

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R083-08

Effective August 26, 2008

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

AUTHORITY: §§1-3, 6-12 and 16, NRS 445A.425 and 445A.520; §§4 and 5, NRS 445A.425; §13, NRS 445A.425, 445A.465 and 445A.595; §14, NRS 445A.425 and 445A.465; §15, NRS 445A.425 and 445A.570.

A REGULATION relating to water pollution; revising water quality standards and beneficial uses for the Muddy River and Bowman Reservoir; and providing other matters properly relating thereto.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *The limits of this table apply to the body of water known as the Muddy River from the Glendale Bridge to the Wells Siding Diversion. This segment of the Muddy River is located in Clark County.*

STANDARDS OF WATER QUALITY

Muddy River at the Wells Siding Diversion

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use ^a											
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Beneficial Uses			X	X	X	X	X		X	X				
Aquatic Life Species of Concern														
Temperature °C - ΔT^b	$\Delta T = 0^{\circ}C$	$15 \leq T \leq 30$ $\Delta T \leq 2^{\circ}C$			*									
pH Units		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$ Max.	X	X	*	X	X		X	*				
Total Phosphorous (as P) - mg/l		A-Avg. ≤ 0.3			*	X	X							
Nitrogen Species (as N) - mg/l		Nitrate S.V. ≤ 90 Nitrite S.V. ≤ 5.0	X		*	X	X			X				
Total Ammonia (as N) - mg/l		^c			*									
Dissolved Oxygen - mg/l		S.V. ≥ 5.0	X		*	X	X			X				
Turbidity - NTU		^d			*									
Color – PCU		^e			*									
Total Dissolved Solids - mg/l		^f	X	*										
Alkalinity (as CaCO ₃) - mg/l		< 25% change from natural conditions			*					X				
Fecal Coliform - No./100ml		A.G.M. ≤ 1000 S.V. ≤ 2000	X	X			*			X				
E coli - No./100ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X							

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use ^a										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Fluoride (as total recoverable) – mg/l		S.V. ≤ 2.6	X	*									

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to NAC 445A.122 and section 282 of LCB File No. R160-06 for beneficial use terminology.

^b 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.

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

^d Increase in turbidity must not be more than 10 NTU above natural conditions.

^e Increase in color must not be more than 10 PCU above natural conditions.

^f The salinity standard for the Colorado River System is specified in NAC 445A.143.

Sec. 3. *The limits of this table apply to the entire body of water known as Bowman Reservoir. Bowman Reservoir is located in Clark County.*

STANDARDS OF WATER QUALITY

Bowman Reservoir

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use ^a										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern													
Temperature - °C <i>ΔT</i> ^b		<i>T</i> ≤ 34 <i>ΔT</i> ≤ 3°C			*								
pH Units		<i>S.V.</i> 6.5 - 9.0	X	X	*	X	X	X	X	*			
Total Phosphorous (as P) - mg/l		<i>S.V.</i> ≤ 0.33			*	X	X	X					
Dissolved Oxygen - mg/l		<i>S.V.</i> ≥ 5.0	X		*	X	X	X		X			
Total Ammonia (as N) - mg/l		<i>c</i>			*			X					
Total Dissolved Solids - mg/l		<i>d</i>	X	X				*					
Fecal Coliform - No./100 ml		<i>e</i>	X	X		*	X	*		X			
E coli - No./100 ml		<i>AGM</i> ≤ 126 <i>S.V.</i> ≤ 298				*	X						
Fluoride (as total recoverable) – mg/l		<i>S.V.</i> ≤ 2.6	X	*									

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to NAC 445A.122 and section 282 of LCB File No. R160-06 for beneficial use terminology.

