

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. R083-08 SEC # P2008-10

Regulation R083-08: Muddy River Water Quality: The Nevada Division of Environmental Protection (NDEP) is proposing changes to the water quality standards for the Muddy River contained in the Nevada Administrative Code (NAC) 445A.210 and NAC 445A.211. The proposed changes involve modifying the water quality regulations describing the reaches of the Muddy River, adding recreation involving contact with the water as a beneficial use, and excluding the section of the river on the Moapa Band of Paiutes tribal land from state water quality standards.

Proposed revisions to the water quality standards include new E. coli bacteria criteria to protect recreation involving contact with the water as a beneficial use, revised water temperature criteria to protect indigenous fish species, and waterbody specific criteria for fluoride and boron.

The establishment of water quality standards is required by the Clean Water Act, the standards are set to protect the designated uses of the water. Water quality standards in of themselves have no direct regulatory mechanism, but are used as the basis for discharge permits.

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.

A rationale document, explaining the proposed changes to water quality standards regulations was posted on NDEP's web site. A mailing summarizing the proposed changes and announcing the workshops was sent to approximately two hundred stakeholders. Workshops to explain the proposed regulation changes were held in Carson City on March 11, 2008, in Overton on March 12, 2008, and in Las Vegas on March 13, 2008. The written comment period was open until April 1, 2008. No written comments from small businesses, stakeholders, or general public were received.

Following the above referenced workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on June 17, 2008. The hearing was held in Las Vegas at the Las Vegas Convention and Visitors Authority. The SEC hearing agenda was posted at the meeting location, at the 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 SEC's public notice for the regulation was published on Monday May 26, 2008 and on June 2nd and 9th 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_061708.htm

2. The number persons who attended the SEC Regulatory Hearing: (John does this need to be revised?)

- (a) Attended June 17, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 2 (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 on June 17, 2008. It was adopted with one insignificant technical change to Section 14. The technical change was made to the Fluoride number for the water quality standard for beneficial use; the Fluoride number for "Single Value" (S.V.) \leq ~~2.6~~ was changed to S.V. \leq ~~2.6~~ 3.6.

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.

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 other federal, state or local regulation.

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.