

**ADOPTED REGULATION OF
THE STATE ENVIRONMENTAL COMMISSION**

LCB File No. R128-12

Effective December 20, 2012

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 quality; revising the water quality standards for Smoke Creek, Bronco Creek and Gray Creek; and providing other matters properly relating thereto.

Section 1. NAC 445A.1286 is hereby amended to read as follows:

445A.1286 The limits of this table apply to the body of water known as Smoke Creek 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 ^a											
			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		S.V. Summer ≤ 25.0 S.V. Winter ≤ 14.0			*	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		
pH - SU		S.V. 6.5 - 9.0	X	X	*	*					*				
Total Phosphorus (as P) - mg/l		S.V. ≤ 0.1 ^b			*	*	X								
Nitrogen Species (as N) - mg/l		Nitrate S.V. ≤ 90 Nitrite S.V. ≤ 5.0 Total Nitrogen ^b	X		*						X				
Dissolved Oxygen - mg/l		S.V. ≥ 5.0	X		*	X	X				X				
Turbidity - NTU		S.V. ≤ 50			*										
Total Dissolved Solids - mg/l		S.V. ≤ 1,000	X	*											
Chlorides - mg/l		S.V. ≤ 250 <i>1-hr Avg. ≤ 860^c</i> <i>96-hr Avg. ≤ 230</i>	X		*						X				
Fecal Coliform - No./100 ml		S.V. ≤ 1,000	*	*			X				*				
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X								
Total Ammonia (as N) - mg/l		† <i>d</i>			*										

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to NAC 445A.122 and 445A.1282 for beneficial use terminology.

^b 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 *One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.*

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

Sec. 2. NAC 445A.1698 is hereby amended to read as follows:

445A.1698 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 ^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		Avg. Jun-Sep ≤ 20.0 S.V. Summer ≤ 25.0 S.V. Winter ≤ 13.0			*	X									
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X	X	*					
Total Phosphorus (as P) - mg/l		S.V. ≤ 0.1 ^b			*	*	X	X							
Nitrogen Species (as N)- mg/l		Nitrate S.V. ≤ 10 Nitrite S.V. ≤ 0.06 Total Nitrogen ^b	X					*		X					
Dissolved Oxygen - mg/l		S.V. ≥ 6.0	X		*	X	X	X		X					
Turbidity - NTU		S.V. ≤ 10			*										
Color - PCU		S.V. ≤ 75						*							

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 Dissolved Solids - mg/l		S.V. ≤ 500	X	X					*					
Chlorides - mg/l		{S.V. ≤ 250} <i>1-hr Avg. ≤ 860^c</i> <i>96-hr Avg. ≤ 230</i>	X		*				[*] X		X			
Sulfate - mg/l		S.V. ≤ 250							*					
Fecal Coliform - No./100 ml		S.V. ≤ 1,000	*	*			X	X		*				
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X							
Total Ammonia (as N) - mg/l		{e} ^d			*									

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to NAC 445A.122 and 445A.1622 for beneficial use terminology.

^b 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 *One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.*

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

Sec. 3. NAC 445A.1702 is hereby amended to read as follows:

445A.1702 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 ^a													
			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		Avg. Jun-Sep ≤ 20.0 S.V. Summer ≤ 25.0 S.V. Winter ≤ 13.0			*	X										
pH - SU		S.V. 6.5 - 9.0	X	X	*	*		X	X	*						
Total Phosphorus (as P) - mg/l		S.V. ≤ 0.1 ^b			*	*	X	X								
Nitrogen Species (as N)- mg/l		Nitrate S.V. ≤ 10	X					*		X						
		Nitrite S.V. ≤ 0.06	X		*			X		X						
		Total Nitrogen ^b			*	*										
Dissolved Oxygen - mg/l		S.V. ≥ 6.0 S.V. ≥ 7.0	X		*	X	X	X		X						
Turbidity - NTU		S.V. ≤ 10			*											
Color - PCU		S.V. ≤ 75						*								
Total Dissolved Solids - mg/l		S.V. ≤ 500	X	X				*								
Chlorides - mg/l		S.V. ≤ 250 1-hr Avg. ≤ 860 ^c 96-hr Avg. ≤ 230	X		*			[*] X		X						
Sulfate - mg/l		S.V. ≤ 250						*								

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	
Fecal Coliform - No./100 ml		S.V. ≤ 1,000	*	*			X	X		*				
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 410				*	X							
Total Ammonia (as N) - mg/l		1.0 ^d			*									

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to NAC 445A.122 and 445A.1622 for beneficial use terminology.

^b 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 *One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.*

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

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB FILE No. R128-11

The following statement is submitted for adopted amendments to Nevada Administrative Code Chapter 355.

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

Copies of the proposed regulations, notices of workshops and notices of intent to act upon regulation were sent by facsimile and email to persons who were known to have interest in the subject of Senate Bill 75 (SB 75). These documents were also made available on the website of the Office of the Treasurer (<https://nevadatreasurer.gov/>), emailed and faxed to all libraries in Nevada and posted at the following locations:

State Treasurer's Office

Carson City Office: 101 North Carson Street, Carson City, NV 89701
Las Vegas Office: 555 E. Washington Ave., Las Vegas, NV, 89101

Nevada State Library: 100 Stewart Street, Carson City, NV 89701

Nevada Legislative Building: 401 South Carson Street, Carson City, NV 89701

Blasdel Building: 209 East Musser Street, Carson City NV 89701

A workshop was held on both September 15, 2011 and again on March 23, 2012. The agendas and minutes attached hereto contain a summary of the discussions held regarding the proposed amendments. Thereafter, on or about October 30, 2012 the Treasurer issued a Notice of Intent to Act Upon a Regulation which incorporated any proposed amendments as well as clarifications from the Treasurer.

An additional hearing was held on November 16, 2012. A copy of the agenda, proposed amendments and minutes are attached.

2. The number of persons who :

- a. Attended each hearing:
 - i. September 15, 2011: 14
 - ii. March 23, 2012: 0 (3 Staff members)
 - iii. November 16, 2012: 2

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

Comments were solicited from interested parties in the same manner as they were solicited from the public. The Treasurer provided businesses and interested parties, identified as part of hearings associated with SB 7, with the proposed regulation documents via email.

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

Not applicable. Amendments are noted in the November 16, 2012 meeting materials.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separate, and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

Anticipated effects on the small business community:

- Adverse: None
- Beneficial: 70% of the investments must be made with businesses, specifically smaller businesses, located in Nevada or having a large presence in this state.
- Immediate: The proposed permanent regulations will help address the funding gap that exists in Nevada for start-up businesses and businesses wishing to expand.
- Long-term: The proposed permanent regulations will help create a pipeline of funding for companies and to catalyze a private equity ecosystem in Nevada.

Anticipated effects on the public:

- Adverse: None
- Beneficial: The investments placed in new businesses in Nevada will hopefully encourage economic development and job creation.
- Immediate: None
- Long-term: The creation of a private equity ecosystem in Nevada will hopefully encourage economic development and job creation.

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

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

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

The regulation is not required or regulated pursuant to federal law.

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

These regulations do not establish a fee, nor increase an existing fee.

9. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation , operation or expansion of a small business? What methods did the office use in determining the impact of the regulation on small business?**

The regulation will help address the funding gap that exists in Nevada for start-up businesses and businesses wishing to expand. In addition, the regulation will help to create a pipeline of funding for companies and to catalyze a private equity ecosystem in Nevada. The Treasurer solicited input from the Nevada business community as part of hearings associated with SB 75.