^b *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.*

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

^d *The salinity standard for the Colorado River System is specified in NAC 445A.143.*

^e *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 fecal coliform concentration must not exceed the 95th percentile of the annual geometric mean or the 95th percentile of n, where n equals a certain number of single value samples as determined by the Division.*

Sec. 4. NAC 445A.070 is hereby amended to read as follows:

445A.070 As used in NAC 445A.070 to 445A.348, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445A.071 to 445A.116, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NAC 445A.117 is hereby amended to read as follows:

445A.117 If any of the provisions of NAC 445A.070 to 445A.340, inclusive, *and sections 2 and 3 of this regulation*, or any application thereof to any person, thing or circumstance is held invalid, it is intended that the invalidity not affect the remaining provisions or their application that can be given effect without the invalid provision or application.

Sec. 6. NAC 445A.11704 is hereby amended to read as follows:

445A.11704 As used in NAC 445A.11704 to 445A.225, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the terms and symbols defined in NAC 445A.11708 to 445A.1178, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NAC 445A.120 is hereby amended to read as follows:

445A.120 1. NAC 445A.120 to 445A.225, inclusive, *and sections 2 and 3 of this regulation* apply to all natural streams and lakes, reservoirs or impoundments on natural streams and other specified waterways, unless excepted on the basis of existing irreparable conditions

which preclude such use. Man-made waterways, unless otherwise specified, must be protected for public health and the use for which the waterways were developed.

2. The quality of any waters receiving waste discharges must be such that no impairment of the beneficial usage of water occurs as the result of the discharge. Natural water conditions may, on occasion, be outside the limits established by standards. The standards adopted in NAC 445A.120 to 445A.225, inclusive, *and sections 2 and 3 of this regulation* relate to the condition of waters as affected by discharges relating to the activities of man.

Sec. 8. NAC 445A.126 is hereby amended to read as follows:

445A.126 1. Class C waters include waters or portions of waters which are located in areas of moderate-to-urban human habitation, where industrial development is present in moderate amounts, agricultural practices are intensive and where the watershed is considerably altered by man's activity.

2. The beneficial uses of class C water are municipal or domestic supply, or both, following complete treatment, irrigation, watering of livestock, aquatic life, propagation of wildlife, recreation involving contact with the water, recreation not involving contact with the water, and industrial supply.

3. The quality standards for class C waters are:

Item	Specifications
Floating solids, solids that will settle or sludge deposits.	Only those amounts attributable to the activities of man which will not make the receiving waters injurious to fish or wildlife or impair the waters for any beneficial use established for this class.

Item	Specifications
Sewage, industrial wastes or other wastes.	None which are not effectively treated to the satisfaction of the Department.
Toxic materials, oils, deleterious substances, colored or other wastes or heated or cooled liquids.	Only such amounts as will not render the receiving waters injurious to fish and wildlife or impair the waters for any beneficial use established for this class.
pH.	6.5 to 9.0 SU.
Dissolved oxygen:	
Trout waters. ^a	≥ 6.0 mg/l.
All other waters.	≥ 5.0 mg/l.
Temperature:	
Maximum:	
Trout waters. ^a	$\leq 20^{\circ}\text{C}$.
All other waters.	$\leq 34^{\circ}\text{C}$.
ΔT .	$= 3^{\circ}\text{C}$.
Fecal coliform (No./100ml).	The more stringent of the following apply: $\leq 1000/2400$. ^b $\leq 200/400$. ^c $\leq 200/400$. ^d
Total phosphorus (as P).	≤ 0.33 mg/l.
Total dissolved solids.	≤ 500 mg/l or one-third above that characteristic of natural conditions (whichever is less).

a. Trout waters are identified in subsection 4 by the symbol “(T).”

b. The fecal coliform concentration must not exceed a geometric mean of 1000 per 100 milliliters, and not more than 20 percent of total samples may exceed 2400 per 100 milliliters.

c. The annual geometric mean of fecal coliform concentration must not exceed that characteristic of natural conditions by more than 200 per 100 milliliters, and the number of fecal coliform in a single sample must not exceed that characteristic of natural conditions by more than 400 per 100 milliliters.

d. The fecal coliform concentration, based on a minimum of five samples during any 30-day period, must not exceed a geometric mean of 200 per 100 milliliters, and not more than 10 percent of total samples during any 30-day period may exceed 400 per 100 milliliters. This is applicable only to those waters used primarily for recreation involving contact with the water.

