

Laura A. Schroeder
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix
Oregon & Nevada

Caitlin R. Skulan
Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder
(1928 - 2015)

James Browitt
Of Counsel
Idaho & Washington

February 23, 2026

VIA U.S. MAIL

Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, NV 89701

**RE: Star Point Trading MHP RV Park – NV PWS ID: NV0002517
Request for Administrative Hearing and Application for Variance
Appeal of Corrective Action Plan Requirements and Denial of Extension
Pursuant to NRS 445A.943(3) and NRS 445A.935**

Dear Executive Secretary:

On behalf of our client, Star Point Trading MHP RV Park, Public Water System ID NV0002517, we respectfully submit this request for an administrative hearing under NRS 445A.943(3) to appeal the Nevada Bureau of Safe Drinking Water's ("BSDW") denial of our client's extension request and the subsequent issuance of a Notice of Formal Enforcement dated January 29, 2026.

In addition, pursuant to NRS 445A.935 and NAC 445A.487, we hereby submit an application for a variance from the nitrate maximum contaminant level (MCL), consistent with the authority granted under 40 C.F.R. § 141.11(d).

Background and Action Being Appealed

On September 20, 2024, BSDW issued a Corrective Action Plan ("CAP") requiring:

- Continued nitrate sampling
- Hiring of a professional engineer
- Submission of a funding application and project package for nitrate treatment upgrades by June 1, 2025

Martin Ugalde, P.E., of Day Engineering, was hired in May 2025. Mr. Ugalde requested an extension of the CAP to December 1, 2025, which BSDW approved.

After funding efforts were unsuccessful, Mr. Ugalde submitted a second extension request on November 25, 2025, seeking an extension to January 1, 2025. On December 22, 2025, representatives of Star Point Trading MHP RV Park, Mr. Ugalde, and BSDW personnel

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

discussed the timeline. All parties agreed that a January 1 deadline would not provide sufficient time to secure funding and that a six-month extension to June 30, 2026, would be more realistic and appropriate.

Following that discussion, Mr. Ugalde submitted a formal written request on December 30, 2025, for an extension through June 30, 2026.

Throughout January 2026, representatives of Star Point Trading MHP RV Park attempted to contact BSDW personnel multiple times to confirm the status of the December 30 request but received no response. Instead, on January 29, 2026, BSDW issued a “Notice of Formal Enforcement”, stating that the November 25, 2025, extension request was denied and directing the system to:

- Contact the compliance supervisor, Alexi Lanza, by February 28, 2026
- Submit a Water Project Application and Engineering Package by March 31, 2026

The Notice did not acknowledge or address the December 30, 2025, extension request that BSDW staff had encouraged and that all parties had agreed was the appropriate timeline.

We are appealing:

- BSDW’s denial of the extension request
- BSDW’s failure to act on or acknowledge the December 30, 2025, request
- The enforcement deadlines imposed in the January 29, 2026, Notice
- Any enforcement actions arising from the denial

These actions constitute enforcement decisions subject to appeal under NRS 445A.943(3).

Basis for Appeal

A. The system has complied in good faith with all feasible CAP requirements

- Nitrate sampling has continued throughout the CAP period.
- A professional engineer was hired on time.
- The system has actively pursued funding from multiple sources, including the State Revolving Fund, USDA, Community Development Block Grant, RCAC, and local mining companies.
- A reverse-osmosis treatment system is currently under evaluation, with an estimated total project cost of approximately \$300,000 for design, construction, inspection, planning, and permitting.

B. BSDW staff agreed that a six-month extension was appropriate

During the December 22, 2025, discussion, BSDW personnel, the engineer, and system representatives all agreed that:

- A January 1, 2026, deadline was not feasible
- A six-month extension to June 30, 2026, was reasonable and necessary

The system relied on this guidance in good faith.

C. The January 29 enforcement action was based on an outdated request

The Notice of Formal Enforcement denied the November 25 extension request, not the December 30 request that BSDW staff had encouraged and that was submitted after the December 22 meeting.

D. Funding delays are outside the system's control

The system has made continuous, documented efforts to secure funding.

The delays are due to:

- Funding cycles
- Application review timelines
- Engineering cost estimates
- Coordination with multiple agencies
- Funding requirements

These delays do not reflect a failure to comply.

