ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R103-14

Effective December 22, 2014

EXPLANATION – Matter in ***italics*** is new; matter in brackets **[**~~omitted material~~**]** is material to be omitted.

AUTHORITY: §§1-4, NRS 445A.425 and 445A.520.

A REGULATION relating to water quality; revising certain water quality standards relating to South Fork Reservoir; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Environmental Commission is required to establish water quality standards to protect and ensure the continued beneficial use of each stream segment and other body of surface water in this State. (NRS 445A.520) This regulation revises the water quality standards for South Fork Reservoir in Elko County.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

The limits of this table apply to the entire body of water known as South Fork Reservoir. South Fork Reservoir is located in Elko County.

STANDARDS OF WATER QUALITY

South Fork Reservoir

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Trout										
Temperature - °C ΔT[b] - °C		S.V. ≤ 20 ΔT = 0			*	X							
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X	X	*			
Dissolved Oxygen - mg/l		S.V. ≥ 6.0[c]	X		*	X	X	X		X			
Total Phosphorus (as P) - mg/l		Avg. Jun- ≤ 0.04[d] Sep			*	*	X	X					
Total Nitrogen (as N) - mg/l		Avg. Jun- ≤ 0.52[d] Sep			*	*	X	X					
Nitrite (as N) - mg/l		S.V. ≤ 0.06	X		*			X		X			
Total Ammonia (as N) - mg/l		[e]			*			X					
Chlorophyll a - µg/l		Avg. Jun- ≤ 10[d] Sep			*	*	X	X					

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Total Suspended Solids - mg/l		S.V. ≤ 25			*								
Turbidity - NTU		S.V. ≤ 10			*								
Color - PCU		S.V. ≤ 75						*					
Secchi Depth - meters		Avg. Jun- Sep ≥ 4.0			X	*	X	X					
Total Dissolved Solids - mg/l		S.V. ≤ 500 or the 95th percentile (whichever is less)	X	X				*					
Chloride - mg/l		1-hour Avg. ≤ 860[f] 96-hour Avg. ≤ 230	X		*			X		X			
Sulfate - mg/l		S.V. ≤ 250						*					
Alkalinity (as $CaCO_3$) - mg/l		S.V. ≥ 20			*					X			
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X						

PARAMETER	*REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY*	*WATER QUALITY STANDARDS FOR BENEFICIAL USES*	*Beneficial Use*[a]										
			Livestock	*Irrigation*	*Aquatic*	*Contact*	*Noncontact*	*Municipal*	*Industrial*	*Wildlife*	*Aesthetic*	*Enhance*	*Marsh*
Fecal Coliform -No./100 ml		*S.V. ≤ 1,000*	*X*	*			*X*	*X*		*X*			

** = The most restrictive beneficial use.*

X = Beneficial use.

[a] *Refer to NAC 445A.122 and 445A.1432 for beneficial use terminology.*

[b] *Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.*

[c] *When reservoir is stratified, the dissolved oxygen criterion applies only to the epilimnion.*

[d] *June-September average for the entire reservoir within the upper meter of the water column. These nutrient criteria are considered attained if:*

1 The chlorophyll a criterion is met regardless of the level of total phosphorus or total nitrogen; or

2 If chlorophyll a data are not available, both the total phosphorus and total nitrogen criteria are met.

[e] *The ambient water quality criteria for ammonia are specified in NAC 445A.118.*

[f] *One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.*

Sec. 2. NAC 445A.1432 is hereby amended to read as follows:

445A.1432 The designated beneficial uses for select bodies of water within the Humboldt Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Humboldt River near Osino	From the upstream source of the main stem to Osino.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1436
Humboldt River at Palisade	From Osino to the Palisade Gage.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1438
Humboldt River at Battle Mountain	From the Palisade Gage to the Battle Mountain Gage.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1442
Humboldt River at State Highway 789	From the Battle Mountain Gage to where State Highway 789 crosses the Humboldt River.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1444
Humboldt River at Imlay	From the Comus Gage to Imlay.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1446
Humboldt River at Woolsey	From Imlay to Woolsey.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1448
Humboldt River at Rodgers Dam	From Woolsey to Rodgers Dam.	X	X	X	X	X	X	X	X					NAC 445A.1452
Humboldt River at the Humboldt Sink	From Rodgers Dam to the Humboldt Sink.	X	X	X	X	X		X	X					NAC 445A.1454
The Humboldt Sink	The entire sink.	X	X	X		X		X	X					NAC 445A.1455
Humboldt River, North Fork and tributaries at the national forest boundary	From their origin in the Independence Mountain Range to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1456

