



Summary Minutes of the  
STATE ENVIRONMENTAL COMMISSION (SEC)

Meeting of October 11, 2012, 9:30 AM

Nevada Department of Wildlife  
1100 Valley Road, Reno

**Members Present:**

E. Jim Gans, Chairman  
Kathryn Landreth  
Jim Barbee  
Cary Richardson  
Pete Anderson  
Jason King  
Ken Mayer

**Members Absent:**

Frances Barron  
Mark Turner  
Tom Porta  
Alan Coyner

**SEC Staff Present:**

Rose Marie Reynolds, SEC/DAG  
John Walker, Executive Secretary  
Misti Gower, Recording Secretary

**BEGIN SUMMARY MINUTES**

The meeting was called to order at 9:44 am by Chairman Jim Gans who stated the hearing was properly noticed and there was a quorum.

1) **Public Comments (Action Item):** Chairman Gans called for public comment; hearing none he moved to agenda item number 2.

2) **Approval of Agenda (Action Item):** Chairman Gans requested comments on the agenda; hearing none he asked for a motion to adopt the agenda. Commissioner Landreth moved to approve the agenda and Commissioner Mayer seconded; the agenda was approved as written.

3) **Approval of the minutes for the June 12, 2012 SEC meetings (Action Item):** Chairman Gans requested comments from the Commission on the June meeting minutes, hearing none he asked for a motion to approve the minutes. Commissioner Landreth moved to approve the minutes and Commissioner Barbee seconded; motion passed unanimously.

**Regulatory Petition: Bureau of Air**

4) **R051-12: Air Pollution Control, Best Available Retrofit Technology (BART) - (Action Item):** Mr. Rob Bamford, Bureau Chief for the Nevada Division of Environmental Protection's (NDEP) Bureau of Air Quality Planning presented this regulation to the Commission. The regulation proposes five revisions to regulation NAC445B.22096. Mr. Bamford explained that this regulation

specifies what sources must install BART (best available retrofit technology) under the Federal Regional Haze Rule. The regulation states what emission limits must be met for NO<sub>x</sub>, SO<sub>2</sub>, PM and the date by which the controls must be installed. Mr. Bamford briefly explained the revisions in the third table for NO<sub>x</sub> on units 1, 2 and 3 at NV Energy's Reid Gardner Generating Station in Southern Nevada. The control technology is proposed to be changed from Rotamix to SNCR (Selective Non-Catalyst Reduction).

Mr. Bamford responded to a question from Chairman Gans regarding the change in control technology. The proposed change was presented to NDEP by NV Energy when they realized the Rotamix was not working as well as the vendor had suggested and they were concerned that it would not meet the emission limit. NV Energy suggested SNCR. NDEP presented this to US EPA who reviewed it when they were doing an independent analysis and agreed that these changes met the requirements of the rule and adopted it in their final action.

Continuing, Mr. Bamford explained the change of the date in section 2(a)(1) is not a relaxation but is due to lateness in processing of NDEP's State Implementation Plan (SIP) by the US EPA. He noted this will compensate for delays in US EPA processing and allow the company time to complete the process for implementing the controls.

By request of Chairman Gans, Mr. Bamford explained the 30 day average requirement saying that changing the rolling average would make it more stringent. Mr. Bamford pointed out that it is only Reid Gardner that has a 30 day rolling average because it's a coal fired power plant. Mr. Bamford also explained the Regional Haze Rule is an aesthetic phase standard and not a health phase standard, created to reduce haze to a natural background levels by the year 2064.

Chairman Gans asked if there were any questions from the Commission. Chairman Richardson asked about the cost impact. Mr. Bamford deferred the question to a representative from NV Energy.

The Commission acknowledged NV Energy representative Starla Lacy, Executive of Environment Health and Safety. Ms. Lacy explained the cost would be approximately 12-15 million per unit at Reid Gardner to implement these controls. NV Energy is very supportive of the rule, finding it to be long term cost effective and beneficial to the environment. Any cost to the customers would be minimal and taken to the Public Utilities Commission for approval.

Commissioner Landreth asked if the ruling would have any impact on air quality. Ms. Lacy answered yes, any improved controls that reduce NO<sub>x</sub> are an improvement to air quality and Reid Gardner already has state of the art controls for air toxics.

Hearing no further questions from the Commission, Chairman Gans asked for public comments.

**Motion:** Hearing no public comment on the matter, Chairman Gans asked for a motion from the Commission. Commissioner Anderson moved and Commissioner King seconded a motion to approve R051-12; motion passed unanimously.

