

# Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection  
Bureau of Water Quality Planning

## Standards For Toxic Materials Applicable To Designated Waters

Legislative Review of Adopted Regulations as Required  
By Administrative Procedures Act, NRS 233B.066

### State Environmental Commission (SEC) Petition 2006-14 – LCB File R158-06

This regulation proposes certain revisions to the water quality standards related to the aquatic life beneficial use for the inorganic chemicals contained in NAC 445A.144, "Standards for Toxic Materials Applicable to Designated Waters". Water quality standards contained in NAC 445A.144, which are referred to as the Toxics Standards, were last amended in 1995. This regulation presents the proposed revisions to update only the aquatic life water quality standards for just the inorganic chemicals prescribed in NAC 445A.144. These proposed revisions are based on new or revised water quality criteria that have been recommended by the U.S. Environmental Protection Agency (EPA) for protection of aquatic life.

#### 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) held 3 workshops on the above referenced regulation. The purpose of the workshops was to inform the public and regulated community about the proposed regulatory changes and solicit comments from interested persons. Time and location of the workshop are noted below.

<b>Carson City</b>	<b>Las Vegas</b>	<b>Elko</b>
May 23, 2006	May 25, 2006	June 1, 2006
2:00 p.m. – 4:00 p.m.	1:00 p.m. – 3:00 p.m.	10:00 a.m. – 12:00 p.m.
Department of Conservation & Natural Resources	Division of Environmental Protection	Elko Convention Center Cedar Room
Richard H. Bryan State Office Building	Las Vegas Office	700 Moren Way
901 South Stewart Street	1771 East Flamingo Road, Suite 121-A	Elko, Nevada 89801
Multi-Purpose Conference Room, 1st Floor	Las Vegas, Nevada 89119-0837	
Carson City, Nevada 89701-5249		

In response to the workshops, comments were received from the following entities:

- City of Las Vegas letters dated June 14, 2006 and June 28, 2006
- City of Henderson letters dated June 15, 2006 and June 29, 2006

- Truckee Meadows Water Reclamation Facility letter dated June 16, 2006
- Humboldt River Basin Water Authority letter dated June 16, 2006
- Southern Nevada Water Authority letter dated June 16, 2006
- Nevada Mining Association letter dated June 16, 2006
- AngloGold Ashanti (Nevada) Corporation letter dated June 19, 2006
- Clark County Water Reclamation District letter dated June 23, 2006
- Southern Nevada Water System letter dated July 5, 2006

The draft regulation was subsequently changes to reflect comments submitted by these organizations. A formal comment / response document was prepared and is posted on the SEC website at: [http://www.sec.nv.gov/docs/p2006-14\\_rationale.pdf](http://www.sec.nv.gov/docs/p2006-14_rationale.pdf)

In addition to the workshops noted above, the State Environmental Commission (SEC) held a public hearing to consider this regulation on September 06, 2006 at the at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

## **2. The number persons who attended the SEC Regulatory Hearing:**

- (a) Attended SEC hearing on (month / date); 70
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: 9 formal comment letters, see [http://www.sec.nv.gov/docs/p2006-14\\_rationale.pdf](http://www.sec.nv.gov/docs/p2006-14_rationale.pdf)

## **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 as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based mailing list. Regarding the regulatory hearing, the regulation was noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates: Monday, August 15, 2006, Monday, August 22, 2006 and Monday, August 29, 2006

The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The workshop notice, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at: [http://www.sec.nv.gov/main/hearing\\_0906.htm](http://www.sec.nv.gov/main/hearing_0906.htm)

## **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.**

No changes were proposed at the State Environmental Commission Hearing, either by NDEP staff, the public or the Commission. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

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

No anticipated economic effects will result from adoption of this regulation

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

There will be no additional costs to the Nevada Division of Environmental Protection for implementing this 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, federal or local agencies. In fact, the federal government has delegated the responsibility of establishing water quality standards to the state; therefore, there is no federal regulation for proposed water quality standards revisions. Revisions of the standards will be submitted to the EPA Regional Administration for review and approval.

**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.**

This regulation does not address fees changes.