

**ADOPTED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R127-10**

Effective December 16, 2010

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

AUTHORITY: §§1-5, NRS 445A.425 and 445A.520.

A REGULATION relating to water quality; revising the water quality standards established for Smoke Creek, Bronco Creek and Gray Creek; setting forth the beneficial uses for Smoke Creek, Bronco Creek and Gray Creek; and providing other matters properly relating thereto.

**Section 1.** Section 11 of LCB File No. R160-06 is hereby amended to read as follows:

Sec. 11. The designated beneficial uses for select bodies of water within the Black Rock Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Smoke Creek	<del>[Approximately 30 miles east of Susanville, California.]</del> <i>From the California-Nevada state line to the Smoke Creek Desert.</i>	X	X	X	X	X				X						section 13 of this regulation
Squaw Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X						Trout	section 14 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Negro Creek	From its origin to the first irrigation diversion, near the west line of section 28, T. 36 N., R. 23 E., M.D.B. & M.	X	X	X	X	X	X		X							section 15 of this regulation
Summit Lake	The entire lake.	X	X	X	X	X	X	X	X					Trout		section 16 of this regulation
Mahogany Creek	From its origin to Summit Lake.	X	X	X	X	X	X		X							section 17 of this regulation
Leonard Creek	From its origin to the first point of diversion, near the south line of section 12, T. 42 N., R. 28 E., M.D.B. & M.	X	X	X	X	X	X		X							section 18 of this regulation
Bilk Creek, upper	From its origin to its intersection with the south line of section 35, T. 45 N., R. 32 E., M.D.B. & M.	X	X	X	X	X	X		X							section 19 of this regulation
Bilk Creek at Bilk Creek Reservoir	From its intersection with the south line of section 35, T. 45 N., R. 32 E., M.D.B. & M., to Bilk Creek Reservoir.	X	X	X	X	X	X	X	X					Trout		section 20 of this regulation
Bilk Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					Trout		section 21 of this regulation
Bottle Creek	From its origin to the first point of diversion, near the east line of section 23, T. 40 N., R. 32 E., M.D.B. & M.	X	X	X	X	X	X		X							section 22 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Quinn River, East and South Forks	From their origin to the confluence of the East and South Forks.	X	X	X	X	X	X		X							section 23 of this regulation
Quinn River at Fort McDermitt Reservation	From the point of the confluence of the East and South Forks to the Fort McDermitt Indian Reservation diversion dam.	X	X	X	X	X	X	X	X					Trout		section 24 of this regulation
Quinn River (The Slough)	From the Idaho-Nevada state line in section 31, T. 48 N., R. 38 E., M.D.B. & M., to the confluence with the main tributary of the Quinn River at the south line of section 17, T. 47 N., R. 38 E., M.D.B. & M.	X	X	X		X		X	X							section 25 of this regulation
Irrigation	Irrigation															
Livestock	Watering of livestock															
Contact	Recreation involving contact with the water															
Noncontact	Recreation not involving contact with the water															
Industrial	Industrial supply															
Municipal	Municipal or domestic supply, or both															
Wildlife	Propagation of wildlife															
Aquatic	Propagation of aquatic life															
Aesthetic	Waters of extraordinary ecological or aesthetic value															
Enhance	Enhancement of water quality															
Marsh	Maintenance of a freshwater marsh															

Sec. 2. Section 13 of LCB File No. R160-06 is hereby amended to read as follows:

Sec. 13. The limits of this table apply to the body of water known as Smoke Creek ~~[approximately 30 miles east of Susanville, California.]~~ *from the California-Nevada state line to the Smoke Creek Desert.* Smoke Creek is located in Washoe County.

## STANDARDS OF WATER QUALITY

### Smoke Creek

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>											
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Beneficial Uses			X	X	X	X	X				X			
Aquatic Life Species of Concern														
Temperature - °C <del>[Summer Winter ΔT - °C]</del>		S.V. <i>Summer</i> ≤ 25.0 S.V. <i>Winter</i> ≤ 14.0 <del>[ΔT ≤ 3]</del>				*	X							
pH - SU		S.V. 6.5 - <del>[8.5]</del> <del>Annual median 7.0 - 8.0]</del> <b>9.0</b>	X	X	*	*					*			
<del>[Phosphates] Total Phosphorous</del> (as <del>[PO<sub>4</sub>]</del> P) - mg/l		<del>[Avg. ≤ 0.5]</del> S.V. ≤ <del>[0.7]</del> <b>0.1<sup>b</sup></b>				*	*	X						
Nitrogen Species (as <del>[NO<sub>3</sub>]</del> N) - mg/l		Nitrate S.V. ≤ <del>[5.0]</del> <b>90</b>	X		*						X			
		<i>Nitrite S.V. ≤ 5.0</i>	X		*						X			
		<i>Total Nitrogen<sup>b</sup></i>			*	*								

