PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R113-22

July 26, 2022

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

AUTHORITY: §§ 1, 2 and 17-28, NRS 445A.425 and 445A.520; §§ 3-13, 16, 29, 30 and 34-36, NRS 445A.425 and 445A.465; § 14, NRS 445A.425, 445A.465 and 445A.565; § 15, NRS 445A.425, 445A.465 and 445A.475; § 31, NRS 445A.425, 445A.465, 445A.495; § 32, NRS 445A.425, 445A.465 and 445A.500; § 33, NRS 445A.425, 445A.430, 445A.465 and 445A.480.

A REGULATION relating to water; establishing provisions for the classification of certain waters as waters of extraordinary ecological, aesthetic or recreational value; defining certain terms relating to an antidegradation review process; establishing provisions for an antidegradation review process for point source discharges into surface waters of this State; revising provisions relating to standards for water quality; revising various provisions relating to discharge permits, general permits and zones of mixing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations relating to water pollution control, including water quality standards and limitations on the discharge of waste to protect designated beneficial uses of the waters of this State. (NRS 445A.425, 445A.520) Under existing regulations, the Commission has established water quality standards to protect existing and designated beneficial uses, which include protections for waters of extraordinary ecological or aesthetic value. (NAC 445A.122) **Section 2** of this regulation sets forth a process for the Commission to classify a water of this State or segment thereof as a water of extraordinary ecological, aesthetic or recreational value and authorizes a person to petition the Commission to make such a classification. **Section 2** also requires the Commission to designate a tier level of antidegradation protection for the classified water, which must be either tier 3 or tier 2.5. **Sections 18-28** of this regulation make conforming changes to revise the term "water of extraordinary ecological or aesthetic value" to "water of extraordinary ecological, aesthetic or recreational value."

Sections 3-16 of this regulation set forth an antidegradation review process for discharges into surface waters of this State to protect the water quality of surface waters of this State and maintain the higher water quality levels of the parameters of concern in those waters in which the parameters of concern have higher water quality levels than is required by existing water quality

standards. **Section 17** of this regulation makes conforming changes to incorporate these provisions into existing definitions for the chapter.

Sections 3-7 of this regulation define various terms relating to the antidegradation review process.

Section 8 of this regulation provides that the antidegradation provisions set forth in **sections 3-16** do not apply to an activity that may result in the temporary or limited lowering of water quality that the Director of the State Department of Conservation and Natural Resources determines is necessary for certain reasons.

Section 9 of this regulation requires that for the purposes of the provisions governing the antidegradation review process, waters classified as waters of extraordinary ecological, aesthetic or recreational value must be designated as having a tier 3 or tier 2.5 level of antidegradation protection and any surface water of this State that is not classified as a water of extraordinary ecological, aesthetic or recreational value must be protected on a parameter-by-parameter basis at a tier 2 or tier 1 level of antidegradation protection. **Section 9** provides that: (1) with certain exceptions for effluent-dominated waters, the tier 2 level of antidegradation protection will apply to a parameter of concern in the receiving water if the baseline water quality of the parameter of concern is better than the applicable water quality standard for that parameter of concern or if a requirement to maintain higher quality has been promulgated for the parameter of concern; and (2) the tier 1 level of antidegradation protection will apply if the baseline water quality of a parameter of concern in the receiving water is the same or worse than the applicable water quality standard or, with certain exceptions, if the parameter of concern is present in an effluent-dominated receiving water.

Section 10 of this regulation provides that the antidegradation provisions of this regulation do not: (1) affect the provisions of title 48 of NRS pertaining to water; (2) prohibit or impair any use of water authorized under title 48 of NRS; or (3) entitle an appropriator to water of a specific quality.

Section 11 of this regulation provides that under the: (1) tier 3 level of antidegradation protection, the State Department of Conservation and Natural Resources is required to deny, with limited exceptions, any applications for a new or modified discharge into the classified water; (2) tier 2.5 level of antidegradation protection, the Department is authorized to grant an application for a new or modified discharge if the Department determines that the discharge will not lower the water quality levels of a parameter of concern in the receiving water or have a negative impact on an attribute for which the water has been classified as a water of extraordinary ecological, aesthetic or recreational value; (3) tier 2 level of antidegradation protection, the Department is authorized to grant an application for a new or modified discharge that will lower the existing water quality level of a parameter of concern in the receiving water if approved by the Commission under certain circumstances; and (4) tier 1 level of antidegradation protection, the Department is required to protect the existing and designated beneficial uses in accordance with the applicable water quality standards.

Section 12 of this regulation requires, with certain exceptions, the Department to conduct an antidegradation review when an application to discharge into the surface waters of this State is submitted to the Department.

Section 13 of this regulation sets forth the requirements for an antidegradation review, which must: (1) with certain exceptions, be conducted on a parameter-by-parameter basis; and (2) evaluate the potential impacts of the point source discharge on the parameters of concern present in the receiving water.

Existing law prohibits the discharge of waste into the surface waters of the State that will result in the lowering of water quality of waters whose quality is higher than the applicable standards of water quality unless the person demonstrates to the Commission that the lower quality is justifiable because of economic or social considerations. (NRS 445A.565) **Section 14** of this regulation provides that if the antidegradation review determines that the discharge will lower the existing water quality of a parameter of concern in the receiving water with a tier 2 level of antidegradation protection, the applicant is required to submit to the Department an alternatives analysis for the review of the Commission. **Section 14** further provides that if the alternatives analysis does not identify a technologically feasible and economical alternative that would prevent or reduce the impact of the discharge on the water quality level of the parameter of concern in the receiving water, the applicant is required to submit for the review of the Commission a justification based on the economic or social importance of the discharge. **Section 14** provides that the Commission will hold a hearing on the justification and, based on certain findings, may approve the issuance of a permit for the discharge.

Section 15 of this regulation sets forth the antidegradation requirements for a general permit.

Section 16 of this regulation sets forth the antidegradation requirements for a storm water runoff permit.

Sections 18-36 of this regulation make conforming changes to incorporate the antidegradation process into existing requirements for applications for discharge permits, general permits and zones of mixing.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. ***1. The Commission may classify a surface water or segment of a surface water as a water of extraordinary ecological, aesthetic or recreational value if the Commission determines that the water has one or more of the following attributes:***

(a) Water quality that is significantly better quality than the applicable standards of water quality;

(b) Unique water quality characteristics; or

(c) Some other important ecological, aesthetic or recreational value.

2. Any person may nominate a surface water or segment of a surface water of the State to be classified by the Commission as a water of extraordinary ecological, aesthetic or recreational value in accordance with subsection 1 by:

(a) Compiling the data and information required pursuant to subsection 3, to the extent such data and information is available; and

(b) Filing a petition with the Commission in accordance with the requirements of subsection 3 and NAC 445B.886.

3. A petition filed with the Commission pursuant to subsection 2 must include, without limitation:

(a) The name of the surface water;

(b) A map of the location of the surface water or segment thereof which includes, without limitation, the upstream and downstream boundaries;

(c) A written statement setting forth the reason for the nomination, which must include, without limitation, specific references to the attributes set forth in subsection 1 that support the classification of a surface water or segment of a surface water as a water of extraordinary ecological, aesthetic or recreational value;

(d) Adequate and representative water chemistry data that supports the nomination and demonstrates that the water quality is significantly better quality than the applicable standards of water quality or the existence of another attribute set forth in subsection 1 of the surface water;

(e) A written explanation of the reasons why the surface water or segment of the surface water requires the higher level of protection afforded to a water of extraordinary ecological, aesthetic or recreational value;

(f) A demonstration that the provisions of title 48 of NRS will not be affected by the classification, which may include, without limitation, a list of any existing and pending permitted water withdrawals and discharges from the surface water or segment of the surface

water within the upstream and downstream boundaries and any future uses of the surface water or segment thereof described in local, regional and state water planning and management plans;

(g) A demonstration of the compatibility of the classification with any:

(1) Preexisting or preauthorized land use activities on lands adjacent to the surface water or segment thereof, which must include, without limitation, historical irrigation practices, livestock grazing and any other agricultural activities; and

(2) Authorized or pending discharges from a point source into or upgradient from the surface water or segment thereof;

(h) A summary of the social and economic benefits and impacts associated with the classification to the local community and surrounding land users; and

(i) Evidence of any public outreach and communication efforts within the local community near the surface water or segment thereof conducted by the person submitting the petition, which may include, without limitation, letters or statements from stakeholders, landowners or federal, state or local governmental agencies.

4. The Commission will notify the person within 30 days after receiving a petition pursuant to subsection 2 whether the Commission will:

(a) Initiate proceedings to adopt a regulation classifying the nominated surface water as a water of extraordinary ecological, aesthetic or recreational value; or

(b) Deny the petition, in which case the Commission will include the reasons for the denial in the notification.