## **Bureau of Water Quality Planning**

The following 5 regulations were all presented to the Commission by Mr. John Heggeness of NDEP's Bureau of Water Quality Planning. Mr. Heggeness provided a hand out to the Commissioners which summarized the 5 proposed regulations. He briefed the Commission on the requested changes and explained the different water quality standards and how they are established. Please see **Attachment I** for a copy of that handout. Mr. Heggeness's remarks were as follows:

### **5) R128-12 – Smoke Creek (NAC 445A.1286), Bronco Creek (NAC 445A.1698) and Gray Creek (NAC 445A.1702) - (Action Item):**

This regulation revises the dissolved oxygen (DO) standard for Gray Creek and the chloride standards for all three creeks noted above. Mr. Heggeness explained that the Commission had adopted changes to these creeks in 2010. The SEC adopted a chloride standard to protect for municipal or domestic supply for all three creeks and adopted a dissolved oxygen standard to protect aquatic life. EPA took no action on the chloride standards or the dissolved oxygen standard for Gray Creek. To avoid confusion between EPA approved water quality standards and State approved standards, NDEP is proposing to revise the chloride and dissolved oxygen standards.

In response to questions from the Commission, Mr. Heggeness explained how NDEP is working with EPA to apply standards to high elevation creeks such as these, the beneficial use of these creeks and the different standards that would apply. These changes would not affect other creeks, which were being evaluated on a one by one basis.

Hearing no further questions from the Commission, Chairman Gans asked for public comments.

**Motion:** Hearing no public comment on the matter, Chairman Gans asked for a motion from the Commission. Commissioner Landreth moved for acceptance of the regulation (LCB File # R128-12). The motion was seconded by Commissioner Mayer and was unanimously approved.

### **6) R132-12 – Colorado River Salinity - (Action Item):**

This regulation makes administrative changes to NAC 445A.1233 subsection 2 by replacing "2008" with "2011". Mr. Heggeness explained that in 1973 the seven basin states established the Colorado River Basin Salinity Control Forum for interstate cooperation. EPA's 1974 policy required that salinity levels be maintained at or below the 1972 levels. Water quality standards for salinity in the Colorado River system is updated every three years by the Salinity Control Forum. This change to the NAC reflects the most current salinity control forum review. The salinity criterion is not being changed.

Hearing no further questions from the Commission, Chairman Gans asked for public comments.

**Motion:** Hearing no public comment on the matter, Chairman Gans asked for a motion from the Commission. Commissioner King moved for acceptance of the regulation (LCB File # R132-12). The motion was seconded by Commissioner Landreth and was unanimously approved.

**7) R131-12 – Statewide Fecal Coliform - (Action Item):**

This is a statewide change to the fecal coliform parameter which affects most of the water quality standards within NAC 445A.1256 to NAC 445A.2214. This regulation removes fecal coliform numeric criteria for contact recreation as the primary beneficial use for most designated waters, while fecal coliform numeric criteria will continue to be used for the primary beneficial uses of irrigation, livestock and wildlife where appropriate.

Mr. Heggeness explained that bacteria indicator organisms are used to predict the presence of harmful pathogens in a water body. Fecal Coliform bacteria were used as the main indicator to protect the contact recreation beneficial use. Based on EPA determination Escherichia Coli (E.coli) was a better indicator for protecting human health and was adopted for all state waters that have contact beneficial use. Fecal coliform standards are no longer needed to protect contact use but fecal coliform is still used as an indicator in other beneficial uses: irrigation, livestock and wildlife. Mr. Heggeness went on to answer questions from the Commission and explain that the proposed revisions were for all waters that have fecal coliform standards except Lake Mead, and the Las Vegas Wash; these waterways need a more comprehensive review.

Hearing no further questions from the Commission, Chairman Gans asked for public comments.

Michael Klapec from Naval Air Station Fallon asked, is this change only applying to those that have a beneficial use of contact? Mr. Heggeness explained the change would only affect waters with contact use and other waters that also have E. coli.

**Motion:** Hearing no further public comment on the matter, Chairman Gans asked for a motion from the Commission. Commissioner Barbee moved for to adopt regulation (LCB File # R131-12). The motion was seconded by Commissioner King and was unanimously approved.

**8) R130-12 – North Antelope Creek - (Action Item):**

This regulation proposes new surface water quality standards to NAC 445A.1527. Mr. Heggeness explained the regulation establishes appropriate beneficial uses and site specific water quality standards for North Antelope Creek, a new water body. North Antelope Creek is a tributary to Rock Creek in the Humboldt River Basin. NDEP had conducted five beneficial use surveys during 2011 and 2012, to establish numeric and narrative criteria. Mr. Heggeness answered questions from the Commission, explaining that a mining operation is currently discharging to infiltration ponds near Antelope Creek and may discharge directly to North Antelope Creek in the future. A former mining company had requested the surveys because they are in the process of reclamation. It's useful to have appropriate beneficial uses and criteria in place now.

Upon no further questions from the Commission, Chairman Gans asked for public comments.

