

ADOPTED REGULATION OF THE STATE
ENVIRONMENTAL COMMISSION

LCB File No. R092-04

Effective February 14, 2005

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

AUTHORITY: §1, NRS 445A.425.

A REGULATION relating to control of water pollution; making it optional, rather than mandatory, for the Division of Environmental Protection of the State Department of Conservation and Natural Resources to administer a pretreatment program for a publicly owned treatment works that does not have a pretreatment program; and providing other matters properly relating thereto.

Section 1. NAC 445A.257 is hereby amended to read as follows:

445A.257 1. Any industrial user who discharges into a publicly owned treatment works ~~[which]~~ *that* does not have a state approved pretreatment program may be granted a permit by the State. The Division ~~[of Environmental Protection shall]~~ *may* administer the program of pretreatment for any publicly owned treatment works that does not have a pretreatment program and ~~[shall]~~ ensure the compliance of each user of the program with the requirements of 33 U.S.C. §§ 1284(b), 1317 and 1318 and 40 C.F.R. §§ 401.10 et seq.

2. The Division ~~[of Environmental Protection of the State Department of Conservation and Natural Resources shall]~~ *may* administer the pretreatment program for any publicly owned treatment works ~~[which]~~ *that* does not have a state approved pretreatment program and ensure compliance by any industrial user ~~[.]~~ subject to the pretreatment program with the requirements of ~~[sections 204(b), 307 and 308 of the Act,]~~ 33 U.S.C. §§ 1284(b), 1317 and 1318, and any regulations adopted thereunder.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R092-04**

The State Environmental Commission adopted regulations assigned LCB File No. R092-04 which pertain to chapter 445A of the Nevada Administrative Code on November 30, 2004.

Notice date: 10/26/2004
Hearing date: 11/30/2004

Date of adoption by agency: 11/30/2004
Filing date: 2/14/2005

INFORMATIONAL STATEMENT

This regulation address's the control of water pollution by making it optional, rather than mandatory, for the Division of Environmental Protection (NDEP) to administer a pretreatment program for a publicly owned treatment works that does not have a pretreatment program in place. The regulation strikes the requirement for NDEP to administer a pretreatment program for municipalities and industrial users that do not have an approved pretreatment program. The revision also allows NDEP the option to administer a pretreatment program in cases where a municipality does not have an approved pretreatment program.

NDEP does not currently have a delegated program from US EPA to operate the pretreatment program; the revision to this regulation will nevertheless allow NDEP the flexibility to administer a pretreatment program in the future on a case by case basis.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control held public workshop at the following location to solicit comments from interested parties about the proposed changes in the regulations referenced above.

Carson City

Department of Conservation and Natural Resources
123 W. Nye Lane, Room 217
Carson City, Nevada 89706
Time: 1:00 PM
Date: May 21, 2004

Proposed changes to these regulations were also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – November 8, 15, and 22, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing lists were used for both mailings.

At the SEC hearing, there were no public oral comments received by the Commission during the adoption of the referenced regulation.

2. The number persons who:

- (a) Attended August 19, 2004 hearing; 30
- (b) Testified on this Petition at the hearing: 1
- (c) Submitted to the agency written comments: None

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notice in the newspapers, as outlined in #1 above and by direct mail to interested persons subscribing to the SEC electronic mailing lists. The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection in libraries in Clark and Washoe Counties, at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The regulation, public notice and meeting agenda were also made available on SEC Website at: <http://www.sec.nv.gov/main/hearing113004.htm>

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The State Environmental Commission adopted the regulation on November 30, 2004; the SEC adopted the regulation without any changes.

5. The estimated economic effect of the adopted regulation on the business, which it is to regulate, and on the public.

This regulation will not have an immediate or long-term adverse effect on business or the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any regulations of other state, federal, or local agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is no more stringent than what is established by federal law.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not increase fees.