E. The enforcement deadlines are not achievable without secured funding

Requiring submission of a full engineering package by March 31, 2026, is not feasible without confirmed funding and contradicts the timeline BSDW staff previously agreed was realistic.

Application for Variance (NRS 445A.935; NAC 445A.487)

Pursuant to NRS 445A.935 and NAC 445A.487, and consistent with 40 C.F.R. § 141.11(d), Star Point Trading MHP RV Park hereby applies for a variance from the nitrate MCL.

Basis for Variance Request

1. The system's nitrate levels (11–16 mg/L) exceed the MCL due to raw water source characteristics, consistent with NAC 445A.487(1).
2. The system is actively pursuing installation of best available technology, including reverse osmosis, as required by NAC 445A.487 and 40 C.F.R. § 141.11(d).
3. The cost of treatment (~\$300,000) is significant for a transient system and requires external funding.
4. A variance will not pose an unreasonable risk to health because:
 - The system is transient (no long-term exposure).
 - Public notice and monitoring will continue.
 - Interim protective measures can be implemented.

Relief Requested Under Variance

We request:

- Temporary operation under a nitrate variance while funding and engineering work proceed.
- A compliance schedule aligned with the June 30, 2026, extension request.

February 23, 2026

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- Suspension of enforcement deadlines pending variance review.

Relief Requested

We respectfully request that the Commission:

1. Reverse BSDW's denial of the extension request.
2. Approve the December 30, 2025, request for an extension through June 30, 2026.
3. Accept and process this variance application under NRS 445A.935 and NAC 445A.487.
4. Suspend enforcement actions while the variance and funding processes proceed.
5. Grant any additional relief deemed appropriate.

Request for Scheduling

Please accept this letter as our formal request for an administrative hearing. We request notice of the hearing date, time, and location pursuant NRS 233B.121.

Enclosed, please find check no. 105201 in the amount of \$150.00 to cover the fees for filing this application for variance pursuant to NAC 445A.4876.

Thank you for your consideration. We look forward to presenting our position at the hearing. Please contact our office at (775) 786-8800 if you have any questions.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.



Jeffrey A. Nadeau
Laura A. Schroeder

LAS:jan

cc: Client – *email only*
Alexi Lanza – *alanza@ndep.nv.gov*

Form #3
Request an Appeal Hearing
Revised 6 2012



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature of appellant:

Name: Star Point Trading Post & RV Park
Physical Address: 150 State Route 400, Mill City, Nevada 89418
E-mail Address: dusti@starpointtradingpost.com
Telephone Number: (775) 538-7677
Signature: Jeffrey Nadeau
Representative capacity (if applicable): Counsel

Digitally signed by: Jeffrey Nadeau
DN: CN = Jeffrey Nadeau email = j.nadeau@water-law.com C = US O = Schroeder Law Offices, PC
Date: 2025.02.23 13:29:01 -08'00'

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

Clearly Erroneous: Nev. Const. art. 1, § 8(2); NRS 445A.943(1)&(2).
Arbitrary & Capricious: Same as above.

SEC Jurisdiction: NRS 445A.943(3)

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Clearly Erroneous: During a meeting between the parties, Bureau of Safe Drinking Water ("BSDW") staff including a compliance supervisor agreed that the deadline to obtain funding was not feasible and agreed that a six month extension to the Corrective Action Plan ("CAP") would be more reasonable for Appellant to obtain funding. There is also substantial evidence that Appellant is and was making a good-faith effort at compliance as evidenced by its continued nitrate monitoring, its hiring of an engineer, and its seeking funding from multiple sources. Finally, BSDW ignored a subsequent December 30, 2025 request for a six month extension, thereby relying on outdated information when denying the November 25, 2025, one month extension request in the Notice of Formal Enforcement.

Arbitrary and Capricious: In addition to denying the wrong request and ignoring the December 30, 2025, request, the Notice of Formal Enforcement contradicts BSDW staff's agreement that compliance with the CAP would not be feasible in the time allowed under the previous extension and that a six month extension would be reasonable. BSDW staff also ignored multiple attempts by Appellant to contact them in January to ensure that Appellant was in compliance. Lastly, BSDW did not provide Appellant with a meaningful opportunity to comply.

