

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION
REGULATIONS.**

Form #1

**Re: Petition 2014-06 Proposed South Fork Humboldt River and South Fork Reservoir Water
Quality Standards Revisions**

1. Name, Address, telephone number, date of petition, representative capacity and signature of petitioner, authorized individual, officer or attorney.

Kathy Sertic
Chief, Bureau of Water Quality Planning
901 S. Stewart St., Suite 4001
Carson City, Nevada 89701
(775) 687-9455

June 27, 2014



Kathy Sertic

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary.

Government Agency – Nevada Division of Environmental Protection (NDEP)

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved.

The Nevada Division of Environmental Protection is proposing to revise water quality standards for South Fork Humboldt River and South Fork Reservoir (NAC 445A.1464 – 445A.1466). Proposed changes include: 1) separate out the delineation of South Fork Reservoir from the South Fork Humboldt River; 2) revise phosphorus criterion; 3) add numeric criteria for total nitrogen, Secchi depth, chlorophyll-a (algae biomass), nitrite, color, total suspended solids, turbidity, chloride, sulfate, alkalinity criteria; 4) clarify that the dissolved oxygen criterion applies only in the epilimnion when the reservoir is stratified. Since its construction in 1989, South Fork Reservoir was protected through water quality standards for the South Fork Humboldt River. Given that the water quality characteristics of a reservoir differ from those of a

stream, water quality standards designed for a reservoir were deemed necessary to appropriately protect the beneficial uses within South Fork Reservoir. In addition, criteria for additional parameters are proposed to properly protect the beneficial uses. These updated water quality criteria are based upon more recent data, scientific literature and guidance published by the U.S. Environmental Protection Agency (EPA).

4. A statement of the need for and purpose of the proposed regulations.

State law (NRS 445A.520) requires that standards be set at levels designed to protect beneficial uses for surface waters of the state. Nevada has been delegated authority to set water quality standards under the Clean Water Act and federal regulations (40CFR 131.20) require states to periodically review their water quality standards and as appropriate update those standards. A review of the available data, scientific literature and EPA guidance indicated that the proposed standards changes be made to protect the beneficial uses.

5(a). A statement of the estimated economic effect of the regulation on the business which it is to regulate, including (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.

The proposed revisions are not expected to have any direct economic effect on the regulated community both immediate and long term. Water quality standards in of themselves do not directly regulate businesses, although standards do form the basis for effluent limits imposed by NDEP through the National Pollutant Discharge Elimination System (NPDES) permit program and the terms and conditions imposed through the Clean Water Act 401 program for any dredging or filling activity in Nevada waters. Currently, there are no active NPDES permits for discharges to South Fork Reservoir.

5(b). A statement of the estimated economic effect on the public, including (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.

The proposed revisions are expected to have some beneficial economic effect on the public both immediately and long-term. Overall, the current water quality standards have beneficial effects in terms of protecting public health and welfare, and supporting aquatic, wildlife, and recreational uses. All of these factors provide economic benefits to the public. The proposed changes will provide additional protection of the beneficial uses, thereby improving the level of public benefit.

5(c). A statement of the estimated cost by the agency for enforcement of the proposed regulation.

Implementation of the proposed regulations is not expected to result in additional cost to the agency for enforcement.

6. 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 revisions duplicate.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

There is no federal regulation for these proposed water quality standards revisions. The federal government has delegated responsibility for establishing water quality standards to NDEP. Setting the proposed water quality standards at levels to protect beneficial uses of surface waters of the State enables NDEP to maintain its delegation of the Clean Water Act.

8. 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.

The proposed regulation revision does not provide for fees.

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