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Humboldt River, North Fork at Beaver Creek	From the national forest boundary to its confluence with Beaver Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1458
Humboldt River, North Fork at the Humboldt River	From its confluence with Beaver Creek to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1462
Humboldt River, South Fork ~~[and]~~ ***at South Fork Reservoir, including*** tributaries ~~[at]~~ ***above*** Lee	From ~~[their]~~ ***its*** origin to ***South Fork Reservoir, including its tributaries above*** Lee, except for the length of the river and the lengths of its tributaries within the exterior borders of the South Fork Indian Reservation.	X	X	X	X	X	X		X					NAC 445A.1464
South Fork Reservoir	***The entire reservoir.***	***X***	***X***	***X***	***X***	***X***	***X***	***X***	***X***				***Trout***	***Section 1 of this regulation***
Humboldt River, South Fork at the Humboldt River	From ~~[Lee]~~ ***South Fork Reservoir*** to its confluence with the Humboldt River ***.*** ~~[, except for the length of the river within the exterior borders of the South Fork Indian Reservation.]~~	X	X	X	X	X	X	X	X				Trout	NAC 445A.1466

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Little Humboldt River	The entire length.	X	X	X	X	X	X	X	X				NAC 445A.1468
Little Humboldt River, North Fork at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.1472
Little Humboldt River, North Fork at the South Fork of the Little Humboldt River	From the national forest boundary to its confluence with the South Fork of the Little Humboldt River.	X	X	X	X	X	X	X	X				NAC 445A.1474
Little Humboldt River, South Fork at the Elko-Humboldt county line	From its origin to the Elko-Humboldt county line.	X	X	X	X	X	X		X				NAC 445A.1476
Little Humboldt River, South Fork at the North Fork of the Little Humboldt River	From the Elko-Humboldt county line to its confluence with the North Fork of the Little Humboldt River.	X	X	X	X	X	X	X	X				NAC 445A.1478
Marys River, upper	From its origin to the point where the river crosses the east line of T. 42 N., R. 59 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.1482

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Marys River at the Humboldt River	From the east line of T. 42 N., R. 59 E., M.D.B. & M., to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1484
Tabor Creek	From its origin to the east line of T. 40 N., R. 60 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1486
Maggie Creek Tributaries	From their origin to the point where they become Maggie Creek or the point of their confluence with Maggie Creek.	X	X	X	X	X	X		X					NAC 445A.1488
Maggie Creek at Jack Creek	From where it is formed by the Maggie Creek tributaries to its confluence with Jack Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1492
Maggie Creek at Soap Creek	From its confluence with Jack Creek to its confluence with Soap Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1494
Maggie Creek at the Humboldt River	From its confluence with Soap Creek to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1496

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Secret Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1498
Secret Creek at the Humboldt River	From the national forest boundary to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1502
Lamoille Creek at the gaging station	From its origin to gaging station number 10-316500, located in the NE 1/4 of section 6, T. 32 N., R. 58 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1504
Lamoille Creek at the Humboldt River	From gaging station number 10-316500, located in the NE 1/4 of section 6, T. 32 N., R. 58 E., M.D.B. & M., to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1506
J.D. Ponds	The entire area.	X	X	X	X	X	X	X	X					NAC 445A.1508
Denay Creek at Tonkin Reservoir	From its origin to Tonkin Reservoir.	X	X	X	X	X	X		X					NAC 445A.1512
Tonkin Reservoir	The entire reservoir.	X	X	X	X	X	X		X					NAC 445A.1514
Denay Creek below Tonkin Reservoir	Below Tonkin Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1516
Rock Creek at Squaw Valley Ranch	From its origin to Squaw Valley Ranch.	X	X	X	X	X	X		X					NAC 445A.1518

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Rock Creek below Squaw Valley Ranch	Below Squaw Valley Ranch.	X	X	X	X	X	X	X	X				NAC 445A.1522
Willow Creek at Willow Creek Reservoir	From its origin to Willow Creek Reservoir.	X	X	X	X	X	X		X				NAC 445A.1524
Willow Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1526
North Antelope Creek	From its origin to its confluence with Antelope Creek.	X		X	X	X		X	X				NAC 445A.1527
Pole Creek	From its origin to the point of diversion of the Golconda water supply, near the north line of section 13, T. 35 N., R. 39 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.1528
Water Canyon Creek	From its origin to the point of diversion of the Winnemucca municipal water supply, near the west line of section 12, T. 35 N., R. 38 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.1532
Martin Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.1534