Michael Klapec from Naval Air Station Fallon asked would the newly proposed E Coli and Fecal coliform contact standards apply here too and the standards are not the same on each example table. Mr. Heggeness said that the new standards would apply; the reason for the difference is because the likelihood of someone swimming in this water is not as high as in the example appearing in the table.

**Motion:** Hearing no further public comment on the matter, Chairman Gans asked for a motion from the Commission. Commissioner King moved for acceptance of the regulation (LCB File # R130-12). The motion was seconded by Commissioner Anderson and was unanimously approved.

**9) R129-12 – Aquatic Life Toxic Materials - (Action Item):**

This regulation updates the numeric criteria for surface toxic protection of the aquatic life beneficial uses contained in NAC 445A.1236. Mr. Heggeness explained that this action incorporates aquatic life criteria from EPA's National Recommended Water Quality Criteria. Also it would add new aquatic life criteria for certain toxics as well as alphabetize the toxic tables. Mr. Heggeness responded to questions from the Commissioners, explaining that for the most part the changes would be more stringent.

A lengthy discussion transpired regarding the effectiveness of using a 96 hour average. Mr. Heggeness explained that the EPA has chronic and acute criteria; the 96 would match EPA's chronic criteria. Kathy Sertic, Chief for the Bureau of Water Quality Planning, explained that it's an averaging period. There really isn't much data collected over 96 hours, mostly it is grab samples. It would be ideal to gather a number of grab samples over the 96 hour period however there are some problems associated with this. He said that as a state we rely on EPA to develop these standards as we don't have the resources or technical expertise to develop them. There are independent organizations that assist EPA in developing these standards. He said that NDEP feels these standards are appropriate.

Hearing no further questions for the Commission, Chairman Gans asked for public comments.

Lynell Garfield, City of Reno hydrologist, wanted the Commission to know that they fully supported the standards.

**Motion:** Hearing no further public comment on the matter, Chairman Gans asked for a motion from the Commission. Commissioner Richardson moved for acceptance of the regulation (LCB File # R129-12). The motion was seconded by Commissioner King and was unanimously approved.

**10) Administrator's Briefing to the Commission:** NDEP's Deputy Administrator Dave Gaskin briefed the Commission about an upcoming agenda item for the December SEC meeting, the Bureau of Safe Drinking Water Final Arsenic Rule Exemption Extensions. This will be a final time

extension granted to a small subset of water systems previously issued an extension by the SEC regarding the federally mandated standard for arsenic in drinking water. **Attachment II** contains Mr. Gaskin's prepared remarks in full.

Chairman Gans asked that a comprehensive history and explanation of the Arsenic Exemptions be provided the Commission at the next meeting.

**11) Public Comment:** Chairman Gans asked all present for any public comments; hearing none he moved to the next agenda item.

**12) Meeting was adjourned.**

## ATTACHMENTS

ATTACHMENT I: Proposed Revisions to Nevada's Surface Water Quality Standards

ATTACHMENT II: Prepared Remarks, NDEP Deputy Administrator Dave Gaskin

# ATTACHMENT I

Proposed Revisions to Nevada's Surface Water Quality Standards



State Environmental Commission  
October 11, 2012

**Proposed Revisions to  
Nevada's Surface Water  
Quality Standards  
NAC 445A.118 to 445A.2234**

John Heggeness, Supervisor  
Water Quality Standards Program  
Bureau of Water Quality Planning  
Nevada Division of Environmental Protection

# **Five Petitions to Adjust Nevada's Surface Water Quality Standards**

- 1) Bronco, Gray & Smoke Creeks
- 2) Colorado River Salinity
- 3) Statewide Fecal Coliform
- 4) North Antelope Creek
- 5) Aquatic life Toxics

## **Public Workshops**

- Carson City—May 08, 2012
- Las Vegas—May 09, 2012
- Elko—May 16, 2012

Public Comments were accepted through June 8, 2012

Fact Sheets, Petitions and Rationales are available online  
at: <http://ndep.nv.gov/admin/public.htm>

# Surface Water Quality Standards

## 3 elements required by the Clean Water Act

- 1) Beneficial uses (NAC 445A.122)
  - Municipal and domestic supply
  - Watering livestock
  - Irrigation
  - Aquatic life (cold water/warm water)
  - Contact recreation (swimming)
  - Noncontact recreation (boating)
  - Industrial supply
  - Propagation of wildlife
  - Water of extraordinary ecological or aesthetic value
  - Enhancement of water quality
- 2) Criteria to protect beneficial uses
  - EPA recommended criteria
  - Site specific or regional
- 3) Antidegradation provision
  - Requirement to maintain higher quality (RMHQ)