5. If, during the course of the proceedings to adopt a regulation classifying a nominated surface water as a water of extraordinary ecological, aesthetic or recreational value, the

Commission decides against classifying the nominated surface water, the Commission will notify the person within 30 days after making the decision and will include the reasons for the decision in the notification.

6. The Commission will designate the tier of antidegradation protection that will be applied to the water for the purposes of sections 3 to 16, inclusive, of this regulation. A water classified as a water of extraordinary ecological, aesthetic or recreational value must have a designated tier level of antidegradation protection of 3 or 2.5.

7. The classification of a surface water or segment of a surface water as a water of extraordinary ecological, aesthetic or recreational value does not:

(a) Pursuant to NRS 445A.725, affect the provisions of title 48 of NRS or any rule, regulation or order of the State Engineer;

(b) Prohibit or impair any use of water authorized under title 48 of NRS;

(c) Entitle an appropriator of water to require that the source of the water meets his or her specific requirements for water quality;

(d) Prohibit or alter activities that are authorized under a state or federal permit related to the management and maintenance of structures and devices in and on the water;

(e) Restrict or otherwise alter any existing land uses, including without limitation, historical irrigation practices or agricultural and grazing activities adjacent to the water of extraordinary ecological, aesthetic or recreational value; or

(f) Prohibit or impair any property rights or any land use activities authorized under a state or federal permit occurring on any federally managed land adjacent to the water of extraordinary ecological, aesthetic or recreational value.

8. As used in this section, "significantly better quality" has the meaning ascribed to it in section 7 of this regulation.

Sec. 3. *As used in sections 3 to 16, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *"Baseline concentration" means the existing water quality level for each parameter of concern in the receiving water.*

Sec. 5. *"Parameter of concern" means a parameter with a water quality standard set forth in NAC 445A.11704 to 445A.2234, inclusive, that is present in a receiving water and has been determined by the Department to be of concern.*

Sec. 6. *"Requirement to maintain existing higher water quality" means the value of a parameter of concern in a receiving water that reflects significantly better quality than the value of the standard for beneficial use for that parameter of concern in the receiving water, which has been developed by the Department following the collection of not less than 20 samples collected on a quarterly basis for a period of 5 years.*

Sec. 7. *"Significantly better quality" means, on a parameter-by-parameter basis, the existing water quality level of a parameter of concern is at least 25 percent better than the most restrictive beneficial use standard for that parameter of concern in the receiving water.*

Sec. 8. *The provisions of sections 3 to 16, inclusive, of this regulation do not apply to any activity which may result in the temporary or limited lowering of water quality if the Director determines that the activity is necessary:*

1. To accommodate public health and safety in the area in which the surface water is located; or

2. For an emergency response to mitigate an immediate threat to public health or safety;

➥ Any such activity must not be reoccurring and the Department shall ensure that any controls necessary are implemented to minimize the impacts to water quality.

Sec. 9. *For the purposes of sections 3 to 16, inclusive, of this regulation:*

1. Each surface water or segment that is classified as a water of extraordinary ecological, aesthetic or recreational value pursuant to section 2 of this regulation must have a designated tier level of antidegradation protection of 3 or 2.5; and

2. Any surface water that is not classified as a water of extraordinary ecological, aesthetic or recreational value pursuant to section 2 of this regulation must be protected on a parameter-by-parameter basis and each parameter of concern in the receiving water must have a designated tier level of antidegradation protection of 2 or 1. A parameter of concern must be designated as having:

(a) Except as otherwise provided in paragraph (b), a tier 2 level of antidegradation protection if:

(1) The baseline concentration of the parameter of concern in the receiving water is significantly better quality than the applicable water quality standard set forth in NAC 445A.11704 to 445A.2234, inclusive, to support the designated and existing beneficial uses; or

(2) A requirement to maintain the existing higher water quality has been promulgated for the parameter of concern in the receiving water; or

(b) A tier 1 level of antidegradation protection if:

(1) The baseline concentration of the parameter of concern in the receiving water is the same or worse than the applicable water quality standard set forth in NAC 445A.11704 to 445A.2234, inclusive, to support the designated and existing beneficial uses; or

(2) The receiving water is an effluent-dominated water, except for any receiving water that is an effluent-dominated water for which a requirement to maintain the existing higher water standard has been promulgated for a parameter of concern before the effective date of this regulation. As used in this subparagraph, "effluent-dominated water" means a water body whose flow consists of greater than 80 percent wastewater effluent for at least 300 days of the year.

Sec. 10. *The antidegradation provisions set forth in sections 3 to 16, inclusive, of this regulation do not:*

1. Pursuant to NRS 445A.725, affect the provisions of title 48 of NRS or any rule, regulation or order of the State Engineer;

2. Prohibit or impair any use of water authorized under title 48 of NRS; or

3. Entitle an appropriator of water to require that the source of the water meet his or her specific requirements for water quality.

Sec. 11. *1. If a surface water or segment thereof that is classified as a water of extraordinary ecological, aesthetic or recreational value is designated as having a:*

(a) Tier 3 level of antidegradation protection by the Commission, the Department:

(1) Shall, except as otherwise provided in subparagraph (3), maintain and protect the existing water quality level of each parameter of concern in the classified water or other attribute of the classified water;

(2) Shall, except as otherwise provided in subparagraph (3), prohibit:

(I) Any new or expanded point source discharge into the classified water; and

(II) Any new or expanded point source discharge that occurs upstream of the classified water if the Department determines that the discharge would lower the existing

water quality level of a parameter of concern in the classified water or have a detrimental impact on an attribute of the classified water; and

(3) Shall not prohibit:

(I) A point source discharge, including, without limitation, a point source discharge associated with a zone of mixing, that was authorized by the Department before the water or segment was classified as a water of extraordinary ecological, aesthetic or recreational value if the request to renew the permit to discharge will not result in an expanded point source discharge as described in paragraph (b) of subsection 1 of section 12 of this regulation or modify the zone of mixing; or

(II) An activity authorized by the Department to restore or maintain the water quality or other attribute of the classified water.

(b) Tier 2.5 level of antidegradation protection by the Commission, the Department:

(1) Shall, except as otherwise provided in subparagraph (3), maintain and protect the existing water quality of each parameter of concern in the classified water or other attribute of the classified water;

(2) Shall, except as otherwise provided in subparagraph (3), prohibit:

(I) Any new or expanded point source discharge into the classified water that the Department determines will lower the existing water quality of a parameter of concern in the classified water or have a detrimental impact on an attribute of the classified water; and

(II) Any new or expanded point source discharge that occurs upstream of the classified water if the Department determines that the discharge would lower the existing water quality of a parameter of concern in the classified water or have a detrimental impact on an attribute of the classified water; and

(3) Shall not prohibit:

(I) A point source discharge, including, without limitation, a point source discharge associated with a zone of mixing, that was authorized by the Department before the water or segment was classified as a water of extraordinary ecological, aesthetic or recreational value if the request to renew the permit to discharge does not expand the point source discharge as described in paragraph (b) of subsection 1 of section 12 of this regulation or modify the zone of mixing; or

(II) An activity authorized by the Department to restore or maintain the water quality or other attribute of the classified water.

2. If a parameter of concern is designated as having a:

(a) Tier 2 level of antidegradation protection, the Department:

(1) Shall, except as otherwise provided in subparagraph (2), maintain and protect the existing water quality of the parameter of concern in the receiving water at the level of the requirement to maintain existing higher water quality; and

(2) May authorize a new or expanded point source discharge that will not meet the level of the requirement to maintain the existing higher water quality if the discharge is approved by the Commission pursuant to section 14 of this regulation; or

(b) Tier 1 level of antidegradation protection, the Department shall maintain and protect the level of water quality necessary for the designated and existing beneficial uses.

Sec. 12. *1. Except as otherwise provided in subsection 2, the Department shall conduct an antidegradation review to ensure the antidegradation requirements set forth in sections 3 to 16, inclusive, of this regulation are met if a person submits a permit application pursuant to NAC 445A.230 for:*

(a) A new point source discharge.

(b) A permit renewal or modification that will result in an expanded point source discharge, which includes, without limitation, a proposed:

(1) Increase of the maximum flow limit in gallons per day of the discharge authorized by the permit which would result in an increase in the concentration of the parameters of concern in the discharge.

(2) Change in the composition of the parameters of concern in the discharge which would require different effluent limitations. If the permit renewal or modification includes a proposed change in the composition of the parameters of concern in the discharge as described in this subparagraph, the Department shall limit the antidegradation review to the specific parameters of concern which would require different effluent limitations.

