

## FORM #1

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

1. Nevada Division of Environmental Protection  
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2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is a regulatory agency.
3. Nevada Revised Statute (NRS) 445A.425 establishes 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 amounts of waste which may be discharged into waters of the State.

#### SPECIFIC CHANGES:

The NDEP is proposing to amend Nevada Administration Code ((NAC) 445A.070 – 445A.2234), *Standards for Water Quality*, by making changes to the water quality standards (WQS) tables in the lower Colorado River basin from Las Vegas Valley to the Nevada/California state line. The proposed revisions include: (1) Adjust the Lower Colorado River reaches to break out Lake Mohave as distinct from the Colorado River reaches; (2) Adjust the water quality standards in the Lower Colorado reaches for temperature and dissolved oxygen to be suitable for adult cold-water fish, because there is no evidence that stocked trout are spawning; (3) Add water quality standards for chloride and sulfate to the lower Colorado River reaches; (4) Add warm-water fish and appropriate water quality standards for warm-water fish to both reaches of Las Vegas Wash; (5) Add contact recreation and appropriate water quality standard for *E. coli* to the Inner Bay of Lake Mead; (6) Adjust the Las Vegas Wash reaches to extend the Upper Las Vegas Wash from the confluence of Las Vegas Wash and Sloan Channel down to the Historic Lateral, (7) Add maintenance of a *freshwater marsh* to beneficial uses in the NAC; (8) Add Lake Las Vegas and appropriate water quality standards to the Nevada Administrative Code.

#### 4. NEED AND PURPOSE:

EPA's water quality standards regulations at 40 CFR 131.11(a) (1) require states to adopt protective criteria that are based on sound scientific rationale. Section 303 of the Clean Water Act requires that states periodically review and as appropriate modify water quality standards. The last review of the Colorado River / Lake Mead water quality standards was in 1998. The following are the proposed revisions to the State of Nevada (State) Water Pollution Control Regulations water quality standards for Las Vegas Wash, Lake Mead, and the Colorado River below Hoover Dam.

The Las Vegas Wash, Lake Mead and the Colorado River are divided into six reaches or segments that consider the physical characteristics, differing land uses, and beneficial uses of each. The reaches begin at the confluence of the City of Las Vegas and Clark County Sanitation District wastewater treatment plant discharges and extend down gradient to and include Lake Mead, and the Colorado River below Lake Mead. In the Colorado River below Hoover Dam, the NDEP is proposing to break-out Lake Mohave as its own reach and adjust the upstream and downstream reaches as appropriate. An adjustment to the upper Las Vegas Wash reach is proposed to extend the upper wash from the confluence of Las Vegas Wash and Sloan Channel down to the Historic Lateral to align with the Las Vegas Valley dischargers permit compliance point. The NDEP is also proposing to add Lake Las Vegas to the NAC with its own standards table.

Other proposed modifications to the NAC include: (1) adding warm-water fish to both segments of Las Vegas Wash; (2) revise the temperature criteria to  $\leq 24^{\circ}\text{C}$  and dissolved oxygen criteria to  $\geq 5.0$  mg/l to protect adult cold-water fish in the Colorado river segments below Hoover Dam and Davis Dam; and (3) add recreation involving contact with the water beneficial use to the Lake Mead Inner Bay.

#### 5. ECONOMIC EFFECTS:

##### (a) Regulated Business and Industry

The proposed revisions are not expected to have an economic effect on existing surface water discharge permits issued to regulated business and industry and it is not anticipated that they will have economic effects on current or future regulated businesses and industries. Including the Lake Las Vegas into the NAC should not have an economic effect on the use and operation of the lake.

##### (b) Public

The proposed numeric standards are based on the most up to date scientific knowledge regarding the protection of beneficial uses and will have beneficial effects in terms of protecting public health and welfare.

##### (c) Enforcing Agency

Implementation of the proposed regulation is not expected to result in additional cost to the agency for enforcement as permit compliance is already built into the Bureau of Water Pollution Control permit fee structure.

#### 6. The proposed regulations do not duplicate or overlap with any other State regulations.

7. The proposed regulations are not more stringent than federal regulations. At most they align Nevada's standards with the most current EPA recommended criteria for protection of the beneficial uses.
8. The proposed regulations do not provide for fees.