

# **Permanent Regulation - Filing Statement**

Nevada Division of Environmental Protection  
**Bureaus 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. R127-10 SEC # P2010-07**

**R127-10: Proposed Changes to the Water Quality Standards for Smoke, Bronco, and Gray Creeks:** This regulation addresses water quality standards for Smoke, Bronco and Gray creeks defined under NAC 445A.180, 181 and 182 (445A.1286, 1698 and 1702). The standards for these creeks have not been reviewed since their inception in 1967 (Smoke) and 1973 (Bronco and Gray). Currently, there are no designated beneficial uses (uses) or reach descriptions assigned to these creeks. The Nevada Division of Environmental Protection is proposing to assign uses and reach descriptions for each creek; appropriate water quality criteria will be added based on the proposed uses for each creek.

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.

This draft regulation is the result of many meetings and conversations with stakeholders prior to the public workshop. In the spring of 2010, the NDEP held three public workshops on the above referenced regulation on May 13, May 20 and May 21 respectively. The workshops were held in Carson City, Ely and Elko Nevada. All support documentation for this regulation is available on the SEC web site at [http://www.sec.nv.gov/main/hearing\\_1010.htm](http://www.sec.nv.gov/main/hearing_1010.htm) see agenda item #6.

Following the workshop, the State Environmental Commission (SEC) held a regulatory hearing on October 5<sup>th</sup> 2010. The hearing was held as a video conference in Carson City and Las Vegas. The hearing location in Carson City was the Bryan Building, 901 South Stewart Street (2nd floor, Tahoe Room). In Las Vegas the hearing was held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

A public notice and agenda for the SEC regulatory hearing 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 permanent 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 was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the above referenced SEC regulatory hearing. Other information about the regulation was also made available on the SEC website at: [http://www.sec.nv.gov/main/hearing\\_1010.htm](http://www.sec.nv.gov/main/hearing_1010.htm)

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

- (a) Attended October 05, 2010 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP)
- (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.**

This regulation does not directly impact any businesses.

**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.**

Non substantive changes to the proposed regulation were requested at the Hearing; the SEC adopted the regulation with some minor changes. The revised regulation is being submitted to the Legislative Counsel Bureau with this information statement.

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

The regulation does not regulate any business. There is no economic impact from the amendments on regulated fleets.

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

There will be no additional cost to the Division of Environmental Protection for enforcement of the amendment.

**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 federal regulation or guidance.

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.

No fees are generated by this regulation.