

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureau of Water Quality Planning

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

State Environmental Commission (SEC)
LCB File No. R014-08
SEC # P2008-06

Regulation R014-08: Adoption of federal regulations by reference - US Safe Drinking Water Act: This regulation governs public water systems found in Chapter 445A of the Nevada Administrative Code (NAC). Statutory authority to adopt this regulation is contained in NRS 445A.855 and 445A.860.

Nevada's Safe Drinking Water Program regulates public drinking water systems using a combination of State regulations and Federal regulations adopted by reference. In order to obtain primary enforcement responsibility for desired federal drinking water programs, the Nevada Division of Environmental Protection (NDEP) submits "primacy package" applications for USEPA approval.

On September 6, 2007, NDEP submitted primacy packages for "Arsenic" and "Variances and Exemptions". During USEPA review of these packages, as well as several older submittals, they identified several items in Nevada's regulations that needed amendment prior to primacy approval.

The NDEP views these amendments, which are now incorporated in the above referenced regulation as (1) efforts to remove problems in several regulations with prospective adoption by reference; (2) a necessary update to the adopted version of the Code of Federal Regulations (CFR); and (3) "cleanup" of certain language in existing provisions. These amendments have now been included in the regulation and are necessary to achieve primacy.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

On February 05, 2008, NDEP's Bureau of Safe Drinking Water held two (2) public workshops on the above referenced regulation at the locations noted below. A total of 11 people attend these workshops. No adverse comments were received. Four related clarifying questions were asked at the workshop and copies of the summary can be obtained by calling the NDEP Bureau of Safe Drinking Water Chief at 775-687-9515.

<p>Carson City (Teleconferenced) February 5, 2008 1:30pm to 2:30 pm Nevada Division of Environmental Protection Great Basin Conference Room 901 South Stewart Street Carson City, Nevada</p>	<p>Las Vegas (Teleconferenced) February 5, 2008 1:30pm to 2:30 pm Nevada Division of Environmental Protection Red Rock Conference Room Flamingo Road, Suite 230 Las Vegas Nevada</p>
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The notice was mailed directly to all Nevada Public Water Systems and Nevada Certified Laboratories. The notice was also posted at the following locations: the offices of the Division of Environmental Protection in Carson City and Las Vegas; the Nevada State Library in Carson City; and was also mailed to all County public libraries throughout the state.

Following these workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on March 18, 2008. The hearing was held in Reno at the Nevada Department of Wildlife (1100 Valley Road).

The hearing agenda was posted at the following locations: the Nevada Department of Wildlife in Reno, the Nevada State Library in Carson City and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday February 25, 2008 and on March 3rd and 10th 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_031808.htm

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

- (a) Attended March 18, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP Staff)
- (c) Submitted to the agency written comments: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses as indicated in number 1 above.

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 State Environmental Commission adopted the regulation without change on March 18, 2008. 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.

The regulation is not anticipated to have any significant economic impact on the public or Nevada businesses. Conversely, the updated adoptions by reference add analytical options for certain drinking water analyses and may reduce analytical costs for compliance.

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

There will be no additional cost 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.

This regulation does not duplicate any State regulation. In order to avoid overlap of Title 40 of the US Environmental Protection Agency's CFR, these regulations adopt portions by reference.

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 not more stringent than any local or federal laws and regulations.

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 proposed regulation does address any fees.