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Valerie King
Executive Secretary

December 6, 2013

Ms. Brenda Erdoes, Legislative Counsel

c/o Debra. Corp
Legislative Counsel Bureau (LCB), Legal Division
401 South Carson Street
Carson City, Nevada 89701-4747

RE: Filing of Permanent Regulation R093-13: Water Quality Standards

Dear Ms. Corp:

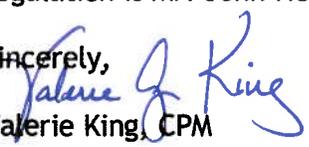
Enclosed is a permanent regulation referenced above that was adopted by the State Environmental Commission (SEC) on December 4, 2013. Also enclosed is the informational statement required by NRS 233B.066 and the SEC form for filing administrative regulations with the Secretary of State.

The Nevada Division of Environmental Protection (NDEP) is delegated to administer the Clean Water Act (CWA) in Nevada. During the 1970s, when Nevada was establishing its water quality standards program, standards were set for several waterbodies located on Federal Indian Reservations. In 1983, the Federal government established a federal Indian policy to treat Tribal governments on a government-to-government basis, and to support the principle of self-determination and local decision making by Indian Tribes. Section 518(e) of the CWA was added as part of the 1987 Amendments. This section authorizes the United States Environmental Protection Agency to treat federally recognized Indian Tribes in a similar manner as states for certain provisions of the CWA, including the water quality standards program. Additionally, federal court rulings and the Nevada Attorney General uphold the position that States do not have authority to undertake or implement environmental regulations on Tribal lands.

The regulation changes are needed as Nevada has no legal authority to regulate water quality on Tribal lands.

Additional support documentation for this regulation is posted on the SEC Website at http://sec.nv.gov/main/hearing_1213.htm and the contact person for this regulation is Mr. John Heggeness at 687-9449.

Sincerely,


Valerie King, CPM
Executive Secretary

VK

Enclosure

ecc: Colleen Cripps, Ph.D., NDEP Administrator
Kathy Sertic, NDEP/Chief
John Heggeness, NDEP/BWQP
Rose Marie Reynolds, SEC/DAG