4. The waters classified as class C waters are:

CHURCHILL COUNTY			
Water	HR	HA	Description of Area Classified
Diagonal Drain	8	101	Its entire length.
Harmon Reservoir	8	101	The entire reservoir.
Indian Lakes	8	101	All the lakes, including Upper Lake, Likes Lake, Papoose Lake, Big Indian Lake, Little Cottonwood Lake, Big Cottonwood Lake and East Lake.
Lower Carson River	8	101	From Lahontan Reservoir to Carson Sink (the natural channel).
Rattlesnake Reservoir, also known as S-Line Reservoir	8	101	The entire reservoir.
South Carson Lake, also known as Government Pasture and the Greenhead Gun Club	8	101	The entire lake.
Stillwater Marsh	8	101	All that area of Stillwater Marsh east of Westside Road and north of the community of Stillwater.
V-Line Canal	8	101	From the Carson diversion dam to its division into the S & L Canals.

CLARK COUNTY			
Water	HR	HA	Description of Area Classified

CLARK COUNTY			
Water	HR	HA	Description of Area Classified
Bowman Reservoir	13	220	The entire reservoir.

ELKO COUNTY			
Water	HR	HA	Description of Area Classified
Maggie Creek(T)	4	51	From its confluence with Jack Creek to its confluence with Soap Creek.
Maggie Creek	4	51	From its confluence with Soap Creek to the Humboldt River.
Rock Creek	4	61, 62, 63	Below Squaw Valley Ranch.

ESMERALDA COUNTY			
Water	HR	HA	Description of Area Classified
Fish Lake	10	117	The entire lake.

EUREKA COUNTY			
Water	HR	HA	Description of Area Classified
J.D. Ponds	4	53	The entire area.
Maggie Creek(T)	4	51	From its confluence with Jack Creek to its confluence with Soap Creek.

EUREKA COUNTY			
Water	HR	HA	Description of Area Classified
Maggie Creek	4	51	From its confluence with Soap Creek to the Humboldt River.
Rock Creek	4	61, 62, 63	Below Squaw Valley Ranch.

HUMBOLDT COUNTY			
Water	HR	HA	Description of Area Classified
Little Humboldt River	4	67, 69	Its entire length.

LANDER COUNTY			
Water	HR	HA	Description of Area Classified
Reese River	4	56, 58, 59	North of State Route 722 (old U.S. Highway 50).
Rock Creek	4	61, 62, 63	Below Squaw Valley Ranch.

LINCOLN COUNTY			
Water	HR	HA	Description of Area Classified
Echo Canyon Reservoir (T)	13	199	The entire reservoir.
Nesbitt Lake	13	209	The entire lake.

Pahrnagat Reservoir	13	209	The entire reservoir.
Schroeder Reservoir (T)	13	222	The entire reservoir.

LYON COUNTY			
Water	HR	HA	Description of Area Classified
Mason Wildlife Area (T)	9	108	Hinkson Slough, Bass Pond, Crappie Pond and North Pond.
Mason Wildlife Area	9	108	All surface water impoundments except Hinkson Slough, Bass Pond, Crappie Pond and North Pond.

MINERAL COUNTY			
Water	HR	HA	Description of Area Classified
Weber Reservoir	9	110	Entire reservoir.

PERSHING COUNTY			
Water	HR	HA	Description of Area Classified
Humboldt River	4	73	From Woolsey to Rodgers Dam.

STOREY COUNTY			
Water	HR	HA	Description of Area Classified
Tracy Pond	6	83	The entire area.

WASHOE COUNTY			
Water	HR	HA	Description of Area Classified
Galena Creek (T)	6	88	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.
Steamboat Creek	6	87, 88, 89	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.
Washoe Lakes	6	89	The entire lakes.

