

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R118-14

Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Wednesday, December 3, 2014 at 10:00 am in Carson City. The meeting location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd floor, Tahoe Room). The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this agenda.

Nevada Division of Environmental Protection: (For Possible Action)

R103-14: Bureau of Water Quality Planning – South Fork Humboldt River and South Fork Reservoir Water Quality Standards Revisions

The NDEP is proposing to revise water quality standards for South Fork Humboldt River and South Fork Reservoir (NAC 445A.1464 – 445A.1466). Proposed changes include:

- 1) separate out the delineation of South Fork Reservoir from the South Fork Humboldt River;
- 2) revise phosphorus criterion;
- 3) add numeric criteria for total nitrogen, Secchi depth, chlorophyll-a (algae biomass), nitrite, color, total suspended solids, turbidity, chloride, sulfate, alkalinity criteria; and
- 4) clarify that the dissolved oxygen criterion applies only in the epilimnion when the reservoir is stratified.

Since its construction in 1989, South Fork Reservoir has been protected using water quality standards assigned to the South Fork Humboldt River. Because water quality characteristics of a reservoir differ from those of a stream, it has been deemed necessary to apply water quality standards designed for a reservoir to adequately protect the beneficial uses within the South Fork Reservoir. In addition, criteria for additional parameters are proposed to adequately protect the beneficial uses. These updated water quality criteria are based upon more recent data, scientific literature and guidance published by the U.S. EPA (EPA).

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any

regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not address fees and it is essential to the functions and operations of NDEP.

R118-14 - Bureau of Safe Drinking Water – Public Water Systems Regulation Amendment:

Nevada’s Safe Drinking Water Program regulates public water systems using a combination of State regulations and the National Primary Drinking Water Regulations (NPDWR) adopted by reference. The EPA granted the NDEP primary enforcement responsibility for the NPDWR in 1978. In order to maintain primary enforcement responsibility, the NDEP must adopt regulations that are at least as stringent as new or amended federal regulations.

The purpose of the Revised Total Coliform Rule (TCR), which will become effective on April 1, 2016, is to provide better health protection by decreasing the presence of coliform in drinking water. As required by the SDWA, EPA reviewed the requirements of the 1989 TCR, identified enhancements and revised the TCR. In summary, the revisions will require Public Water Systems to identify and fix problems that are associated with the presence of Total Coliform and *E. coli* in their drinking water systems.

The Reduction of Lead in Drinking Water Act of January 4, 2011 is a revision of the existing Lead Free requirements of the SDWA which became effective nationally on January 4, 2014. The US Congress lowered the definition of “Lead Free” for fittings and fixtures from a maximum of 8% lead to a maximum of 0.25% lead. States are required to enforce the revised requirements. A State’s failure to address the Reduction of Lead in Drinking Water Act will result in a 5% withholding of Federal Grants for the Public Water System Supervision Program.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not address fees and it is essential to the functions and operations of NDEP.

Temporary Regulation P2014-11 - Bureau of Safe Drinking Water – Subdivision Process Amendment

The proposed amendment addresses NAC 445A.340. The NDEP considered this amendment at the request of the Builder’s Association of Northern Nevada and the Washoe County Health District. The existing regulation prohibits *any* construction from occurring at a proposed Subdivision until a Final Map is approved. An alternative was requested to consider allowing mass grading of a proposed Subdivision earlier in the review and approval process. To ensure

the protection of public health, the NDEP and Washoe County wanted to maintain a mechanism to ensure that land grading will not negatively impact the engineering design of water and wastewater infrastructure. The proposed amendments will permit land development to begin with clearing, grubbing, and grading upon Agency review and approval of utility “improvement plans” prior to Final Map approval.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There will be no additional costs to the State for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. The proposed regulation does not impose a fee change. Section 5 of the amendment proposes to split an existing fee into two parts to reflect the proposed improvement plan and final map processing sequence. The proposed regulation is essential to the functions and operations of NDEP.

Additional Information: Persons wishing to comment on the proposed actions of the SEC may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230), at the State Library and Archives building in Carson City (100 Stewart Street) and at the Nevada Division of Minerals, 400 W. King Street, Carson City, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the SEC’s website at: http://sec.nv.gov/main/hearing_1214.htm . The proposed regulation denoted in this notice, including previous drafts, is or will be posted on the Legislative Counsel

Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/> .

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 4:00 p.m. on November 28, 2014.