(3) Relocation of the discharge, if the relocation constitutes a significant change, as determined by the Director.

(c) A new zone of mixing.

(d) A modified zone of mixing, as determined by the Director.

2. The Department shall not conduct an antidegradation review if a person submits a permit application for the reissuance of a permit, including, without limitation, a permit associated with a zone of mixing, that will not result in:

(a) An expanded point source discharge as described in paragraph (b) of subsection 1; or

(b) A modified zone of mixing.

Sec. 13. *1. An antidegradation review required pursuant section 12 of this regulation shall:*

(a) Except as otherwise provided in subparagraph (2) of paragraph (b) of subsection 1 of section 12 of this regulation, be conducted by the Department on a parameter-by-parameter basis for the parameters of concern that are expected to be present in the point source discharge; and

(b) Evaluate the potential impacts of a point source discharge to the existing water quality level of each parameter of concern in the receiving water.

2. For the purpose of the evaluation conducted pursuant to subsection 1:

(a) The existing water quality level of a parameter of concern in the receiving water will be assessed at the downstream control point for the segment of the receiving water as described in NAC 445A.1239 or at the downstream edge of an approved zone of mixing and used to determine the baseline water quality concentrations of the receiving water and the tier level of antidegradation protection that must be assigned each parameter of concern.

(b) Except as otherwise provided in paragraph (c), if the water quality level of a parameter of concern in the point source discharge is:

(1) The same or less than the water quality level required for the tier 2 level of antidegradation designation, the point source discharge will not lower the existing water quality of the parameter of concern in the receiving water and the Department shall not require any additional analysis to authorize the point source discharge; or

(2) Greater than the water quality level required for the tier 2 level of antidegradation protection designation, the point source discharge will lower the existing water quality of the parameter of concern in the receiving water and the applicant must submit to the Department an alternative analysis and, if there are no feasible alternatives identified, a justification in accordance with section 14 of this regulation.

(c) The Department shall not approve a point source discharge to a receiving water in which a parameter of concern in the receiving water is designated as having a tier 1 level of antidegradation protection unless the water quality level of the parameter of concern in the point source discharge meets the water quality standard for the parameter of concern in the receiving water.

(d) If the baseline water quality of the receiving water is unknown or there is insufficient data to characterize the baseline water quality, the Department may determine the baseline concentrations of the parameters of concern in the receiving water before completing the antidegradation review.

3. In addition to the requirements of subsection 1, if an applicant proposes a point source discharge to:

(a) A tributary of a surface water or segment thereof that has been classified as a water of extraordinary ecological, aesthetic or recreational value and has been designated as having a tier 3 or tier 2.5 level of antidegradation protection that is upstream of the classified water, the antidegradation review shall determine whether the water quality level of each parameter of concern downstream in the classified water will be maintained and protected at the designated level of antidegradation protection if the discharge is authorized; and

(b) A surface water or segment thereof that has been classified as a water of extraordinary ecological, aesthetic or recreational value and has been designated as having a tier 2.5 level of antidegradation protection by the Commission pursuant to section 2 of this regulation, the antidegradation review must include, without limitation, a demonstration that the water quality level of each parameter of concern in the classified water will be maintained and protected at the designated level of antidegradation protection if the discharge is authorized.

Sec. 14. *1. If the antidegradation review conducted by the Department pursuant to sections 12 and 13 of this regulation determines that an application to discharge will lower the existing water quality level of a parameter of concern in the receiving water that has been designated as having a tier 2 level of antidegradation protection, the Department shall, for the purposes of NRS 445A.565, require the applicant to submit for the review of the Commission an alternatives analysis which must include, without limitation:*

(a) The information required in subsection 2 of NRS 445A.565;

(b) Alternative treatment technologies;

(c) Alternative discharge locations;

(d) Alternative processes that would improve discharge quality;

(e) Seasonal or controlled discharge; and

(f) An alternative that does not result in the discharge.

2. If an applicant is required to conduct an alternatives analysis as a requirement of other permitting activities or environmental reviews, the same alternatives analysis may be submitted for the purposes of subsection 1.

3. If the alternatives analysis does not identify a technologically feasible and economical alternative that would not result in the lowering of the existing water quality level of a parameter of concern in the receiving water:

(a) The applicant must submit to the Department for the approval of the Commission a justification based on the economic or social importance of the proposed discharge that demonstrates why the lowering of the existing water quality level of the parameter of concern is necessary; and

(b) For the purposes of NRS 445A.565, the Commission will hold a public hearing on an application subject to the provisions of this section.

4. Following a hearing held pursuant to subsection 3, the Commission may approve the issuance of a permit by the Department that will result in the lowering of the existing water quality level for a parameter of concern in the receiving water that has been designated as having a tier 2 level of antidegradation protection if the Commission determines that:

(a) The lower water quality of the parameter of concern is justifiable because of economic or social considerations;

(b) The discharge will not result in the parameter of concern in the receiving water failing to meet the applicable water quality standard set forth in NAC 445A.11704 to 445A.2234, inclusive, to support the designated and existing beneficial uses; and

(c) The discharge is consistent with the requirements set forth in this chapter and chapter 445A of NRS, including, without limitation, that:

(1) The highest and best degree of waste treatment available under existing technology that is reasonably consistent with the economic capability of the project or development is used to prevent or reduce the lowering of the water quality levels of the parameter of concern in the receiving water; and

(2) All cost effective and reasonable best management practices for diffuse source pollution control required in accordance with this chapter and chapter 445A of NRS are achieved to prevent or reduce the impacts to the water quality of the parameter of concern in the receiving water.

5. If the Commission approves the issuance of a permit that will result in the lowering of the existing water quality levels of a parameter of concern pursuant to this section, the

Department shall ensure that the effluent limitation established in the discharge permit for the parameter of concern pursuant to NAC 445A.243 is not less protective than the water quality standards necessary to protect the designated beneficial uses of the receiving water.

Sec. 15. *1. In accordance with section 13 of this regulation, the Department shall conduct an antidegradation review before issuing a general permit to evaluate the potential impact of a discharge on the existing water quality levels of the parameters of concern in the receiving water if:*

(a) A group of dischargers submit an application for a general permit pursuant to NAC 445A.268; or

(b) A general permit is issued without application pursuant to NAC 445A.268.

2. Based on the antidegradation review conducted pursuant to subsection 1, the Director shall incorporate any conditions and requirements deemed necessary by the Director to ensure that the group of dischargers minimizes any lowering of the water quality levels of the parameter of concern and complies with antidegradation requirements.

3. Except as otherwise provided in subsections 4 and 5, if a discharger submits a notice of intent to engage in an activity for which a general permit has been issued, the Director shall presume that the discharger will comply with all the permit conditions and any requirements imposed pursuant to subsection 2 and that antidegradation requirements will be met.

4. Upon the renewal of a general permit, the Director may, if necessary, modify the terms or conditions of the general permit to minimize the lowering of the water quality levels of the parameters of concern in the receiving water resulting from a group of dischargers in accordance with the antidegradation provisions set forth in sections 3 to 16, inclusive, of this regulation.

5. If an application or notice of intent indicates that a group of dischargers or a specific discharger will be discharging into a receiving water that has been classified as a water of extraordinary ecological, aesthetic or recreational value pursuant to section 2 of this regulation, the Director shall require the applicant to demonstrate that the existing water quality levels of the parameters of concern or other attribute of the water of extraordinary ecological, aesthetic or recreational value will be maintained and protected. The Director may:

(a) Issue the general permit or approve the notice of intent; or

(b) Require the group or specific discharger to apply for an individual permit pursuant to NRS 445A.480.

Sec. 16. *1. Except as otherwise provided in subsection 2, if a person submits an application for a storm water runoff permit or modification to a storm water runoff permit pursuant to NAC 445A.230 or 445A.263, the Director shall presume for the purposes of the antidegradation review that the applicant will comply with all the permit conditions and any requirements imposed pursuant to this chapter, including, without limitation, the development of a storm water management plan with best practices as defined in NAC 445A.306, to prevent, eliminate or control the level of pollutants in storm water discharges, and that all antidegradation requirements will be met.*

2. Except as otherwise provided in section 11 of this regulation, if an application for a storm water runoff permit or modification to a storm water runoff permit indicates that a discharge will be into a receiving water that has been classified as a water of extraordinary ecological, aesthetic or recreational value pursuant to section 2 of this regulation, the Director shall require the applicant to demonstrate that the existing water quality levels of the

parameters of concern in the receiving water or other attribute of the classified water will be maintained and protected.

Sec. 17. NAC 445A.070 is hereby amended to read as follows:

445A.070 As used in NAC 445A.070 to 445A.348, inclusive, ***and sections 3 to 16, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 445A.071 to 445A.116, inclusive, have the meanings ascribed to them in those sections.