WHITE PINE COUNTY			
Water	HR	HA	Description of Area Classified
Comins Reservoir (T)	10	179	The entire reservoir.
Gleason Creek	10	179	From its origin to State Highway 485 (old State Highway 44).
Snake Creek (T)	11	195	From control point above fish hatchery to the Nevada-Utah state line.

Sec. 9. NAC 445A.174 is hereby amended to read as follows:

445A.174 The standards of water quality for the Virgin River ~~[, Muddy River below Glendale]~~ and Meadow Valley Wash are prescribed in NAC 445A.175, 445A.176, 445A.177 ~~[, 445A.211]~~ and 445A.212. The beneficial uses for ~~[these]~~ *those* areas are:

1. Irrigation;
2. Watering of livestock;

3. Recreation not involving contact with the water;
4. Industrial supply;
5. Propagation of wildlife; and
6. Propagation of aquatic life.

Sec. 10. NAC 445A.209 is hereby amended to read as follows:

445A.209 The standards for water quality for the Muddy River ~~{at}~~ *from the river source to*

Glendale Bridge are prescribed in NAC 445A.210. The beneficial uses for this area are:

1. Irrigation;
2. Watering of livestock;
3. *Recreation involving contact with the water;*
4. Recreation not involving contact with the water;
- ~~{4.}~~ 5. Industrial supply;
- ~~{5.}~~ 6. Municipal or domestic supply, or both;
- ~~{6.}~~ 7. Propagation of wildlife; and
- ~~{7.}~~ 8. Propagation of aquatic life.

Sec. 11. NAC 445A.210 is hereby amended to read as follows:

445A.210

STANDARDS OF WATER QUALITY

Muddy River

Control Point at Glendale Bridge. The limits of this table apply from the *river source to* Glendale Bridge ~~{upstream to the river source.}~~, *except for the length of the river within the exterior borders of the Moapa Indian Reservation.*

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES
Temperature °C - [Maximum] <i>Source Springs to Warm Springs Bridge</i> <i>Warm Springs Bridge to Glendale Bridge</i> ΔT^a	 $\Delta T = 0^\circ\text{C}$	[Nov. - Jun.: $\leq 21^\circ\text{C}$ Jul. - Oct.: $\leq 32^\circ\text{C}$] $19 \leq T \leq 32$ $15 \leq T \leq 30$ $\Delta T \leq 2^\circ\text{C}$	Aquatic life. ^b
pH Units	—	S.V.: 6.5 - 9.0 $\Delta\text{pH}: \pm 0.5 \text{ Max.}$	Propagation of wildlife, ^b aquatic life, ^b <i>recreation involving contact with the water</i> , recreation not involving contact with the water, irrigation, watering of livestock, municipal or domestic supply and industrial supply.
Total [Phosphates] <i>Phosphorous</i> (as P) - mg/l	—	A-Avg.: ≤ 0.1	Aquatic life, ^b <i>recreation involving contact with the water</i> , recreation not involving contact with the water, and municipal or domestic supply.
Nitrogen Species (N) - mg/l	Total Nitrogen A-Avg.: ≤ 1.3 S.V.: ≤ 1.4	Nitrate S.V.: ≤ 10 Nitrite S.V.: ≤ 1.0	Municipal or domestic supply, ^b aquatic life, recreation involving contact with the water, watering of livestock, propagation of wildlife and recreation not involving contact with the water.
Total Ammonia (as N) - mg/l	—	[≤ 0.5] <i>e</i>	Aquatic life. ^b
Dissolved Oxygen - mg/l	—	[S.V.: ≤ 5.0] $S.V.: \geq 5.0$	Aquatic life, ^b <i>recreation involving contact with the water</i> , recreation not involving contact with the water, propagation of wildlife, watering of livestock, and municipal or domestic supply.
Turbidity - NTU	—	[≤ 5] <i>d</i>	Aquatic life ^b and municipal or domestic supply.

