

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature:

Name: Nevada Division of Environmental Protection

Address: 901 South Stewart Street, Suite 4001

E-mail Address: kuchnicki@ndep.nv.gov

Telephone Number: (775) 687-9455

Date of Petition: June 13, 2024

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

Jason Kuchnicki

Digitally signed by Jason Kuchnicki

Date: 2024.06.13 16:01:10 -07'00'

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Nevada Division of Environmental Protection (NDEP) is a Division of the Department of Conservation and Natural Resources of the State of Nevada. NDEP is a regulatory agency tasked with protecting human health and the environment. The Bureau of Water Quality Planning (BWQP) within NDEP is tasked with implementing the Federal requirements of the Clean Water Act for the State of Nevada.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

Nevada Revised Statute (NRS) 445A.425 established the authority of the State Environmental Commission to adopt regulations to carry out provisions of NRS 445A.300-445A.730, including standards of water quality and the amounts of waste that may be discharged into waters of the State. NDEP is proposing to amend Nevada Administrative Code (NAC) 445A to adopt U.S. Environmental Protection Agency (EPA)'s nationally recommended criteria for the algal toxins microcystin and cylindrospermopsin within surface waters of the State with the beneficial use recreation involving contact with the water (NAC 445A.122(d)).

4. A statement of the need for and purpose of the proposed regulations:

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.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

The proposed regulation does not regulate business.

(1) Both adverse and beneficial effects:

Not applicable.

(2) Both immediate and long-term effects:

Not applicable.

(b) Estimated economic effect on the public:

The proposed regulation will protect human and animal health against the effects of exposure to harmful levels of algal toxins.

(1) Both adverse and beneficial effects:

No adverse effect. Benefits human health protection.

(2) Both immediate and long-term effects:

No adverse effect on public. Benefits human health both immediate and long-term.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The regulation will serve as a basis to safeguard human and animal health from the potential harmful effects of algal toxins.

6. A description of any regulations for 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 proposed regulation does not duplicate or overlap with any other State or Federal regulations.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

The proposed regulation is not more stringent than Federal regulations.

8. 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:

The proposed regulation does not provide for fees.

Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.