Sec. 18. NAC 445A.122 is hereby amended to read as follows:

445A.122 1. The following standards are intended to protect both existing and designated beneficial uses and must not be used to prohibit the use of the water as authorized under title 48 of NRS:

(a) Watering of livestock. The water must be suitable for the watering of livestock without treatment.

(b) Irrigation. The water must be suitable for irrigation without treatment.

(c) Aquatic life. The water must be suitable as a habitat for fish and other aquatic life existing in a body of water. This does not preclude the reestablishment of other fish or aquatic life.

(d) Recreation involving contact with the water. There must be no evidence of man-made pollution, floating debris, sludge accumulation or similar pollutants.

(e) Recreation not involving contact with the water. The water must be free from:

(1) Visible floating, suspended or settled solids arising from human activities;

(2) Sludge banks;

(3) Slime infestation;

(4) Heavy growth of attached plants, blooms or high concentrations of plankton, discoloration or excessive acidity or alkalinity that leads to corrosion of boats and docks;

(5) Surfactants that foam when the water is agitated or aerated; and

(6) Excessive water temperatures.

(f) Municipal or domestic supply. The water must be capable of being treated by conventional methods of water treatment in order to comply with Nevada's drinking water standards.

(g) Industrial supply. The water must be treatable to provide a quality of water which is suitable for the intended use.

(h) Propagation of wildlife. The water must be suitable for the propagation of wildlife and waterfowl without treatment.

(i) Waters of extraordinary ecological ***,*** ~~[or]~~ aesthetic ***or recreational*** value ~~[.]~~ ***classified pursuant to section 2 of this regulation.*** The ~~[unique]~~ ***important*** ecological ***,*** ~~[or]~~ aesthetic ***or recreational*** value of the water must be maintained ~~[.]~~ ***in accordance with the provisions of sections 3 to 16, inclusive, of this regulation.***

(j) Enhancement of water quality. The water must support natural enhancement or improvement of water quality in any water which is downstream.

(k) Maintenance of a freshwater marsh. The water must be suitable for the maintenance of a freshwater marsh.

2. This section does not entitle an appropriator to require that the source meet his or her particular requirements for water quality.

Sec. 19. NAC 445A.1252 is hereby amended to read as follows:

445A.1252 The designated beneficial uses for select bodies of water within the Northwest 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		
Boulder Reservoir	The entire reservoir.	X	X	X	X	X	X		X					NAC 445A.1256
Blue Lakes	The entire area.	X	X	X	X	X	X		X					NAC 445A.1258
Catnip Reservoir	The entire reservoir.	X	X	X	X	X	X		X					NAC 445A.1262
Wall Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1264
Knott Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1266
Onion Valley Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1268

Livestock	Watering of livestock
Irrigation	Irrigation
Aquatic	Propagation of aquatic life
Contact	Recreation involving contact with the water
Noncontact	Recreation not involving contact with the water
Municipal	Municipal or domestic supply, or both
Industrial	Industrial supply
Wildlife	Propagation of wildlife
Aesthetic	Waters of extraordinary ecological ***,*** ~~[or]~~ aesthetic ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 20. NAC 445A.1282 is hereby amended to read as follows:

445A.1282 The designated beneficial uses for select bodies of water within the Black Rock 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		
Smoke Creek	From the California-Nevada state line to the Smoke Creek Desert.	X	X	X	X	X			X					NAC 445A.1286
Squaw Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1288
Negro Creek	From its origin to the first irrigation diversion, near the west line of section 28, T. 36 N., R. 23 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1292
Mahogany Creek	From its origin to the exterior border of the Summit Lake Indian Reservation.	X	X	X	X	X	X		X					NAC 445A.1296

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	
Leonard Creek	From its origin to the first point of diversion, near the south line of section 12, T. 42 N., R. 28 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.1298
Bilk Creek, upper	From its origin to its intersection with the south line of section 35, T. 45 N., R. 32 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.1302
Bilk Creek at Bilk Creek Reservoir	From its intersection with the south line of section 35, T. 45 N., R. 32 E., M.D.B. & M., to Bilk Creek Reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1304
Bilk Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1306
Bottle Creek	From its origin to the first point of diversion, near the east line of section 23, T. 40 N., R. 32 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.1308
Quinn River, East and South Forks	From their origin to the confluence of the East and South Forks, except for the length of the river within the exterior borders of the Fort McDermitt Indian Reservation.	X	X	X	X	X	X		X				NAC 445A.1312
Quinn River (the slough)	From the Oregon-Nevada state line in section 31, T. 48 N., R. 38 E., M.D.B. & M., to the confluence with the main tributary of the Quinn River at the south line of section 17, T. 47 N., R. 38 E., M.D.B. & M., except for the length of the river within the exterior borders of the Fort McDermitt Indian Reservation.	X	X	X		X		X	X					NAC 445A.1316

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 21. NAC 445A.1332 is hereby amended to read as follows:

445A.1332 The designated beneficial uses for select bodies of water within the Snake 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		
Goose Creek	Within the State of Nevada.	X	X	X	X	X	X	X	X					NAC 445A.1336
Salmon Falls Creek	From the confluence of the North and South Forks of Salmon Falls Creek to the Nevada-Idaho state line.	X	X	X	X	X	X	X	X					NAC 445A.1338
Shoshone Creek	From the Nevada-Idaho state line to its confluence with Salmon Falls Creek.	X	X	X	X	X	X	X	X					NAC 445A.1342
Jarbidge River, East Fork	From its origin to the Nevada-Idaho state line.	X	X	X	X	X	X	X	X					NAC 445A.1344
Jarbidge River, above Jarbidge	From its origin to the bridge above the town of Jarbidge.	X	X	X	X	X	X	X	X					NAC 445A.1346
Jarbidge River, below Jarbidge	From the bridge above the town of Jarbidge to the Nevada-Idaho state line.	X	X	X	X	X	X	X	X					NAC 445A.1348
Bruneau River	From its origin to the Nevada-Idaho state line.	X	X	X	X	X	X	X	X					NAC 445A.1352
Owyhee River, above Mill Creek	From Wild Horse Reservoir to its confluence with Mill Creek.	X	X	X	X	X	X	X	X					NAC 445A.1354
Owyhee River, below Mill Creek	From its confluence with Mill Creek to the exterior border of the Duck Valley Indian Reservation.	X	X	X	X	X	X	X	X					NAC 445A.1356
Owyhee River, South Fork	From its origin to the Nevada-Idaho state line.	X	X	X	X	X	X	X	X					NAC 445A.1362
Salmon Falls Creek, North Fork	From the national forest boundary to its confluence with the South Fork of Salmon Falls Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1364
Salmon Falls Creek, South Fork	From the national forest boundary to its confluence with the North Fork of Salmon Falls Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1366
Camp Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1368
Camp Creek at the South Fork of Salmon Falls Creek	From the national forest boundary to its confluence with the South Fork of Salmon Falls Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1372
Cottonwood Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1374
Cottonwood Creek at the South Fork of Salmon Falls Creek	From the national forest boundary to its confluence with the South Fork of Salmon Falls Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1376
Canyon Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1378
Canyon Creek at the South Fork of Salmon Falls Creek	From the national forest boundary to its confluence with the South Fork of Salmon Falls Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1382

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		
Bear Creek	From its origin to the point of diversion for the Jarbidge municipal water supply, near the east line of section 17, T. 46 N., R. 58 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1384
76 Creek	The entire length.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1386
Owyhee River, East Fork above Wild Horse Reservoir	From its origin to Wild Horse Reservoir.	X	X	X	X	X	X		X					NAC 445A.1388
Deep Creek	From its origin to Wild Horse Reservoir.	X	X	X	X	X	X		X					NAC 445A.1392
Penrod Creek, including tributaries	From its origin, including its tributaries, to Wild Horse Reservoir.	X	X	X	X	X	X		X					NAC 445A.1394
Hendricks Creek	From its origin to Wild Horse Reservoir.	X	X	X	X	X	X		X					NAC 445A.1396
Wild Horse Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1398
Browns Gulch	From its origin to the point of diversion for the Mountain City municipal water supply, near the south line of section 24, T. 46 N., R. 53 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1402
Jack Creek	From its origin to its confluence with Harrington Creek.	X	X	X	X	X	X		X					NAC 445A.1404
Harrington Creek	From its confluence with Jack Creek to the South Fork of the Owyhee River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1406
Bull Run Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1408
Wilson Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1412
Taylor Canyon Creek	From its origin to its confluence with the South Fork of the Owyhee River.	X	X	X	X	X	X	X	X					NAC 445A.1414
Trout Creek at Goose Creek	From the Nevada-Idaho state line to its confluence with Goose Creek.	X	X	X	X	X	X	X	X					NAC 445A.1416
Trout Creek at Salmon Falls Creek	From its origin to its confluence with Salmon Falls Creek.	X	X	X	X	X	X	X	X					NAC 445A.1418
Jack Creek at Jarbidge River	From its origin to its confluence with the Jarbidge River.	X	X	X	X	X	X	X	X					NAC 445A.1422

