

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION
REGULATIONS.**

Form #1

**Re: Petition 2014-05 Proposed Upper Humboldt Class Waters - Water Quality Standards
Revisions**

1. Name, Address, telephone number, date of petition, representative capacity and signature of petitioner, authorized individual, officer or attorney.

Kathy Sertic
Chief, Bureau of Water Quality Planning
901 S. Stewart St., Suite 4001
Carson City, Nevada 89701
(775) 687-9455

June 27, 2014


Kathy Sertic

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.

Government Agency – Nevada Division of Environmental Protection (NDEP)

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.

NDEP is proposing changes to the Nevada Administrative Code (NAC) revising the Nevada water quality regulations for the former "Class Waters" located in the Upper Humboldt River Basin. Revisions include the addition of numeric criteria for nitrate, nitrite, total suspended solids, turbidity, color, chloride, sulfate and alkalinity based upon guidance published by the U.S. Environmental Protection Agency (EPA). These additions were deemed necessary to properly protect the beneficial uses.

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

State law (NRS 445A.520) requires that standards be set at levels designed to protect beneficial uses for surface waters of the state. Nevada has been delegated authority to set water quality standards under the Clean Water act and federal regulations (40CFR 131.20) require states to periodically review their water quality standards, and as appropriate update those standards. A review of the available data, scientific literature and EPA guidance indicated that the proposed standards changes be made to protect the beneficial uses currently designated for these waters.

- 5(a). A statement of the estimated economic effect of the regulation on the business which it is to regulate, including (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.

The proposed revisions are not expected to have any direct economic effect on the regulated community both immediately and long term. Water quality standards in of themselves do not directly regulate businesses, although standards do form the basis for effluent limits imposed by NDEP through the National Pollutant Discharge Elimination System (NPDES) permit program and the terms and conditions imposed through the Clean Water Act 401 program for any dredging or filling activity in Nevada waters. Currently, there is only one active NPDES permit for a discharge to any of the waters addressed in this proposal. Newmont Mining Corporation's Gold Quarry Mine has an NPDES permit to discharge mine dewatering water to Maggie Creek. A review of the available water quality data for Gold Quarry Mine indicates that the discharge is meeting the proposed additional water quality criteria.

- 5(b). A statement of the estimated economic effect on the public, including (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.

The proposed revisions are expected to have some beneficial economic effect on the public both immediately and long-term. Overall, the current water quality standards have beneficial effects in terms of protecting public health and welfare, and supporting aquatic, wildlife, and recreational uses. All of these factors provide economic benefits to the public. The proposed changes will provide additional protection of the beneficial uses, thereby improving the level of public benefit.

- 5(c). A statement of the estimated cost by the agency for enforcement of the proposed regulation.

Implementation of the proposed regulations is not expected to result in additional cost to the agency for enforcement.

6. 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.

There are no other state or government agency regulations which the proposed revisions duplicate.

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.

There is no federal regulation for these proposed water quality standards revisions. The federal government has delegated responsibility for establishing water quality standards to NDEP. Setting the proposed water quality standards at levels to protect beneficial uses of surface waters of the State enables NDEP to maintain its delegation of the Clean Water Act.

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 revision does not provide for fees.

#