

REGIONAL FLOOD CONTROL DISTRICT



NOTICE OF PUBLIC MEETING

LAS VEGAS VALLEY NPDES STORMWATER DISCHARGE PERMIT STORMWATER QUALITY MANAGEMENT COMMITTEE

NOVEMBER 10, 2020
11:00 A.M.

On March 22, 2020, the State of Nevada Executive Department issued Declaration of Emergency Directive 006, which suspends the requirement contained in Nevada Revised Statute 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate. Subsequent Emergency Directives 010, 016, 018, 021, 026 and 029 have extended Emergency Directive 006 until an end to the emergency is declared. Pursuant to Directive 006 and subsequent directives, the Clark County Regional Flood Control District will not provide a physical location for the public to attend the meeting of the Las Vegas Valley NPDES Stormwater Discharge Permit Stormwater Quality Management Committee on November 10, 2020.

The meeting of the Stormwater Quality Management Committee will be available to livestream at the following link: <https://www.regionalflood.org/programs-services/meetings-and-agendas/meeting-live-stream/>.

Additionally, the Regional Flood Control District encourages citizen participation at its public meetings and will be accepting public comment via email. **Public comments relating to the Las Vegas Valley NPDES Stormwater Discharge Permit Stormwater Quality Management Committee may be submitted via email to publiccomment@regionalflood.org.** Please make sure to include your name and the agenda item number you wish to comment on. Also, please indicate if you would like your comment read on the record as part of the record or just added to the backup for the record. Only the first 500 words of comments submitted to be read into the record will be read aloud. The remaining words will be included in the written record.

This agenda, including the supporting materials, is available at the Regional Flood Control District's website, <https://www.regionalflood.org>; or by contacting Deanna Hughes through mail at 600 South Grand Central Parkway, Suite 300 Las Vegas, Nevada 89106, by calling (702) 685-0041, or by email at DHughes@regionalflood.org.

In accordance with the State of Nevada Executive Department's Declaration of Emergency, Directive 006, which includes exceptions to Open Meeting Law, it is hereby noted that this meeting agenda has been properly noticed and posted at the following locations:

Regional Flood Control District
Website
www.regionalflood.org

Nevada Public Notice
<https://notice.nv.gov>

By: Jacqueline Ramirez

2. **Comments By the General Public**

This is a period devoted to comments by the general public about items on **this** agenda. On March 22, 2020, the State of Nevada Executive Department issued Declaration of Emergency Directive 006, which suspends the requirement contained in Nevada Revised Statute 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate. Subsequent Emergency Directives 010, 016, 018, 021, 026 and 029 have extended Emergency Directive 006 until an end to the emergency is declared. Pursuant to Directive 006 and subsequent directives, the Clark County Regional Flood Control District will not provide a physical location for the public to attend the meeting of the Las Vegas Valley NPDES Stormwater Discharge Permit Stormwater Quality Management Committee on November 10, 2020.

In accordance with the Notice of Public Meeting, public comment was accepted via email to publiccomment@regionalflood.org. Those comments will be read into the record and will become part of the written record.



**LAS VEGAS VALLEY NPDES STORMWATER DISCHARGE PERMIT
STORMWATER QUALITY MANAGEMENT COMMITTEE (SQMC)**

MEETING AGENDA

Tuesday November 10, 2020

11:00 A.M.

- Items on the agenda may be taken out of order.
- The Stormwater Quality Management Committee may combine two or more agenda items for consideration.
- The Stormwater Quality Management Committee may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

1. Call to Order

2. **Comments By the General Public**

This is a period devoted to comments by the general public about items on **this** agenda. On March 22, 2020, the State of Nevada Executive Department issued Declaration of Emergency Directive 006, which suspends the requirement contained in Nevada Revised Statute 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate. Subsequent Emergency Directives 010, 016, 018, 021, 026 and 029 have extended Emergency Directive 006 until an end to the emergency is declared. Pursuant to Directive 006 and subsequent directives, the Clark County Regional Flood Control District will not provide a physical location for the public to attend the meeting of the Las Vegas Valley NPDES Stormwater Discharge Permit Stormwater Quality Management Committee on November 10, 2020.

In accordance with the Notice of Public Meeting, public comment was accepted via email to publiccomment@regionalflood.org. Those comments will be read into the record and will become part of the written record.

