



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Tuesday, December 5, 2017 at 9:00 am in Carson City. The meeting will be held in the Nevada Legislative Building, Room 4100, located at 401 South Carson Street. The meeting will also be video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, located at 555 East Washington Avenue. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

R102-16: Bureau of Water Quality Planning

The proposed amendment pertains to NAC Chapter 445A. The NDEP is proposing to amend NAC 445A.070 - 445A.2234, *Standards for Water Quality*, to align with the most current recommended numeric criteria published by the federal EPA for *Escherichia coli* (*E. coli*) bacteria to protect the water contact recreation beneficial use. The proposed revisions include: (1) change the existing reference period from annual geometric mean (AGM) to geometric mean (GM) for all waters that have an existing AGM to protect the water contact recreation beneficial use; (2) change the unit of measurement from most probable number (MPN) per 100 mL to colony-forming-units (CFU) per 100 mL; (3) remove existing single value (SV) criteria of 235 MPN, 298 MPN and 576 MPN and replace with a SV of 410 CFU; (4) add a footnote that explains frequency and duration limits of the GM and SV criteria; and (5) add a definition of colony-forming-units.

These changes are needed to ensure Nevada is consistent with EPA's water quality standards regulation 40 CFR 131.11(a) (1) which requires states to adopt protective criteria that are based on sound scientific rationale.

This regulation will not have an immediate or long-term adverse economic impact on regulated business/industry or the public. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed

regulation does not address fees and it is essential to the functions and operations of NDEP.

R109-16: Bureau of Water Quality Planning

The proposed amendment pertains to NAC Chapter 445A. The NDEP is proposing to amend NAC 445A.070 - 445A.2234, *Standards for Water Quality*, by making numerous numeric criteria and formatting changes that will provide clarity and consistency throughout the water quality standards (WQS) tables. The proposed revisions include: (1) remove references to “natural conditions” or “no adverse effects” and establish numeric criteria for alkalinity, color and turbidity based on the most current EPA criteria; (2) remove references to the 95th percentile for the total dissolved solids beneficial use numeric criteria; (3) remove Xs in the Beneficial Use columns that refer to secondary uses; (4) reformat how the nitrogen species are presented in the WQS tables; (5) add a footnote that specifies the NAC criteria for Toxic Materials; (6) move the ammonia standards tables so they occur after standards applicability discussions and beneficial uses; and (7) make other minor formatting changes for clarity and consistency of parameter names and units throughout all the WQS tables.

These changes are needed to ensure Nevada is consistent with EPA’s water quality standards regulation 40 CFR 131.11(a) (1) which requires states to adopt protective criteria that are based on sound scientific rationale.

This regulation will not have an immediate or long-term adverse economic impact on regulated business/industry or the public. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not address fees and it is essential to the functions and operations of NDEP.

Additional Information: Persons wishing to comment on the proposed actions of the SEC may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21st Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC's website at: http://sec.nv.gov/main/hearing_1217.htm. The proposed regulations denoted in this notice, are, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/>

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 4:00 p.m. on November 28, 2017.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District
Director of Marketing and Community Relations
7060 W. Windmill
Las Vegas, Nevada 89113

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Storey County Library - Closed
Posted at Clerk's Office
Address below:

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Campton Street
Ely, Nevada 89301