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES
Color - PCU	—	[d] <i>S.V. : ≤75</i>	[Aquatic life^b and municipal or domestic supply.] <i>Municipal or domestic supply^b and propagation of aquatic life.</i>
Total Dissolved Solids - mg/l	—	c	Municipal or domestic supply, ^b irrigation and watering of livestock.
Alkalinity (as CaCO ₃) - mg/l	—	less than 25% change from natural conditions	Aquatic life ^b and propagation of wildlife.
Fecal Coliform - No./100ml	— —	A.G.M. : ≤1000 S.V. : ≤2000	Recreation not involving contact with the water, ^b municipal or domestic supply, ^b irrigation, propagation of wildlife and watering of livestock.
E coli - No./100ml [Annual Geometric Mean]	—	[≤630] <i>A.G.M. : ≤126</i> <i>S.V. : ≤10</i>	Recreation <i>involving contact with the water^b and recreation</i> not involving contact with the water. ^b
<i>Fluoride (as total recoverable) - mg/l</i>	—	<i>S.V. : ≤2.6</i>	<i>Irrigation^b and watering of livestock.</i>

- a. 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.
- b. The most restrictive beneficial use.
- c. The salinity standard for the Colorado River System is specified in NAC 445A.143.
- d. Increase in ~~[color must not be more than 10 PCU above natural conditions.~~
- ~~e.— Increase in]~~ turbidity must not be more than 10 NTU above natural conditions.
- ~~[f.]~~ e. The ambient water quality criteria for ammonia are specified in NAC 445A.118.

Sec. 12. NAC 445A.211 is hereby amended to read as follows:

445A.211

STANDARDS OF WATER QUALITY

Muddy River

Control Point at Overton. The limits of this table apply from the *Wells Siding Diversion to the* mouth of the river at Lake Mead .
~~[to the Glendale Bridge.]~~

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES
Temperature °C- [Maximum] ΔT^a	 $\Delta T = 0^\circ\text{C}^a$	[Nov.-Jun.: $\leq 21^\circ\text{C}$ Jul.-Oct.: $\leq 32^\circ\text{C}$] $T \leq 32$ $\Delta T \leq 2^\circ\text{C}$	Aquatic life. ^b
pH Units	—	S.V.: 6.5 - 9.0 $\Delta\text{pH}: \pm 0.5 \text{ Max.}$	Propagation of wildlife, ^b aquatic life, ^b <i>recreation involving contact with the water</i> , recreation not involving contact with the water, irrigation, watering of livestock and industrial supply.
Total [Phosphates] <i>Phosphorous</i> (as P) - mg/l	—	A-Avg. : ≤ 0.3	Aquatic [life] life, ^b <i>recreation involving contact with the water</i> and recreation not involving contact with the water.
Nitrogen Species (N) - mg/l	Total Nitrogen A-Avg.: ≤ 1.3 S.V.: ≤ 1.8	Nitrate S.V.: ≤ 90 Nitrite S.V.: ≤ 5.0	Aquatic life, ^b watering of livestock, propagation of wildlife, <i>recreation involving contact with the water</i> and recreation not involving contact with the water.
Total Ammonia (as N) - mg/l	—	f	Aquatic life. ^b
Dissolved Oxygen - mg/l	—	S.V.: ≥ 5.0	Aquatic life, ^b <i>recreation involving contact with the water</i> , recreation not involving contact with the water, propagation of wildlife and watering of livestock.
Turbidity - NTU	—	e	Aquatic life. ^b
Color - PCU	—	d	Aquatic life. ^b
Total Dissolved Solids - mg/l	—	c	Irrigation ^b and watering of livestock.
Alkalinity (as CaCO_3) - mg/l	—	less than 25% change from natural conditions	Aquatic life ^b and propagation of wildlife.