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>													
			LIVESTOCK	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Dissolved Oxygen - mg/l		S.V. $\geq$ <del>7.5</del> Avg. Jun-Sep $\geq$ 8.0] 5.0	X		*	X	X				X					
<del>BOD - mg</del>		S.V. $\leq$ 5.0														
<del>Chlorides - mg/l</del>		S.V. $\leq$ 10.0]														
Turbidity - <del>[TU] NTU</del>		<del>[<sup>b</sup>] S.V. <math>\leq</math> 50</del>			*											
<del>[Color - PCU]</del>		<del>[<sup>c</sup>]</del>														
Total Dissolved Solids - mg/l		<del>[A - Avg. <math>\leq</math> 225.0]</del> S.V. $\leq$ <del>[275.0] 1,000</del>	X	*												
<del>Chlorides - mg/l</del>		S.V. $\leq$ 250	X		*						X					
Fecal Coliform - No./100 ml		<del>[<math>\leq</math> 1,000/2,400</del> <sup>d</sup> <del><math>\leq</math> 200/400-<sup>d</sup>]</del> S.V. $\leq$ 1,000	*	*			X				*					
<del>E. coli - No./100 ml</del>		A.G.M. $\leq$ 126 S.V. $\leq$ 410				*	X									
<del>Total Ammonia (as N) - mg/l</del>		<sup>e</sup>			*											

\* = The most restrictive beneficial use.

X = Beneficial use.

<sup>a</sup> Refer to NAC 445A.122 and section 11 of this regulation for beneficial use terminology.

<sup>b</sup> ~~[Turbidity must not exceed that characteristic of natural conditions by more than 10 Jackson Units.~~

<sup>c</sup> ~~—Color must not exceed that characteristic of natural conditions by more than 10 PCU.~~

<sup>d</sup> ~~—The more stringent of the following apply:~~

~~—The fecal coliform concentration must not exceed a geometric mean of 1,000 per 100 milliliters, nor may more than 20 percent of total samples exceed 2,400 per 100 milliliters.~~

~~—The annual geometric mean of fecal coliform concentration must not exceed that characteristic of natural conditions by more than 200 per 100 milliliters nor may the number of fecal coliform in a single sample exceed that characteristic of natural conditions by more than 400 per 100 milliliters.]~~ *The water must not contain nutrient concentrations from a source other than a natural source which cause the growth of algae or aquatic plants in amounts that interfere with any beneficial uses of the water.*

<sup>c</sup> *The ambient water quality criteria for ammonia are specified in NAC 445A.118.*

**Sec. 3.** Section 121 of LCB File No. R160-06 is hereby amended to read as follows:

Sec. 121. The designated beneficial uses for select bodies of water within the Truckee Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference	
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Lake Tahoe	Existing sampling points.	X	X	X	X	X	X	X	X	X	X			Cold-water fishery	section 123 of this regulation
Lake Tahoe Tributaries	All tributaries to Lake Tahoe located in Nevada and which are not included in sections 125 to 139, inclusive, of this regulation.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 124 of this regulation
Incline Creek, East Fork at ski resort	From its origin to the ski resort.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 125 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Incline Creek, West Fork at State Highway 431	From its origin to State Highway 431.	X	X	X	X	X	X	X	X	X					Cold-water fishery	section 126 of this regulation
Incline Creek, East Fork; Incline Creek, West Fork; and Incline Creek	The East Fork of Incline Creek from the ski resort to the West Fork of Incline Creek, the West Fork of Incline Creek from State Highway 431 to the East Fork of Incline Creek, and Incline Creek from the confluence of the East and West Forks of Incline Creek to Lake Tahoe.	X	X	X	X	X	X	X	X	X					Cold-water fishery	section 127 of this regulation
Third Creek, East Fork at State Highway 431	From its origin to State Highway 431.	X	X	X	X	X	X	X	X						Cold-water fishery	section 128 of this regulation
Third Creek, East Fork; Third Creek, West Fork; and Third Creek	The East Fork of Third Creek from State Highway 431 to the West Fork of Third Creek, the West Fork of Third Creek from its origin to the East Fork of Third Creek, and Third Creek from the confluence of the East and West Forks of Third Creek to Lake Tahoe.	X	X	X	X	X	X	X	X						Cold-water fishery	section 129 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference	
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Wood Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X	X		X		Cold-water fishery	section 130 of this regulation
Second Creek at Second Creek Drive	From its origin to Second Creek Drive.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 131 of this regulation
Second Creek at Lakeshore Drive	From Second Creek Drive to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 132 of this regulation
First Creek at Dale and Knotty Pine Drives	From its origin to Dale and Knotty Pine Drives.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 133 of this regulation
First Creek at Lakeshore Drive	From Dale and Knotty Pine Drives to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 134 of this regulation
Glenbrook Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 135 of this regulation
Logan House Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 136 of this regulation
Eagle Rock Creek	From its origin to its confluence with Edgewood Creek.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 137 of this regulation
Edgewood Creek at Palisades Drive	From its origin to 50 feet downstream from the culvert at Palisades Drive.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 138 of this regulation
Edgewood Creek at Stateline	From 50 feet downstream from the culvert at Palisades Drive to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X			X		Cold-water fishery	section 139 of this regulation



Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Truckee River at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X	X					All life stages of mountain whitefish, rainbow trout and brown trout	section 140 of this regulation
Truckee River at Idlewild	From the California-Nevada state line to Idlewild.	X	X	X	X	X	X	X	X	X					All life stages of mountain whitefish, rainbow trout and brown trout	section 141 of this regulation
Truckee River at East McCarran	From Idlewild to the East McCarran Boulevard Bridge.	X	X	X	X	X	X	X	X	X					All life stages of mountain whitefish, rainbow trout and brown trout	section 142 of this regulation
Truckee River at Lockwood Bridge	From the East McCarran Boulevard Bridge to the Lockwood Bridge.	X	X	X	X	X	X	X	X	X					Juvenile and adult rainbow trout and brown trout	section 143 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Truckee River at Derby Dam	From the Lockwood Bridge to Derby Dam.	X	X	X	X	X	X	X	X	X					Juvenile and adult rainbow trout and brown trout. However, the species which are sensitive to temperature are expected to seek a cooler microhabitat during July and August	section 144 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference	
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Truckee River at the Wadsworth Gage	From Derby Dam to the Wadsworth Gage.	X	X	X	X	X	X	X	X					Early spawning Lahontan cutthroat trout and their incubation, larvae, juveniles and migration, from May through June, depending on hydrologic conditions	section 145 of this regulation


Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Truckee River at Pyramid Lake	From the Wadsworth Gage to the mouth of the Truckee River at Pyramid Lake.	X	X	X	X	X	X	X	X	X					Early spring spawning Lahontan cutthroat trout and cui-ui, and their incubation, larvae, juveniles and migration, from May through June, depending on hydrologic conditions	section 146 of this regulation
Bronco Creek	<i>From its origin to the California-Nevada state line.</i>	X	X	X	X	X	X	X	X	X						section 147 of this regulation
Gray Creek	<i>From its origin to the California-Nevada state line.</i>	X	X	X	X	X	X	X	X	X						section 148 of this regulation
Hunter Creek at Hunter Lake	From its origin to Hunter Lake.	X	X	X	X	X	X		X							section 149 of this regulation
Hunter Lake	The entire lake.	X	X	X	X	X	X		X							section 150 of this regulation
Hunter Creek at the Truckee River	From Hunter Lake to its confluence with the Truckee River.	X	X	X	X	X	X	X	X					Trout	section 151 of this regulation	

