

**JIM. GIBBONS**  
Governor



STATE OF NEVADA  
**STATE ENVIRONMENTAL COMMISSION**

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**Leo Drozdoff, P.E.**  
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June 30, 2010

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Ms. Brenda Erdoes, Legislative Counsel

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

MEMBERS

Pete Anderson  
State Forester  
Division of Forestry

Re: Regulation P2010-08: Water Quality Standards for Class D Waters &  
Removal of Nevada Administrative Code References to Tribal Waters on the  
Fort McDermitt Indian Reservation

Dear Ms. Corp:

Tony Lesperance  
Director, Department of  
Agriculture

Enclosed for "drafting" by the LCB Legal Division is a proposed permanent regulation that would amend NAC 445A. This regulation proposes changes to Water Quality Standards for Class D waters and removal of Nevada Administrative Code references to Tribal waters on the Fort McDermitt Indian Reservation. When the Nevada Division of Environmental Protection (NDEP) updated the Class Waters to the E. Coli bacteria standard in 2008, EPA required Nevada to perform an assessment of the Class D waters, which do not have contact recreation as a beneficial use, to determine if the waters would now meet the fishable/swimmable goal of the Clean Water Act. NDEP is proposing to add contact recreation and the associated bacterial water quality standard to four segments of the Class D waters. In an unrelated matter, the State of Nevada water quality regulations are not applicable to waterbodies on tribal lands. Accordingly, changes are proposed to the NAC to remove the segments of these reaches that are on tribal lands.

Eugene Gans  
Las Vegas, NV

Kenneth Mayer - Director  
Department of Wildlife

Kathryn Landreth  
Reno, NV

Jason King  
State Engineer  
Division of Water Resources

Harry Shull  
Las Vegas, NV

Frances Barron  
State Board of Health  
Las Vegas, NV

If you have any questions about this regulation please contact Mr. John Heggeness at 687 9449. Related information about this regulation is available on the State Environmental Commission's website at:

[http://sec.nv.gov/main/hearing\\_1010.htm](http://sec.nv.gov/main/hearing_1010.htm)

Stephanne Zimmerman  
Las Vegas, NV

Sincerely,

COUNSEL  
Rose Marie Reynolds

*John B Walker*

John B. Walker  
Executive Secretary

STAFF  
[John B. Walker](#)  
Executive Secretary

JBW/jbw  
Enclosure

[Kathy Rebert](#)  
Recording Secretary

ecc: Rose Marie Reynolds, Deputy Attorney General  
Colleen Cripps, NDEP Acting Administrator  
Kathy Sertic, NDEP/BWQP  
John Heggeness, NDEP/BWQP