# **Petition R128-12 (Tab #5)**

## **Proposed Revisions to Surface water standards on**

**NAC 445A.1286—Smoke Creek  
NAC 445A.1698—Bronco Creek  
NAC 445A.1702—Gray Creek**

## **Creek Description and Location**

- **Smoke Creek:**  
Nevada state line to the Smoke Creek Desert
  
- **Bronco & Gray Creeks:**  
Origin to the Nevada state line

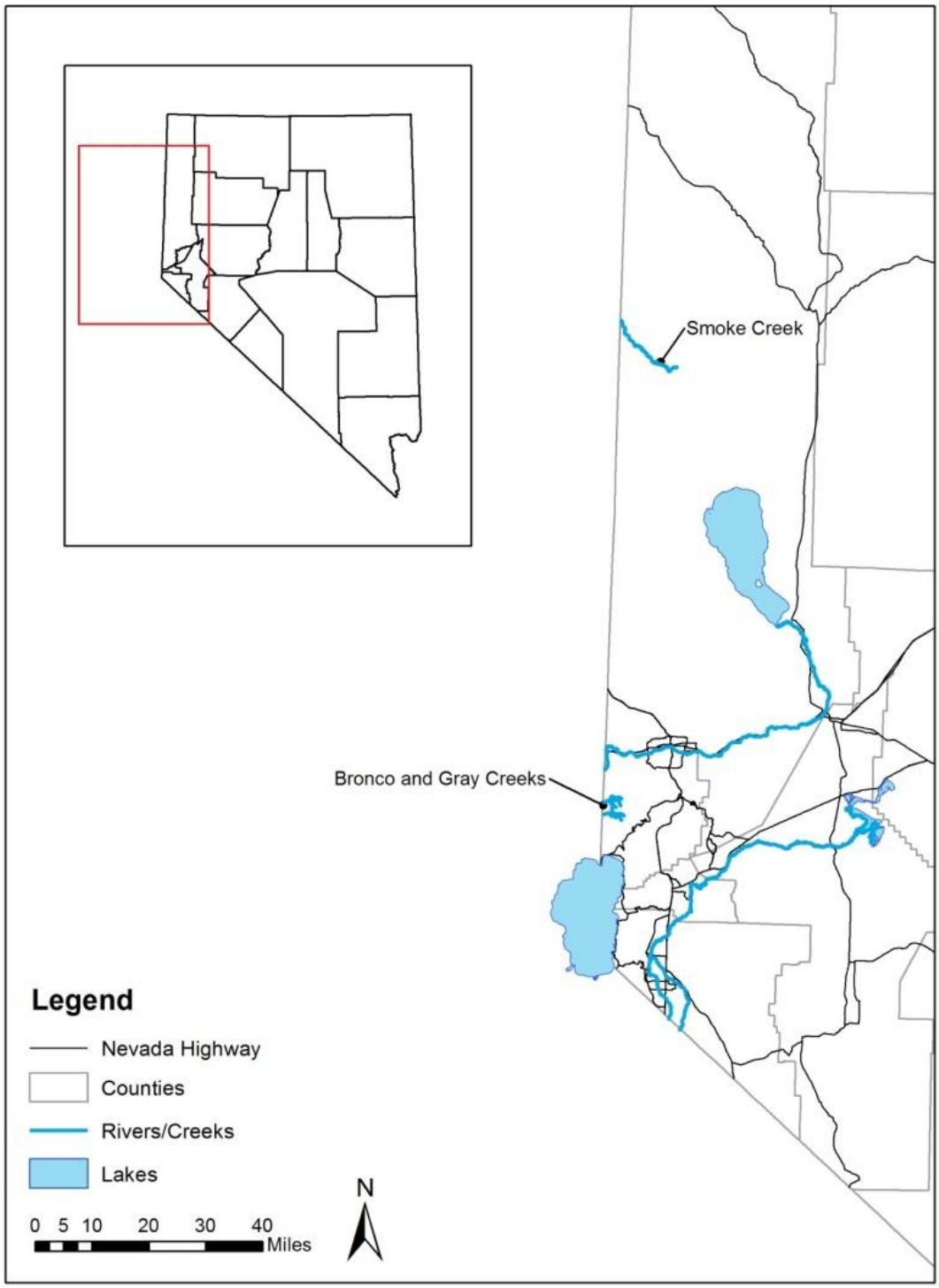


Figure 1. Smoke, Bronco and Gray Creeks Locations

## Background

- October, 2010 – SEC adopted changes to the Smoke, Bronco and Gray Creeks standards by adding reach descriptions, beneficial uses and criteria to protect uses
- EPA approved most of the revisions except for chloride and dissolved oxygen
- Prior to 2010 the chloride standards were 10 mg/l for Bronco and Gray Creeks and 15 mg/l for Smoke Creek. In 2010 the SEC adopted a chloride standard of 250 mg/l to protect for municipal or domestic supply for all three Creeks. EPA took no action on the chloride standard. In EPA's eyes this results in chloride returning to the original 10, 10 and 15 mg/l for Bronco, Gray and Smoke Creeks.
- Prior to 2010 the dissolved oxygen standard for Gray Creek was 7 mg/l. In 2010 the SEC adopted a dissolved oxygen standard of 6 mg/l to protect aquatic life. EPA took no action on the dissolved oxygen standard for Gray Creek. In EPA's eyes this results in dissolved oxygen for Gray Creek returning to 7 mg/l.
- To avoid confusion between EPA approved water quality standards and State approved standards, NDEP is proposing to revise the chloride and dissolved oxygen standards.