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality

Sec. 22. 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		
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 where State Highway 789 crosses the Humboldt River 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	X					NAC 445A.1456
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 at South Fork Reservoir, including tributaries above Lee	From 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	X					NAC 445A.1464
South Fork Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1465
Humboldt River, South Fork at the Humboldt River	From South Fork Reservoir to its confluence with the Humboldt River.	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	X				Trout	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	X				Trout	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	X					NAC 445A.1482
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	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	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
Secret Creek at the national forest boundary	From its origin to the national forest boundary.	X	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

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		
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	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	X					NAC 445A.1512
Tonkin Reservoir	The entire reservoir.	X	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	X				Trout	NAC 445A.1518
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	X				Trout	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	X				Trout	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	X				Trout	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	X				Trout	NAC 445A.1534
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	X				Trout	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	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

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		
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 Toyn Creek	From its origin to its confluence with Toyn Creek.	X	X	X	X	X	X	X	X					NAC 445A.1548
Toyn Creek at Corral Creek	From its confluence with Green Mountain Creek to its confluence with Corral Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1552
Toyn Creek at Green Mountain Creek	From its origin to its confluence with Green Mountain Creek.	X	X	X	X	X	X	X	X					NAC 445A.1554
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	X				Trout	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	X				Trout	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	X				Trout	NAC 445A.1566
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	X				Trout	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	X				Trout	NAC 445A.1574
Iowa Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1576

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	
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
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 23. NAC 445A.1622 is hereby amended to read as follows:

445A.1622 The designated beneficial uses for select bodies of water within the Truckee 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	
Lake Tahoe	Existing sampling points.	X	X	X	X	X	X	X	X	X			Cold-water fishery	NAC 445A.1626
Lake Tahoe Tributaries	All tributaries to Lake Tahoe located in Nevada and which are not included in NAC 445A.1632 to 445A.1666, inclusive.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1628
Incline Creek, East Fork at the ski resort	From its origin to the ski resort.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1632
Incline Creek, West Fork at State Highway 431	From its origin to State Highway 431.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1634

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		
Incline Creek, East Fork; Incline Creek, West Fork; and Incline Creek	The East Fork of Incline Creek from the ski resort to the West Fork of Incline Creek, the West Fork of Incline Creek from State Highway 431 to the East Fork of Incline Creek, and Incline Creek from the confluence of the East and West Forks of Incline Creek to Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1636
Third Creek, East Fork at State Highway 431	From its origin to State Highway 431.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1638
Third Creek, East Fork; Third Creek, West Fork; and Third Creek	The East Fork of Third Creek from State Highway 431 to the West Fork of Third Creek, the West Fork of Third Creek from its origin to the East Fork of Third Creek, and Third Creek from the confluence of the East and West Forks of Third Creek to Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1642
Wood Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1644
Second Creek at Second Creek Drive	From its origin to Second Creek Drive.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1646
Second Creek at Lakeshore Drive	From Second Creek Drive to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1648
First Creek at Dale and Knotty Pine Drives	From its origin to Dale and Knotty Pine Drives.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1652
First Creek at Lakeshore Drive	From Dale and Knotty Pine Drives to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1654
Glenbrook Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1656
Logan House Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1658
Eagle Rock Creek	From its origin to its confluence with Edgewood Creek.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1662
Edgewood Creek at Palisades Drive	From its origin to 50 feet downstream from the culvert at Palisades Drive.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1664
Edgewood Creek at Stateline	From 50 feet downstream from the culvert at Palisades Drive to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1666
Truckee River at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				All life stages of mountain whitefish, rainbow trout and brown trout	NAC 445A.1682
Truckee River at Idlewild	From the California-Nevada state line to Idlewild.	X	X	X	X	X	X	X	X				All life stages of mountain whitefish, rainbow trout and brown trout	NAC 445A.1684

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		
Truckee River at East McCarran	From Idlewild to the East McCarran Boulevard Bridge.	X	X	X	X	X	X	X	X				All life stages of mountain whitefish, rainbow trout and brown trout	NAC 445A.1686
Truckee River at Lockwood Bridge	From the East McCarran Boulevard Bridge to the Lockwood Bridge.	X	X	X	X	X	X	X	X				Juvenile and adult rainbow trout and brown trout	NAC 445A.1688
Truckee River at Derby Dam	From the Lockwood Bridge to Derby Dam.	X	X	X	X	X	X	X	X				Juvenile and adult rainbow trout and brown trout. However, the species which are sensitive to temperature are expected to seek a cooler microhabitat during July and August	NAC 445A.1692
Truckee River at the Pyramid Lake Paiute Reservation	From Derby Dam to the exterior border of the Pyramid Lake Paiute Reservation.	X	X	X	X	X	X	X	X				Early spawning Lahontan cutthroat trout and their incubation, larvae, juveniles and migration, from May through June, depending on hydrologic conditions	NAC 445A.1694
Bronco Creek	From its origin to the California-Nevada state line.	X	X	X	X	X	X	X	X					NAC 445A.1698
Gray Creek	From its origin to the California-Nevada state line.	X	X	X	X	X	X	X	X					NAC 445A.1702
Hunter Creek at Hunter Lake	From its origin to Hunter Lake.	X	X	X	X	X	X		X					NAC 445A.1704
Hunter Lake	The entire lake.	X	X	X	X	X	X		X					NAC 445A.1706
Hunter Creek at the Truckee River	From Hunter Lake to its confluence with the Truckee River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1708
Washoe Lakes	The entire lakes.	X	X	X	X	X	X	X	X					NAC 445A.1722
Steamboat Creek at the gaging station	From Little Washoe Lake to gaging station number 10-349300, located in the S 1/2 of section 33, T. 18 N., R. 20 E., M.D.B. & M.	X	X	X	X	X	X	X	X					NAC 445A.1724
Steamboat Creek at the Truckee River	From gaging station number 10-349300, located in the S 1/2 of section 33, T. 18 N., R. 20 E., M.D.B. & M., to its confluence with the Truckee River.	X	X	X	X	X		X	X					NAC 445A.1726

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		
Franktown Creek, upper	From its origin to the first irrigation diversion, near the north line of section 9, T. 16 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1728
Franktown Creek at Washoe Lake	From the first irrigation diversion, near the north line of section 9, T. 16 N., R. 19 E., M.D.B. & M., to Washoe Lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1732
Hobart Reservoir and tributaries	The entire system.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1734
Ophir Creek at State Route 429	From its origin to State Route 429 (old U.S. Highway 395).	X	X	X	X	X	X		X					NAC 445A.1736
Ophir Creek at Washoe Lake	From State Route 429 (old U.S. Highway 395) to Washoe Lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1738
Price Lakes	The entire lakes.	X	X	X	X	X	X		X					NAC 445A.1742
Davis Lake	The entire lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1744
Galena Creek, upper	From its origin to the east line of section 18, T. 17 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1746
Galena Creek, middle	From the east line of section 18, T. 17 N., R. 19 E., M.D.B. & M., to gaging station number 10-348900 located in the SW 1/4 of the SW 1/4 of section 2, T. 17 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1748
Galena Creek at Steamboat Creek	From gaging station number 10-348900, located in the SW 1/4 of the SW 1/4 of section 2, T. 17 N., R. 19 E., M.D.B. & M., to its confluence with Steamboat Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1752
Whites Creek, upper	From its origin to the east line of section 33, T. 18 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1754
Whites Creek at Steamboat Ditch	Below the east line of section 33, T. 18 N., R. 19 E., M.D.B. & M., to Steamboat Ditch.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1756
Whites Creek at Steamboat Creek	Below Steamboat Ditch.	X	X	X	X	X	X	X	X					NAC 445A.1758
Lagomarsino Creek	The entire length; also known as Long Valley Creek.	X	X	X	X	X		X	X					NAC 445A.1762
Tracy Pond	The entire area.	X	X	X	X	X	X	X	X					NAC 445A.1764

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 24. NAC 445A.1792 is hereby amended to read as follows:

445A.1792 The designated beneficial uses for select bodies of water within the Carson 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		
Carson River, West Fork at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				Rainbow trout and brown trout	NAC 445A.1796
Bryant Creek near the state line	From the California-Nevada state line to its confluence with the East Fork of the Carson River.	X	X	X	X	X	X	X	X				Rainbow trout and brown trout	NAC 445A.1798
Carson River, East Fork at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				Rainbow trout and brown trout	NAC 445A.1802
Carson River, East Fork at U.S. Highway 395 south of Gardnerville	From the California-Nevada state line to the Riverview Mobile Home Park at U.S. Highway 395 south of Gardnerville, except for the length of the river within the exterior borders of the Washoe Indian Reservation.	X	X	X	X	X	X	X	X				Rainbow trout and brown trout	NAC 445A.1804
Carson River, East Fork at Muller Lane	From the Riverview Mobile Home Park at U.S. Highway 395 to Muller Lane, except for the length of the river within the exterior borders of the Washoe Indian Reservation.	X	X	X	X	X	X	X	X				Rainbow trout and brown trout	NAC 445A.1806
Carson River at Genoa Lane	The East Fork of the Carson River from Muller Lane to the West Fork, the West Fork of the Carson River from the California-Nevada state line to the East Fork, and the main stem of the Carson River from the confluence of the East and West Forks to Genoa Lane.	X	X	X	X	X	X	X	X				Catfish, rainbow trout and brown trout	NAC 445A.1808
Carson River at Cradlebaugh Bridge	From Genoa Lane to U.S. Highway 395 at Cradlebaugh Bridge, except for the length of the river within the exterior borders of the Washoe Indian Reservation.	X	X	X	X	X	X	X	X				Catfish, rainbow trout and brown trout	NAC 445A.1812
Carson River at the Mexican Ditch Gage	From U.S. Highway 395 at Cradlebaugh Bridge to the Mexican Ditch Gage.	X	X	X	X	X	X	X	X				Rainbow trout and brown trout	NAC 445A.1814
Carson River near New Empire	From the Mexican Ditch Gage to New Empire.	X	X	X	X	X	X	X	X				Smallmouth bass, rainbow trout and brown trout	NAC 445A.1816

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		
Carson River at Dayton Bridge	From New Empire to the Dayton Bridge.	X	X	X	X	X	X	X	X				Walleye, channel catfish and white bass	NAC 445A.1818
Carson River at Lahontan Reservoir	From the Dayton Bridge to Lahontan Reservoir.	X	X	X	X	X	X	X	X				Walleye, channel catfish and white bass	NAC 445A.1822
Lahontan Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Walleye, channel catfish and white bass	NAC 445A.1824
Lower Carson River	From Lahontan Reservoir to the Carson Sink (the natural channel).	X	X	X	X	X	X	X	X					NAC 445A.1826
Daggett Creek	From its origin to the Carson River.	X	X	X	X	X	X		X					NAC 445A.1828
Genoa Creek	From its origin to the first diversion box at the mouth of the canyon, near the east line of section 9, T. 13 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1832
Sierra Canyon Creek	From its origin to the first diversion structure at the mouth of the canyon, near the east line of section 4, T. 13 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1834
Clear Creek at the gaging station	From its origin to gaging station number 10-3105, located in the NE 1/4 of the NW 1/4 of section 1, T. 14 N., R. 19 E., M.D.B. & M., except for the length of the creek within the exterior borders of the Washoe Indian Reservation.	X	X	X	X	X	X		X					NAC 445A.1836
Clear Creek at the Carson River	From gaging station number 10-3105, located in the NE 1/4 of the NW 1/4 of section 1, T. 14 N., R. 19 E., M.D.B. & M., to the Carson River, except for the length of the creek within the exterior borders of the Washoe Indian Reservation.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1838
Kings Canyon	From its origin to the point of diversion of the Carson City Water Department, near the east line of section 23, T. 15 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1842
Ash Canyon	From its origin to the first point of diversion of the Carson City Water Department, near the west line of section 12, T. 15 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1844
V-Line Canal	From the Carson diversion dam to its division into the S and L Canals.	X	X	X	X	X	X	X	X					NAC 445A.1846
Rattlesnake Reservoir	The entire reservoir; also known as S-Line Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1848

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		
Indian Lakes	All the lakes, including Upper Lake, Likes Lake, Papoose Lake, Big Indian Lake, Little Cottonwood Lake, Big Cottonwood Lake and East Lake.	X	X	X	X	X	X	X	X					NAC 445A.1852
Diagonal Drain	The entire length.	X	X	X	X	X	X	X	X					NAC 445A.1854
South Carson Lake	The entire lake; also known as Government Pasture and the Greenhead Gun Club.	X	X	X	X	X	X	X	X					NAC 445A.1856
Harmon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1858
Stillwater Marsh east of Westside Road	East of Westside Road and north of the community of Stillwater.	X	X	X	X	X	X	X	X					NAC 445A.1862
Stillwater Marsh west of Westside Road	West of Westside Road and south of the community of Stillwater.	X	X	X		X		X	X					NAC 445A.1864

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 25. NAC 445A.1882 is hereby amended to read as follows:

445A.1882 The designated beneficial uses for select bodies of water within the Walker 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		
Walker River, West Fork at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1886

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		
Topaz Lake	At various points in Topaz Lake.	X	X	X	X	X	X	X	X				Rainbow trout, cutthroat trout, brown trout, kokanee salmon and silver salmon	NAC 445A.1888
Walker River, West Fork near Wellington	From the California-Nevada state line to near Wellington.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1892
Walker River, West Fork at the East Fork at the Walker River	Near Wellington to its confluence with the East Fork of the Walker River near Nordyke Road.	X	X	X	X	X	X	X	X				Brown trout and rainbow trout	NAC 445A.1894
Sweetwater Creek	From the California-Nevada state line to its confluence with the East Fork of the Walker River.	X	X	X	X	X	X	X	X				Mountain whitefish, brown trout, brook trout and rainbow trout	NAC 445A.1896
Walker River, East Fork at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1898
Walker River, East Fork at Bridge B-1475	From the California-Nevada state line to Bridge B-1475.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1902
Walker River, East Fork at the West Fork of the Walker River	From Bridge B-1475 to its confluence with the West Fork of the Walker River near Nordyke Road.	X	X	X	X	X	X	X	X				Brown trout and rainbow trout	NAC 445A.1904
Walker River at the Walker River Indian Reservation	From the confluence of the East Fork of the Walker River and the West Fork of the Walker River to the exterior border of the Walker River Indian Reservation.	X	X	X	X	X	X	X	X				Channel catfish and largemouth bass	NAC 445A.1906
Walker River at Walker Lake	From the exterior border of the Walker River Indian Reservation to Walker Lake.	X	X	X	X	X	X	X	X				Channel catfish, largemouth bass and, from February through June when an adequate flow exists, adult Lahontan cutthroat trout and adult rainbow trout	NAC 445A.1908
Walker Lake	The entire lake.			X	X	X			X				Tui chub, Tahoe sucker, and adult and juvenile Lahontan cutthroat trout	NAC 445A.1914

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	
Desert Creek	From the California-Nevada state line to its confluence with the West Fork of the Walker River.	X	X	X	X	X	X	X	X				Brown trout, brook trout and rainbow trout	NAC 445A.1916
Mason Valley Wildlife Management Area - Bass, Crappie and North Ponds and Hinkson Slough	Hinkson Slough, Bass Pond, Crappie Pond and North Pond.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1918
Mason Valley Wildlife Management Area	All surface water impoundments, excluding Hinkson Slough, Bass Pond, Crappie Pond and North Pond.	X	X	X	X	X	X	X	X					NAC 445A.1922
Cottonwood Creek	From its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 34, T. 9 N., R. 28 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1926
Squaw Creek	From its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 33, T. 9 N., R. 29 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1928
Rose Creek	From its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 4, T. 8 N., R. 29 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1932
Corey Creek	From its origin to the point of diversion of the town of Hawthorne, near the west line of section 3, T. 7 N., R. 29 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1934

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 26. NAC 445A.1952 is hereby amended to read as follows:

445A.1952 The designated beneficial uses for select bodies of water within the Central 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		
Chiatovich Creek	Above the highway maintenance station.	X	X	X	X	X	X	X	X					NAC 445A.1956
Indian Creek	Above the center of section 9, T. 2 S., R. 34 E., M.D.B. & M.	X	X	X	X	X	X	X	X					NAC 445A.1958
Leidy Creek	Above the hydroelectric plant.	X	X	X	X	X	X	X	X					NAC 445A.1962
Fish Lake	The entire lake.	X	X	X	X	X	X	X	X					NAC 445A.1964
Star Creek	From its origin to the first point of diversion, near the west line of T. 31 N., R. 34 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1966
Willow Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1968
Peavine Creek	From its origin to the first point of diversion, near the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1972
Jett Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1974
Twin River, South Fork	From its origin to the first point of diversion, near the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1976
Twin River, North Fork	From its origin to the first point of diversion, near the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1978
Kingston Creek at Groves Lake	From its origin to Groves Lake.	X	X	X	X	X	X		X					NAC 445A.1982
Groves Lake	The entire lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1984
Kingston Creek below Groves Lake	Below Groves Lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1986
Birch Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1988
Birch Creek below the national forest boundary	From the national forest boundary to the first diversion dam, near the west line of section 1, T. 17 N., R. 44 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1992
Skull Creek	From its origin to the first point of diversion, near the east line of T. 21 N., R. 45 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1994
Steiner Creek	From its origin to the first point of diversion, near the north line of section 34, T. 21 N., R. 46 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1996
Pine Creek (Nye County)	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1998

