



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

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

Agenda SEC Meeting - May 6, 2015

The State Environmental Commission (SEC) will hold a meeting on Wednesday, May 6, 2015 at 10:00 am in Carson City. The meeting location in Carson City is the Bryan Building, located at 901 South Stewart Street (2nd floor, Tahoe Room). This meeting will be video-conferenced in Las Vegas at the Nevada Division of Environmental Protection office located at 2030 E. Flamingo Rd., Suite 230. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this agenda.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the SEC may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the SEC may refuse to consider public comment. See NRS 233B.126

1) Call to Order, Roll Call, Establish Quorum (Discussion)

2) Public Comment: (Discussion)

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to ten minutes per person at the discretion of the chairperson.

3) Approval of the Agenda: (For Possible Action)

4) Approval of Meeting Minutes: December 3, 2014 Meeting (For Possible Action)

5) Petition for Variance: City of Boulder City: (For Possible Action)

Pursuant to NAC 486A.200, the City of Boulder City (Boulder City) is requesting a 36 month variance from NAC 486A.180, the requirement to purchase non-alternative fuel vehicles for its support fleet.

In making application to the SEC for a variance, Boulder City has addressed the items on SEC Form #6, Variance for Alternative Fueled Vehicles. Boulder City cites financial hardship as the principal reason for the requested variance. As a result of a Southern Nevada Health District directive, Boulder City opted to take its approximately 40 year old fuel storage tanks out of service. Reportedly, the nearest biodiesel station is 27 miles, which presents the cited financial hardship and also contributes to air pollution.

In approving variances, pursuant to NRS 486A.150.5, the Commission may consider whether compliance with NRS 486A and NAC 486A would: (1) void or reduce the coverage under a manufacturer's warranty for any vehicle or vehicle component; (2) result in financial hardship to the owner or operator of a fleet; (3) be impractical because of the lack of availability of clean vehicles, alternative fuel or motor vehicles that use alternative fuel; or any other reason which the Commission determines is appropriate.

6) RE: Temporary Regulation P2014-11: Bureau of Safe Drinking Water - Subdivision Process Amendment

Approve and adopt Regulatory Petition R103-14, as proposed, or take other action as appropriate (For Possible Action)

The proposed amendment addresses NAC Chapter 278. The NDEP considered this amendment at the request of the Builder's Association of Northern Nevada and the Washoe County Health District. The existing regulation prohibits any construction from occurring at a proposed Subdivision until a Final Map is approved. An alternative was requested to consider allowing mass grading of a proposed subdivision earlier in the review and approval process. To ensure the protection of public health, the NDEP and Washoe County wanted to maintain a mechanism to ensure that land grading will not negatively impact the engineering design of water and wastewater infrastructure. The proposed amendments will permit grading and construction to begin upon Agency review and approval of water and wastewater utility engineering design "improvement plans" prior to Final Map approval.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies.

The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not impose a fee change. Section 5 of the amendment proposes to divide an existing fee into two parts to reflect the proposed improvement plan and Final Map processing sequence. The proposed regulation is essential to the functions and operations of NDEP.

7) Administrator's Briefing to the Commission: (Discussion)

NDEP Administrator, Dr. Colleen Cripps, will brief the SEC on recent NDEP actions related to the arsenic rule, NDEP related activity at the legislature and staffing changes.

8) Public Comment (Discussion)

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to ten minutes per person at the discretion of the chairperson. See page 82 of the Nevada Open Meeting Law Manual which can be accessed from http://ag.nv.gov/About/Governmental_Affairs/OML/.

9) Adjournment

Additional Information:

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, this agenda was posted no later than three working days prior to the hearing at the following locations:

- Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV;
- Dept. of Conservation & Natural Resources, 901 South Stewart Street, Carson City, NV;
- Nevada Division of Minerals, 400 W. King Street, Carson City, NV;
- Nevada Dept. of Wildlife, 1100 Valley Road, Reno, NV
- Nevada Division of Environmental Protection, 2030 E. Flamingo Rd, Las Vegas;

Members of the public can inspect copies of the regulation to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

This agenda and a link to the proposed regulation, including previous drafts, are or will be posted on the Legislative Counsel Bureau's website at:

<http://www.leg.state.nv.us/Register/>.

This agenda and supporting material for the above referenced meeting are posted on the State Environmental Commission's website at: http://sec.nv.gov/main/hearing_0515.htm . Supporting material is also available at the office of the State Environmental Commission, 901 South Stewart St., Suite 4001, Carson City, NV. Anyone desiring supporting material or additional information is invited to contact Valerie King at (775) 687-9374.

Persons wishing to comment on the proposed actions of the SEC may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 5:00 p.m., May 1, 2015.