



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

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**Summary of Minutes and Comments of the
Nevada Division of Environmental Protections (NDEP) Public Workshops on
Proposed Changes to Nevada's Administrative Code (P2014-06/R103-14) revising
the water quality regulations for South Fork Reservoir.**

Two workshops were held on the following dates and at the following locations:

May 19, 2014, 2:00 PM, Bryan Building, 901 S. Stewart St., Carson City

May 21, 2014, 10:00 AM, Elko County Library, 720 Court St., Elko

Participants were notified that the workshop proceedings and comments would be recorded, and the intent of the workshop was to provide an informational overview of the proposed regulation changes to the attendees. It was explained that regulatory action on the proposed regulation changes would not occur until the proposed changes were presented to the State Environmental Commission (SEC) at the next scheduled hearing in the fall of 2014.

Carson City Workshop, May 19, 2014

The meeting was attended by:

Chris Donley, Cardno Entrix Consulting, Carson City

Rob Martinez, Nevada Division of Water Resources, Carson City

Bob Merged, Nevada Division of State Parks, Carson City

Stephanie Wilson, US EPA, Carson City

John Heggeness, Nevada Division of Environmental Protection, Carson City

Randy Pahl, Nevada Division of Environmental Protection, Carson City

Mary Kay Wagner, Nevada Division of Environmental Protection, Carson City

Introduction

Mr. John Heggeness opened the meeting at 2:05 PM and provided background on water quality standards, their purpose and use in Nevada. Mr. Heggeness explained that Nevada state law (NRS 445A.520) requires the state to establish water quality standards at a level necessary to protect beneficial uses of the surface waters of the state. Additionally, Section 303 of the Clean Water Act and 40 Code of Federal Regulations (40CFR) Part 131 require that States and authorized tribes routinely review and, as appropriate, modify surface water quality standards that protect the designated uses of a water body and provide a basis for controlling discharges or releases of pollutants. Water quality standards are composed of three parts: designated beneficial uses, water quality criteria to protect the uses and antidegradation considerations.

Proposed Regulation Revisions

Beginning at 3:10, Mr. Randy Pahl presented the findings of NDEP review of the water quality standards for the South Fork Humboldt River and South Fork Reservoir, and discussed the proposed regulation changes. NDEP is proposing to establish criteria appropriate for a reservoir.

- Create a separate reach for South Fork Reservoir from the South Fork Humboldt River and maintain existing criteria for temperature, pH, total ammonia, total dissolved solids, E. coli, and fecal coliform;
- Modify existing criteria for phosphorus and dissolved oxygen;
- Add water quality criteria for total nitrogen, chlorophyll-a, Secchi depth, nitrite, total suspended solids, turbidity, color, chloride, sulfate and alkalinity.

The proposed revised criteria for South Fork Reservoir are shown in the table below.

After the presentation, workshop attendees were notified that the deadline for submission of comments, either electronically or in written format, to the Bureau of Water Quality Planning (BWQP) would be June 14, 2014. The comments submitted and BWQP's responses to the comments would be available on the SEC website prior to the hearing.

Parameter	Criterion	Comment
Dissolved oxygen	S.V. \geq 6.0 mg/l	When reservoir is stratified, the dissolved oxygen criterion applies only to the epilimnion
Total phosphorus	Avg. Jun-Sep \leq 0.04 mg/l	Jun-Sep average for the entire reservoir within the upper meter of the water column. These nutrient criteria are considered attained if: 1) the chlorophyll a criterion is met regardless of the level of total phosphorus or total nitrogen; or 2) If chlorophyll-a data are not available, both the total phosphorus and total nitrogen criteria are met.
Total nitrogen	Avg. Jun-Sep \leq 0.52 mg/l	
Chlorophyll-a	Avg. Jun-Sep \leq 10 ug/l	
Secchi depth	Avg. Jun-Sep \geq 4.0 meters	
Nitrite	S.V. \leq 0.06 mg/l	
Chloride	1-hr avg. \leq 860 mg/l 96-hr avg. \leq 230 mg/l	
Sulfate	S.V. \leq 250 mg/l	
Alkalinity (as CaCO ₃)	S.V. \geq 20 mg/l	
Total Suspended Solids	S.V. \leq 25 mg/l	
Turbidity	S.V. \leq 10 NTU	
Color	S.V. \leq 75 PCU	

Comments and Responses

Comment: Will water quality standards trump water rights? How will this proposal affect reservoir operations?

BWQP Response: No, water rights trump water quality standards. We cannot force a water right holder to release water to meet water quality standards (in other words from South Fork Reservoir).

Comment: Do you know if some tribes (other than Pyramid Lake Paiute Tribe) have moved forward with their own standards.

BWQP Response: *No other tribes have EPA-approved standards at this time.*

Comment: Are there any ESA (Endangered Species Act) issues associated with South Fork Reservoir?

BWQP Response: *Not that we are aware of.*

Comment: Would the ability to let water out of the reservoir be affected at those times when the reservoir is not meeting the water quality criteria and leading to criteria exceedances below in the South Fork Humboldt River.

BWQP Response: *There would be no impact to operations.*

Elko Workshop, May 21, 2014

The meeting was attended by:

Randy Brown, Elko County, Elko
Glen Guttry, Elko County Commissioner, Elko
John Elliott, Nevada Department of Wildlife, Elko
Chuck Petersen, NRCS, Elko
Carol Evans, BLM, Elko
John Heggeness, Nevada Division of Environmental Protection, Carson City
Randy Pahl, Nevada Division of Environmental Protection, Carson City

Introduction

Mr. John Heggeness opened the meeting at 10:10 AM and provided background on water quality standards, their purpose and use in Nevada. See discussion under May 19, 2014 Carson City Workshop

Proposed Regulation Revisions

Beginning at 10:45 AM, Mr. Randy Pahl presented the findings of NDEP review of the water quality standards for the South Fork Humboldt River and South Fork Reservoir, and discussed the proposed regulation changes. NDEP is proposing to establish criteria appropriate for a reservoir. See discussion under May 19, 2014 Carson City Workshop.

After the presentation, workshop attendees were notified that the deadline for submission of comments, either electronically or in written format, to the Bureau of Water Quality Planning (BWQP) would be June 14, 2014. The comments submitted and BWQP's responses to the comments would be available on the SEC website prior to the hearing.

Comments and Responses

Comment: How do you separate out Waters of the State from Waters of the U.S.?

BWQP Response: Currently we rely on Corps of Engineers Jurisdictional Determinations. We assume a waterbody is a Water of the U.S. unless the Corps of Engineers finds otherwise.

Comment: Will this proposal affect reservoir operations?

BWQP Response: The proposal will have no effect on reservoir operations. We cannot force a water right holder to release water to meet water quality standards (in other words from South Fork Reservoir).