

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R149-24I

**THE FOLLOWING DOCUMENT IS THE INITIAL DRAFT REGULATION PROPOSED
BY THE AGENCY SUBMITTED ON 06/20/2024**

PETITION P2024-16 – 06/17/2024 (ALGAL TOXIN CRITERIA)

**PROPOSED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

AUTHORITY: §§1-318, NRS 445A.425 and 445A.520.

A PERMANENT REGULATION relating to water quality; making various changes in provisions that establish standards for water quality; and providing other matters properly relating thereto.

PETITION 2024-16 Changes to the Nevada Administrative Code adding a new section to NAC 445A to establish criteria for the algal toxins microcystin and cylindrospermopsin for all waters with the recreation involving contact with the water beneficial use. Pursuant to section 304(a) of the Clean Water Act, his regulation will adopt EPA’s nationally recommended criteria for the protection of the contact recreation beneficial use on designated waters.

Proposed Revisions:

The proposed updates to the NAC are shown below with *additions in blue bold-italics* text and omissions in shown in red ~~strikethrough~~ text, bound by brackets:

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation.

Section 2.

1. The standards for algal toxins prescribed in this section for the support of the recreation involving contact with the water beneficial use are applicable to the bodies of water specified in NAC 445A.123 to 445A.2234, inclusive.

2. The criterion values for total algal toxins in the water column for the recreation involving contact with the water beneficial use are:

<i>Algal Toxin</i>	<i>Criterion Value (µg/L)</i>
<i>Microcystin</i>	<i>8</i>
<i>Cylindrospermopsin</i>	<i>15</i>

3. The criterion value must not be exceeded in more than three ten-day non-rolling periods in consecutive water years.

4. As used in this section:

(a) “water year” means a year, October 1 through September 30.

References:

- a. U.S. Environmental Protection Agency, Pub. No. EPA 823-R-21-002, Implementing the 2019 National Clean Water Act Section 304(a) Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin, July 2021.*
- a. U.S. Environmental Protection Agency, Pub. No. EPA 822-R-19-001, Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin, May 2019.*