

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 96013

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-086-96

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: LCB R-086-96 (Petition 96013) permanently amends NAC 445A.1917 by establishing specific water quality standards for various tributaries in the Lake Tahoe Basin. It adds standards to Maintain Higher Quality Water for total phosphorus, total nitrogen, total suspended solids and pH for Edgewood Creek, Eagle Rock Creek, Glenbrook Creek, and Logan House Creek.

Authority citation other than 233B: NRS 445A.425

Notice date: September 20, September 25, and October 3, 1996

Hearing date: October 22, 1996

Date of Adoption of Agency: October 22, 1996

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 96013
LCB FILE R-086-96**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 96013 (R-086-96) was noticed three (3) times: September 20, 1996, September 25, 1996 and October 3, 1996 in the Las Vegas Review and Reno Gazette-Journal newspapers as a permanent petition. No public comment was received regarding this petition. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

2. The number persons who:

- (a) **Attended each hearing;** 10
- (b) **Testified at each hearing:** 5
- (c) **Submitted to the agency written comments:** No comments were submitted for this petition.

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were proposed by potentially affected businesses or by the public regarding this regulation.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.
 - a. The proposed revisions are not expected to have any immediate or long term economic effects on the regulated community. The proposed revisions do not require additional pollution controls beyond what is already required; therefore, there is no adverse economic effect on businesses.
 - b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term. There is no estimated adverse economic impact on the public, either adverse or beneficial, nor immediate or long-term. Protecting existing higher quality of waters of tributaries to Lake Tahoe will likely have a positive effect on tourism and the general public in the long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

These regulations are consistent with federal regulations and they are not more stringent than the federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee, and hence since no fee is involved there is not a total amount expected to be collected or used.

**ADOPTED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R086-96

EXPLANATION - Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445A.425

Section 1. NAC 445A.1917 is hereby amended to read as follows:

445A.1917 The water quality of any tributary to Lake Tahoe which is higher than any applicable standard must be maintained at that higher quality. The following requirements to maintain existing higher quality waters apply at the following control points.

**STANDARDS TO MAINTAIN HIGHER QUALITY WATERS WITHIN LAKE TAHOE
TRIBUTARIES**

Control Point	pH [Units] (<i>Standard Units</i>)	Total Phosphates (as P) - mg/l	Total Nitrogen (as N) - mg/l	Chloride, Dissolved, mg/l	Total Dissolved Solids, mg/l	Total Suspended Solids, mg/l	Turbidity, NTU	Color, PCU
E. Fork Incline Cr. at Ski Incline *a	[SV: 7.4-7.9] SV: 7.0-7.9		SV: 1.1 AA: 0.4	SV: 4.0 AA: 2.0	SV: 70 AA: 55			no increase > 10
W. Fork Incline C. at State Hwy. 431 *b	[SV: 7.2-8.0] SV: 7.0-8.0		SV: 0.9 AA: 0.5	SV: 6.0 AA: 5.0	SV: 80 AA: 80	SV: N/A AA: 8.0	SV: 3.0 AA: 20	no increase > 10
Incline Creek at Lakeshore Drive *c	[SV: 7.2-8.3] SV: 7.0-8.3		SV: 1.8 AA: 1.2	SV: 8.0 AA: 6.0	SV: 85 AA: 70			no increase > 10
E. Fork Third Cr. at State Hwy. 431 *d	[SV: 7.3-8.0] SV: 7.0-8.0	SV: AA: 0.045	SV: 0.5 AA: 0.3	SV: 5.0 AA: 3.0	SV: 80 AA: 65	SV: N/A AA: 20.0	SV: 3.0 AA: 2.0	no increase > 10
Third Creek at Lakeshore Drive *e	[SV: 7.3-8.4] SV: 7.0-8.4		SV: 1.4 AA: 1.0	SV: 5.0 AA: 4.0	SV: 75 AA: 55			no increase > 10
Wood Creek at Lakeshore Drive *f	[SV: 7.2-8.2] SV: 7.0-8.2		SV: 0.7 AA: 0.5	SV: 5.0 AA: 3.0	SV: 70 AA: 60			no increase > 10
Second Creek at Second Creek Dr. *g	[SV: 7.3-8.0] SV: 7.0-8.0		SV: 0.3 AA: 0.2	SV: 5.0 AA: 3.0	SV: 70 AA: 65			no increase > 10
Second Creek at Lakeshore Drive *h	[SV: 7.2-8.2] SV: 7.0-8.2		SV: 0.6 AA: 0.3	SV: 6.0 AA: 3.0	SV: 80 AA: 60			no increase > 10
First Creek at Dale and Knotty Pine Drive *i	[SV: 7.2-8.1] SV: 7.0-8.1	SV: AA: 0.043	SV: 0.3 AA: 0.2	SV: 3.0 AA: 2.0	SV: 80 AA: 70		SV: 4.0 AA: 2.0	no increase > 10
First Creek at Lakeshore Drive *j	[SV: 7.3-8.2] SV: 7.0-8.2		SV: 0.6 AA: 0.3	SV: 4.0 AA: 3.0	SV: 90 AA: 75		SV: 9.0 AA: 8.0	no increase > 10
<i>Glenbrook Creek *k</i>	SV: 7.0-8.2	SV: 0.060 AA: N/A	SV: 0.5 AA: 0.5			SV: 22.0 AA: N/A		no increase > 10
<i>Logan House Creek *l</i>	SV: 7.0-8.5	SV: 0.035 AA: 0.035	SV: 0.5 AA: 0.5			SV: 11.0 AA: N/A		no increase > 10
<i>Eagle Rock Creek *m</i>	SV: 7.0-8.4	SV: 0.050 AA: 0.045	SV: 0.2 AA: 0.3			SV: 12.0 AA: 12.0		no increase > 10
<i>Edgewood Creek at Palisades Drive *n</i>	SV: 7.0-8.4	SV: 0.100 AA: N/A	SV: 0.6 AA: 0.6			SV: N/A AA: N/A		no increase > 10
<i>Edgewood Creek at Stalene *o</i>	SV: 7.0-8.4	SV: 0.065 AA: N/A	SV: 0.4 AA: N/A			SV: 17.0 AA: N/A		no increase > 10