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		
Barley Creek	From its origin to the first point of diversion, near the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2002
Mosquito Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2004
Stoneberger Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2006
Roberts Creek at Roberts Creek Reservoir	From its origin to Roberts Creek Reservoir.	X	X	X	X	X	X		X					NAC 445A.2008
Roberts Creek below Roberts Creek Reservoir	Below Roberts Creek Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2012
Fish Springs Pond	The entire pond.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2014
Illipah Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2016
Ruby Marsh	The entire area.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2018
Angel Lake	The entire lake.	X	X	X	X	X	X		X					NAC 445A.2022
Pole Canyon Creek	From its origin to where it becomes Franklin River.	X	X	X	X	X	X		X					NAC 445A.2024
Goshute Creek	From its origin to the first point of diversion, near the center of section 12, T. 25 N., R. 63 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.2026
Gleason Creek at State Highway 485	From its origin to State Highway 485 (old State Highway 44).	X	X	X	X	X	X	X	X					NAC 445A.2028
Gleason Creek at Murry Creek	From State Highway 485 (old State Highway 44) to its confluence with Murry Creek.	X	X	X		X		X	X					NAC 445A.2032
Murry Creek above Crawford Street	From its confluence with Gleason Creek to Crawford Street.	X	X	X	X	X		X	X					NAC 445A.2034
Murry Creek below Crawford Street	From Crawford Street to the south line of section 35, T.17 N., R. 63 E., M.D.B. & M.	X	X	X		X		X	X					NAC 445A.2035
Comins Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2036
North Creek	From its origin to the pipeline intake, near the north line of section 20, T. 19 N., R. 65 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.2038
East Creek	From its origin to the pipeline intake, near the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2042
Bird Creek	From its origin to the pipeline intake, near Bird Creek Campground.	X	X	X	X	X	X		X					NAC 445A.2044
Timber Creek	From its origin to the pipeline intake, near the west line of section 27, T. 18 N., R. 65 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.2046
Berry Creek	From its origin to the pipeline intake, near the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2048
Duck Creek	From its origin to the pipeline intake, near the center of section 24, T. 18 N., R. 64 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.2052

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	
Cleve Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.2054
Cave Creek	The entire length.	X	X	X	X	X	X		X				NAC 445A.2056
Cave Lake	The entire lake.	X	X	X	X	X	X	X	X				Trout NAC 445A.2058
Pine Creek (White Pine County)	From its origin to the first point of diversion, near the west line of section 17, T. 13 N., R. 68 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.2062
Ridge Creek	From its origin to the first point of diversion, near the west line of section 17, T. 13 N., R. 68 E., M.D.B. & M.	X	X	X	X	X	X		X				NAC 445A.2064
Currant Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.2066
Currant Creek at Currant	From the national forest boundary to Currant.	X	X	X	X	X	X	X	X				NAC 445A.2068

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 27. NAC 445A.2092 is hereby amended to read as follows:

445A.2092 The designated beneficial uses for select bodies of water within the Great Salt Lake 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	
Snake Creek above the fish hatchery	Above the fish hatchery.	X	X	X	X	X	X	X	X				NAC 445A.2096
Snake Creek below the fish hatchery	Below the fish hatchery to the Nevada-Utah state line.	X	X	X	X	X	X	X	X				Trout NAC 445A.2098

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	
Baker Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.2102
Lehman Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.2104
Silver Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.2106
Silver Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2108
Hendrys Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X				NAC 445A.2112

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 28. NAC 445A.2142 is hereby amended to read as follows:

445A.2142 The designated beneficial uses for select bodies of water within the Colorado 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	
Colorado River below Davis Dam	Colorado River, from Davis Dam to the California-Nevada state line, except for the length of the river within the exterior borders of the Fort Mojave Indian Reservation.	X	X	X	X	X	X	X	X				Adult cold-water fishery	NAC 445A.2146
Lake Mohave	The entire lake.	X	X	X	X	X	X	X	X				Adult cold-water fishery	NAC 445A.2147
Colorado River below Hoover Dam	From Hoover Dam to Willow Beach.	X	X	X	X	X	X	X	X				Adult cold-water fishery	NAC 445A.2148

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		
Lake Mead	Lake Mead, excluding the area covered by NAC 445A.2154, Inner Las Vegas Bay.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.2152
Inner Las Vegas Bay	Lake Mead from the confluence of the Las Vegas Wash with Lake Mead to 1.2 miles into Las Vegas Bay.	X	X	X		X		X	X				Warm-water fishery	NAC 445A.2154
Las Vegas Wash at the Historic Lateral	From the confluence of Sloan Channel and Las Vegas Wash to the Historic Lateral. This segment encompasses the discharge from Clark County wastewater treatment plant, the City of Las Vegas wastewater treatment plant and the City of Henderson wastewater treatment plant.	X	X	X		X			X			X	Warm-water fish.	NAC 445A.2156
Las Vegas Wash at Lake Mead	From the Historic Lateral to its confluence with Lake Mead.	X	X	X		X			X			X	Warm-water fish.	NAC 445A.2158
Lake Las Vegas	The entire lake.		X	X	X	X			X				Warm-water fishery.	NAC 445A.2161
Virgin River at the state line	At the Arizona-Nevada state line, near Littlefield, Arizona.	X	X	X		X		X	X					NAC 445A.2162
Virgin River at Mesquite	From the Arizona-Nevada state line to Mesquite.	X	X	X		X		X	X					NAC 445A.2164
Virgin River at Lake Mead	From Mesquite to the river mouth at Lake Mead.	X	X	X		X		X	X					NAC 445A.2166
Muddy River at the Glendale Bridge	From the river source to the Glendale Bridge, except for the length of the river within the exterior borders of the Moapa Indian Reservation.	X	X	X	X	X	X	X	X					NAC 445A.2168
Muddy River at the Wells Siding Diversion	From the Glendale Bridge to the Wells Siding Diversion.	X	X	X	X	X		X	X					NAC 445A.2172
Muddy River at Lake Mead	From the Wells Siding Diversion to the river mouth at Lake Mead.	X	X	X	X	X		X	X					NAC 445A.2174
Meadow Valley Wash	From the bridge above Rox to its confluence with the Muddy River.	X	X	X		X		X	X					NAC 445A.2176
Beaver Dam Wash	Above Schroeder Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2178
Schroeder Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2182
White River at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2184
White River at Ellison Creek	From the national forest boundary to its confluence with Ellison Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2186
Dacey Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2188
Sunnyside Creek	From its origin to Adams McGill Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2192
Adams McGill Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2194
Hay Meadow Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2196

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	
Nesbitt Lake	The entire lake.	X	X	X	X	X	X	X	X				NAC 445A.2198
Pahranagat Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				NAC 445A.2202
Bowman Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				NAC 445A.2204
Eagle Valley Creek	From its headwaters to Eagle Valley Reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2206
Eagle Valley Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2208
Echo Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2212
Clover Creek	From its origin to the point where it crosses the east range line of T. 4 S., R. 67 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2214

Irrigation	Irrigation
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 ***or recreational*** value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 29. NAC 445A.233 is hereby amended to read as follows:

445A.233 1. The Department shall formulate and prepare tentative determinations regarding permit applications in advance of public notice of the proposed issuance or denial of the permit. The tentative determinations must include at least the following:

(a) A proposed determination to issue or deny a permit for the discharge described in the application; and

(b) If the determination proposed in paragraph (a) is to issue the permit, the following additional tentative determinations must be made:

(1) The proposed effluent limitations, identified pursuant to NAC 445A.243, for those pollutants proposed to be limited;

(2) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations, identified pursuant to NAC 445A.244; ~~[and]~~

(3) A brief description of any other proposed special conditions, apart from those required in NAC 445A.229, 445A.243, 445A.244, 445A.245, 445A.247, 445A.256 to 445A.259, inclusive, and 445A.262, which will have a significant impact upon the discharge described in the application ~~[.]~~ ***;***

(4) The findings from the antidegradation review if required pursuant to section 12 of this regulation; and

(5) The determination of the Commission on the issuance of a permit that will result in the lowering of the existing water quality level of a parameter of concern in the receiving water if required pursuant to section 14 of this regulation.