3. Action to approve the agenda (*For possible action*)

4. Action to approve the minutes of the August 11, 2020 meeting (*For possible action*)

5. Action to accept a presentation and receive an update on proposed water quality standards for the Las Vegas Wash for selenium (*For possible action*)

6. Action to accept a presentation and receive an update on regional water quality monitoring *(For possible action)*
7. Discuss an update on new permitting requirements for impacts to waters of the State as introduced by NDEP at the August 11, 2020 SQMC meeting *(For possible action)*
8. Discuss FY 19/20 quarterly progress reports and take action as deemed appropriate *(For possible action)*
 - a. Public outreach and education
 - b. Construction inspection program
 - c. Structural and source control measures: inlet cleaning, street sweeping and detention basin cleaning
 - d. Illicit discharge detection and elimination program
 - e. Industrial site inspection program
 - f. New development and significant redevelopment program
 - g. Regional detention basin program
 - h. Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each Annual Report
9. Discuss monitoring activities and issues and take action as deemed appropriate *(For possible action)*
 - Dry weather monitoring
 - Wet weather monitoring
10. Discuss Nevada Division of Environmental Protection issues and take action as deemed appropriate *(For possible action)*
11. Discuss other stakeholder issues and take action as deemed appropriate *(For possible action)*
 - Nevada Department of Transportation
 - Nellis Air Force Base
 - Other
12. Discuss items for next SQMC agenda
13. **Comments By the General Public**

A period devoted to comments by the general public about matters relevant to the Stormwater Quality Management Committee will be held. No vote may be taken on a matter not listed on the posted agenda. On March 22, 2020, the State of Nevada

Stormwater Quality Management Committee Agenda

November 10, 2020

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Executive Department issued Declaration of Emergency Directive 006, which suspends the requirement contained in Nevada Revised Statute 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate. Subsequent Emergency Directives 010, 016, 018, 021, 026 and 029 have extended Emergency Directive 006 until an end to the emergency is declared. In accordance with the Notice of Public Meeting, public comment was accepted via email. Those comments will be read into the record and will become part of the written record.

All comments by speakers should be relevant to the Stormwater Quality Management Committee action and jurisdiction.

**LAS VEGAS VALLEY
NPDES STORMWATER DISCHARGE PERMIT
STORMWATER QUALITY MANAGEMENT COMMITTEE
(SQMC)**

Meeting Minutes

Date: Tuesday, August 11, 2020
 Time: 11:00 A.M.
 Location: Video Conference Call
 Attendees:

Stormwater Quality Management Committee Permittee Representatives			
Andrew Trelease, CCRFCD	X	Mark Sorenson, CLV	X Dale Daffern, CNLV
Tom Davy, COH	X	Jimmy Floyd, CC	X
Permittee Staff Members			
John Tennert, CCRFCD		John Solvie, CLV	Robert McLaughlin, CNLV
Other Attendees (Based on the Sign-In Sheet)			
Andrew Dixon, NDEP		Catherine LaBounty, HDR	Jimmy Floyd, CC
Jennifer Carr, NDEP		Xiaoping Zhou, SNWA	Alex Mayorga, NDEP
Joe Leedy, CC		Angela MacKinnon, HDR	Todd Tietjen, SNWA
Michael Todd, CCRFCD		Tammy McMahan, CCRFCD	

1. Call to Order.

The meeting was called to order by Andrew Trelease, CCRFCD. A quorum was present.

2. Comments by the General Public about the Current Agenda.

On March 22, 2020, the State of Nevada Executive Department issued Declaration of Emergency Directive 006, which suspends the requirement contained in Nevada Revised Statute 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate. In accordance with the Notice of Public Meeting, public comment was accepted via email. The meeting was properly posted to the general public and the email provided was monitored prior to and during the meeting for comments. No comments were received.

3. Action to Approve the Agenda.

The proposed agenda was approved.

4. Action to Appoint a Chair and Vice Chair of the Stormwater Quality Management Committee.

Steve Parrish (CCRFCDD) was nominated as Chair and Ed McGuire (COH) was nominated as Vice Chair. Both nominations were approved.

5. Action to Approve the Minutes of the February 11, 2020 Meeting.

The meeting minutes from the February 11, 2020 SQMC meeting were approved.

6. Receive a presentation on the Proposed Water Quality Standards for the Las Vegas Wash for Selenium.

John Tennert (CCRFCDD) provided a presentation about the Proposed Water Quality Standards for the Las Vegas Wash for Selenium. CCRFCDD has met with NDEP on 3 occasions to discuss establishing site specific criteria based on historical studies that have been completed. Analyzed data collected over 20 years was presented. This information included fish community data based on fish surveys conducted by SNWA in 2002-2003 and in 2017-2019 which identified 9 non-native fish species. The green sunfish (*Lepomis cyanellus*) are important indicator species for selenium as identified in the EPA criteria guidance document. CCRFCDD believes that the historical data adequately looked at the fish community, discharge data, and all the data is stable over the period of record. CCRFCDD recommended a presentation/memo for EPA using existing data to develop site-specific criteria for the Las Vegas Wash.

