

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R130-15

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 Wednesday, February 10, 2016 at 9:00 am in Carson City. The meeting location is the Bryan Building, located at 901 South Stewart Street (2nd floor, Tahoe Room). The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda.

Nevada Division of Environmental Protection: (For Possible Action)

R130-15: Bureau of Water Quality Planning – Lower Humboldt Class Waters, Water Quality Standards Revision

The proposed changes to the Nevada Administrative Code (NAC) revise the Nevada water quality regulations for the former “Class Waters” located in the Lower 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.

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 be modified to protect the beneficial uses currently designated for these waters.

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. There will be no additional costs to the State for enforcement of the proposed regulation

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

R101-14 - Bureau of Water Quality Planning – Lahontan Reservoir, Water Quality Standards Revision

The proposed amendment revises water quality standards for the Carson River and Lahontan Reservoir (NAC 445A.1822 - 445A.1824). Proposed changes include: 1) separate out the delineation of Lahontan Reservoir from the Carson River; 2) revise phosphorus, chloride and alkalinity criteria; and 3) clarify that the dissolved oxygen criterion applies only in the epilimnion when the reservoir is stratified. Lahontan Reservoir water quality standards were last reviewed in 1984 and these revisions were deemed necessary to update water quality criteria based upon more recent data, scientific literature and guidance published by the USEPA.

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 changes be made to the water quality standards to protect the beneficial uses currently designated for these waters.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. 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. This notice and the text of the proposed regulations are also available on the SEC's website at: http://sec.nv.gov/main/hearing_0216.htm . The proposed regulations denoted in this notice, including previous drafts, 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 February 4, 2016.