

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R159-06

Effective September 18, 2006

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

AUTHORITY: §§1-3, NRS 445A.425 and 445A.520.

A REGULATION relating to water controls; revising provisions governing salinity standards for the Colorado River; revising related provisions; and providing other matters properly relating thereto.

Section 1. NAC 445A.143 is hereby amended to read as follows:

445A.143 1. The State of Nevada will cooperate with the other Colorado River Basin states and the Federal Government to support and carry out the conclusions and recommendations adopted April 27, 1972, by the reconvened 7th session of the conference in the matter of pollution of *the* interstate waters of the Colorado River and its tributaries.

2. Pursuant to ~~[subsection 1.]~~ *the “2005 Review - Water Quality Standards for Salinity, Colorado River System,” as presented by the Colorado River Basin Salinity Control Forum,* the flow weighted annual average concentrations *for the calendar year* for total dissolved solids in mg/l at the three lower main stem stations of the Colorado River are as follows:

Below Hoover Dam.....	723
Below Parker Dam	747
Imperial Dam.....	879

Sec. 2. NAC 445A.195 is hereby amended to read as follows:

445A.195 Lake Mead

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.194 (Most Stringent Use Listed First)
Temperature Single Value	ΔT 0°C ^a	ΔT 2°C ^a	Propagation of aquatic life, including, without limitation, a warm-water fishery.
pH Single Value	95% of samples not to exceed 8.8 SU	Within Range 6.5-9.0 SU	Propagation of aquatic life, including, without limitation, a warm-water fishery, recreation involving contact with water, propagation of wildlife, municipal or domestic supply, or both, industrial supply, irrigation and watering of livestock.
Dissolved Oxygen Single Value	—	≥ 5 mg/l in the epilimnion or	Propagation of aquatic life, including, without limitation, a warm-water fishery, watering of

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.194 (Most Stringent Use Listed First)
		average in water column during periods of nonstratification	livestock, recreation involving contact with water, recreation not involving contact with water, municipal or domestic supply, or both, and propagation of wildlife.
Chlorophyll <u>a</u> -μg/l	b		Recreation involving contact with water, propagation of aquatic life, including, without limitation, a warm-water fishery, recreation not involving contact with water and municipal or domestic supply, or both.
Total Ammonia (as N)- mg/l	—	c	Propagation of aquatic life, including, without limitation, a warm-water fishery.
Total Dissolved Solids	Flow Weighted		Municipal or domestic supply, or

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.194 (Most Stringent Use Listed First)
Single Value	Annual Average Concentration ≤ 723 mg/l measured below Hoover Dam ^d	— ≤ 1000 mg/l	both, and irrigation.
Chloride Single Value	e	≤ 400 mg/l ^e	Municipal or domestic supply, or both, watering of livestock and propagation of wildlife.
Sulfate Single Value	e	≤ 500 mg/l ^e	Municipal or domestic water supply, or both.
Suspended Solids Single Value	—	≤ 25 mg/l	Propagation of aquatic life, including, without limitation, a warm-water fishery, and recreation not involving contact

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.194 (Most Stringent Use Listed First)
			with water.
Nitrogen Species as N Single Value	Total Inorganic Nitrogen 95% of Samples ≤4.5 mg/l	Nitrate ≤ 10 mg/l Nitrite ≤1 mg/l	Municipal or domestic supply, or both, watering of livestock, propagation of aquatic life, including, without limitation, a warm-water fishery, and propagation of wildlife.
Turbidity Single Value	f	≤25 NTU	Propagation of aquatic life, including, without limitation, a warm-water fishery, municipal or domestic supply, or both, recreation involving contact with water and recreation not involving contact with water.
Fecal Coliform		≤200/400 ^g	Recreation involving contact with water, irrigation, recreation

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.194 (Most Stringent Use Listed First)
		MF or MPN/100ml	not involving contact with water, municipal or domestic supply, or both, propagation of wildlife and watering of livestock.
E. Coli 30-day Log Mean Single Value	— —	≤126 MF/100ml ≤235 MF/100ml	Recreation involving contact with water, recreation not involving contact with water, municipal or domestic supply, or both, irrigation and watering of livestock.
Color-Pt-Co Units Single Value	h	—	Recreation not involving contact with water and municipal or domestic supply, or both.