## **Proposed Revisions**

- NDEP is proposing to revise aquatic life Chloride numeric criteria for Smoke, Bronco and Gray Creeks from 250 mg/l to the current recommended EPA criteria of 230/860 mg/l (chronic and acute) for the protection of aquatic life
- Return the dissolved oxygen standard for Gray Creek from  $\geq 6$  mg/l to  $\geq 7$  mg/l for the protection of aquatic life
- Petition walk through

**Questions on Petition R128-12?**

# **Petition R132-12 (Tab #6)**

## **Proposed Revisions to**

### **NAC 445A.1233 Colorado River Salinity**

#### **Background**

- In 1973, the seven Basin states established the Colorado River Basin Salinity Control Forum for interstate cooperation
- EPA's 1974 regulations set forth a basin wide salinity control policy for the Colorado River Basin. The policy required the salinity levels be maintained at or below the 1972 levels
- The forum responded with "Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control - Colorado River System"
- The plan "Review - Water Quality Standards for Salinity, Colorado River System" is updated every three years by the Salinity Control Forum
- This is an administrative change to have the NAC reflect the most current version of the Review. The salinity criterion is not being changed.



# Proposed Revisions

## PROPOSED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

Explanation—Matter in bold blue and italics is *new*; matter in bold red and strikeout is **material to be omitted**.

NAC 445A.1233 Cooperation regarding Colorado River: salinity standards. (NRS 445A.425, 445A.520)

1. The State of Nevada will cooperate with the other Colorado River Basin states and the Federal Government to support and carry out the conclusions and recommendations adopted April 27, 1972, by the Reconvened 7th Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries.

2. Pursuant to the “~~2008~~ **2011** Review of the Water Quality Standards for Salinity, Colorado River System,” as adopted by the Colorado River Basin Salinity Control Forum, the flow weighted annual average concentrations for the calendar year for total dissolved solids in mg/l at the three lower main stem stations of the Colorado River are as follows:

<u>Station</u>	<u>Salinity in mg/l</u>
Below Hoover Dam	723
Below Parker Dam	747
<b>At</b> Imperial Dam	879

[Environmental Comm'n. Water Pollution Control Reg. Appendix B, eff. 5-2-78]—(NAC A 12-3-84; R017-99, 9-27-99; R159-06, 9-18-2006)

## Questions on Petition R132-12?

# Petition R131-12 (Tab #7)

## Proposed Revisions to NAC 445A.1256 to NAC 445A.2214 Statewide Fecal Coliform Standards

### Background

- Bacteria indicator organisms are used to predict the presence of harmful pathogens in a waterbody
- Historically fecal coliform bacteria was used as the main indicator to protect the contact recreation beneficial use
- In 1986 EPA determined that *Escherichia coli* (*E. coli*) was a better indicator for protecting human health and water contact recreation
- In 2002, the SEC adopted *E. coli* criteria for all State waters that have contact recreation as a beneficial use, but retained the fecal coliform standards
- Fecal coliform standards are no longer needed to protect contact recreation, but fecal coliform is still a useful indicator to protect other beneficial uses

## Proposed Revisions

- Remove contact recreation as a beneficial use protected by fecal coliform
- Revise the fecal coliform standard to a S.V.  $\leq$  1000 CFU per 100 ml for protection of beneficial uses other than water contact recreation
- Protect livestock watering, irrigation, noncontact recreation, municipal supply and wildlife
- Proposing revisions for all waters that have fecal coliform standards except Lake Mead (NAC 445A.2152 and 445A.2154) and Las Vegas Wash (NAC 445A.2156 and 445A.2158), which will be reviewed at a later time
- Existing fecal coliform standards consist of four different criteria

