

PROPOSED REGULATION OF THE STATE ENGINEER

LCB File No. R044-14

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT OF REGULATIONS FOR WATER WELL AND RELATED DRILLING

NEVADA DIVISION OF WATER RESOURCES

August 19, 2014

As provided in Nevada Revised Statutes Chapters 233B, 534.020(2), 534.060(8), 534.140(6) and 534.150(6), the Division of Water Resources is proposing to amend the present Regulations for Water Well and Related Drilling (Nevada Administrative Code § 534.010 through § 534.500). For the purpose of receiving public comment from all interested persons, the Nevada Division of Water Resources will hold public workshops and a final adoption hearing regarding the adoption, amendment or repeal of Regulations for Water Well and Related Drilling as set forth in Chapter 534 of the Nevada Administrative Code. The Division of Water Resources will hold public workshops at the following locations and times:

WORKSHOPS:

DATE: September 4, 2014
TIME: 9:00 a.m. – adjournment
PLACE: Stockman’s Hotel and Casino, Heart Room
340 Commercial Street
Elko, Nevada 89801

DATE: September 8, 2014
TIME: 9:00 a.m. – adjournment
PLACE: Bryan Building, Tahoe Hearing Room, 2nd floor
901 South Stewart Street
Carson City, Nevada 89701

DATE: September 9, 2014
TIME: 9:00 a.m. – adjournment
PLACE: Nevada Division of Forestry
4747 Vegas Drive
Las Vegas, Nevada 89108

The Division of Water Resources will hold a **final adoption hearing** at the below location and time. The hearing will begin promptly at 9:00 a.m. and will include the full opportunity to be heard by presenting oral or written testimony to be entered into the record.

FINAL ADOPTION HEARING:

DATE: September 19, 2014
TIME: 9:00 a.m. – adjournment
PLACE: Bryan Building, Tahoe Hearing Room, 2nd floor
901 South Stewart Street
Carson City, Nevada 89701

The following information is provided pursuant to the requirements of NRS 233B.0603:

- The need for and the purpose of the proposed regulation modifications are to clarify existing language and present new language since the rule was last adopted.
- A copy of this notice and the proposed regulation can be reviewed at the Nevada State Library and Archives, 100 Stewart Street, Carson City, or the Division of Water Resources Offices in Carson City (901 South Stewart Street, Suite 2002), Elko (1250 Lamoille Hwy, Bldg. 10, Ste. 1047) and Las Vegas (400 Shadow Lane, Suite 201). The proposed regulation may also be reviewed on our web page at <http://water.nv.gov>. This Notice has been sent to all persons on the agency's emailing list for Regulations for Water Well and Related Drilling.
- The proposed changes will provide for clarification on waiver requirements and water well plugging materials, and require a minor increase in the bentonite solids content of bentonite grout. Changes are proposed to the licensing requirements and several terms are defined for clarification purposes. Language is updated throughout the regulations to provide for easier understanding of the requirements.
- The potential economic impact on the regulated industry involves a minor increase in cost of materials when using bentonite grout. The immediate and long term economic benefit to the industry involves streamlined well plugging requirements, and an improvement in the quality of the bentonite grout products product used for plugging. The potential adverse effect to the public, both short and long term, is expected to be minimal. The immediate and long term economic benefit to the public involves stricter licensing requirements for well drillers, which should improve the quality of the work performed and ensure greater regulatory compliance. These proposed changes will offer greater protection of groundwater statewide.
- The proposed amended regulation is not anticipated to impose any significant economic impact upon a small business.
- There is no estimated additional cost to the agency for enforcement of the proposed regulation. No new personnel or resources will be required as a result of the amendments.
- The proposed regulation does not duplicate or overlap other regulations.
- Federal law does not require the proposed regulation changes.
- The proposed regulation does not duplicate nor is it more stringent than federal law.
- No new fee is established by the proposed regulation.

Interested persons wishing to comment on the proposed regulation may do so by appearing at the above-scheduled workshops or the final adoption hearing or by submitting written comments to the Division of Water Resources, 901 South Stewart Street, Suite 2002, Carson City, Nevada 89701 by 5:00 p.m. on September 19, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of Water Resources may proceed immediately to act upon any written submissions.

This notice and the proposed regulation 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 and may be viewed on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

The Division of Water Resources, if requested to do so by an interested person, either before adoption of the regulation or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or will incorporate therein its reason for overruling the considerations against its adoption.