

**Summary of Minutes and Comments from the Nevada Division of Environmental Protection's (NDEP) Public Workshops on Proposed Changes to Nevada's Administrative Code (P2015-07/R130-15) revising the water quality regulations for the former "Class Waters" located in the Lower Humboldt River Basin.**

**Workshop locations and dates:**

Carson City, NV, November 2, 2015

Winnemucca, NV, November 3, 2015

Participants were notified that the workshop proceedings and comments would be recorded, and the intent of the workshop was to provide an informational overview of the proposed regulation changes to the attendees. It was explained that regulatory action on the proposed regulation changes would not occur until the proposed changes were presented to the State Environmental Commission (SEC) at the next scheduled hearing in February of 2016.

**Regulation amendment P2015-07/R130-15 summary overview provided by BWQP:**

Nevada state law (NRS 445A.520) requires the state to establish water quality standards at a level necessary to protect beneficial uses of the surface waters of the state. Additionally, Section 303 of the Clean Water Act and 40 Code of Federal Regulations (40CFR) Part 131 require that States and authorized tribes routinely review and, as appropriate, modify surface water quality standards that protect the designated uses of a water body and provide a basis for controlling discharges or releases of pollutants. Water quality standards are composed of three parts: designated beneficial uses, water quality criteria to protect the uses, and antidegradation considerations.

NDEP has completed a review and an evaluation of the water quality standards for waterbodies located in the Lower Humboldt River Basin (LHRB) in Elko, Eureka, Humboldt, Lander, and Pershing Counties. For this review, the LHRB includes the main stem of the Humboldt River and its tributaries downstream from Palisade, Nevada. Changes are proposed to the Nevada Administrative Code (NAC) revising the Nevada water quality regulations for the former "Class Waters" located in the LHRB.

In 2008, the State Environmental Commission adopted revisions to the NAC which eliminated the "Class Waters" structure and designated specific water quality standards

for each waterbody. At that time, no changes were made to the beneficial uses and the only numeric criteria added were Escherichia coli and Total Ammonia (as N). NDEP is now proposing to update the beneficial uses and numeric criteria for the LHRB waterbodies listed in Table 1 for consistency with other similar types of waters throughout Nevada.

**Table 1: Specific Waterbodies Addressed in Petition 2015-07**

<b>Water Body Name</b>	<b>NAC Reference</b>	<b>Former Class Designation<sup>1</sup></b>
Humboldt River at Rodgers Dam	445A.1452	C – Non-Trout
Humboldt River at the Humboldt Sink	445A.1454	D – Non-Trout
Little Humboldt River	445A.1468	C – Non-Trout
Little Humboldt River, North Fork at the national forest boundary	445A.1472	A – Trout
Little Humboldt River, North Fork at the South Fork of the Little Humboldt River	445A.1474	B – Non-Trout
Little Humboldt River, South Fork at the Elko-Humboldt county line	445A.1476	A – Trout
Little Humboldt River, South Fork at the North Fork of the Little Humboldt River	445A.1478	B – Non-Trout
Rock Creek at Squaw Valley Ranch	445A.1518	A – Trout
Rock Creek below Squaw Valley Ranch	445A.1522	C – Non-Trout
Willow Creek at Willow Creek Reservoir	445A.1524	A – Trout
Willow Creek Reservoir	445A.1526	B – Trout
Pole Creek	445A.1528	A – Trout
Water Canyon Creek	445A.1532	A – Trout
Martin Creek at the national forest boundary	445A.1534	A – Trout
Martin Creek below the national forest boundary	445A.1536	B – Trout
Dutch John Creek	445A.1538	A – Trout
Reese River at Indian Creek	445A.1556	A – Trout
Reese River at State Route 722	445A.1558	B – Trout
Reese River below State Route 722	445A.1562	C – Non-Trout
San Juan Creek	445A.1564	A – Trout
Big Creek at the forest service campground	445A.1566	A – Trout
Big Creek below the forest service campground	445A.1568	B – Trout
Mill Creek	445A.1572	A – Trout
Lewis Creek	445A.1574	A – Trout

<sup>1</sup> Former Class A Waters are shaded.

