should have no significant adverse effect on any current control measures or contingency measures.

Chairman Gans asked NDEP what their opinion was regarding the request. Ms. Jasmin Mehta, Bureau Chief for Air Quality and Mr. Sig Jaunarajs, Supervisor for the alternative fuel program came forward to address the Commission. Mr. Jaunarajs stated that NDEP first became aware of this in September of 2014 and began working with the fleet manager to explore getting another source of alternative fuel. The closest source is central Las Vegas, which seems impractical for the fleet and seems to go against the air quality intent of the program. After some time it became clear Boulder City did not have the capital improvement funds to complete the project and would have to budget for the replacement. The issue of alternative fuel has turned into a financial hardship for the City of Boulder City, which is allowed under the variance regulation. Mr. Jaunarajs stated NDEP had no objection to the request and clarified the request only applied to the diesel fleet.

Commissioner Perry pointed out that the request in the agenda read "provision of NRS 486A.180," but he believed it should be NAC. Ms. Craig confirmed it should read NAC.

Chairman Gans expressed concern regarding the number of variances the Commission has heard and asked Ms. Mehta to keep the Commission updated on the status of the variances at future meetings.

Motion: Commissioner Perry moved to grant the thirty six month exemption from NAC 486A.180 or until the tanks are in place. Commissioner Turner seconded the motion and it passed unanimously.

6) Temporary Regulation R2014-114 - Bureau of Safe Drinking Water, Subdivision Process Amendment: (Action Item) Ms. Jennifer Carr, Chief of the Bureau of Safe Drinking Water, presented the proposal to modify the NAC 278 Subdivision of Land Regulations to the Commission. Mr. Robert Sack, Division Director at Washoe County Environmental Health Services, joined Ms. Carr at the table. Ms. Carr indicated this is a Temporary Regulation Amendment because it was proposed during an odd numbered fiscal year. The approved document will be submitted for review by the Legislative Council Bureau after July 1st and return before the Commission for final consideration at a future meeting.

Ms. Carr explained that NDEP, Washoe County Health District and Southern Nevada Health District have an existing role in review and approval of subdivisions in Nevada. The current regulatory process requires a developer to submit a subdivision Tentative Map for review and approval and later submit a Final Map for review and approval. The Final Map submittal is to include detailed civil engineering plans for utility improvements. Washoe County Health District came to NDEP to discuss the potential for an amendment to improve issues related to subdivision maps and improving the timeline for earlier involvement of Agencies in the project. Existing regulation prohibits any construction on the site of a subdivision until the Final Map is approved. The Northern Nevada development community approached Washoe County Health with a desire to perform mass grading prior to Final Map approval. NDEP and the County worked together on the amendments along with the regulated community and other interested parties to help ensure that checks and balances are adequate to prevent early grading of land from having an adverse effect on proper engineering design of water and wastewater infrastructure.

The proposed amendment would change Section 3 from “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” to “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 improvement plans associated with a final map.” The proposed process would allow a developer the option of submitting utility Improvement Plans for review and approval separate from and before, submittal of subdivision’s Final Map.

There are three other proposed amendment changes related to the change in process. The first in Section 1 is intended to prevent an increased project tracking burden on the Agencies. Section 2 divorces the improvement plans from the final map as it relates to the timeframe for Agency review. Section 5 divorces the improvement plans from the final map from a fee perspective and separates the review fees into two categories.

The final amended section, Section 4, is a cleanup of old language from when the laboratory certification program resided at the Health Division. It also makes the water sampling regulation more accurate in that it requires appropriate sample containers and volumes.

Ms. Carr also explained the final changes were the work of many public meetings and different county agencies. Ms. Carr stated that it had been the most interesting regulation amendment process of her career but she believed it is a strong, well supported proposal as a result. Also, Washoe County District Health has been a partner in this process and Mr. Bob Sack is here to support the amendments.

Mr. Sack addressed the Commission explaining that the Health District went through a fundamental review a couple of years ago and out of that review they realized there was a need for more outreach to the regulated community. This was one of the issues brought up in the meetings with the development community. This amendment will give public health agencies the opportunity to view discoveries sooner in the process. This change will make it a better process and a more meaningful process for protecting public health.