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	BENEFICIAL USES
Fecal Coliform - No./100ml	A.G.M.: ≤500 S.V.: ≤1300	A.G.M.: ≤1000 S.V.: ≤2000	Recreation not involving contact with the water, ^b irrigation, propagation of wildlife and watering of livestock.
E coli - No./100ml {Annual Geometric Mean}	—	≤630 <i>A.G.M. : ≤126</i> <i>S.V. : ≤410</i>	Recreation <i>involving contact with the water^b and recreation</i> not involving contact with the water. ^b
<i>Fluoride (as total recoverable) - mg/l</i>	—	<i>S.V. : ≤3.6</i>	<i>Irrigation^b and watering of livestock.</i>
<i>Boron (as total recoverable) - mg/l</i>	—	<i>S.V. : ≤2.0</i>	<i>Irrigation^b and propagation of wildlife.</i>

- a. 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.
- b. The most restrictive beneficial use.
- c. The salinity standard for the Colorado River System is specified in NAC 445A.143.
- d. Increase in color must not be more than 10 PCU above natural conditions.
- e. Increase in turbidity must not be more than 10 NTU above natural conditions.
- f. The ambient water quality criteria for ammonia are specified in NAC 445A.118.

Sec. 13. NAC 445A.239 is hereby amended to read as follows:

445A.239 1. Public notice of any public hearing held pursuant to NAC 445A.070 to 445A.340, inclusive, *and sections 2 and 3 of this regulation* must be circulated at least as widely as was the notice of the permit application. Notice for public hearings held under NAC 445A.238 must be:

- (a) Published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Sent to all persons and government agencies which received a copy of the notice or the fact sheet for the permit application;

(c) Mailed to any person or group upon request; and

(d) Given, pursuant to paragraphs (a), (b) and (c), ~~[of this subsection,]~~ at least 30 days in advance of the hearing.

2. The contents of the public notice of any public hearing must include at least the following:

(a) Name, address and phone number of the Department;

(b) Name and address of applicants;

(c) Name of the waterway to which the discharge is made and a short description of the location of each discharge to the waterway;

(d) A brief reference to the public notice issued for the permit application, including identification number and date of issuance;

(e) Information regarding the time and location for the hearing;

(f) The purpose of the hearing;

(g) A concise statement of the issues raised by the persons requesting the hearing;

(h) Address and phone number of the premises at which interested persons may obtain further information, request a copy of draft permits and fact sheets and inspect and copy application forms and related documents; and

(i) A brief description of the nature of the hearing, including the rules and procedures to be followed.

Sec. 14. NAC 445A.253 is hereby amended to read as follows:

445A.253 1. Any disposal of pollutants into wells must be regulated to protect the public health and welfare and to prevent pollution of the ground and surface water resources of the State.

2. If an applicant for a permit proposes to dispose of pollutants into wells as part of a program to meet the proposed terms and conditions of a permit, the Director shall specify additional terms and conditions in the final permit which must prohibit the proposed disposal or must control the proposed disposal in order to prevent pollution of ground and surface waters of the State and to protect the public health and welfare.

3. Any permit issued for the disposal of pollutants into wells must be issued in accordance with the procedures and requirements specified in NAC 445A.070 to 445A.340, inclusive, and *sections 2 and 3 of this regulation and* 445A.810 to 445A.925, inclusive.

4. The Director shall utilize in his review of any permits proposed to be issued for the disposal of pollutants into wells any policies, technical information or requirements specified by the Administrator in regulations issued pursuant to the Act or in directives issued to the regional offices of the United States Environmental Protection Agency.

Sec. 15. NAC 445A.324 is hereby amended to read as follows:

445A.324 1. If a person who is determined to be responsible for a diffuse source contributing to a violation of standards for water quality fails or refuses properly to carry out a plan of best practices approved or selected by the municipality pursuant to the requirements of NAC 445A.070 to 445A.340, inclusive, *and sections 2 and 3 of this regulation,* the municipality must issue an order for compliance. The order must specify the particular failure or refusal and prescribe the corrective action to be taken and a reasonable time for completing that action.

2. The order must be served upon the person responsible by personal service or sent to him by registered or certified mail.

3. A failure of the person to comply with the order authorizes the municipality to seek injunctive relief to enforce compliance.

