

# **PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION**

## **LCB File No. R101-16**

### **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, November 16, 2016 at 10:00 am in Carson City. The meeting location 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 notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

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#### **R101-16: Bureau of Water Pollution Control**

The proposed amendments pertain to NAC Chapter 445A and modify the regulations associated with the reuse of reclaimed water, the administrative continuance of Underground Injection Control (UIC) permits and the definition of the size of onsite sewage disposal systems (NAC 445A.232, NAC 445A.274 - NAC 445A.277, NAC 445A.819, NAC 445A.849, NAC 445A.867 and NAC 445A.872).

The NDEP proposes to add a new category of reclaimed water that will require higher standards of treatment and that may be used for activities not currently allowed, specifically, indirect potable reuse. The proposed amendments will clarify the existing reclaimed water categories by including additional definitions and permitted uses for reclaimed water. Also proposed are new fee categories for aquifer recharge with indirect potable reuse.

The NDEP also proposes to add new fee categories to the UIC fee schedule to allow for the administrative continuance of UIC permits and to redefine the size of onsite sewage disposal systems regulated by the NDEP to ensure consistency with other State regulations.

The proposed regulations do not mandate actions or costs to the regulated community. The amendments allow for additional uses of reclaimed water and include an additional category of reclaimed water. If a regulated entity voluntarily chooses to engage in activities associated with the proposed amendments, the entity will then be subject to the prescribed costs. The proposed amendments are not expected to have an economic impact on the public and costs incurred by the NDEP for the enforcement of the proposed amendments will be paid with the proposed permit fees. The proposed regulations do not overlap nor duplicate any regulations of other State or governmental agencies nor are they more stringent than what is established by federal law.

There are new permit fees associated with the proposed regulations. The new fees are for permit applications and annual services, major modifications and permit renewals associated with the discharge of reclaimed water to spreading basins for indirect potable reuse and for the injection of reclaimed water to groundwater through injection wells for indirect potable reuse. Neither of these discharge activities is currently regulated. Of the four new fee schedules for each discharge type, the highest requires a permit application fee of \$10,000 and an annual review and services fee of \$40,000. The NDEP will use the fees to compensate for the time and resources required to enforce the regulations.

**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), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC's website at: [http://sec.nv.gov/main/hearing\\_1116.htm](http://sec.nv.gov/main/hearing_1116.htm) . The proposed regulations denoted in this notice, including previous drafts, are, 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 9, 2016.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library  
900 North Roop Street  
Carson City, Nevada 89701-3101

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Churchill County Library  
553 South Main Street  
Fallon, Nevada 89406-3306

Lyon County Library System  
20 Nevin Way  
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District  
Headquarters  
833 Las Vegas Boulevard North  
Las Vegas, Nevada 89101-2062

Mineral County Public Library  
P.O. Box 1390  
Hawthorne, Nevada 89415

Douglas County Public Library  
1625 Library Lane  
Minden, Nevada 89423-0337

Pershing County Library  
1125 Central Avenue  
Lovelock, Nevada 89419

Elko County Library  
720 Court Street  
Elko, Nevada 89801-3397

Storey County Library - Closed  
Posted at Clerk's Office  
Address below:

Esmeralda County Library  
Corner of Crook & 4th Street  
P.O. Box 430  
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office  
Drawer D  
Virginia City, Nevada 89440

Eureka County Library  
10190 Monroe Street  
Eureka, Nevada 89316

Tonopah Public Library (Nye County)  
P.O. Box 449  
Tonopah, Nevada 89049

Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445-3095

Washoe County Library System  
301 South Center Street  
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)  
625 South Broad Street  
Battle Mountain, Nevada 89820

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301