Date of Request: February 23, 2026

Supporting Documents



After signing and submitting this form (below), attach the permit or notice of alleged violation that you are appealing directly to your email message. Include other supporting documents as needed.

Send form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701



January 29, 2026

Dusti Esenarro
150 State Route 400
Mill City, NV 89419
Pershing County

RE: Star Point MHP RV Park PWS NV0002517 - Notice of Formal Enforcement

Ms. Esenarro:

The Nevada Revised Statutes state that, "It is a policy of this State to provide for water which is safe for drinking and other domestic purposes and thereby promote the public health and welfare." (NRS 445A.800). As a Public Water System (PWS) owner, you are required to comply with all drinking water standards and regulations adopted by the State Environmental Commission to meet the intent of this policy.

On June 4, 2024, Star Point MHP RV Park PWS NV0002517 was notified that the primary drinking water standard for nitrate is 10 milligrams per liter (mg/L). The following are sample dates where nitrate MCL violations have occurred:

Contaminant	Sample Date	Sample Result (mg/L)
Nitrate	5/30/2024	12 mg/L
Nitrate	5/31/2024	11 mg/L
Nitrate	9/6/2024	11 mg/L
Nitrate	12/18/2024	11 mg/L
Nitrate	3/31/2025	16 mg/L
Nitrate	6/3/2025	13 mg/L
Nitrate	9/17/2025	14 mg/L
Nitrate	12/4/2025	14 mg/L

The Star Point MHP RV Park is currently in non-compliance with State and Federal nitrate regulations. The Nevada Division of Environmental Protection (NDEP), Bureau of Safe Drinking Water (BSDW) sent a letter dated June 4, 2024, requiring a Corrective Action Plan (CAP) by September 2, 2024. Star Point MHP RV Park submitted a CAP on September 20, 2024, which included provisions for nitrate samples, hiring an engineer and applying for funding the installation of nitrate treatment by 6/1/2025. An extension to this CAP was originally granted 5/30/2025 which delayed the application for funding of the nitrate treatment plant to 12/1/2025.

Star Point MHP RV Park did not submit the application and package required by BSDW to permit the nitrate treatment plant by the required date of 12/1/2025. A request for extension to this Corrective Action Plan (CAP) was submitted to BSDW by Mr. Marty Ugalde, P.E., of Day Engineering on 11/25/2025.

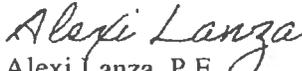
This correspondence is being sent to inform you that the request for an extension dated 11/25/2025 is hereby denied. No further extensions will be considered to this PWS plan. BSDW's next step is to initiate formal enforcement action, which may include cost recovery, a mandatory injunction, and the imposition of penalties against Star Point MHP RV Park. The BSDW wishes to reach a mutually acceptable conclusion before such action is necessary.

1. **By February 28, 2026: Contact the undersigned at (775) 687-9515 or alanza@ndep.nv.gov. to discuss your intent to comply with Nevada Public Water Systems Law.**
2. **By March 31, 2026: Submit a Water Project Application and Package to BSDW Engineering Branch for nitrate treatment**, by the PWS owner or operator, including requirements defined by the PWS Engineering Branch. Typical package includes Engineering drawings / as-builts for the nitrate treatment system, with all necessary fees for review.

Online submittals are now being utilized for all reviews by BSDW-Engineering, visit <https://ndep.nv.gov/water/drinking-water/engineering-reviews/applications-forms>. See attached directions for online water project submittals and utilize the online portal for submitting the project. Contact Jason Hettrick, jhettrick@ndep.nv.gov with any questions regarding this process.

Failure to contact the undersigned, or to submit the required plan will result in the issuance of a Finding of Alleged Violation and Administrative Order.

Sincerely,


Alexi Lanza, P.E.,
Compliance Supervisor
Bureau of Safe Drinking Water

cc. Dusti Esenarro, Star Point MHP PWS, dustismokesignal@hotmail.com
Marty Ugalde, P.E., Day Engineering, marty@dayengineering.net
Lynell Garfield, M.S., Enforcement/Compliance, BSDW
Laurie Gehlsen, Enforcement Manager, BSDW
Brendon Grant, P.E., Engineering Supervisor, BSDW
Linh Kieu, Data Management Operator Certification Supervisor, BSDW
Maria Menjivar, CNHD, maria.menjivar@centralnevadahd.org