



November 23, 2022

Mr. Greg Lovato, Administrator  
Nevada Division of Environmental Protection (NDEP)  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249

Subject: Subject: NDEP’s Proposed Regulation on Antidegradation and EAWs

Dear Mr. Lovato:

We, the Southern Nevada Wastewater “Dischargers”, are writing to thank NDEP staff and to support the current “green line” version of the proposed regulation about antidegradation and waters of extraordinary ecological, aesthetic, or recreational value (EAWs) dated July 26, 2022, LCB File No. R113-22.

Although the two parts of this proposed regulation touch on each other in places, their purpose and structures are quite distinct. The goal of the antidegradation portion is to prevent unnecessary degradation while allowing for appropriate development and for continued and expanded discharges. The goal of the EAW part, in comparison, is to identify waters that are so pristine that they should be kept in their untouched condition. To our knowledge there are no waters in Southern Nevada that would meet this standard, and during the long process of workshops with NDEP and interested parties no one has argued to the contrary. Even if we are not directly affected, however, we strongly support the efforts of NDEP staff to require proponents of categorizing waters as EAW to engage with local stakeholders before the issue is presented to the State Environmental Commission. Early local engagement allows issues to be identified, discussed, and often resolved when there is sufficient time and a more relaxed temperament. Paul Comba and many other NDEP staff have worked very hard to engage with the Southern Nevada entities not just on this proposed regulation, but on other proposed regulations and proposed permits. These engagements have been extremely successful, and by working together NDEP and the regulated community usually find ways to improve on the original proposal.

The antidegradation portion of the proposed regulation provides a good example of how NDEP staff have listened to our concerns and responded appropriately. In the initial proposal, concepts developed for the EAW portion were applied to the antidegradation portion in a way that appeared logical but would have produced a barrage of unforeseen consequences. We identified several consequences that in Southern Nevada would have harmed rather than benefitted the environment, and we expected more that we could not foresee. NDEP staff listened to our concerns and responded with a revised proposal that resolved the specific concerns. In short, we identified the problems and NDEP found the solutions.

We appreciate this successful effort, as we have appreciated the other successful efforts, and look forward to continuing to work with NDEP in the future.

Sincerely,

Joemel Llamado  
Deputy Director  
Department of Utilities  
City of North Las Vegas

Charles Trushel  
Environmental Manager  
Dept. of Public Works  
City of Las Vegas

AJ Rodrigues  
Compliance Administrator  
Clark County Water  
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Adrian Edwards  
Deputy Director Utility Ops  
Dept. of Utility Services  
City of Henderson

cc: Jim Lawrence, Acting Director, Department of Conservation and Natural Resources  
Paul Comba, Bureau Chief, Water Quality Planning  
Tom Porta, Chairman, State Environmental Commission