# Existing Fecal Coliform Criteria

Parameter	Existing Criteria	Footnote
Fecal Coliform - No./100 ml	≤ 200/400	Must not exceed a geometric mean of 200 per 100 milliliters based on a minimum of 5 samples during any 30-day period, nor may more than 10 percent of total samples during any 30-day period exceed 400 per 100 milliliters.
Fecal Coliform - No./100 ml	≤ 200/400	Based on the minimum of not less than 5 samples taken over a 30-day period, the fecal coliform bacterial level may not exceed a geometric mean of 200 per 100 milliliters, nor may more than 10 percent of the total samples taken during any 30-day period exceed 400 per 100 milliliters.
Fecal Coliform - No./100 ml	blank	The more stringent of the following apply: <ol style="list-style-type: none"> <li>1. The fecal coliform concentration must not exceed a geometric mean of 1,000 per 100 milliliters, nor may more than 20 percent of total samples exceed 2,400 per 100 milliliters.</li> <li>2. The fecal coliform concentration must not exceed the 95th percentile of the annual geometric mean or the 95th percentile of n, where n equals a certain number of single value samples as determined by the Division.</li> </ol>
Fecal Coliform - No./100 ml	A.G.M. ≤1000 S.V. ≤ 2000	None

# Example Table 1

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>													
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Beneficial Uses			X	X	X	X	X	X		X						
Aquatic life Species of Concern																
Temperature - °C $\Delta T^b$ - °C		S.V. $\leq 20$ $\Delta T = 0$			*	X										
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X		*						
Total Phosphorus (as P) - mg/l		S.V. $\leq 0.025$			*	*	X	X								
Dissolved Oxygen - mg/l		S.V. $\geq 6.0$	X		*	X	X	X		X						
Total Ammonia (as N) - mg/l		<sup>c</sup>			*			X								
<del>[Chlorides]</del> Chloride - mg/l		S.V. $\leq 250$	X	X				*		X						
Total Dissolved Solids - mg/l		S.V. $\leq 500$ or the 95th percentile (whichever is less).	X	X				*								
E. coli - No./100 ml		A.G.M. $\leq 126$ S.V. $\leq 410$				*	X									
Fecal Coliform - No./100 ml		<del><math>\leq 200/400</math></del> S.V. $\leq 1000$ <sup>d</sup>	X *	X *		<del>*</del>	X	X		X *						

\* = The most restrictive beneficial use.

X = Beneficial use.

<sup>a</sup> Refer to NAC 445A.122 and 445A.1252 for beneficial use terminology.

<sup>b</sup> Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

<sup>c</sup> The ambient water quality criteria for ammonia are specified in NAC 445A.118.

<sup>d</sup> ~~—Must not exceed a geometric mean of 200 per 100 milliliters based on a minimum of 5 samples during any 30-day period, nor may more than 10 percent of total samples during any 30-day period exceed 400 per 100 milliliters.~~

## Questions on Petition R131-12?

# **Petition R130-12 (Tab #8)**

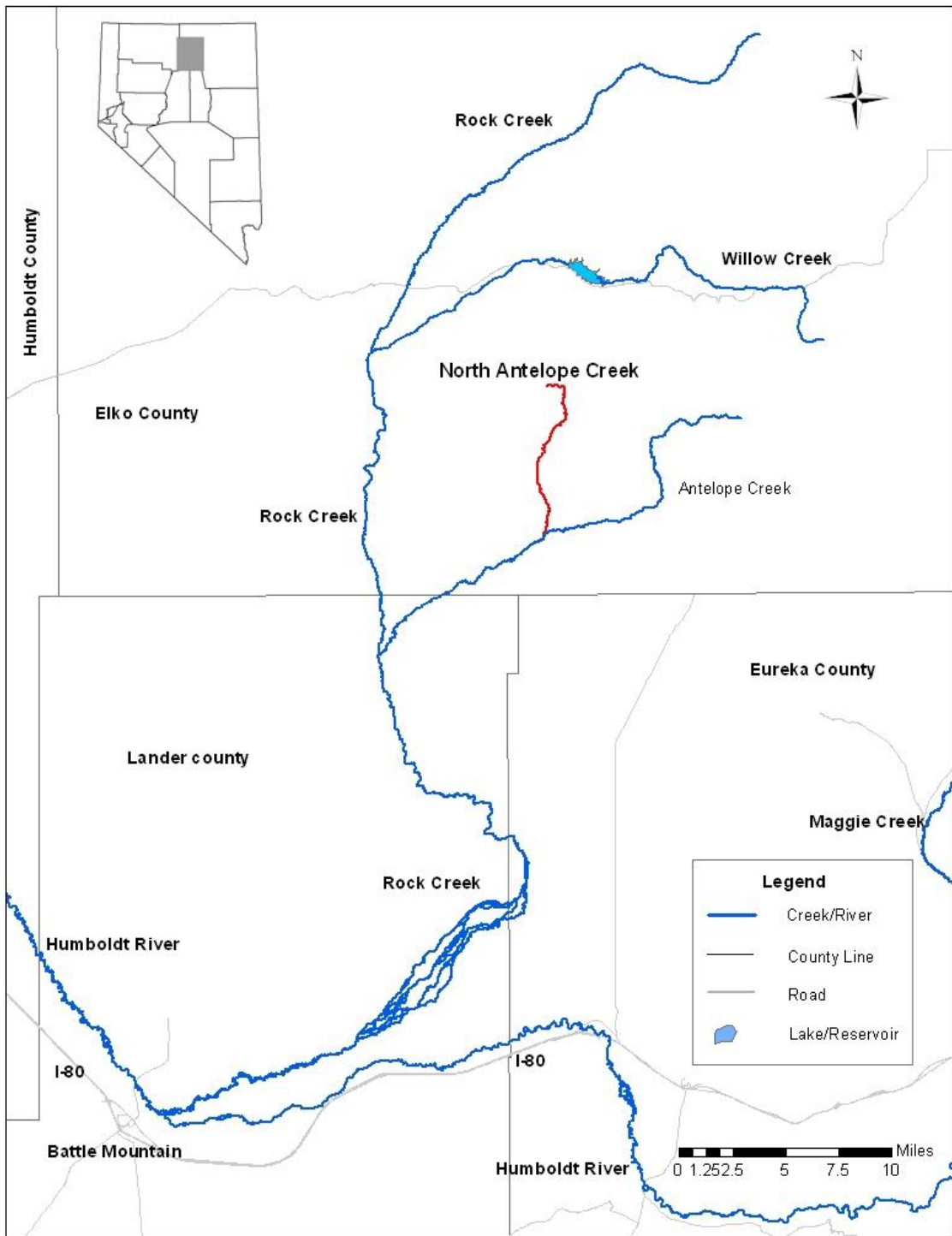
## **Proposed New Surface Water Quality Standards**