The proposed regulation would:

- Add Industrial supply to the former Class A waters;
- Add Trout as an Aquatic Life Species of Concern to the waters that were formerly categorized as Class A.
- Add water quality criteria for the protection of the designated uses for these Class waterbodies.

The proposed numeric criteria to be added to these waterbodies include nitrate, nitrite, chloride, sulfate, alkalinity, total suspended solids, turbidity, and color. The proposed criteria are shown in table 2 below.

**Table 2: Proposed Revisions to Numeric Criteria**

<b>Parameter</b>	<b>Criterion</b>	<b>Applicability</b>	<b>Most Restrictive Beneficial Use</b>
Nitrate (as N)	S.V. $\leq$ 10.0 mg/l	Trout and Non-Trout Waters	Municipal or domestic supply
Nitrite (as N)	S.V. $\leq$ 0.06 mg/l	Trout Waters	Aquatic Life
	S.V. $\leq$ 1.0 mg/l	Non-Trout Waters	
Total Suspended Solids	S.V. $\leq$ 25 mg/l	Trout Waters	Aquatic Life
	S.V. $\leq$ 80 mg/l	Non-Trout Waters	
Turbidity	S.V. $\leq$ 10 NTU	Trout Waters	Aquatic Life
	S.V. $\leq$ 50 NTU	Non-Trout Waters	
Color	S.V. $\leq$ 75 PCU	Trout and Non-Trout Waters	Municipal or domestic supply
Chloride	1-hour avg. $\leq$ 860 mg/l 96-hour avg. $<$ 230 mg/l	Trout and Non-Trout Waters	Aquatic Life
Sulfate	S.V. $\leq$ 250 mg/l	Trout and Non-Trout Waters	Municipal or domestic supply
Alkalinity (as CaCO <sub>3</sub> )	S.V. $\geq$ 20 mg/l	Trout and Non-Trout Waters	Aquatic Life

Workshop attendees were notified that the deadline for submission of comments to the Bureau of Water Quality Planning (BWQP) would be November 18, 2015. The comments submitted and BWQP's responses to the comments would be available on the SEC website prior to the hearing.

**Comments and Responses from the Carson City Workshop (11/2/15):**

Attendees	
Allen Biaggi	Nevada Mining Association
Marvin Tebeau	Resource Concepts, Inc.

Comment: The class waters are gone? Could you educate me a little about the class waters and why are you adding criteria to them?

*BWQP Response: Prior to 2008, each class of water: A (trout and non-trout), B, C, and D had its own standards table that applied to all the waterbodies in that particular class. In 2008, NDEP created individual standard tables for each of the former Class Waters. Having individual standards tables provides more flexibility as it allows NDEP to place more specific standards on certain waters when necessary. The standards tables for the former class waters only included criteria for temperature, pH, dissolved oxygen, total phosphorus, total ammonia (as specified in NAC 445A.118), total dissolved solids, Escherichia coli, and Fecal coliform. NDEP is proposing to add criteria for nitrate, nitrite, chloride, sulfate, alkalinity, total suspended solids, turbidity, and color in order to further protect the designated beneficial uses and for consistency with other similar types of water throughout Nevada. NDEP successfully completed a similar action last year when we updated standards for the former Class Waters in the Upper Humboldt River Basin.*

**Comments and Responses from the Winnemucca Workshop (11/3/15):**

Attendees	
Joe Beetler	Newmont Mining Corporation
Allen Biaggi	Nevada Mining Association
Marlene Brissenden	Humboldt County
Briony Coleman	Newmont Mining – Phoenix Mine
Rod Glimmann	Newmont Mining – Twin Creeks Mine
Sam Stine	Humboldt Sun

Comment: Is the proposed nitrate criterion to protect the municipal or domestic supply beneficial use the drinking water standard? If so, why?

