



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



## Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Wednesday, January 19, 2023, at 9:00 am. The meeting will be held in the Tahoe Room, on the second floor of the Bryan Building, at 901 South Stewart Street. There is also the option to participate virtually using the link below.

Join the meeting [https://teams.microsoft.com/join/19%3ameeting\\_NGEzOWJjZWQtMzgxNi00YTE1LWJmYTEtYzA2YTQ0M2I4MGI0%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22ddd8c148-951a-40a2-8a5f-489f3867594b%22%7d](https://teams.microsoft.com/join/19%3ameeting_NGEzOWJjZWQtMzgxNi00YTE1LWJmYTEtYzA2YTQ0M2I4MGI0%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22ddd8c148-951a-40a2-8a5f-489f3867594b%22%7d)

Meeting ID: 230 665 485 776  
Passcode: V8GKaR

Click to call from Mobile (audio only)  
+1 775-321-6111,,929374105#

Call in by Phone (audio only)  
United States: +1 775-321-6111  
Meeting extension: 929 374 105#

The meeting will also be video-conferenced in Las Vegas in the Red Rock Conference room at the NDEP offices, located at 375 East Warm Springs Road. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

---

## **Permanent Regulation R130-22: Bureau of Safe Drinking Water - Increasing Fees for the Laboratory Certification Program**

R130-22 proposes to increase the fees for the Division to ensure the environmental Laboratory Certification Program (LCP) can continue to perform its statutory requirements including certifying and inspecting laboratories while maintaining appropriate records, staffing, and staff development. The laboratory certification program includes one supervisor, four staff environmental scientists, and one administrative assistant.

The LCP regulates laboratories that produce data used in regulatory decision-making by division programs in Safe Drinking Water, Water Pollution Control, Mining Regulation and Reclamation, Waste Management, and Corrective Actions. Pursuant to NRS 445A.428, 445A.863, and NRS 459.501, laboratories that perform analyses to meet requirements of the Clean Water Act, Safe Drinking Water Act, and the Resource, Conservation and Recovery Act must be certified by the State of Nevada. This program is funded by fees. Statutory Authority: NRS 445A.800 through 445A.955, 445A.300 through 445A.730, and 459.400 through 459.600.

The proposed changes are expected to have an economic impact on all regulated facilities. These changes are not expected to have an economic impact on the public and will not result in any additional cost to the Division.

## **Permanent Regulation R113-22: Bureau of Water Quality Planning - Anti-Degradation Protection of Surface Waters and New Process for Ecological, Aesthetic, or Recreational Waters**

NRS 445A.565 requires any surface waters of the State whose quality is higher than the applicable standards of water quality when those standards became effective must be maintained in their higher quality; known as antidegradation.

NDEP is proposing to amend the NAC to establish provisions for antidegradation protection of surface waters of the State as required by NRS 445A.565, and to set forth a process for classifying certain surface waters of the State which have exceptional water quality condition, unique water quality characteristic, or ecological, aesthetic, or recreational value, as Ecological, Aesthetic or Recreational Waters (EAWs). This classification will provide a higher level of antidegradation protection to maintain and protect these water quality conditions or special values.

The proposed regulation may have an indirect economic impact on a new discharger applying for a point source discharge permit and on an existing permittee who proposes a major modification during renewal of their discharge permit. Classification of a water as an EAW may have an economic effect on local government, citizens, and businesses, but are difficult to predict; however, the economic impact of classifying a surface water as an EAW will be evaluated in determining whether to classify the water.

**Additional Information:** Persons wishing to comment on the proposed actions of the SEC may participate in the scheduled public hearing (virtually or by phone) or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 375 East Warm Springs Road, Suite 200.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (375 East Warm Springs Road, Suite 200), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations will also be available on the SEC's website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-january-19-2023>. The proposed regulation denoted in this notice, is, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/>.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Sheryl Fontaine, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 5:00 p.m. on January 12, 2023.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library  
900 North Roop Street  
Carson City, Nevada 89701-3101

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Churchill County Library  
553 South Main Street  
Fallon, Nevada 89406-3306

Lyon County Library System  
20 Nevin Way  
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District  
Director of Marketing and Community Relations  
7060 W. Windmill  
Las Vegas, Nevada 89113

Mineral County Public Library  
P.O. Box 1390  
Hawthorne, Nevada 89415

Douglas County Public Library  
1625 Library Lane  
Minden, Nevada 89423-0337

Pershing County Library  
1125 Central Avenue  
Lovelock, Nevada 89419

Elko County Library  
720 Court Street  
Elko, Nevada 89801-3397

Storey County Library - Closed  
Posted at Clerk's Office  
Address below:

Esmeralda County Library  
Corner of Crook & 4th Street  
P.O. Box 430  
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office  
Drawer D  
Virginia City, Nevada 89440

Eureka County Library  
10190 Monroe Street  
Eureka, Nevada 89316

Tonopah Public Library (Nye County)  
P.O. Box 449  
Tonopah, Nevada 89049

Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445-3095

Washoe County Library System  
301 South Center Street  
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)  
625 South Broad Street  
Battle Mountain, Nevada 89820

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301