7. Presentation and Update on the Implementation of the New Definition of Water of the United States Rule.

John Tennert (CCRFCDD) presented an update on the New Navigable Waters Protection Rule established earlier this year. "Waters of the United States" (WOTUS) is a threshold term in the Clean Water Act and establishes the scope of federal jurisdiction under the Act. The agencies have defined WOTUS by regulation and court decisions multiple times since the 1970s. The 2019 rule repeals the 2015 Rule and recodifies prior regulations. The 2020 Navigable Water Protection Rule revises the definition of WOTUS and replaces the 2019 Rule. Under the old rule Las Vegas had many ephemeral streams, which are no longer required to have a 404 permit since they are no longer considered ephemeral streams. This can change at any time based on the court cases nationwide or regional injunctions against the rule.

The new rule will have significant impacts for the construction of flood control facilities in southern Nevada. However, the new rule will not impact the Las Vegas Valley Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit. The MS4 continues to discharge to the Las Vegas Wash and its tributaries which remain WOTUS.

Jennifer Carr (NDEP) informed that some of NDEP's messages are going out as needed for the assessment of whether 404 applies or not to all ephemeral sections of streams. It is important to understand the only one to make the assessment is the US Army Corp. Permits will still be required to protect waters of the state which includes wetlands not directly connected to WOTUS since they are still under NDEP jurisdiction.

8. Discuss FY 19/20 Quarterly Progress Reports and take action as deemed appropriate.

- a. Public outreach and education
- b. Construction inspection program
- c. Structural and source control measures: inlet cleaning, street sweeping, and detention basin clearing
- d. Illicit discharge detection and elimination program
- e. Industrial site inspection program
- f. New development and significant redevelopment program
- g. Regional detention basin program
- h. Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each Annual Report

Permittees reported their Quarter 4 progress on 2019-2020 NPDES MS4 Permit objectives in the cumulative tracking worksheet. The Permittees have met or are on track to meet the annual objectives despite the COVID-19 situation. Drain danger videos have been put on Tik Tok showing kids how to stay out of the storm drains. Permittees are on track and expect to have all information for the 2019-2020 Annual Report due on September 30th.

9. Discuss monitoring activities and issues and take action as deemed appropriate.

Southern Nevada Water Authority (SNWA) reported that dry weather monitoring continued through the stay at home orders. All samples have been collected nearly on schedule and it shows that there have been no major changes to the water samples. Angela MacKinnon (HDR) informed that 3 samples were taken at both sites (The Club at Sunrise and Rainbow Gardens), and the information will be included in 2019-2020 Annual Report.

10. Discuss Nevada Division of Environmental Protection issues and take action as deemed appropriate.

Andrew Dixon (NDEP) shared that they are close to getting a draft of the MS4 Permit out. NDEP has a new Las Vegas office location, however their phone number and email are the same.

11. Discuss other stakeholder issues and take action as deemed appropriate.

NDOT, Nellis Air Force Base, and other stakeholders had no issues to report. Nellis has an updated contact to receive information about monitoring and outreach after audit with NDEP.

12. Discuss items for next SQMC agenda.

The next SQMC meeting will be held Tuesday, November 10, 2020 at 11:00 AM.

13. Comments by the General Public about Other Matters Pertinent to the SQMC

There were no comments from the general public.



John R. Tennert

Environmental Mitigation Manager

If you have any comments or corrections to these meeting minutes, please contact Angela MacKinnon at (702) 938-6025 or angela.mackinnon@hdrinc.com.

13. **Comments By the General Public**

A period devoted to comments by the general public about matters relevant to the Stormwater Quality Management Committee will be held. No vote may be taken on a matter not listed on the posted agenda. On March 22, 2020, the State of Nevada Executive Department issued Declaration of Emergency Directive 006, which suspends the requirement contained in Nevada Revised Statute 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate. Subsequent Emergency Directives 010, 016, 018, 021, 026 and 029 have extended Emergency Directive 006 until an end to the emergency is declared. In accordance with the Notice of Public Meeting, public comment was accepted via email. Those comments will be read into the record and will become part of the written record.

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