FOOTNOTES

Petition 96013 (LCB File No. R086-96) was adopted by the State Environmental Commission on October 22, 1996. LCB R086-96 became effective on November 27, 1996, when filed with the Secretary of State by the Legislative Counsel Bureau.
CODIFIED 2/7/97

- a. Control Point at the East Fork of Incline Creek at the Ski Resort. The standards specified in the table apply to the East Fork of Incline Creek from the Ski Resort to the origin of the East Fork of Incline Creek.
- b. Control Point at the West Fork of Incline Creek at State Hwy. 431. The standards specified in the table apply to the West Fork of Incline Creek from State Hwy.431 to the origin of the West Fork of Incline Creek.
- c. Control Point at Incline Creek at Lakeshore Drive. The standards specified in the table apply to Incline Creek from the confluence with Lake Tahoe to the Ski Resort in the East Fort of Incline Creek and to State Hwy. 431 in the West Fork of Incline Creek.
- d. Control Point at the East Fork of Third Creek at State Hwy. 431. The standards specified in the table apply from the East Fork of Third Creek at State Hwy. 431 to the origin of the East Fork of Third Creek.
- e. Control Point at Third Creek at Lakeshore Drive. The standards specified in the table apply to Third Creek from the confluence with Lake Tahoe to State Hwy. 431 in the East Fork of Third Creek and to the origin of the West Fork of Third Creek.
- f. Control Point at Wood Creek at Lakeshore Drive. The standards specified in the table apply to Wood Creek from the confluence with Lake Tahoe to the origin of Wood Creek.
- g. Control Point at Second Creek at Second Creek Drive. The standards specified in the table apply to Second Creek from Second Creek Drive to the origin of Second Creek.
- h. Control Point at Second Creek at Lakeshore Drive. The standards specified in the table apply to Second Creek from the confluence with Lake Tahoe to Second Creek Drive.
- I. Control Point at First Creek at Dale and Knotty Pine Drives. The standards specified in the table apply to First Creek from Dale and Knotty Pine Drives to the origin of First Creek.
- j. Control point at First Creek and Lakeshore Drive. The standards specified in the table apply to First Creek from the confluence with Lake Tahoe to Dale and Knotty Pine Drives.
- k. *Control point on Glenbrook Creek which is located 100 feet from the mouth of Glenbrook Creek at Glenbrook. The standards specified in the table apply to Glenbrook Creek from the confluence with Lake Tahoe to the origin of Glenbrook Creek.***
- l. *Control point on Logan House Creek which is located 0.3 miles upstream from U.S. Highway 50. The standards specified in the table apply to Logan House Creek from the confluence with Lake Tahoe to the origin of Logan House Creek***
- m. *Control point on Eagle Rock Creek which is located 0.2 miles upstream from the confluence with Edgewood Creek. The standards specified in the table apply to Eagle Rock Creek from the confluence with Edgewood Creek to the origin of Eagle Rock Creek.***
- n. *Control point on Edgewood Creek at Palisades Drive which is located 50 feet downstream from the culvert at Palisades Drive. The standards specified in the table apply to Edgewood Creek from the control point upstream to the origins of Edgewood Creek.***
- o. *Control point on Edgewood Creek at Stateline which is located on the upstream side of the culvert on U.S. Highway 50. The standards specified in the table apply to Edgewood Creek from the confluence with Lake Tahoe upstream to the control point on Edgewood Creek at Palisades Drive.***

END OF LCB File No. R086-96 (PETITION 96013)