

Rationale for Proposed Revisions to the Nevada Water Quality Regulations NAC 445A.143 (New NAC 445A.1233)

Colorado River Salinity Standards



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NAC 445A.143 (New NAC 445A.1233)**

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INTRODUCTION

Under section 303 of the Clean Water Act and 40 CFR 131, States have responsibility for setting, reviewing and revising water quality standards. The following rationale discusses the review of the proposed changes to the Nevada Administrative Code (NAC) referencing the Colorado Salinity Standards, contained in the NAC 445A.143 (NAC 445A.1233). **No changes to the salinity criteria are proposed; only administrative changes will be made to NAC 445A.143 (NAC 445A.1233).**

BACKGROUND

In the 1960's and early 1970's, the seven Colorado River Basin states and federal representatives discussed the problem of increasing salinity levels in the lower reaches of the Colorado River. In 1972, Congress enacted the Clean Water Act, which mandated efforts to maintain water quality standards in the United States. At the same time, Mexico and the United States were discussing the increasing salinity of Colorado River water being delivered to Mexico.

In 1973, the Basin states established the Colorado River Basin Salinity Control Forum for interstate cooperation and to provide the information needed to comply with Section 303(a) and (b) of the Clean Water Act. Governors from each of the seven Basin states appoint representatives to the Forum. The EPA's December 1974 regulations set forth a basin wide salinity control policy for the Colorado River Basin. The Basin states, acting through the Forum, initially responded to this regulation by developing and submitting to the EPA a June 1975 report, *Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control - Colorado River System*.

Since the states' initial adoption, the water quality standards have been reviewed every three years (1978, 1981, 1984, 1987, 1990, 1993, 1996, 1999, 2002, 2005, and 2008) as required by Section 303(c)(1) of the Clean Water Act.

PROPOSED REVISIONS

NAC 445A.143 (NAC 445A.1233)

NDEP is proposing to make administrative changes to subsection 2 in NAC 445A.143 (NAC 445A.1233) to replace "2005" with "most current" in reference to the Review - Water Quality Standards for Salinity, Colorado River System (review). The "review" is updated and adopted by the Colorado River Basin Salinity Control Forum (forum) every three years, as required under Section 303 of the Clean Water Act. Changing the reference to "most current" will negate the need to revise NAC 445A.143 (NAC 445A.1233) each time a new "review" is adopted by the "forum." **No changes to the salinity criteria are proposed.** Additionally, NDEP is proposing

to replace the phrase “as presented by” with “as adopted by” to be consistent with the Colorado River Basin Salinity Control Forum’s protocol.

The proposed administrative changes are to replace the reference to "2005" with “most current” and to replace the word “presented” with the word “adopted.” The proposed updates to NAC 445A.143 (NAC 445A.1233) are shown below with ~~deletions in red and strikeout~~ and **additions in blue**:

NAC 445A.143 Cooperation regarding Colorado River; salinity standards. (NRS 445A.425, 445A.520)

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 the ~~“2005~~ **most current** Review of the Water Quality Standards for Salinity, Colorado River System,” as ~~presented~~ **adopted** 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

[Environmental Comm’n, Water Pollution Control Reg. Appendix B, eff. 5-2-78]—(NAC A 12-3-84; R017-99, 9-27-99; R159-06, 9-18-2006)

CONCLUSION

These proposed administrative changes to NAC 445A.143 (NAC 445A.1233) are to reference the most current Review - Water Quality Standards for Salinity, Colorado River System, adopted by the Colorado River Basin Salinity Control Forum and negate the need to revise the NAC 445A.143 (NAC 445A.1233) each time the “review” is updated.