2. The Director shall organize the tentative determinations prepared pursuant to subsection 1 into a draft permit.

Sec. 30. NAC 445A.236 is hereby amended to read as follows:

445A.236 1. For every discharge for which public notice was required pursuant to NAC 445A.234, the Director shall prepare and, following the public notice, shall send upon request to any person a fact sheet with respect to the application described in the public notice. The contents of such fact sheets must include at least the following information:

(a) A sketch or detailed description of the location of the discharge described in the application;

(b) A quantitative description of the discharge described in the application which includes at least the following:

(1) The rate or frequency of the proposed discharge and, if the discharge is continuous, the average daily flow in gallons per day or million gallons per day;

(2) For thermal discharges subject to limitation under the Act, the average summer and winter temperatures in degrees Fahrenheit; and

(3) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under § 301, 302, 306 or 307 of the Act, 33 U.S.C. § 1311, 1312, 1316 or 1317, and regulations published thereunder;

(c) The tentative determinations required under NAC 445A.233;

(d) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and limitations applied to the proposed discharge; ~~[and]~~

(e) ***The findings from the antidegradation review if required pursuant to section 12 of this regulation;***

(f) The determination of the Commission on the issuance of a permit that will result in the lowering of the water quality level of a parameter of concern in the receiving water if required pursuant to section 14 of this regulation, which must include, without limitation, both the reasoning of the Commission and information supporting the reasoning of the Commission; and

(g) A fuller description of the procedures for the formulation of final determinations than that given in the public notice including:

(1) The 30-day comment period required by subsection 3 of NAC 445A.234;

(2) Procedures for requesting a public hearing and the nature thereof; and

(3) Any other procedures by which the public may participate in the formulation of the final determinations.

2. The Director shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets.

Sec. 31. NAC 445A.241 is hereby amended to read as follows:

445A.241 1. The duration of permits is fixed and does not exceed 5 years. The expiration date must be recorded on each permit issued. A new application must be filed with the Department to obtain renewal or modification of a permit. Applications for renewal must be filed at least 180 days prior to expiration of the permit.

2. ~~[For]~~ ***Except as otherwise provided in subsection 2 of section 12 of this regulation, for*** the reissuance of a permit, the same procedures must be followed as for the initial issuance of a permit.

3. A person who holds an expired permit and who has submitted a timely application for renewal of the permit in the manner set forth in subsection 1 may continue to conduct the permitted activity in accordance with the terms and conditions of the expired permit until the Department takes final action on the application unless:

(a) The Department determines that the permittee is not in substantial compliance with the terms and conditions of the expired permit or with a compliance schedule designed to bring the permittee in compliance with the terms and conditions of the expired permit;

(b) The Department, as a result of an action or the failure to act of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or

(c) The permittee has submitted an application with major deficiencies or has failed to supplement properly the application in a timely manner after being informed of deficiencies.

Sec. 32. NAC 445A.243 is hereby amended to read as follows:

445A.243 In establishing an effluent limitation to carry out the policy of this State set forth in NRS 445A.305, consideration must be given to, but is not limited by, the following:

1. The effect of the discharge on the receiving waters and its beneficial use.

2. The need for standards that specify by chemical, physical, biological or other characteristics the extent to which pollution by various substances will not be tolerated.

3. Standards for water quality and effluent limitations promulgated from time to time by the United States Environmental Protection Agency, including the following:

(a) Effluent limitations under §§ 301 and 302 of the Act, 33 U.S.C. §§ 1311 and 1312.

(b) Standards of performance for new sources under § 306 of the Act, 33 U.S.C. § 1316.

(c) Effluent standards, effluent prohibitions and pretreatment standards under § 307 of the Act, 33 U.S.C. § 1317.

(d) Any more stringent limitations, including those:

(1) Necessary to meet standards for water quality and treatment or schedules of compliance, established pursuant to any state law or regulation;

(2) Necessary to meet any other federal law or regulation; ~~[or]~~

(3) Required to carry out any applicable standards for water quality ~~[.]~~ ***; or***

(4) Necessary to carry out the antidegradation requirements set forth in sections 3 to 16, inclusive, of this regulation.

➥ Such limitations must include any legally applicable requirements necessary to carry out total maximum daily loads established pursuant to § 303(d) of the Act, 33 U.S.C. § ~~[1303(d),]~~ ***1313(d),*** and incorporated in the continuing planning process approved under § 303(e) of the Act, 33 U.S.C. § ~~[1303(e),]~~ ***1313(e),*** and any regulations and guidelines issued thereunder.

(e) Any more stringent legally applicable requirements necessary to comply with a plan approved pursuant to § 208(b) of the Act.

4. In the application of water quality standards and limitations and other legally applicable requirements pursuant to subsection 3, the Director shall, for each issued NPDES permit, specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of mass, except quantitative limitations that are not appropriately expressed in terms of mass, including, without limitation, pH, temperature and radiation.

Sec. 33. NAC 445A.268 is hereby amended to read as follows:

445A.268 1. A general permit may be issued upon proper application by a group of dischargers whose facilities meet the requirements of NAC 445A.266. The application must include:

(a) The name and address of the discharger;

(b) The exact location of the discharge;

(c) The nature of the discharge;

(d) The name and location of the receiving waters;

(e) The quantity and quality of the discharge; and

(f) Any other information deemed necessary by the Director for the determination of whether the discharger should be included in the general permit.

2. A general permit may be issued without application if the Director deems it appropriate. ***If a general permit is issued without application, the Department shall conduct an antidegradation review in accordance with section 15 of this regulation.***

3. If a general permit has been issued, a discharger who is eligible to be covered under the permit may submit a request to the Director to be included in the general permit. Such a request must include the information required by subsection 1, be accompanied by a nonrefundable fee:

(a) Of $700, if the discharger is a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228; or

(b) Of $200, if the discharger is not a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228,

➥ and be signed in the manner prescribed by NAC 445A.231 for application and reporting forms. If such a request is denied because the Director has determined that the discharger must be covered under an individual permit, the Director must inform the holder pursuant to the provisions of NAC 445A.269.

4. A discharger will not be covered under a general permit until the discharger has been notified by the Director.

5. A discharger who is covered under a general permit and:

(a) Is a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228 shall pay to the Director a nonrefundable fee of $700 not later than July 1 of each year that the discharger is covered under that permit.

(b) Is not a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228 shall pay to the Director a nonrefundable fee of $200 not later than July 1 of each year that the discharger is covered under that permit.

Sec. 34. NAC 445A.297 is hereby amended to read as follows:

445A.297 1. Each application for a zone of mixing must be reviewed in light of the descriptions, statements, plans, histories ***, antidegradation review, if applicable,*** and other supporting information.

2. The review must result in a determination by the Director concerning the appropriateness of a zone of mixing for each water quality parameter, by discharge, identified in the application.

3. Zones of mixing must not be granted by the Director unless the applicant and supporting information clearly demonstrate that the discharge occurring or proposed to occur:

(a) Does not substantially endanger human health or safety;

(b) Will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on that body of water; ~~[and]~~

(c) Will not cause a violation of water quality standards at any point designated by the Director ~~[.]~~ ***; and***

(d) Is consistent with the antidegradation provisions set forth in sections 3 to 16, inclusive, of this regulation.

Sec. 35. NAC 445A.298 is hereby amended to read as follows:

445A.298 1. The Director shall establish a zone of mixing so that the standards for quality of water for individual parameters determined to be appropriate pursuant to subsection 1 of NAC 445A.297 for the receiving water, but in no case including esthetic and acute toxicity values, may be relaxed within the zone of mixing.

2. In determining the size of a zone of mixing, each application must be reviewed on a case-by-case basis taking into consideration ~~[the]~~ ***:***

(a) The quality of effluent of wastewater discharged ~~[and the]~~ ***;***

(b) The nature and condition of the receiving water, including the effects of the effluent or wastewater on the designated or actual beneficial uses of the receiving water and standards for quality of water ~~[.]~~ ***; and***

(c) The antidegradation review if required pursuant to section 12 of this regulation.

Sec. 36. NAC 445A.302 is hereby amended to read as follows:

445A.302 1. Any zone of mixing may be granted or renewed for periods not exceeding 5 years.

2. Applications for renewal:

(a) Must be made before the expiration of the period concerning the zone of mixing.

(b) May be granted by the Director if the application for renewal ~~[has]~~ ***:***

(1) Has met all of the conditions specified for the immediately preceding zone of mixing granted pursuant to NAC 445A.295 to 445A.302, inclusive ~~[.]~~ ***; and***

(2) Is consistent with the antidegradation provisions set forth in sections 3 to 16, inclusive, of this regulation.