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Martin Creek below the national forest boundary	From the national forest boundary to the first diversion in T. 42 N., R. 40 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1536
Dutch John Creek	The entire length.	X	X	X	X	X	X		X					NAC 445A.1538
Huntington Creek at the White Pine-Elko county line	From its origin to the White Pine-Elko county line.	X	X	X	X	X	X		X					NAC 445A.1542
Huntington Creek at Smith Creek	From the White Pine-Elko county line to its confluence with Smith Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1544
Huntington Creek at the South Fork of the Humboldt River	From its confluence with Smith Creek to its confluence with the South Fork of the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1546
Green Mountain Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1548
Green Mountain Creek at Corral Creek	From the national forest boundary to its confluence with Corral Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1552
Toyn Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1554

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Reese River at Indian Creek	From its origin to its confluence with Indian Creek, except for the length of the river within the exterior borders of the Yomba Indian Reservation.	X	X	X	X	X	X		X					NAC 445A.1556
Reese River at State Route 722	From its confluence with Indian Creek to State Route 722 (old U.S. Highway 50), except for the length of the river within the exterior borders of the Yomba Indian Reservation.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1558
Reese River below State Route 722	North of State Route 722 (old U.S. Highway 50).	X	X	X	X	X	X	X	X					NAC 445A.1562
San Juan Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1564
Big Creek at the forest service campground	From its origin to the east boundary of the United States Forest Service's Big Creek Campground.	X	X	X	X	X	X		X					NAC 445A.1566

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Big Creek below the forest service campground	From the east boundary of the United States Forest Service's Big Creek Campground to the first diversion dam, near the west line of section 4, T. 17 N., R. 43 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1568
Mill Creek	From its origin to the first point of diversion, near the south line of section 22, T. 29 N., R. 44 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1572
Lewis Creek	From its origin to the first point of diversion, near the center of section 23, T. 30 N., R. 45 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1574
Iowa Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1576
Starr Creek	From the confluence of Ackler and Herder Creeks to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1578
Irrigation	Irrigation													

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Livestock	Watering of livestock												
Contact	Recreation involving contact with the water												
Noncontact	Recreation not involving contact with the water												
Industrial	Industrial supply												
Municipal	Municipal or domestic supply, or both												
Wildlife	Propagation of wildlife												
Aquatic	Propagation of aquatic life												
Aesthetic	Waters of extraordinary ecological or aesthetic value												
Enhance	Enhancement of water quality												
Marsh	Maintenance of a freshwater marsh												

Sec. 3. NAC 445A.1464 is hereby amended to read as follows:

445A.1464 The limits of this table apply to the bodies of water known as the South Fork of the Humboldt River ~~[and]~~ ***from its origin to South Fork Reservoir, including*** its tributaries ~~[from their origin to]~~ ***above*** Lee, except for the length of the river and the lengths of its tributaries within the exterior borders of the South Fork Indian Reservation. This segment of the South Fork of the Humboldt River and ***its*** tributaries ~~[is]~~ ***are*** located in Elko County.

STANDARDS OF WATER QUALITY

Humboldt River, South Fork ~~[and]~~ ***at South Fork Reservoir, including*** tributaries ~~[at]~~ ***above*** Lee

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X		X			
Aquatic Life Species of Concern													
Temperature - °C ΔT^b - °C		S.V. ≤ 20 ΔT = 0			*	X							
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X		*			
Dissolved Oxygen - mg/l		S.V. ≥ 6.0	X		*	X	X	X		X			
Total Phosphorus (as P) - mg/l		S.V. ≤ 0.10			*	*	X	X					
Total Ammonia (as N) - mg/l		[c]			*			X					
Total Dissolved Solids - mg/l		S.V. ≤ 500 or the 95th percentile (whichever is less).	X	X				*					
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X						
Fecal Coliform - No./100 ml		S.V. ≤ 1,000	X	*			X	X		X			

* = The most restrictive beneficial use.

X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.1432 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The ambient water quality criteria for ammonia are specified in NAC 445A.118.

Sec. 4. NAC 445A.1466 is hereby amended to read as follows:

445A.1466 The limits of this table apply to the body of water known as the South Fork of the Humboldt River from ~~[~~Lee~~]~~ ***South Fork Reservoir*** to its confluence with the Humboldt River . ~~[, except for the length of the river within the exterior borders of the South Fork Indian Reservation.]~~ This segment of the South Fork of the Humboldt River is located in Elko County.

STANDARDS OF WATER QUALITY

Humboldt River, South Fork at the Humboldt River

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Trout.										
Temperature - °C ΔT^b - °C		S.V. ≤ 20 $\Delta T = 0$			*	X							
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X	X	*			
Dissolved Oxygen - mg/l		S.V. ≥ 6.0	X		*	X	X	X		X			
Total Phosphorus (as P) - mg/l		S.V. ≤ 0.10			*	*	X	X					
Total Ammonia (as N) - mg/l		[c]			*			X					
Total Dissolved Solids - mg/l		S.V. ≤ 500 or the 95th percentile (whichever is less).	X	X				*					

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X						
Fecal Coliform - No./100 ml		S.V. ≤ 1,000	X	*			X	X		X			

* = The most restrictive beneficial use.

