

BWQP PETITION – (PROPOSED REVISIONS TO NAC 445A.336 NAC 445A.339 AND NAC 445A.340

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

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

PETITION 2023-XX Changes to the Nevada Administrative Code (NAC) to revise NAC 445A.336, NAC 445A.339, and NAC 445A.340.

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

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

Section 1 of P2023-XX makes a modification to the language in of NAC 445A.336 to modify the review and update timeframe for the State Handbook of Best Management Practices (Handbook) form 2 to 5 years; and to consult a broad array of stakeholders through a technical advisory group throughout the update process rather than the State Conservation Commission (SCC). The SCC will be engaged through the stakeholder process. The Handbook would not require approval by the State Environmental Commission (SEC), but the SEC will stay informed of the updates through presentations once the update is completed, or as requested by the SEC.

Section 2 of P2023-XX revises NAC 445A.339 to improve flexibility in the selection and use of best management practices.

Section 3 of P2023-XX revises NAC 445A.340 to improve flexibility in the selection and use of best management practices.

Proposed Revisions:

Section 1. NAC 445A.336 is hereby amended by revising language as follows:

NAC 445A.336 *State Handbook of Best Management Practices.* ([NRS 445A.425](#), [445A.570](#))

1. The *State Handbook of Best Management Practices* ~~, prepared by the State Conservation Commission, must be presented to the Commission for adoption and~~ , or equivalent online resource hub, shall be used in carrying out the provisions of [NAC 445A.305](#) to [445A.340](#), inclusive, ~~The Commission may include, as a part of the Handbook for the purposes of those sections additional appropriate practices~~ for control of pollution from diffuse sources.

2. The Division shall ensure ~~that~~ the Handbook, or equivalent online resource hub, is reviewed *at least* every ~~2~~5 years and revised as necessary. The Division will consult with ~~the State Conservation Commission~~ a Stakeholder Technical Advisory Group and the Commission in such review and revision.

3. The governing body of any municipality which administers controls of diffuse sources shall prepare and make available a local handbook of best practices for control of diffuse sources. The local handbook must be consistent with the *State Handbook of Best Management Practices*.

4. The local handbook must be designed to meet the particular conditions prevalent in the jurisdiction.

[Environmental Comm'n, Diffuse Source Control Reg. §§ 5.1.1-5.1.4, eff. 10-16-80]—
(Substituted in revision for NAC 445.230)

Section 2. NAC 445A.339 is hereby amended by revising language as follows:

NAC 445A.339 Permit to construct or grade. ([NRS 445A.425](#), [445A.570](#))

1. As a condition of the issuance and validity of any permit or other authorization for construction or grading, a county or city must require that *appropriate* practices be used to prevent, eliminate or reduce water pollution from any diffuse source during the activity.

2. Appropriate practices must be selected from the ~~state~~*State Handbook of Best Management Practices* or *a local or other BMP handbook deemed consistent with it* ~~of best practices~~.

3. A person who has received a permit or other authorization pursuant to subsection 1 is exempt from compliance with [NAC 445A.326](#), [445A.327](#) and [445A.328](#).

[Environmental Comm'n, Diffuse Source Control Reg. §§ 7.1.1-7.1.3, eff. 10-16-80]—
(Substituted in revision for NAC 445.233)

Section 3. NAC 445A.340 is hereby amended by revising language as follows:

NAC 445A.340 Logging permits and certificates for timberland conversion. ([NRS 445A.425](#), [445A.570](#))

1. All logging permits and timberland conversion certificates issued by the State Forester Firewarden, must, as a condition for issuance and validity thereof, require the use of *appropriate* practices to prevent, eliminate or reduce water pollution from diffuse sources.

2. These practices must be selected from the *State Handbook of Best Management Practices* or *a local or other BMP handbook deemed consistent with it*.

3. Any person who has received a permit or certificate pursuant to subsection 1 is exempt from compliance with [NAC 445A.326](#), [445A.327](#) and [445A.328](#), for purposes of the use or activity authorized by that permit or certificate.

[Environmental Comm'n, Diffuse Source Control Reg. §§ 7.2.1-7.2.3, eff. 10-16-80]—
(Substituted in revision for NAC 445.234)