

**To: Nevada State Board of Health**  
**Topic: Nevada State Environmental Commission**  
**Prepared by: Charles Smith**

June 15, 2022

- 1) The SEC meeting was held on June 15<sup>th</sup>, both in person and online.
- 2) Item 1 - Petition to amend NAC 459 on the Division for certifying individuals as an environmental manager, handlers of underground storage tanks, testers of underground storage tanks or providers of approved underground storage tank training programs. Environmental managers deal with handling of hazardous materials and/or removal of the same, such as asbestos.
  - a. The first part of the petition was to increase the initial fees and the bi-annual renewal fees. Fees had not changed since 1991. Initial fee: \$100 to \$150, renewal fee \$150-200
  - b. The second part was to amend the qualifications for taking the exam, removing “equivalent work experience” of five (5) years. The existing minimal requirement of a bachelor's degree or advanced degree from an accredited university or college, remains as the minimal qualification.

**The amendment was approved.**

- 3) Item 2 - Petition to amend NAC Chapter 335Ba regulation relating to Air Pollution. The petition was to update the standard to be in line with current Federal regulations. This was a routine proceed to align the standard with current federal law.

**The amendment was approved.**

- 4) Item 3 - Presentation by the Nevada Division of Environmental Protection on a proposed regulation to set forth a process for the Commission to classify a water of the State or segment thereof as a water of extraordinary ecological, aesthetic, or recreational value or EAW. The classification of surface waters as EAW's and antidegradation protection are related as an EAW would be afforded a higher level of antidegradation protection to maintain and protect the unique or special characteristics of that water.

The Division conducted extensive and comprehensive outreach efforts of the past couple of years on the proposed regulation. They conducted a series of stakeholder outreach programs as well as public workshops. This was the initial presentation to the SEC and led to a lengthy discussion from the board members as well as comments from Stakeholders. This discussion provided positive and negative comments with the proposed regulation. Overall, the support for creating the regulation, but with additional review of some of the language of the regulation.

In general, any person or entity would be allowed to submit a petition to the SEC to have a body of water obtain EAW classification and subsequent protection. The regulation will layout the process for submission and review and approval. A body of water may be nominated as an EAW for one or more of the following attributes:

- A. High Water Quality Considerations
- B. Unique Water Quality Characteristics
- C. Other Extraordinary Ecological, Aesthetic, or Recreational Value

In addition, there are proposed Tiers for the categories of Antidegradation Protection for Water Quality. From basic “meets water quality standards” to EAW that has no discharge, for higher level of control on the body of water. Antidegradation is important to maintaining the quality of the water and its classification.

Currently Lake Tahoe is the only body of water in the State that is considered as an EAW, but not formally protected, as currently there is no regulation. The California side of the lake is already classified in CA as a protected body of water and thus regulated. Creation of this regulation will provide the path for formal classification and subsequent protections for Lake Tahoe as well as other bodies of water in the State.

The Division will continue the development of the regulation for presentation at a future SEC meeting.

- 5) Item 4 - NDEP Administrative update. The presentation covered the proposed updates for the State of Nevada Handbook of Best Management Practices. These practices relate to State Environmental protection rules and regulations. The updates will continue and be scheduled for presentation to the SEC at the September meeting.

**Meeting adjourned.**