

**FORM 1: FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**
(Provide attachments as needed)

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

Name: Paul Comba

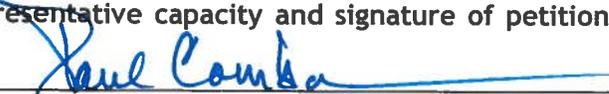
Address: 901 South Stewart Street, Suite 4001

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

Telephone Number: (775) 687-9455

Date of Petition: July 22, 2019

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



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. The NDEP is proposing to amend Nevada Administrative Code (NAC) 445A.1236, to align with the most current recommended numeric criteria published by the U.S. Environmental Protection Agency (EPA) for cadmium to protect the aquatic life beneficial use. The proposed revisions include changing values of exponents in the hardness-based equations for calculating values of acute and chronic criteria for cadmium (dissolved). In addition, a footnote will be added to the toxics table (445A.1236) to provide the EPA reference (EPA 2016b). (See: <https://www.epa.gov/sites/production/files/2016-03/documents/cadmium-final-report-2016.pdf>).

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 sound scientific rationale. Nevada's existing water quality criteria for cadmium to protect the aquatic life beneficial use are based on EPA criteria published in 2001. Since 2001, EPA identified more than 100 new studies with toxicity data related to acute and chronic exposures of aquatic life to cadmium, for 75 new species and 49 new genera. EPA compiled these data to derive the updated numeric criteria for cadmium in 2016 (EPA 2016). Nevada's current criteria for cadmium were adopted in 2006, based on EPA's 2001 criteria values for cadmium. The updated equations (EPA 2016) have the effect of increasing the criteria values for chronic exposure and slightly decreasing the criteria values for acute exposure. The increases to chronic criteria will lessen the burden on dischargers; the slight decreases in acute criteria will have a less significant effect.

5. A statement of the:

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

The proposed revisions may have a slight beneficial effect on business by lessening the burden on dischargers for the chronic cadmium criterion. The revisions are unlikely to have any adverse effect on business.

(1) Both adverse and beneficial effects:

Beneficial effects include less-stringent values for chronic cadmium criterion. Adverse effects are not anticipated.

(2) Both immediate and long-term effects:

New permits would have higher values calculated for chronic cadmium criterion (i.e., new limits would be less restrictive).

(b) Estimated economic effect on the public:

None.

(1) Both adverse and beneficial effects:

No adverse effect on public. Beneficial effects would include more appropriate protection of aquatic life, and the knowledge that Nevada is implementing the most recent science to protect human health and the environment.

(2) Both immediate and long-term effects:

Same as (1).

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

No change in current costs is expected.

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 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. It aligns Nevada's water quality standards for cadmium with the most current recommendations of the EPA for protection of aquatic life from the toxic effects of cadmium (dissolved). States are required to review water quality standards at least once every three years and, if appropriate, revise or adopt new standards (CWA section 303(c)(1)).

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.