Ms. Carr and Mr. Sack responded to questions concerning the bonding process, dust control and parceling from the Commissioners. Commissioner Perry expressed concern about the definition of “improvement plans” used in .340. Ms. Carr stated there is a definition for “improvement” in NAC 278.0155 and utilities is further defined. Ms. Colleen Platt, AG for the Commission pointed out that LCB will want a definition because in .330 it reads “plans for improvement.” Ms. Platt stated the regulation, as it is drafted, implies there is a difference between “plan for improvement” and “improvement plan.” Ms. Carr stated that was not intended and if the Commission would change their motion to “plans of improvement” she would support that.

Chairman Gans questioned the fee changes and wanted to know if the Commission had authority to change that. Mr. Sack clarified that from the local health district level, these fees do not apply, and his agency has its own fees. Ms. Carr read the codified version of the NAC and did confirm that the SEC does have authority to change the fee under the public water system law.

Commissioner Turner disclosed that he is a build and sub divider by trade but did not feel he had a conflict voting on this matter because he does not gain or lose any interest on the outcome of the vote.

Commissioner Gans asked if there was any public comment on this matter. Aaron West with BAWN Builders Alliance and Jess Traver with The Builders came forward to address the Commission. Mr. West wanted to thank staff for working with them through the process and that they are very happy with the regulation as drafted. Mr. Traver also expressed his support of the proposed regulation amendment.

Motion: Commissioner King moved to approve the temporary regulation with the exception that improvement plan be changed to plan for improvement. Commissioner Richardson seconded the motion and it passed unanimously.

7) Administrator’s Briefing to the Commission: (Discussion) Dr. Colleen Cripps, Administrator for NDEP, began her briefing with personnel changes, the first being her own retirement. Ms. Cripps stated this would be her last Commission meeting and that she had enjoyed working with the Commission over the past five years.

Two NDEP Attorney Generals have left their position, which has resulted in another change. Ms. Jasmine Mehta, Bureau Chief for Air Quality Planning, will be returning to the AG’s office and become NDEP’s lead AG. Other changes in the Air bureau are that Mr. Rob Bamford, Chief of Air Pollution Control, has recently resigned to take a job in California. His replacement is Mr. Jeff Kinder.

Mr. Kinder came forward to introduce himself to the Commission, explaining he has been with the Air programs for 8 years. The past four years he was supervisor for the major source permitting branch.

Ms. Cripps stated that Francisco Vega had also left the Division to work in the private sector. The Division has been busy the past couple of weeks working on staff changes and by October’s SEC meeting there will be a lot of new people to introduce.

Chairman Gans asked if Legislation or budget would affect these staff changes. Ms. Cripps explained that Legislation does not affect these positions. In regards to budget, NDEP had its budget hearings. Legislation did grant the creation of a new budget account to handle the BMI

Complex/Tronox settlement. NDEP asked for six new positions and created a new bureau to oversee the fund and clean up. The new bureau will be named the Industrial Site Clean-up Bureau. The site is seventeen square miles of property outside of Henderson. The settlement was for \$5.5 billion. Nevada received \$1.1 billion for the cleanup of the site. The Division will be preparing reports for Legislation and can share those reports with the Commission as well.

There were a number of bills that were directly related to NDEP this session. One bill proposed by NDEP is SB89, which would give NDEP the authority to use the petroleum cleanup fund to clean sites that have been contaminated by dry cleaning operations. There were a number of other bills directly related to NDEP that have already died or are working their way through the process and are still being watched.

The last thing on Ms. Cripps list was to update the Commission on the two water systems that did not meet the deadline for the Arsenic Rule Extension. Silver Knowles was issued a notice of alleged violation and ordered to provide their customers with bottled water. They were also ordered to complete construction of an arsenic treatment plant by September 30, 2015. The construction is now underway and expected to be completed by the end of July, ahead of their deadline. McDermott was also issued a notice of alleged violation and ordered to provide water to their customers. NDEP has approved plans for a new well and if that does not meet the requirements, they will have to complete a treatment plant by the end of the year.

Ms. Cripps again thanked the Commission for all their service and interest in what is happening in the Division. The Commission also thanked Ms. Cripps for her guidance and leadership.

12) Public Comment: (Discussion) Chairman Gans asked for public comments. Hearing none, he asked when the next SEC meeting will be held. Ms. King stated the next meeting will be held October 7, 2015 in the Tahoe Conference Room on the 2nd floor of the Bryan Building.

13) Adjournment: (Discussion) Meeting was adjourned at 12:05pm.