

Class Waters Filing Statement

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233b.066

Petition 2003-09 (LCB File R-226-03)
State Environmental Commission

The following statement is submitted for adopted amendments to Nevada Administrative NAC 445A.124 to 445A.127, Class Waters, Beneficial Uses and Quality Standards. This regulation addresses proposed changes to the water quality standards for Class Waters. Under section 303 of the Clean Water Act and 40 CFR 131, States have responsibility for setting, reviewing and revising water quality standards. This regulation changes existing formats for listing water quality standards in the NAC's. These changes will make the tables contained in the NAC's easier to read and understand.

The regulations also revises the existing pH criteria, and total phosphorus criteria for various Class Waters throughout the state. Other revisions include corrections for names and locations of certain water bodies including clarification of the extent of the "reaches" as well as revisions based on the need to clarify the appropriate trout or non trout standards for various water bodies.

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

To obtain public comments on the above referenced regulation, the Nevada Division of Environmental Protections (NDEP) held **workshops** in Elko, Carson City, and Overton Nevada. A "Fact Sheet" was developed explaining proposed regulatory changes along with a 72 page guidance document titled "[Rationale for Proposed Revisions to the Nevada Water Pollution Control Regulations NAC 445A.124 - NAC 445A.127 Class Waters.](#)" To support the public workshop process, the proposed regulation was noticed by the NDEP in the Las Vegas Review Journal (LVRJ) the Elko Daily Free Press (EDFP) and Reno Gazette Journal (RGJ) newspapers. The public was subsequently mailed a public notice for the workshops using the NDEP mailing list. Workshop notices, the Fact Sheet and the Guidance Document were made available on NDEP's website throughout the public involvement process.

To support the regulatory hearing, the proposed regulation was noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – January 28, February 4, and February 11, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings. The proposed regulation was also posted on the SEC web site at the following address:
<http://www.sec.nv.gov/main/hearing0204.htm>

At the SEC hearing a specific time period for public comment was announced, however no comments were offered. To explain the regulations NDEP staff made a formal presentation at the SEC meeting held in Reno on February 26, 2004.

2. The number persons who:

- (a) **Attended February 26, 2004 hearing;** 40
- (b) **Testified on this Petition at the hearing:** 2
- (c) **Submitted to the agency written comments:** 3

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

See # 1 outlined 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.

Some minor changes to the above referenced regulation did occur and were approved by the SEC at the February 26, 2004 public hearing. Changes were presented as an addendum to the proposed regulations (in from of an Exhibit). The changes reflected technical corrections recommended by the Legislative Counsel Bureau only.

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

The proposed regulation will not have an economic impact, either immediate or long term, on the regulated industry.

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

There will not be additional costs to the State Environmental Commission for enforcement of this 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.

The regulation does not overlap or duplicate any regulations of other state or government agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Not applicable

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.

Not applicable