BWQP Response: *The proposed criterion of 10 mg/l is the limit recommended by EPA for surface waters. It is also the safe drinking water Maximum Contaminant Level.*

Comment: When will NDEP be presenting the regulation changes to the State Environmental Commission?

BWQP Response: *February 10, 2016.*

Comment: If these standards are adopted, are the waters meeting the proposed standards? Will they be added to the 303(d) list?

BWQP Response: *Some of new waterbody segment/parameter combinations will likely be added to the 303(d) list as a result of adding the proposed criteria.*

*Humboldt River at Rodgers Dam (NAC 445A.1452) will likely be listed for turbidity (aquatic life) and possibly be listed for total suspended solids (aquatic life). This segment is currently listed for iron (aquatic life) and total dissolved solids (municipal or domestic supply).*

*Humboldt River at the Humboldt Sink (NAC 445A.1454) will likely be listed for Chloride (aquatic life), total suspended solids (aquatic life), and turbidity (aquatic life). This segment is currently listed for boron (irrigation), E. coli (recreation involving contact with the water), fluoride (irrigation), and selenium (aquatic life).*

*Little Humboldt River (NAC 445A.1468) will likely be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This segment may possibly be listed for color (municipal and domestic supply). This waterbody is currently listed for total phosphorus (aquatic life).*

*Little Humboldt River, North Fork at the National Forest Boundary (NAC 445A.1472) may possibly be listed for sulfate (municipal and domestic supply), total suspended solids (aquatic life), and turbidity (aquatic life). This segment is currently listed for*

*cadmium (aquatic life), copper (aquatic life), iron (aquatic life), temperature (aquatic life), and zinc (aquatic life).*

*Little Humboldt River, South Fork at the North Fork of the Little Humboldt River (NAC 445A.1478) may possibly be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This segment is currently listed for iron (aquatic life) and total phosphorus (aquatic life and recreation involving contact with the water).*

*Willow Creek Reservoir (NAC 445A.1526) will likely be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This waterbody is currently listed for iron (aquatic life), manganese (irrigation), and total phosphorus (aquatic life and recreation involving contact with the water).*

*Reese River at State Route 722 (NAC 445A.1558) may possibly be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This segment is currently listed for pH (aquatic life, propagation of wildlife, and recreation involving contact with the water) and temperature (aquatic life).*

*Reese River below State Route 722 (NAC 445A.1562) will likely be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This segment may possibly be listed for color (municipal and domestic supply) and sulfate (municipal and domestic supply). This segment is not currently on the 303(d) list.*

*San Juan Creek (NAC 445A.1564) may possibly be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This waterbody is not currently on the 303(d) list.*

*Big Creek below the Forest Service Campground (NAC 445A.1568) may possibly be listed for total suspended solids (aquatic life) and turbidity (aquatic life). This segment is not currently on the 303(d) list.*

*Mill Creek (NAC 445A.1572) will likely be listed for total suspended solids (aquatic life) and turbidity (aquatic life). Mill Creek is not currently on the 303(d) list. This waterbody is not currently on the 303(d) list.*

Comment: When NDEP develops the 303(d) list, you use a statistical evaluation to determine if the water is impaired, correct?

*BWQP Response: Yes, for the single value standards we would list a water if the standard was exceeded more than 10% of the time. We also have annual average and annual geometric mean, and if a yearly average or mean exceeds for one year then that waterbody would be impaired for that parameter/beneficial use. There are also acute and chronic standards that if either the acute or chronic standard is exceeded more than once in a three year period then that waterbody would be considered impaired. For a more detailed explanation of listing methodology please see the current Integrated Report on our website.*

Comment: Does NDEP account for high or low flow conditions in the analysis?

*BWQP Response: Yes, if the flow exceeds the high or low 7Q10 flow levels then that data is excluded from the analysis.*

Comment: Is NDEP proposing any other changes to the lower Humboldt Basin?

*BWQP Response: No changes are proposed for the Lower Humboldt Basin except what was discussed in the presentation.*