

*LCB File No. R115-22  
Comments received and NDEP Response  
Comments received via email 10/24/2022*

Mr Simpson,

Thank you for the opportunity to comment on proposed regulation changes. Should you require any clarification on these comments, please do not hesitate to reach out.

Comment 1:

The proposed presentation of criteria and designated uses to named tributaries of the Las Vegas Wash is inconsistent with the rest of the NAC. The way the regulation is currently drafted appears to recreate a group or "class" of waters that share similar characteristics, a style that BWQP has intentionally removed from its regulations. I recommend designating each named waterway individually with its own codified NAC subsection and control points to remain consistent and to allow for ease of future modifications to the appropriateness of a beneficial use/criteria should it be necessary in the future. This will also provide further clarity in the future should any discharges be permitted on these waters.

A potential alternative presentation would add an asterisk to "Channels tributary to the Las Vegas Wash\*" and then list the 7 named tributaries under the asterisk as a footnote "The limits of this table apply to channels tributary to the Las Vegas Wash, including the bodies of water known as:....." However, this presentation is not as clear as the one proposed in the above paragraph.

*NDEP Response: Thank you for your comment. We have considered revising how the regulation addresses the seven different channels and have determined, since all the channels share the purpose of flood-conveyance channels in the Las Vegas Valley, that individual tables for each are not necessary. Naming each channel in the header "The limits of this table apply to" is consistent throughout the water quality standard tables in NAC445A.*

Comment 2:

Footnote D

Footnote d is inconsistent with the rest of NAC445a as well as being very detailed for inclusion in the regulation. Such detail should be discussed in the rationale document. Recommend to change footnote "d" to read: "The water quality criteria for toxic materials are specified in NAC445A.1236", as 1236 already contains language specifying the applicability to beneficial uses of toxics criteria.

*NDEP Response: Thank you for your comment. NDEP has determined that the Toxic Materials and associated footnote add confusion to the regulation and have green-lined them for omission in the final drafting of the regulation.*

-Seth Alm

*LCB File No. R114-22  
Comments received and NDEP Response  
Comments received via email 9/15/2022*

Hi Dave,

I saw the revised wording replacing “detection” with “reporting” limit, and “at a quantifiable level”, that is going to make things much more workable for the labs, and hopefully the regulators too.

Thanks,

**John Faulstich**  
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*NDEP Response: Thank you for your comment.*