



February 25, 2025

Mr. Dave Guiliano

Standards and TMDL Office, WTR-2 U.S. EPA
Region 9

75 Hawthorne St.
San Francisco, CA 94105

Subject: 2024 Triennial Review of Water Quality Standards - Public Process to solicit Comments on Nevada's Surface Water Quality Standards

Mr. Guiliano,

Section 303(c) of the federal Clean Water Act requires that states review existing water quality standards (WQS) at least once every three years. The Nevada Division of Environmental Protection (NDEP) and the State Environmental Commission (SEC) fulfill this requirement through the regular adoption and revision of water quality standards into the Nevada Administrative Code (NAC).

Every three years, the NDEP Bureau of Water Quality Planning (BWQP) opens a public comment period and holds a public hearing to solicit input from the public, regulated community, and EPA regarding what standards revisions or additions should be considered for the triennial review and potential revisions or additions to Nevada's water quality standards. NDEP prioritizes the topics for review as the number of potential revisions has typically exceeded the time and resources available. Any revisions to the standards must be adopted by the SEC, the State Legislative Committee, and approved by the United States Environmental Protection Agency (EPA). This regulatory adoption process includes additional opportunities for public comment on each proposed change in accordance with State and Federal laws.

In the winter of 2024, the BWQP initiated a Triennial Review of water quality standards for Nevada's surface waters. This review involved the public through a public noticed hearing held virtually and in-person to evaluate the need to update or revise Nevada's water quality standards to remain consistent with State and Federal law and ensure that Nevada's water quality standards continue to reflect the best available science. NDEP solicited public input from all interested parties on Nevada's surface water quality standards program, including:

- Nevada's surface water quality standards (NAC 445A.11704-2234)
- Nevada's surface water quality assessment (Integrated Reports 303(d)/305(b))

- NDEP's surface water monitoring
- Proposed future standards actions

A hearing was held virtually and in-person from Carson City to discuss Nevada's water quality standards and planned revisions, and to solicit public input, on **December 16, 2024**. The hearing and comment period was noticed on October 31, 2024. The hearing consisted of a brief presentation by NDEP staff outlining program elements discussed above, followed by an open public comment and discussion period. The presentation identified program elements and suggested revisions to water quality standards, along with describing the general basis for the suggested revisions and supporting technical information.

An NDEP webpage contains documents related to and provides information to the public on the Triennial Review process. The webpage also provides summaries of past Triennial Reviews. The Triennial Review webpage may be found at <https://ndep.nv.gov/water/rivers-streams-lakes/water-quality-standards/triennial-review>. The water quality standards for Nevada surface waters are contained in the [Nevada Administrative Code, Chapter 445A.11704 - 445A.2234](#).

Public comments were accepted at the hearing and the deadline for written comments was **January 17, 2025**. During the open comment period, meeting details, materials, and reference information were shared via NDEP's email listserv and posted on the NDEP website.

No formal comments were made in-person, virtually, or submitted in writing during the open comment period. Although it was offered if needed, no request was received to extend the comment period. A single comment letter was received before the triennial review process was initiated, and it has been included along with the NDEP response as part of this review. BWQP serves the purposes of the Clean Water Act and the interests of the State of Nevada, and any public input received on BWQP program elements, independent of Triennial Review timing, will be considered provided program workload allows.

NDEP expects to advance work on the following water quality standards, planning efforts, and monitoring efforts over the next few years:

Current and Potential Future Work:

1. Continued work on water quality standard packages approved by the State and submitted to EPA as needed to gain EPA approval (R113-22, R115-22, and R116-22).
2. Adopt the most current Colorado River Salinity standards established by the Colorado River Basin Salinity Control Forum, as well as conforming changes to rename certain waters to align with changes made by the U.S. Board on Geographic Names from Nevada's water quality regulations (R146-24).
3. Evaluate the need to amend the beneficial use subcategory from "coldwater fishery" to "warmwater fishery" for certain reaches of the Carson River in Carson Valley

- including designating new waters tributary to affected reaches (R147-24).
4. Pending EPA approval of Nevada's antidegradation rulemaking package submitted to EPA in July 2024, designate Lake Tahoe with a Tiered level of antidegradation protection, aligning with bordering state designation (R148-24).
 5. Adopt EPA's nationally recommended numeric criteria for algal toxins (cylindrospermopsin and microcystins) protecting the recreation involving contact with the water beneficial use (R149-24).
 6. Develop and conduct focused monitoring efforts in the Central West Basin and maintain annual monitoring at long-term sample sites on the major river systems.
 7. Continue efforts to monitor harmful algal blooms (HABs) and coordinate with the newly formed HAB taskforce on advisories to inform the recreating public.
 8. Further developing the Bioassessment Program by developing indices and benchmarks, upgrading BWQP databases to incorporate bioassessment and HAB data, expanding the suite of data electronically flowing to EPA databases, and investigating using biological assessment information to inform future waterbody assessments.
 9. Finalize a statewide bacteria Total Maximum Daily Load (TMDL, that is, a plan to improve water quality) for 33 waters identified in the Nevada 2022 Surface Water Quality Integrated Report as high priority for TMDL development.
 10. Develop a statewide nutrient TMDL for waters impaired for phosphorus and also having a bacteria impairment.
 11. Update the Nevada Quality Assurance Program Plan for Surface Water Sampling.

NDEP reviewed EPA's Nationally recommended ambient water quality criteria for aluminum in fresh water to protect the aquatic life beneficial use (2018). NDEP continues its decision (documented in the 2021 Triennial Review) to not adopt this recommendation at this time.

NDEP reviewed EPA's Nationally recommended ambient water quality criteria for copper using the biotic ligand model (BLM). NDEP continues its decision (documented in the 2021 Triennial Review) to not adopt this recommendation at this time.

If you have any questions, do not hesitate to contact me.

Sincerely,

Seth Alm
Bureau of Water Quality Planning
Supervisor, Standards, Assessment, and Monitoring Branch

cc: Tina Yin, Manager, Standards and Assessment Section
Danilo Dragoni, Deputy Administrator, NDEP
Jason Kuchnicki, Chief, Bureau of Water Quality Planning, NDEP