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference			
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh					
Washoe Lakes	The entire lakes.	X	X	X	X	X	X	X	X	X							section 152 of this regulation
Steamboat Creek at the gaging station	From Little Washoe Lake to gaging station number 10-349300, located in the S 1/2 of section 33, T. 18 N., R. 20 E., M.D.B. & M.	X	X	X	X	X	X	X	X	X							section 153 of this regulation
Steamboat Creek at the Truckee River	From gaging station number 10-349300, located in the S 1/2 of section 33, T. 18 N., R. 20 E., M.D.B. & M., to its confluence with the Truckee River.	X	X	X		X			X	X							section 154 of this regulation
Franktown Creek, upper	From its origin to the first irrigation diversion, near the north line of section 9, T. 16 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X								section 155 of this regulation
Franktown Creek at Washoe Lake	From the first irrigation diversion, near the north line of section 9, T. 16 N., R. 19 E., M.D.B. & M., to Washoe Lake.	X	X	X	X	X	X	X	X							Trout	section 156 of this regulation
Hobart Reservoir and tributaries	The entire system.	X	X	X	X	X	X	X	X							Trout	section 157 of this regulation
Ophir Creek at State Route 429	From its origin to State Route 429 (old U.S. Highway 395).	X	X	X	X	X	X		X								section 158 of this regulation
Ophir Creek at Washoe Lake	From State Route 429 (old U.S. Highway 395) to Washoe Lake.	X	X	X	X	X	X	X	X							Trout	section 159 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
Price's Lakes	The entire lakes.	X	X	X	X	X	X		X							section 160 of this regulation
Davis Lake	The entire lake.	X	X	X	X	X	X	X	X						Trout	section 161 of this regulation
Galena Creek, upper	From its origin to the east line of section 18, T. 17 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X							section 162 of this regulation
Galena Creek, middle	From the east line of section 18, T. 17 N., R. 19 E., M.D.B. & M., to gaging station number 10-348900 located in the SW 1/4 of the SW 1/4 of section 2, T. 17 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X	X	X						Trout	section 163 of this regulation
Galena Creek at Steamboat Creek	From gaging station number 10-348900, located in the SW 1/4 of the SW 1/4 of section 2, T. 17 N., R. 19 E., M.D.B. & M., to its confluence with Steamboat Creek.	X	X	X	X	X	X	X	X						Trout	section 164 of this regulation
White's Creek, upper	From its origin to the east line of section 33, T. 18 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X							section 165 of this regulation
White's Creek at Steamboat Ditch	Below the east line of section 33, T. 18 N., R. 19 E., M.D.B. & M., to Steamboat Ditch.	X	X	X	X	X	X	X	X						Trout	section 166 of this regulation

Water Body Name	Segment Description	Beneficial Uses											Aquatic Species of Concern	Water Quality Standard NAC Reference		
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh				
White's Creek at Steamboat Creek	Below Steamboat Ditch.	X	X	X	X	X	X	X	X							section 167 of this regulation
Lagomarsino Creek	The entire length; also known as Long Valley Creek.	X	X	X		X		X	X							section 168 of this regulation
Tracy Pond	The entire area.	X	X	X	X	X	X	X	X							section 169 of this regulation
Irrigation	Irrigation															
Livestock	Watering of livestock															
Contact	Recreation involving contact with the water															
Noncontact	Recreation not involving contact with the water															
Industrial	Industrial supply															
Municipal	Municipal or domestic supply, or both															
Wildlife	Propagation of wildlife															
Aquatic	Propagation of aquatic life															
Aesthetic	Waters of extraordinary ecological or aesthetic value															
Enhance	Enhancement of water quality															
Marsh	Maintenance of a freshwater marsh															

**Sec. 4.** Section 147 of LCB File No. R160-06 is hereby amended to read as follows:

Sec. 147. The limits of this table apply to the body of water known as Bronco Creek  *from its origin to the California-Nevada state line.* Bronco Creek is located in Washoe County.

# STANDARDS OF WATER QUALITY

## Bronco Creek

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>													
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Beneficial Uses			X	X	X	X	X	X	X	X	X					
Aquatic Life Species of Concern																
Temperature - °C <del>[AT<sup>b</sup> - °C]</del>		Avg. Jun-Sep ≤ 20.0 S.V. Summer ≤ 25.0 S.V. Winter ≤ 13.0 <del>[AT = 0]</del>				*	X									
pH - SU		<del>[Annual Median 7.0 - 8.5]</del> S.V. 6.5 - <del>[8.5]</del> 9.0	X	X	*	*			X	X	*					
Total <del>[Phosphates]</del> <i>Phosphorous</i> (as <del>[PO<sub>4</sub>]</del> P) - mg/l		<del>[A-Avg. ≤ 0.3]</del> S.V. ≤ <del>[0.4]</del> 0.1 <sup>b</sup>			*	*	X	X								
Nitrogen Species (as <del>[NO<sub>3</sub>]</del> N) - mg/l		<del>[Nitrates]</del> Nitrate S.V. ≤ <del>[2.0]</del>  10	X						*		X					
		Nitrite S.V. ≤ 0.06	X		*			X		X						
		Total Nitrogen <sup>b</sup>			*	*										
Dissolved Oxygen - mg/l		<del>[Avg. Jun-Sep ≥ 7.0]</del> S.V. ≥ 6.0	X		*	X	X	X		X						
Turbidity - <del>[FTU]</del> NTU		<del>[F<sup>e</sup>]</del> S.V. ≤ 10			*											
Color - PCU		<del>[F<sup>d</sup>]</del> S.V. ≤ 75							*							
Total Dissolved Solids - mg/l		<del>[A-Avg. ≤ 225.0]</del> S.V. ≤ <del>[300.0]</del> 500	X	X					*							



PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>											
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Chlorides - mg/l		S.V. ≤ <del>15.0</del> 250	X						*		X			
<i>Sulfate - mg/l</i>		<i>S.V. ≤ 250</i>							*					
Fecal Coliform - No./100 ml		<del>f</del> <i>S.V. ≤ 1,000</i>	*	*			X	X			*			
<i>E. Coli - No./100 ml</i>		<i>A.G.M. ≤ 126</i> <i>S.V. ≤ 410</i>				*	X							
<i>Total Ammonia (as N) - mg/l</i>		<i>c</i>			*									

\* = *The most restrictive beneficial use.*

X = *Beneficial use.*

<sup>a</sup> Refer to NAC 445A.122 and section 121 of this regulation for beneficial use terminology.

<sup>b</sup> ~~[Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.~~

<sup>c</sup> ~~Turbidity must not exceed that characteristic of natural conditions by more than 10 Jackson Units.~~

<sup>d</sup> ~~Increase in color must not be more than 10 PCU above natural conditions.~~

<sup>e</sup> ~~The more stringent of the following apply:~~

~~1—The fecal coliform concentration must not exceed a geometric mean of 1,000 per 100 milliliters, nor may more than 20 percent of total samples exceed 2,400 per 100 milliliters.~~

~~2—The annual geometric mean of fecal coliform concentration must not exceed that characteristic of natural conditions by more than 200 per 100 milliliters, nor may the number of fecal coliform in a single sample exceed that characteristic of natural conditions by more than 400 per 100 milliliters.] *The water must not contain nutrient concentrations from a source other than a natural source which cause the growth of algae or aquatic plants in amounts that interfere with any beneficial uses of the water.*~~

*c The ambient water quality criteria for ammonia are specified in NAC 445A.118.*

**Sec. 5.** Section 148 of LCB File No. R160-06 is hereby amended to read as follows:

Sec. 148. The limits of this table apply to the body of water known as Gray Creek ~~[-]~~  
*from its origin to the California-Nevada state line.* Gray Creek is located in Washoe County.

## STANDARDS OF WATER QUALITY

### Gray Creek

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>													
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh			
Beneficial Uses			X	X	X	X	X	X	X	X	X					
Aquatic Life Species of Concern																
Temperature - °C <del>[AT<sup>b</sup> - °C]</del>		Avg. Jun-Sep ≤ 20.0 S.V. Summer ≤ 25.0 S.V. Winter ≤ 13.0 <del>[AT = 0]</del>			*	X										
pH - SU <del>[Phosphates] Total</del>		<del>[Annual Median 7.0 - 8.5]</del> S.V. 6.5 - <del>[8.5]</del> 9.0	X	X	*	*		X	X	*						
<del>Phosphorous</del> (as <del>[PO4]</del> ) - mg/l		<del>[A - Avg. ≤ 0.3]</del> S.V. ≤ <del>[0.4]</del> 0.1 <sup>b</sup>			*	*	X	X								
Nitrogen Species (as <del>[NO3]</del> N) - mg/l		<del>[Nitrates] Nitrate S.V. ≤ [3.0]</del> 10	X					*		X						
		<i>Nitrite S.V. ≤ 0.06</i>	X		*			X		X						
		<i>Total Nitrogen<sup>b</sup></i>			*	*										
Dissolved Oxygen - mg/l		<del>[Avg. Jun-Sep ≥ 8.0]</del> S.V. ≥ <del>[7.0]</del> 6.0	X		*	X	X	X		X						
Turbidity - <del>[FTU]</del> NTU		<del>[ ]</del> S.V. ≤ 10			*											

