

Water Pollution Control Filing Statement

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233B.066

Petition 2004-15 (LCB File R-06304)
State Environmental Commission

The following statement is submitted for adopted amendments to Nevada Administrative Code NAC 445A. 275 – 280 Water Pollution Control

This regulation governs the use of treated effluent; the regulation restructures the effluent categories, adding additional uses of treated effluent beyond irrigation, adding some definitions, and modifying the aerosol control regulation.

The regulation allows a wider use of treated effluent in the environment. Over the past decade the quality of treated effluent has significantly improved. The higher quality of effluent now allows increased uses of treated effluent for a variety of applications including cooling water, water features, etc.

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.

The Nevada Division of Environmental Protection (NDEP) Bureaus of Water Pollution Control held meetings in three communities in Nevada – see # 3 below.

The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – July 19, July 26 and August 9, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public oral comments received by the Commission during the adoption of the referenced regulation. Comments in support of the regulation were provided by the City of Henderson, Nevada.

2. The number persons who:

- (a) **Attended August 19, 2004 hearing;** 30
- (b) **Testified on this Petition at the hearing:** 1
- (c) **Submitted to the agency written comments:** 2

3. A description of how comment was solicited from affected businesses, a summary of their response, and an 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. Workshops were also held on the following dates and locations to solicit input from the public.

Carson City Monday, April 19, 2004 8:30am – 10:00am Western Nevada Community College Reynolds Center for Technology Room 103 2001 W. College Parkway Carson City, Nevada	Henderson Friday, April 23, 2004 10:00pm – 11:30pm Henderson Convention Center 200 Water Street Henderson, Nevada	Elko Monday, April 26, 2004 1:00pm – 2:30pm Elko City Hall Council Chambers 1751 College Avenue Elko, Nevada
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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.

The regulation was adopted by the State Environmental Commission on August 19, 2004 with the following changes.

Page 4 Section 16 – strike #3 *Spray water in a street sweeper*
Page 26 Section 22 second sentence– strike the words *or exceed*

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

This regulation will not have a negative economic impact, either immediate or long term, on the regulated industry or the public. In the case of treated effluent, the cost of such effluent is generally lower than potable water, hence industry will likely see an economic benefit from the adoption of this regulatory amendment.

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

There will not be any additional costs to the agency for enforcement of the proposed 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.

The regulation does not overlap or duplicate any regulations of other state or government agencies.

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

The regulation is no more stringent than what is established by federal law.

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.

The regulation will not increase fees.

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