

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. R129-10
SEC # P2010-08

R129-10: Water Quality Standards for Class D Waters & Removal of Legal References for Certain Tribal Waters: This regulation makes changes to Water Quality Standards for Class D waters and removes Nevada Administrative Code references to Tribal waters on the Fort McDermitt Indian Reservation. When the Nevada Division of Environmental Protection (NDEP) updated the Class Waters to the E. Coli bacteria standard in 2008, EPA required Nevada to perform an assessment of the Class D waters, which do not have contact recreation as a beneficial use, to determine if the waters would now meet the fishable/swimmable goal of the Clean Water Act. Accordingly, this regulation adds contact recreation and the associated bacterial water quality standard to four segments of the Class D waters.

The State of Nevada water quality regulations are not applicable to waterbodies on tribal lands. As a sovereign nation, the Fort McDermitt Paiute and Shoshone Tribes are responsible for regulating the water quality of the river within the boundaries of their land. This regulation changes the NAC to remove the segments of these reaches that are on tribal lands.

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 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_1210.htm see agenda item #6.

Following the workshop, the State Environmental Commission (SEC) held a regulatory hearing on December 7th 2010. The hearing was held at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

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_1210.htm

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

- (a) Attended December 07, 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.

The SEC adopted the regulation as drafted by the Legislative Counsel Bureau.

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.