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use <sup>a</sup>												
			LIVESTOCK	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Color - PCU		<del>f<sup>d</sup></del> <i>S.V. ≤ 75</i>						*							
Total Dissolved Solids - mg/l		<del>[A-Avg. ≤ 125.0]</del> <i>S.V. ≤ <del>[165.0]</del> 500</i>	X	X					*						
Chlorides - mg/l		<i>S.V. ≤ <del>[10.0]</del> 250</i>	X						*	X					
<i>Sulfate - mg/l</i>		<i>S.V. ≤ 250</i>							*						
Fecal Coliform - No./100 ml		<del>f<sup>e</sup></del> <i>S.V. ≤ 1,000</i>	*	*			X	X		*					
<i>E. Coli - No./100 ml</i>		<i>A.G.M. ≤ 126</i> <i>S.V. ≤ 410</i>				*	X								
<i>Total Ammonia (as N) - mg/l</i>		<i>c</i>			*										

\* = *The most restrictive beneficial use.*

X = *Beneficial use.*

<sup>a</sup> Refer to NAC 445A.122 and section 121 of this regulation for beneficial use terminology.

~~<sup>b</sup> [Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.]~~

~~<sup>c</sup> Turbidity must not exceed that characteristic of natural conditions by more than 10 Jackson Units.~~

~~<sup>d</sup> Increase in color must not be more than 10 PCU above natural conditions.~~

~~<sup>e</sup> The more stringent of the following apply:~~

~~1 The fecal coliform concentration must not exceed a geometric mean of 1,000 per 100 milliliters, nor may more than 20 percent of total samples exceed 2,400 per 100 milliliters.~~

~~2 The annual geometric mean of fecal coliform concentration must not exceed that characteristic of natural conditions by more than 200 per 100 milliliters, nor may the number of fecal coliform in a single sample exceed that characteristic of natural conditions by more than 400 per 100 milliliters.] *The water must not contain nutrient concentrations*~~

*from a source other than a natural source which cause the growth of algae or aquatic plants in amounts that interfere with any beneficial uses of the water.*

*c The ambient water quality criteria for ammonia are specified in NAC 445A.118.*

## **Permanent Regulation - Filing Statement**

Nevada Division of Environmental Protection  
**Bureaus of Water Pollution Control**

Legislative Review of Adopted Regulations as Required  
by Administrative Procedures Act, NRS 233B.066

**State Environmental Commission (SEC)**

**LCB File No. R127-10**

SEC # P2010-07

**R127-10: Proposed Changes to the Water Quality Standards for Smoke, Bronco, and Gray Creeks:** This regulation addresses water quality standards for Smoke, Bronco and Gray creeks defined under NAC 445A.180, 181 and 182 (445A.1286, 1698 and 1702). The standards for these creeks have not been reviewed since their inception in 1967 (Smoke) and 1973 (Bronco and Gray). Currently, there are no designated beneficial uses (uses) or reach descriptions assigned to these creeks. The Nevada Division of Environmental Protection is proposing to assign uses and reach descriptions for each creek; appropriate water quality criteria will be added based on the proposed uses for each creek.

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

This draft regulation is the result of many meetings and conversations with stakeholders prior to the public workshop. In the spring of 2010, the NDEP held three public workshops on the above referenced regulation on May 13, May 20 and May 21 respectively. The workshops were held in Carson City, Ely and Elko Nevada. All support documentation for this regulation is available on the SEC web site at [http://www.sec.nv.gov/main/hearing\\_1010.htm](http://www.sec.nv.gov/main/hearing_1010.htm) see agenda item #6.

Following the workshop, the State Environmental Commission (SEC) held a regulatory hearing on October 5<sup>th</sup> 2010. The hearing was held as a video conference in Carson City and Las Vegas. The hearing location in Carson City was the Bryan Building, 901 South Stewart Street (2nd floor, Tahoe Room). In Las Vegas the hearing was held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

A public notice and agenda for the SEC regulatory hearing was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed permanent regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the above referenced SEC regulatory hearing. Other information about the regulation was also made available on the SEC website at: [http://www.sec.nv.gov/main/hearing\\_1010.htm](http://www.sec.nv.gov/main/hearing_1010.htm)

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

- (a) Attended October 05, 2010 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP)
- (c) Submitted to the agency written comments: 0

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

This regulation does not directly impact any businesses.

**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.**

Non substantive changes to the proposed regulation were requested at the Hearing; the SEC adopted the regulation with some minor changes. The revised regulation is being submitted to the Legislative Counsel Bureau with this information statement.

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

The regulation does not regulate any business. There is no economic impact from the amendments on regulated fleets.

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

There will be no additional cost to the Division of Environmental Protection for enforcement of the amendment.

**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 duplicate any other federal, state or local regulation.

**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 not more stringent than any federal regulation or guidance.

**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.**

No fees are generated by this regulation.