PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R017-99

July 6, 1999

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

AUTHORITY: §§ 1-7, NRS 445A.425 and 445A.520.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. ***"Annual mean flow" means an amount calculated by:***

1. Determining the rate of flow of water on each day during a 365-day period at the point at which a sample of water is taken;

2. Adding the daily amounts determined pursuant to subsection 1; and

3. Dividing the amount determined pursuant to subsection 2 by 365.

Sec. 3. ***"Flow weighted annual average" means an amount calculated by:***

1. Multiplying the amount of total dissolved solids present in a sample of water by the rate of flow of the water at the point at which the sample was taken;

2. Adding the amount determined pursuant to subsection 1 for each day during a 365-day period;

3. Dividing the amount determined pursuant to subsection 2 by 365; and

4. Dividing the amount determined pursuant to subsection 3 by the annual mean flow.

Sec. 4. NAC 445A.070 is hereby amended to read as follows:

445A.070 As used in NAC 445A.070 to 445A.348, inclusive, ***and sections 2 and 3 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 445A.071 to 445A.116, inclusive, ***and sections 2 and 3 of this regulation,*** have the meanings ascribed to them in those sections.

Sec. 5. NAC 445A.120 is hereby amended to read as follows:

445A.120 1. NAC 445A.120 to ~~[445A.213,]~~ ***445A.212,*** inclusive, apply to all natural streams and lakes, reservoirs or impoundments on natural streams and other specified waterways, unless excepted on the basis of existing irreparable conditions which preclude such use. Man-made waterways, unless otherwise specified, must be protected for public health and the use for which the waterways were developed.

2. The quality of any waters receiving waste discharges must be such that no impairment of the beneficial usage of water occurs as the result of the discharge. Natural water conditions may, on occasion, be outside the limits established by standards. The standards adopted in NAC 445A.120 to ~~[445A.213,]~~ ***445A.212,*** inclusive, relate to the condition of waters as affected by discharges relating to the activities of man.

Sec. 6. NAC 445A.121 is hereby amended to read as follows:

445A.121 The following standards are applicable to all ***surface*** waters of the state:

1. Waters must be free from substances attributable to domestic or industrial waste or other controllable sources that will settle to form sludge or bottom deposits in amounts sufficient to be unsightly, putrescent or odorous or in amounts sufficient to interfere with any beneficial use of the water.

2. Waters must be free from floating debris, oil, grease, scum and other floating materials attributable to domestic or industrial waste or other controllable sources in amounts sufficient to be unsightly or in amounts sufficient to interfere with any beneficial use of the water.

3. Waters must be free from materials attributable to domestic or industrial waste or other controllable sources in amounts sufficient to produce taste or odor in the water or detectable off-flavor in the flesh of fish or in amounts sufficient to change the existing color, turbidity or other conditions in the receiving stream to such a degree as to create a public nuisance or in amounts sufficient to interfere with any beneficial use of the water.

4. Waters must be free from high temperature, biocides, organisms pathogenic to human beings, toxic, corrosive or other deleterious substances attributable to domestic or industrial waste or other controllable sources at levels or combinations sufficient to be toxic to human, animal, plant or aquatic life or in amounts sufficient to interfere with any beneficial use of the water. Compliance with the provisions of this subsection may be determined in accordance with methods of testing prescribed by the department. If used as an indicator, survival of test organisms must not be significantly less in test water than in control water.

5. If toxic materials are known or suspected by the department to be present in a water, testing for toxicity may be required to determine compliance with the provisions of this section and effluent limitations. The department may specify the method of testing to be used. The failure to determine the presence of toxic materials by testing does not preclude a determination by the department, on the basis of other criteria or methods, that excessive levels of toxic materials are present.

6. Radioactive materials attributable to municipal, industrial or other controllable sources must be the minimum concentrations ~~[which]~~ ***that*** are physically and economically feasible to

achieve. In no case must materials exceed the limits established in the 1962 Public Health Service Drinking Water Standards (or later amendments) or 1/30th of the MPC values given for continuous occupational exposure in the "National Bureau of Standards Handbook No. 69." The concentrations in water must not result in accumulation of radioactivity in plants or animals that result in a hazard to humans or harm to aquatic life.

7. Wastes from municipal, industrial or other controllable sources containing arsenic, barium, boron, cadmium, chromium, cyanide, fluoride, lead, selenium, silver, copper and zinc that are reasonably amenable to treatment or control must not be discharged untreated or uncontrolled into the waters of Nevada. In addition, the limits for concentrations of the chemical constituents must provide water quality consistent with the mandatory requirements of the 1962 Public Health Service Drinking Water Standards.

8. The specified standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of extreme high or low flow. Where effluents are discharged to such waters, the discharges are not considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained.

Sec. 7. NAC 445A.143 is hereby amended to read as follows:

445A.143 1. The State of Nevada will cooperate with the other Colorado River Basin states and the Federal Government to support and carry out the conclusions and recommendations adopted April 27, 1972, by the reconvened 7th session of the conference in the matter of pollution of interstate waters of the Colorado River and its tributaries.

2. Pursuant to subsection 1, the ~~[values]~~ ***flow weighted annual averages*** for total dissolved solids in mg/l at the three lower main stem stations of the Colorado River are as follows:

FLUSH

Below Hoover Dam 723

Below Parker Dam 747

Imperial Dam 879

Sec. 8. NAC 445A.213 is hereby repealed.

TEXT OF REPEALED SECTION

445A.213 Minimum quality criteria applicable to interstate waters. The minimum quality criteria applicable to interstate waters at agreed state line sampling points are as follows:

1. Waters must be free from substances attributable to domestic or industrial waste or other controllable sources that will settle to form sludge or bottom deposits in amounts sufficient to be unsightly, putrescent or odorous or in amounts sufficient to interfere with any beneficial use of the water.

2. Waters must be free from floating debris, oil, grease, scum and other floating materials attributable to domestic or industrial waste or other controllable sources in amounts sufficient to be unsightly or in amounts sufficient to interfere with any beneficial use of the water.

3. Waters must be free from materials attributable to domestic or industrial waste or other controllable sources in amounts sufficient to produce taste or odor in the water or detectable off-flavor in the flesh of fish or in amounts sufficient to change the existing color, turbidity or

other conditions in the receiving stream to such degree as to create a public nuisance or in amounts sufficient to interfere with any beneficial use of the water.

4. Waters must be free from high temperature, biocides, organisms pathogenic to human beings, toxic, corrosive or other deleterious substances attributable to domestic or industrial waste or other controllable sources at levels or combinations sufficient to be toxic to human, animal, plant or aquatic life or in amounts sufficient to interfere with any beneficial use of the water.

5. Radioactive materials attributable to municipal, industrial or other controllable sources must be minimum concentrations which are physically and economically feasible to achieve. In no case must materials exceed the 1/10 of the 168-hour values for other radioactive substances specified in National Bureau of Standards Handbook 69.

6. Wastes from municipal or industrial or other controllable sources containing arsenic, barium, boron, cadmium, chromium, cyanide, fluoride, lead, selenium, silver, copper and zinc that are reasonably amendable to treatment or control must not be discharged untreated or uncontrolled into the Colorado River System. At agreed points of sampling above Imperial Dam in the Colorado River System the limits for concentrations of these chemical constituents will be set at values that recognize their cumulative effects and which will provide river water quality consistent with the mandatory requirements of the 1962 Public Health Service Drinking Water Standards.

7. The dissolved oxygen content and pH value of the waters of the Colorado River System must be maintained at levels necessary to support the natural and developed fisheries.