X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.1432 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The ambient water quality criteria for ammonia are specified in NAC 445A.118.

Permanent Regulation – Informational Statement

A Regulation Relating to Water Quality Standards

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

State Environmental Commission (SEC)
LCB File No: R103-14

Regulation R103-14:

On December 3, 2014, the SEC adopted a regulation modification related to the NDEP Bureau of Water Quality. The proposed regulation revises water quality standards for South Fork Humboldt River and South Fork Reservoir (NAC 445A.1464 – 445A.1466). Proposed changes include: 1) separate the South Fork Reservoir from the South Fork Humboldt River; 2) revise phosphorus criterion; 3) add numeric criteria for total nitrogen, Secchi depth, chlorophyll-a (algae biomass), nitrite, color, total suspended solids, turbidity, chloride, sulfate, and alkalinity; and 4) clarify that the dissolved oxygen criterion applies only in the epilimnion when the reservoir is stratified. Since its construction in 1989, South Fork Reservoir has been protected using the water quality standards of the South Fork Humboldt River. Given that the water quality characteristics of a reservoir differ from those of a stream, water quality standards designed for a reservoir were deemed necessary to appropriately protect the beneficial uses within South Fork Reservoir. In addition, criteria for additional parameters are proposed to properly protect the beneficial uses. These updated water quality criteria are based upon more recent data, scientific literature and guidance published by the United States Environmental Protection Agency (EPA).

1. Need for Regulation:

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.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

On May 19 and May 21, 2014, NDEP conducted public workshops on NDEP's Draft Regulation. The workshops were held in Carson City and Elko. The meeting location in Carson City was at the Bryan Building located at 901 S. Stewart Street (Tahoe Conference Room) and the meeting in Elko was at the County library, located at 720 Court Street.

Four (4) members of the public commented at the Carson City workshop. Those people were:
Chris Donley, Cardno Entrix Consulting, Carson City
Rob Martinez, Nevada Division of Water Resources, Carson City
Bob Merged, Nevada Division of State Parks, Carson City
Stephanie Wilson, US EPA, Carson City

Five (5) members of the public commented at the Elko workshop. Those people were:
Randy Brown, Elko County, Elko
Glen Guttry, Elko County Commissioner, Elko
John Elliott, Nevada Department of Wildlife, Elko
Chuck Petersen, NRCS, Elko
Carol Evans, BLM, Elko

Questions were related issues related to water quality standards trumping water rights, tribes (other than Pyramid Lake Paiute Tribe) moving forward with their own standards, EPA's pending rule regarding Waters of the United States, and how the regulation might affect Reservoir operations.

There were no written comments.

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: http://sec.nv.gov/docs/1214/R103_14_WorkshopMinutes.pdf .

Following the workshop, the SEC held a formal regulatory hearing on December 3, 2014 at the Nevada Department of Conservation and Natural Resources, 901 South Stewart Street, Carson City, Nevada. A public notice and agenda for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at the Office of the Division of Environmental Protection in Las Vegas, at the Division of Minerals in Carson City, at the Division of Wildlife, on the LCB website, on the Division of Administration website and on the SEC website.

Copies of the agenda, the public notice, and the proposed permanent regulation R103-14 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list and the Bureau of Water Quality Planning electronic mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://sec.nv.gov/main/hearing_1214.htm .

3. The number of persons who attended the SEC Regulatory Hearing:

(a) Attended December 3, 2014 hearing: 6 (approximately)
(b) Testified on this Petition at the hearing: 1
(c) Submitted to the agency written comments: 0

Person who testified at the hearing:
Mike L. Baughman
Humboldt River Basin Water Authority
PO Box 2008
Carson City, NV 89702
(775) 883-2051
mikebaughman@charter.net

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses through e-mail, a public workshop and at the December 3, 2014 SEC hearing as noted in number 2 above.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without changes because the SEC determined, following extensive discussion, that the testimony provided at the hearing did not necessitate a change (see Number 2 above).

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

(a) Regulated Business/Industry. The proposed revisions are not expected to have any direct economic effect on the regulated community both immediate 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 are no active NPDES permits for discharges to South Fork Reservoir.

(b) Public. 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.

7. The estimated cost to the agency for enforcement of the adopted regulation.

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

8. 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.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

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.

10. 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 regulation does not address fees.