**NAC 445A.1527  
North Antelope Creek**

### **Reach Description**

**North Antelope Creek  
From its origin to Antelope Creek**

# Location



## **Background**

- North Antelope Creek currently protected via the Tributary Rule with the lower Rock Creek standards
- Some of the lower Rock Creek uses and criteria are not appropriate for North Antelope Creek
- NDEP is proposing to establish appropriate beneficial uses and numeric and narrative criteria for North Antelope Creek
- NDEP conducted 5 beneficial use surveys during 2011 and 2012.

## **Beneficial Uses**

### **NDEP is proposing to add**

- Watering of livestock
- Propagation of aquatic life (warm water)
- Contact recreation
- Noncontact recreation
- Industrial supply
- Propagation of wildlife

### **NDEP is Not proposing to add**

- Irrigation
- Municipal and domestic supply



PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES		Beneficial Use <sup>a</sup>											
				Livestock	Irrigation	Aquatic	Contact	Noncontac <sup>†</sup>	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Beneficial Uses				X		X	X	X		X	X				
Aquatic life Species of Concern															
Temperature - °C		S.V. ≤ 34.0			*	X									
pH – SU		S.V. 6.5 – 9.0	X		*	*			X	*					
Dissolved Oxygen - mg/l		S.V. ≥ 5.0	X		*	X	X			X					
Total Phosphorous (as P) - mg/l		S.V. ≤ 0.1 <sup>b</sup>			*	*	X								
Nitrogen Species (as N) - mg/l		Nitrate S.V.	b	X		*				X					
		Nitrite S.V.	b	X		*				X					
		Total Nitrogen <sup>b</sup>				*	*								
Total Ammonia (as N) - mg/l		c			*										
Total Dissolved Solids - mg/l		S.V. ≤ 3000	*												
Chloride - mg/l		1-hr. Avg.	≤ 860 <sup>d</sup>	X		*					X				
		96-hr. Avg.													
Suspended Solids - mg/l		S.V. ≤ 80			*										
Turbidity – NTU		S.V. ≤ 50			*										
E coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 576				*	X								
Fecal Coliform - No./100 ml		S.V. ≤ 1000	*				X			*					

\* = The most restrictive beneficial use.

X = Beneficial use.

<sup>a</sup> Refer to NAC 445A.122 and 445A.1432 of this regulation for beneficial use terminology.

<sup>b</sup> The water must not contain nutrient concentrations from a source other than a natural source which cause the growth of algae or aquatic plants in amounts that interfere with any beneficial uses of the water.

<sup>c</sup> The ambient water quality criteria for ammonia are specified in NAC 445A.118.

<sup>d</sup> One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.

## **Other Information**

- Rodeo Creek Mining — underground mining operation currently discharging to infiltration ponds near the confluence with Antelope Creek
- May discharge directly to North Antelope Creek at some future date
- The discharge permit has not been completed
- It will be useful to have appropriate beneficial uses and criteria in place if there is a future discharge to North Antelope Creek.

