

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission Permanent No: R149-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

EPA's regulations for water quality standards at 40 CFR 131.11 (a)(1) require states to adopt protective criteria that are based on scientific rationale to protect beneficial uses. Algal blooms caused by cyanobacteria can sometimes produce cyanotoxins at concentrations that can be harmful to people swimming or participating in other activities in or on the water. In May 2019, EPA issued recommendations for water quality criteria and swimming advisory values for cyanotoxins microcystin and cylindrospermopsin based on a rigorous scientific study. Adopting the algal toxin values for microcystin and cylindrospermopsin into Nevada's water quality standards is necessary to protect human health and adequately support the recreation involving contact with the water beneficial use.

2. 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 Legislative Counsel Bureau published its draft, R149-24P, in the Nevada Register on July 25, 2024.

The NDEP held one hybrid (in-person and virtual) public workshop for R149-24P on August 11, 2025. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Twenty-five members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division received several verbal questions:

- 1) One commenter suggested that the criteria is not needed and that a Harmful Algal Bloom (HAB) advisory program already exists.

- 2) Another commenter asked whether the regulation would add additional administrative burden to the Division.
- 3) Another commenter asked how the algal toxin data would be considered for impairment determinations, given the transient nature of HAB event.

A summary of the workshop, including all public comment and bureau response, is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to the Bureau of Air Quality Planning's email distribution list. The Division accepted written comments on R149-24I and R149-24P for 50 days ending on August 14, 2025.

The SEC held a hybrid regulatory hearing on September 9, 2025, to consider possible action on R149-24P. The SEC posted its public notice, which included a link¹ and instructions to access R149-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended September 9, 2025, hearing: 51 (approximately)
- (b) Testified on this petition at the hearing: 2

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¹ <https://sec.nv.gov/meetings/sec-meeting-september-9-2025>

(c) Submitted to the agency written comments: None

4. 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 through one public workshop and at the September 9, 2025, SEC hearing as noted in number 2 above. There were no public comments during the September 9, 2025, SEC meeting:

5. 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 Commissioners unanimously adopted R149-24P with greenlined changes because the SEC was satisfied with the proposed regulation. Note that the only change to the LCB draft of R149-24 is to add an “s” at the end of the word “microcystin” in two places: the Legislative Council Digest (page 1) and the table in Section 1, page 5.

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

Regulated Business/Industry: There are no economic impacts to businesses associated with this action in the short- or long-term.

Public: There are no adverse or economic impacts on the public associated with this action in the short- or long-term.

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

Enforcing Agency. The proposed amendments will have no economic effect on the agency.

8. 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.

Not applicable; the proposed amendments do not duplicate any other state or government regulations.

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

The proposed amendments do not include requirements that are more stringent than the regulations of other state or federal agencies.

10. 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.

R149-24P does not provide for any new fees or increases to existing fees.