

**NOTICE OF INTENT TO ACT UPON REGULATIONS
NEVADA STATE ENVIRONMENTAL COMMISSION
NOTICE OF HEARING**

The Nevada State Environmental Commission will hold a public hearing beginning at **9:00 a.m. on Wednesday, June 17, 1998, at the Clark County Education Center Board Room located at 2832 East Flamingo Road, Las Vegas, Nevada.** The hearing location is at the Clark County Public Schools administrative offices between McLeod Street and Eastern Avenue.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations in Chapters 445A and 445B. If no person directly affected by the proposed action appears to request time to make an oral presentation, the State Environmental Commission may proceed immediately to act upon any written submission.

1. Petition 96005 (LCB R-062-98) is a proposed permanent amendment to NAC 445A.194 to NAC 445A.201 for revisions to the water quality standards for Las Vegas Wash, Las Vegas Bay and Lake Mead. The proposed revisions add explanation of requirements to maintain existing higher quality (RMHQ). It is proposed to remove all references to "90% of the samples" and replace the language with "95% of the samples" for RMHQs. The pH standard for Lake Mead water quality standards in NAC 445A.194 and 445A.195 is proposed to be revised and a standard for escherichia coli is added. NAC 445A.196 and 445A.197, the standards for the Las Vegas Bay, are proposed to be amended to add RMHQs for chlorophyll a at stations LM4 and LM5 and to revise the standard for pH and nitrite. NAC's 445A.198 through NAC 445A.201 are proposed to be amended to add a standard for total suspended solids, revise the standard for pH in the lower reach and revise the RMHQ for total dissolved solids.

The proposed changes to the water quality standards have no immediate economic effect on business. Those agencies which operate Las Vegas Valley's three sewage treatment facilities and other dischargers to the Las Vegas Wash may realize an economic impact in the long-term. It is not possible at this time to estimate future costs or if any will actually be realized. Future economic costs will be dependent upon growth within Clark county. The purposed changes to the water quality standards will have no immediate economic effect on the public. The public may see long-term costs associated with necessary actions for maintaining the proposed water quality standards. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

2. Petition 98006 (LCB R-063-98) is a permanent amendment to NAC 445B that updates the Environmental Commissions Rules of Practice. The petition amends NAC 445B.890 (Request for

Hearing) by updating the address and zip code of the Commission. Updates to the Rules of Practice are fulfilled in accordance to NRS 233B.050(d).

There is no estimated adverse or beneficial economic effect upon business by this proposed regulation, either immediate or long term. There will be no immediate adverse or beneficial economic effect on the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations affect the Commission's Rules of Practice, therefore there is no commensurate federal law or regulation. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

Persons wishing to comment upon the proposed regulations or any other matter listed above may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Environmental Commission, 333 West Nye Lane, Carson City, Nevada 89706-0851. Written submissions must be received at least 5 days before the scheduled public hearing.

A copy of the regulations to be adopted or amended will be on file at the State Library, 100 Stewart Street and the Division of Environmental Protection, 333 West Nye Lane - Room 104, in Carson City and at the Division of Environmental Protection, 555 E. Washington - Suite 4300, in Las Vegas for inspection by members of the public during business hours. In addition, copies of the regulations and public notice have been deposited at major library branches in each county in Nevada. The notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. The proposed regulations are on the Internet at <http://www.leg.state.nv.us>.

Pursuant to NRS 233B.0603(c) the provisions of NRS 233B.064 (2) is hereby provided:

"Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporation therein its reason for overruling the consideration urged against its adoption".

Additional copies of the regulations to be adopted or amended will be available at the Division of Environmental Protection for inspection and copying by the members of the public during business hours. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89706-0851, facsimile (702) 687-5856, or by calling (702) 687-4670 Extension 3118, no later than 5:00 p.m. on **June 11, 1998**.

This public notice has been posted at the following locations: Clark County Public Library, Clark

1 County Education Center and Grant Sawyer Office Building in Las Vegas; the Washoe County
2 Library in Reno; and at the Division of Environmental Protection and State Library in Carson City.

1 **PROPOSED PERMANENT REGULATION OF THE**
2 **NEVADA STATE ENVIRONMENTAL COMMISSION**

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4 **PETITION 98006**

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7 Explanation: Matter in **italics** is new. Matter in [] is material to be omitted.

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10 AUTHORITY: NRS 233B.050

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13 **Section 1.** NAC 445B.875 is hereby amended to read as follows:

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15 **445B.875 Definitions.**

16 1. As used in NAC 445B.875 to 445B.897, inclusive, unless the context otherwise requires, the
17 terms defined in NAC 445B.877 to 445B.884, inclusive, have the meanings ascribed to them in
18 those sections.

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20 2. The meanings ascribed to words not included in NAC 445B.877 to 445B.884, inclusive, are
21 in accordance with applicable sections of NAC governing air quality, water pollution or solid
22 waste management and of chapters 444 [and], 445A [and], 445B, **459, 486A, and 519A** of NRS.

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24 **Section 2.** NAC 445B.890 is hereby amended to read as follows:

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26 **445B.890 Request for hearing.** Any person requesting a hearing before the commission
27 concerning a final decision of the department pursuant to chapter 445B of NRS may so by filing a
28 request, within 10 days of notice of the action of the department on form 3* with the State
29 Environmental Commission, 333 West Nye Lane, **Room 138 [Capitol Complex]**, Carson City,
30 Nevada [89710] **89706-0851**.

31 *(See adopting agency for form.)