- a. Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone.
- b. The requirements for chlorophyll *a* are:
- (1) Not more than one monthly mean in a calendar year at Station LWLVB 1.85 may exceed 45µg/l. "Station LWLVB 1.85" is located at the center of the channel at a distance of 1.85 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.
 - (2) The mean for chlorophyll *a* in summer (July 1-September 30) must not exceed 40 µg/l at Station LWLVB 1.85, and the mean for 4 consecutive summer years must not exceed 30 µg/l. The sample must be collected from the center of the channel and must be representative of the top 5 meters of the channel. "Station LWLVB 1.85" is located at the center of the channel at a distance of 1.85 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.

- (3) The mean for chlorophyll *a* in the growing season (April 1-September 30) must not exceed 16 µg/l at Station LWLVB 2.7 and 9 µg/l at Station LWLVB 3.5. "Station LWLVB 2.7" is located at a distance of 2.7 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead. "Station LWLVB 3.5" is located at a distance of 3.5 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.
 - (4) The mean for chlorophyll *a* in the growing season (April 1-September 30) must not exceed 5 µg/l in the open water of Boulder Basin, Virgin Basin, Gregg Basin and Pierce Basin. The single value must not exceed 10 µg/l for more than 5 percent of the samples.
 - (5) Not less than two samples per month must be collected between the months of March and October. During the months when only one sample is available, that value must be used in place of the monthly mean.
 - c. The requirement for water quality with regard to the concentration of total ammonia is provided pursuant to the provisions of NAC 445A.118.
 - d. ~~The [details of this standard are set forth in the "1996 Review Water Quality Standards for Salinity, Colorado River System" approved by the Commission on March 25, 1998.]~~ *salinity standard for the Colorado River System is specified in NAC 445A.143.*
 - e. The combination of this constituent with other constituents comprising TDS must not result in the violation of the TDS standards for Lake Mead and the Colorado River.
 - f. Turbidity must not exceed that characteristic of natural conditions by more than 10 Nephelometric Units.
 - g. Based on a minimum of not less than five samples taken over a 30-day period, the fecal coliform bacterial level must not exceed a log mean of 200 per 100ml nor must more than 10 percent of the total samples taken during any 30-day period exceed 400 per 100ml.
 - h. Color must not exceed that characteristic of natural conditions by more than 10 units Platinum-Cobalt Scale.
- ↳ The Commission recognizes that at entrances of tributaries to Lake Mead, localized violations of standards may occur.

Sec. 3. NAC 445A.197 is hereby amended to read as follows:

445A.197 Control point at 1.2 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.

Inner Las Vegas Bay

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.196 (Most Stringent Use Listed First)
Temperature Single Value	ΔT 0°C ^a	ΔT 2°C ^a	Propagation of aquatic life, including, without limitation, a warm-water fishery.

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.196 (Most Stringent Use Listed First)
pH Single Value	95% of samples not to exceed 8.9 SU	Within Range 6.5-9.0 SU	Propagation of aquatic life, including, without limitation, a warm-water fishery, propagation of wildlife, irrigation, industrial supply and watering of livestock.
Dissolved Oxygen Single Value	—	≥5 mg/l	Propagation of aquatic life, including, without limitation, a warm-water fishery, watering of livestock, recreation not involving contact with water and propagation of wildlife.
Nitrogen Species as Single Value	Total Inorganic Nitrogen 95% of Samples ≤5.3 mg/l	Nitrate ≤90 mg/l Nitrite ≤5 mg/l	Propagation of aquatic life, including, without limitation, a warm-water fishery, watering of livestock and propagation of wildlife.

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.196 (Most Stringent Use Listed First)
Total Ammonia (as N)- mg/l	—	b	Propagation of aquatic life, including, without limitation, a warm-water fishery.
Total Dissolved Solids Single Value	c	≤3000 mg/l	Watering of livestock and irrigation.
Suspended Solids Single Value	—	≤25 mg/l	Propagation of aquatic life, including, without limitation, a warm-water fishery and recreation not involving contact with water.
Turbidity Single Value	d	≤25 NTU	Propagation of aquatic life, including, without limitation, a warm-water fishery and recreation not involving contact with water.