Sec. 16. Section 306 of LCB File No. R160-06 is hereby repealed.

TEXT OF REPEALED SECTION

Section 306 of LCB File No. R160-06.

Sec. 17. The limits of this table apply to the entire body of water known as Bowman Reservoir. Bowman Reservoir is located in Clark County.

STANDARDS OF WATER QUALITY

Bowman Reservoir

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use ^a										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern													
Temperature - °C		S.V. ≤ 34			*	X							
ΔT ^b - °C		ΔT ≤ 3											
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X	X	*			

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use ^a										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Total Phosphorous (as P) - mg/l		S.V. ≤ 0.33			*	*	X	X					
Dissolved Oxygen - mg/l		S.V. ≥ 5.0	X		*	X	X	X		X			
Total Ammonia (as N) - mg/l		c			*			X					
Total Dissolved Solids - mg/l		S.V. ≤ 500 or the 95th percentile (whichever is less).	X	X				*					
E coli - No./100 ml		AGM ≤ 126 S.V. ≤ 298				*	X						
Fecal Coliform - No./100 ml		d	X	X		*	X	X		X			

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to NAC 445A.122 and section 282 of this regulation for beneficial use terminology.

^b 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.

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

^d 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 fecal coliform concentration must not exceed the 95th percentile of the annual geometric mean or the 95th percentile of n, where n equals a certain number of single value samples as determined by the Division.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R083-08
SEC # P2008-10

The State Environmental Commission adopted regulations assigned LCB File No. R083-08 which pertain to chapter 445A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

Regulation R083-08: Muddy River Water Quality: The Nevada Division of Environmental Protection (NDEP) is proposing changes to the water quality standards for the Muddy River contained in the Nevada Administrative Code (NAC) 445A.210 and NAC 445A.211. The proposed changes involve modifying the water quality regulations describing the reaches of the Muddy River, adding recreation involving contact with the water as a beneficial use, and excluding the section of the river on the Moapa Band of Paiutes tribal land from state water quality standards.

Proposed revisions to the water quality standards include new E. coli bacteria criteria to protect recreation involving contact with the water as a beneficial use, revised water temperature criteria to protect indigenous fish species, and waterbody specific criteria for fluoride and boron.

The establishment of water quality standards is required by the Clean Water Act, the standards are set to protect the designated uses of the water. Water quality standards in of themselves have no direct regulatory mechanism, but are used as the basis for discharge permits.

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.

A rationale document, explaining the proposed changes to water quality standards regulations was posted on NDEP's web site. A mailing summarizing the proposed changes and announcing the workshops was sent to approximately two hundred stakeholders. Workshops to explain the proposed regulation changes were held in Carson City on March 11, 2008, in Overton on March 12, 2008, and in Las Vegas on March 13, 2008. The written comment period was open until April 1, 2008. No written comments from small businesses, stakeholders, or general public were received.

Following the above referenced workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on June 17, 2008. The hearing was held in Las Vegas at the Las Vegas Convention and Visitors Authority. The SEC hearing agenda 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 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 SEC's public notice for the regulation was published on Monday May 26, 2008 and on June 2nd and 9th 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers.

Information about the regulation was also made available on the SEC website at:
http://www.sec.nv.gov/main/hearing_061708.htm

2. The number persons who attended the SEC Regulatory Hearing: (John does this need to be revised?)

- (a) Attended June 17, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 2 (1 NDEP Staff)
- (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.

Comments were solicited from affected businesses as indicated in number 1 above.

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 June 17, 2008. It was adopted with one insignificant technical change to Section 14. The technical change was made to the Fluoride number for the water quality standard for beneficial use; the Fluoride number for “Single Value” (S.V.) \leq $\{\leq\}$ 2.6 was changed to S.V. \leq $\{\leq\}$ 3.6.

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

The regulation is not anticipated to have any significant economic impact on the public or Nevada businesses.

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 the proposed 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 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 local or federal laws and regulations.

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.

The proposed regulation does address any fees.