**Questions on Petition R130-12?**

# Petition R129-12 (Tab #9)

## Proposed Revisions to NAC 445A.1236 Surface Water Quality Standards for Toxic Material: Aquatic Life Beneficial Use

### Background

- This action incorporates aquatic life criteria from USEPA's 2009 National Recommended Water Quality Criteria
- NAC 445A.1236: Standards for Toxic Materials Applicable to Designated Waters includes four beneficial uses
  - Municipal or domestic supply
  - Aquatic life
  - Irrigation
  - Watering of livestock

## Proposed Revisions

- Revise criteria for aquatic life beneficial use only
- Alphabetize toxic tables
- **Update Aquatic life Criteria:** Aldrin, Chlordane, DDT/4,4'-DDT, Demeton, Dieldrin, Endrin, Guthion, Heptachlor, Lindane, Malathion, Methoxychlor, Mirex, Pentachlorophenol, and PCBs.
- **New Aquatic life Criteria:** Acrolein, alpha-Endosulfan, beta-Endosulfan, Chlorpyrifos, Diazinon, Heptachlor Epoxide, Nonylphenol, and Tributyltin (TBT)

## Comparison of Existing/Proposed Standards for Toxics

Chemical	Existing Aquatic life Criteria (µg/l)	Proposed Aquatic life Criteria (µg/l)
<b>Aldrin</b> 1-hour average	3 -	- 3
<b>Chlordane</b> 1-hour average 24-hour average 96-hour average	2.4 - 0.0043 -	- 2.4 - 0.0043
<b>DDT &amp; metabolites</b> 24-hour average <b>4,4'-DDT</b> 1-hour average 96-hour average	1.1 0.0010 - - -	- - - 1.1 0.001
<b>Demeton</b> 1-hour average	0.1 -	- 0.1
<b>Dieldrin</b> 1-hour average 24-hour average 96-hour average	2.5 - 0.0019 -	- 0.24 - 0.056
<b>Endrin</b> 1-hour average 24-hour average 96-hour average	0.18 0 0.0023 -	- 0.086 - 0.036
<b>Guthion</b> 96-hour average	0.01 -	- 0.01
<b>Heptachlor</b> 1-hour average 24-hour average 96-hour average	0.52 - 0.0038 -	- 0.52 - 0.0038
<b>Lindane</b> 1-hour average 24-hour average	2.0 - 0.080	- 0.95 -
<b>Malathion</b> 96-hour average	0.1 -	- 0.1
<b>Methoxychlor</b> 96-hour average	0.03 -	- 0.03
<b>Mirex</b> 96-hour average	0.001 -	- 0.001
<b>Pentachlorophenol</b> 1-hour average 96-hour average	- $\exp\{1.005(\text{pH})-4.830\}$ $\exp\{1.005(\text{pH})-5.290\}$	- $e^{1.005(\text{pH})-4.869}$ $e^{1.005(\text{pH})-5.134}$
<b>PCBs</b> 24-hour average 96-hour average	- 0.014 -	- - 0.014

## Proposed New Aquatic life Criteria for Toxics

Chemical	Proposed Aquatic life Criteria (µg/l)
<b>Acrolein</b>	-
1-hour average	3
96-hour average	3
<b>alpha-Endosulfan</b>	-
1-hour average	0.22
96-hour average	0.056
<b>beta-Endosulfan</b>	-
1-hour average	0.22
96-hour average	0.056
<b>Chlorpyrifos</b>	-
1-hour average	0.083
96-hour average	0.041
<b>Diazinon</b>	-
1-hour average	0.17
96-hour average	0.17
<b>Heptachlor Epoxide</b>	-
1-hour average	0.52
96-hour average	0.0038
<b>Nonylphenol</b>	-
1-hour average	28
96-hour average	6.6
<b>Tributyltin (TBT)</b>	-
1-hour average	0.46
96-hour average	0.072

## Questions on Petition R129-12?

# ATTACHMENT II

Prepared Remarks, NDEP Deputy Administrator Dave Gaskin

## **Final Arsenic Rule Exemption Extensions**

For the SEC Members who have been around for a while, this will not be too new, but the Bureau of Safe Drinking Water hasn't been here for Arsenic Rule Exemption Extensions since 2010. For a little background, the revised arsenic standard of 10 parts per billion (ppb) was enacted on January 22, 2001 and became enforceable (five years later) on January 23, 2006. The SEC first granted Exemptions in 2006 to permit eligible drinking water systems additional time to comply as permitted by State and Federal rules.

Since that time, some eligible systems received their first 2-year extension in 2008 and another in 2010. The last list of extensions granted by the SEC included 26 water systems, and a number of them have come into compliance during the past two years.

Within certain criteria, the rules allow up to three, 2-year extensions. So this is a "head's up" that your December hearing agenda will include the Bureau of Safe Drinking Water's appearance one more time with recommendations for a small subset of systems that are again eligible for one final time extension.