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES AS DESIGNATED IN NAC 445A.196 (Most Stringent Use Listed First)
Fecal Coliform MF or MPN/100ml Single Value	—	e	Propagation of wildlife, recreation not involving contact with water, irrigation and watering of livestock.

- a. Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone.
 - b. The requirement for water quality with regard to the concentration of total ammonia is provided pursuant to the provisions of NAC 445A.118. Data must be collected at Station LWLVB 1.2. "Station LWLVB 1.2" is located at the center of the channel at a distance of 1.2 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.
 - c. ~~Any increase in total dissolved solids must not result in a violation of the standards set forth in "1996 Review Water Quality Standards for Salinity, Colorado River System" approved by the Commission on March 25, 1998.~~ *The salinity standard for the Colorado River System is specified in NAC 445A.143.*
 - d. Turbidity must not exceed that characteristic of natural conditions by more than 10 Nephelometric Units.
 - e. Any discharge from a point source into the Las Vegas Wash must not exceed a log mean of 200 per 100ml based on a minimum of not less than five samples taken over a 30-day period nor may more than 10 percent of the total samples taken during any 30-day period exceed 400 per 100ml.
- ☛ The Commission recognizes that, because of discharges of tributaries, localized violations of standards may occur in the inner Las Vegas Bay.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R159-06**

The State Environmental Commission adopted regulations assigned LCB File No. R159-06 which pertain to chapter 445A of the Nevada Administrative Code on September 6, 2006.

Notice date: 8/7/2006
Hearing date: 9/6/2006

Date of adoption by agency: 9/6/2006
Filing date: 9/18/2006

INFORMATIONAL STATEMENT

Under section 303 of the Clean Water Act and 40 CFR 131, States have responsibility for setting, reviewing and revising water quality standards. This regulation proposes changes to the Nevada Administrative Code (NAC) referencing the Colorado Salinity Standards, contained in the NAC 445A.143, and changes to the footnotes for Lake Mead, NAC 445A.195 and Inner Las Vegas Bay NAC 445A.197.

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 (NDEP) held 3 workshops on the above referenced regulation. The purpose of the workshops was to inform the public and regulated community about the proposed regulatory changes and solicit comments from interested persons. Time and location of the workshop are noted below.

Carson City	Las Vegas	Elko
May 23, 2006	May 25, 2006	June 1, 2006
2:00 p.m. – 4:00 p.m.	1:00 p.m. – 3:00 p.m.	10:00 a.m. – 12:00 p.m.
Department of Conservation & Natural Resources	Division of Environmental Protection	Elko Convention Center Cedar Room
Richard H. Bryan State Office Building	Las Vegas Office	700 Moren Way
901 South Stewart Street	1771 East Flamingo Road,	Elko, Nevada 89801
Multi-Purpose Conference Room, 1st Floor	Suite 121-A	
Carson City, Nevada 89701- 5249	Las Vegas, Nevada 89119-0837	

In addition to the workshops noted above, the State Environmental Commission (SEC) held a public hearing to consider this regulation on September 06, 2006 at the at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended SEC hearing on (month / date); 70
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: none, however, the agency did prepare a rationale for the regulation and the rationale was made available for public comment. The document is posted on the SEC website: http://www.sec.nv.gov/docs/p2006-13_rationale.pdf

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 as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based mailing list. Regarding the regulatory hearing, the regulation was noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates: Monday, August 15, 2006, Monday, August 22, 2006 and Monday, August 29, 2006

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 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 workshop notice, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at: http://www.sec.nv.gov/main/hearing_0906.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.

No changes were proposed at the State Environmental Commission Hearing, either by NDEP staff, the public or the Commission. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

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

No anticipated economic effects will result from adoption of this regulation

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

There will be no additional costs to the Nevada Division of Environmental Protection for implementing 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.

The 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 address fees changes.