

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. R160-06
SEC # P2008-08

Regulation R160-06: Proposed Changes to Water Quality Standards: This proposed regulation makes the following two categories of changes to the Nevada Administrative Code: 1) standards adjustments and additions to the Class Waters, 445A.124 through 445A.127, and; 2) an administrative reorganization of Water Quality Standards Tables, NAC 445A.124 through 127 and 445A.146 through 225.

1) **Standard Adjustments** to the Class Waters, which include reconciling beneficial use terminology, removing redundant narrative standards, adding E. Coli and total ammonia standards, and revising references to natural conditions; and

2) **Administrative Reorganizing** of Water Quality Standards Tables, NAC 445A.124 through 127 and 445A.146 through 225 by reformatting the tables to show the beneficial uses associated with each parameter, eliminating the current class waters format by creating an individual table showing water quality standards for each waterbody, and renumbering and reorganizing the individual water quality standards tables by Hydrographic Region.

As way of background, section 303 of the Clean Water Act and 40 CFR 131 give states responsibility for setting, reviewing and revising beneficial uses and water quality standards. Water quality standards are set for a waterbody segment at a level designed to protect and ensure a continuation of the designated beneficial use(s) set for the waterbody. Standards are based on criteria, such as, physical, chemical and biological characteristics, to protect the designated beneficial use(s).

The Division of Environmental Protection is proposing these updates to class waters to reflect current EPA recommended criteria for ammonia and Escherichia Coli. Removing the beneficial uses and narrative standards redundancies will simplify the standards and reduce confusion. Under the current class standards structure any action necessary to address standards criteria on a class waterbody affects all other waters within the same class. Reformatting the class waters into the proposed designated waterbody structure will allow more flexibility to address the setting of appropriate water quality standards. Reorganizing and renumbering the water quality standards by hydrographic basin will facilitate the use of the tables.

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.

The Nevada Division of Environmental Protection, Bureau of Water Quality Planning (BWQP) held six (6) public workshops on the above referenced regulation at the locations noted below. The BWQP also prepared a 48 page "Rational Document" explaining the proposed regulatory changes; that document was made available to workshop participants.

Elko June 1, 2006, and November 30, 2007	Carson City May 23, 2006, and December 4, 2007	Las Vegas May 25, 2006, and December 5, 2007
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After the workshops were concluded, the BWQP prepared a comment response document for workshop participants; the document is posted on the Internet at: http://www.sec.nv.gov/docs/r160-06_workshop_comments.pdf

Following these 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 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:

- (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: 7

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 June 17, 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.

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.